

## Oregon Board of Forestry – Public Meeting

Oregon Department of Forestry -  
2600 State Street, Salem OR, 97310

Wednesday, March 4, 2020

Prior meetings' audio and this meeting's written material available on the web [www.oregon.gov/odf](http://www.oregon.gov/odf). 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.

### Consent Agenda

- 9:00 – 9:01 A. **January 8, 2020 Meeting Minutes**.....State Forester Peter Daugherty  
9:00 – 9:01 B. **Annual Approval of the State Forester's Financial Transactions**..... Bill Herber  
9:00 – 9:01 C. **Emergency Fire Cost Committee Appointment**..... Nancy Hirsch  
9:00 – 9:01 D. **Revised Work Plan – Siskiyou Streamside Protections Project** ..... Kyle Abraham and Terry Frueh

### Action and Information

- 9:01 – 9:30 1. **State Forester and Board Member Comments**  
A. **Public Comments** [topics not on agenda – see over] .....Sign in at entrance
- 9:30 – 10:15 2. **2020-2021 Board Work Plans Decision** ..... Division Chiefs and Program Directors  
*Per the strategic planning framework, the Board will review and finalize their Work plans for the duration of April 2020 – March 2021. These Work plans lay out the work items and expected timeframes for decisions and informational items to appear before the Board in the upcoming two-years.*
- 10:15 – 10:45 3. **2021 Legislative Concepts** ..... Chad Davis  
*The Board will approve Legislative Concepts to be submitted by the Department to the Governor's Office for review and approval ahead of the 2021 Legislative Session. Legislative Concepts are due from the Department to the Department of Administrative Services in April.*
- 10:45 – 11:00 Morning Break
- 11:00 – 11:45 4. **2019 Forest Practices Operator of the Year Awards**.....Scott Swearingen  
*This will be the Board of Forestry's presentation of the Forest Practices Regional Operator of the Year awards for 2019. The Operator Recognition program encourages protecting forest resources and values by recognizing operators who have excelled in effort, innovation, cooperation, consistency, and prevention to achieve or surpass the standards of forest resource protection.*
- 11:45 – 12:45 Lunch
- 12:45 – 1:00 5. **Forest Trust Lands Advisory Committee Testimony** ..... David Yamamoto  
*The FTLAC is a statutorily established committee that advises the BOF on State Forests policy.*
- 1:00 – 1:30 6. **Smoke Management Rule Implementation** ..... Doug Grafe and Nick Yonker  
*The Department will provide an update to the Board regarding the implementation of the most recent rule changes.*
- 1:30 – 2:15 7. **Department of Forestry and Department of Environmental Quality Collaboration**  
..... Kyle Abraham and Jennifer Wigal (DEQ)  
*The Department of Environmental Quality (DEQ) and ODF will present an update on the collaborative effort underway by the two agencies who are working toward alignment of the respective agencies' water quality programs.*
- 2:15 – 3:00 8. **College of Forestry Dean's Research Initiative: The Oregon Marbled Murrelet Project Update**  
..... Jim Rivers, Ph.D. (OSU)  
*Oregon State University (OSU) College of Forestry Dean's Research Initiative will present an update on a study to assess and understand murrelet habitat needs in relation to forest management issues.*
- 3:00 – 3:15 Afternoon Break
- 3:15 – 3:45 9. **Fire Finance Update**..... Doug Grafe and Bill Herber  
*The Department will present an update on the work of the fire finance oversight team, the external contractor (MGO), and Department on managing fire finances for large fire costs and reimbursements.*
- 3:45 – 4:45 10. **Good Governance Discussion** ..... State Forester Daugherty and Chair Imeson  
*To discuss the proposed action plan on how the State Forester, Department, and Board can work together to build working relationships, to promote consensus, respectful and effective governance.*

- 4:45 – 5:00      **11. Board Closing Comments and Meeting Wrap Up** ..... Chair Imeson and Board Members  
*Board Chair and members to summarize meeting's action items or provide closing comments.*

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

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**BOARD WORK PLANS:** Board of Forestry Work Plans result from the board's identification of priority issues. Each item represents commitment of time by the Board of Forestry and Department of Forestry staff that needs to be fully understood and appropriately planned. Board Work Plans form the basis for establishing Board of Forestry meeting agendas. Latest versions of these plans can be found on the board's website at: [www.oregonforestry.gov](http://www.oregonforestry.gov)

**PUBLIC TESTIMONY:** The Board of Forestry places great value on information received from the public. The board accepts both oral and written comments on agenda items except Work Session items [see explanation below]. Those wishing to testify or present information to the board are encouraged to:

- Provide written summaries of lengthy, detailed information;
- Recognize that substance, not length, determines the value of testimony or written information;
- Endorse rather than repeat the testimony of others;
- Sign-in at the information table located near the entrance.

Written comments for public testimony provide a valuable reference and may be submitted before or during the meeting for consideration by the board. Please bring 10 copies for distribution. Written comments received before or during the meeting will be distributed to the board. Oral or written comments may be summarized, audio-recorded, and filed as record. Audio files and video links of the board's meetings are posted within one week after the meeting at: [www.oregonforestry.gov](http://www.oregonforestry.gov)

The board cannot accept testimony on a topic for which a public hearing has been held and the comment period has closed. If you wish to provide comments to the board, you must sign-in on the sheet provided at the Information Table, located near the meeting room's entrance. (Note: All persons attending a board meeting are requested to sign in, whether or not they intend to provide comment.)

Three minutes will be allotted for each individual. Those wishing additional time for testimony should contact the Board Support office at 503-945-7210 at least three days prior to the meeting. The maximum amount of time for all public comments under this agenda item will be thirty minutes.

**WORK SESSIONS:** Certain agenda topics may be marked with an asterisk indicating a "Work Session" item. Work Sessions provide the board opportunity to receive information and/or make decisions after considering previous public comment and staff recommendations. No new public comment will be taken. However, the board may choose to ask questions of the audience to clarify issues raised.

- During consideration of contested civil penalty cases, the board will entertain oral argument only if board members have questions relating to the information presented.
- Relating to the adoption of Oregon Administrative Rules: Under Oregon's Administrative Procedures Act, the board can only consider those comments received by the established deadline as listed on the Notice of Rulemaking form. Additional input can only be accepted if the comment period is formally extended (ORS 183.335).

**GENERAL INFORMATION:** For regularly scheduled meetings, the board's agenda is posted on the web at: [www.oregonforestry.gov](http://www.oregonforestry.gov) two weeks prior to the meeting date. During that time, circumstances may dictate a revision to the agenda, either in the sequence of items to be addressed, or in the time of day the item is to be presented. The board will make every attempt to follow its published schedule, and requests your indulgence when that is not possible.

In order to provide the broadest range of services, lead-time is needed to make the necessary arrangements. If special materials, services, or assistance is required, such as a sign language interpreter, assistive listening device, or large print material, please contact our Public Affairs Office at least three working days prior to the meeting via telephone 503-945-7200 or fax 503-945-7212.

Use of all tobacco products in state-owned buildings and on adjacent grounds is prohibited.

**DRAFT Board of Forestry Meeting Minutes**

**January 8, 2020**

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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, [Forest Trust Land Advisory Committee Testimony](#), Agenda Item 2
- (2) Presentation, [Siskiyou Streamside Protections Review](#), Agenda Item 3
- (3) Handout, [Oral and Written Testimony by Detwiler for Siskiyou Streamside Protections Review](#), Agenda Item 3
- (4) Handout, [Oral and Written Testimony by Scurlock for Siskiyou Streamside Protections Review](#), Agenda Item 3
- (5) Handout, [Oral and Written Testimony by Barnes for Siskiyou Streamside Protections Review](#), Agenda Item 3
- (6) Presentation, [2020-2021 Board of Forestry Draft Work Plans](#), Agenda Item 6

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on January 8, 2020 at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

Chair Imeson called the public meeting to order at 9:02 a.m.

Board Members Present:

Nils Christoffersen  
Cindy Deacon Williams  
Joe Justice  
Jim Kelly  
Brenda McComb  
Tom Imeson

Board Members Absent:

Mike Rose

**CONSENT AGENDA:**

- A. NOVEMBER 6, 2019 MEETING MINUTES  
Approval of Board Meeting Minutes.

**ACTION: The Board approved minutes from the November 6, 2019 Board meeting.**

- B. NOVEMBER 7, 2019 WORKSHOP MINUTES  
Approval of Board Workshop Minutes.

**ACTION: The Board approved minutes from the November 7, 2019 Board workshop.**

- C. EMERGENCY FIRE COST COMMITTEE APPOINTMENT

Approval appoint one candidate to a position on the Emergency Fire Cost Committee.

**ACTION: The Board confirmed the appointment of Brennan Garrelts to the Emergency Fire Cost Committee to a four-year term expiring the end of January 2024.**

- D. WILDLIFE FOOD PLOTS RULEMAKING

As directed by the legislature and the Board of Forestry, the Department developed draft rules for implementing HB 3013 originating from the 2015 legislative session, Oregon Revised Statute (ORS) 527.678 “wildlife food plots”. The Department to initiate the public comment period for rulemaking, and provided the Board with a copy of the draft rules.

**Information Only.**

Joe Justice motioned for approval of the consent agenda items. Nils Christoffersen seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Tom Imeson, Joe Justice, Jim Kelly, and Brenda McComb. Against: none. With Board consensus Items A through C were approved, and the motion carried. Noted item D was an informational item.

**ACTION AND INFORMATION:**

1. STATE FORESTER, BOARD MEMBER, AND PUBLIC COMMENTS  
[Listen to audio](#) MP3 – (32 minutes and 35 seconds – 7.45 MB)

Chair Imeson commented on:

- Public Meeting will be live streamed.
- Noted two executive sessions are scheduled.
- Public comment open for each topic and not to exceed 30 minutes, with exception agenda items four and eight.

State Forester Daugherty commented on:

- The 2019 notable successes in agency operational projects and with the fire season. Highlighted 2019 overarching themes and special projects, from the Governor’s Executive Order that created the wildfire council to signing the Pacific Coast Temperate Forest Memorandum of Understanding (MOU) for cooperation on climate research and mitigation. Explained how the Department has faced a lot of social, economic, and political challenges

in the last year, and appreciated the staff's dedication to their work and continued public service.

- Provided an update on the Department's financial status and the acquisition of an external contractor named Macias, Gini, and O'Connell LLP (MGO; who will develop a work plan, assess and offer recommendations for the agency fire finance issues. Explained how the Department of Administrative Services (DAS) Chief Financial Office (CFO) is working with the Department on details for a funding ask in the 2020 legislative session to fund firefighting efforts in the upcoming season. Noted the continue work with partners to identify a long-term wildfire funding strategy.
- Reminded the Board of the approaching 2020 legislative session and interim days. Commented on the meetings scheduled to discuss Department business and financial condition with legislators. Outlined a few legislative concepts (LC), commented on the Governor's proposed omnibus bill and its intent for the wildfire council recommendations and beyond.
- Noted the operational value and function of the work plan discussion scheduled for the day.
- Updated the Board on the monitoring compliance audit review status, and explained that a contract was issued to document the audit design and develop a request for proposals (RFP) for an external review to address Board and constituents concerns.
- Discussed stewardship agreements in connection to the Forestry Program for Oregon and the agreement's function to protect forest resources beyond the Forest Practices Act (FPA) rules. Commented on the Port Blakely stewardship agreement and East Moraine Forest Legacy project as examples of maintaining working forests. Explained how entering into a stewardship agreement is a commitment to sound stewardship as landowners manage forestland with implementation of conservation measures. Provided background on Forest Legacy project in northeast Oregon, reviewed the partnerships that came together to help Wallowa County purchase these lands. Commended the staff work in organizing the project's success.
  - Board member Christoffersen also commented on the east moraine project, recapping on the progress from 2007 up to the closure in 2020. Explained how exciting and rewarding completion of this campaign is for the surrounding communities and State.
- Shared Governor Brown's statement on being a public servant is a labor of love and acknowledged the dedicated work of the two term Board members Nils Christoffersen and Cindy Deacon Williams.
  - Chair Imeson noted that no nominations have been made to replace these Board members, so their terms are extended unless new members are appointed and confirmed. Recognized the great work, passion and commitment of each Board member before presenting them each a service award for their time on the Board.

#### Board Members Comments:

- Board member Christoffersen summarized the work discussed at the January 7, 2020 Subcommittee on Federal Forests meeting. Highlighted the review of the broad suite of Wildfire Council recommendations, mitigation committee report, ongoing implementation of the Federal Forest Restoration program, and the Good Neighbor Authority program as it relates to the Shared Stewardship agreement. Recognized the need to review the Board's role and function with respect of these issues, as well as how the Board can provide

leadership, policy guidance or support in responding and working on these matters. Noted how these elements will need to be discussed with the Governor's office, in addition to the role of the wildfire council, likelihood for an advisory committee, and alignment of work with the Shared Stewardship agreement. State Forester Daugherty to connect with the Governor's Office, and this topic will be brought in front of the Board at a later time.

**Public Testimony:**

- Mary Scurlock, Oregon Stream Protection Coalition, provided oral testimony on the decision making process behind stewardship agreements. Cautioned how some agreements are locked in for a finite period of time and are not subject to new regulations. Noted substantive criteria outlined in statutes and rules, highlighted presumption of non-disclosure around forest management plans, and explained it would be in the public interest to open these agreements and adjoined management plans for the public to review before the agreements are approved.
- Bob Van Dyk, Wild Salmon Center, provided oral testimony expressed gratitude for Board members for their service on the Board. Reviewed a legislative concept (LC) on forestland transfer that may be presented in the coming legislative session. Provided a summary of the bill, explained the mechanisms, and checks and balances that may help reduce tensions around State Forests. Noted the stakeholders, commissioners, and interested parties he has communicated with regarding this LC and will forward to the Board for consideration.

**Information Only.**

2. **FOREST TRUST LANDS ADVISORY COMMITTEE TESTIMONY**

[Listen to audio](#) MP3 – (26 minutes and 1 seconds – 5.95 MB)

Presentation ([attachment 1](#))

David Yamamoto, Forest Trust Land Advisory Committee (FTLAC) Chair, provided oral and written testimony ([attachment](#)) commented on the Linn County outcome, and was pleased to reengage with the Board and the Department. Reviewed the basis of the trust counties suit action, and commented that the State should not have goals that compromise the social sustainability of rural counties economy. Discussed the forest trust land transfer legislative concept, stating it runs counter to the trust counties positions and counties may seek financial restitution. Offered comments on the revised Forest Management Plan (FMP) failure to provide enough information for specific outcomes. Highlighted how Ecological Forest Management (EFM) has parallels to Structure Based Management (SBM), explained his position that trust lands should be managed for production of timber and revenue. Noted the implications for greatest permanent value (GPV) if the counties wins in appellate court and testimony FTLAC provided does not counter any positions outlined in the suit.

Board provided comment on the FTLAC testimony:

- Asked about the process used by the Chair to create the testimony provided to the Board. Yamamoto noted how the commissioners are not unified, but suggested the majority of commissioners agree with the testimony that is formed. He urged the Board to poll commissioners' agreeability, and explained the voting mechanism for Chair and Vice Chair.
- Asked about how the Board's should address climate change. Yamamoto referred to his provided testimony, and explained how dedicated Tillamook County is to clean water, fish recovery, and habitat restoration efforts. Inquired whether the county is planning for climate

change, and Yamamoto explained the county is always preparing for climate change. Discussed how the Board may have to make difficult financial decisions, along with considering the impacts of climate change, and asked how the counties suit outcome would be related, but Yamamoto could not address this question.

- Asked about the FTLAC efforts in working collaboratively on the LC 64 proposed, and be utilized as a workgroup. Yamamoto noted counties must agree to the land transfer if they occur, and noted potential additional damages if the trust lands are sold.
- Board chair noted the executive session scheduled later in the day allowing the Board members the opportunity to ask questions relating to legal duties and rights with General Counsel. Commented on the importance of this information as it applies to the Board work plan discussion.

Public Testimony: None

### **Information Only.**

3. SISKIYOU STREAMSIDE PROTECTIONS REVIEW  
[Listen to audio](#) MP3 - (One hour, 20 minutes and 32 seconds – 18.4 MB)  
Presentation ([attachment 2](#))

Kyle Abraham, Private Forests Division Chief, provided an overview of the [presentation](#) objectives, the decision in front of the Board, and introduced the Division staff presenters.

Marganne Allen, Forest Health and Monitoring Manager, reviewed the timeline of Board directions and steps taken by Division staff for Siskiyou Streamside Protections systematic review.

Terry Frueh, Monitoring Unit Coordinator, reviewed the purpose, scope, and components of the Siskiyou work plan. He reviewed the work plan's purpose, listing what is in and out of scope. Commented on the various elements involved with fulfilling the Siskiyou work plan, such as expanding geography for literature review, training on Oregon Department of Forestry (ODF) and Department of Environmental Quality (DEQ) statutes, and forming an advisory committee. Frueh outlined each element with relevant work products, past, current and future, and emphasized the Board will be deciding on the committee's objectives. Outlined the ongoing collaboration with DEQ, the memorandum of understanding (MOU), and the role between the two agencies and how they plan to move forward.

Ariel Cowan, Monitoring Specialist, explained how the Department is exploring other monitoring options for potential analysis of pre-existing data or new data collection applicable to the Siskiyou review. She reviewed the key participants involved and roles they have in the review process. Cowan presented the three decisions in front of the Board from approving the advisory committee objectives and Siskiyou work plan to reconsidering one of two climate change options. She highlighted the benefits, uncertainties, and caveats for each option outlined under climate change. Noted a greater discussion on how climate change can fit in the Board's work plan would be discussed later in the day.

Abraham reviewed the current monitoring unit staff capacity, noting the departure of Marganne Allen, and listed the unit's work, coupled with current and future projects. Presented the staff recommendations for each listed Board decision.

Board commented on Siskiyou Streamside Protections Review presentation:

- Asked how the Division works with tribes and the process associated. Frueh outlined the planned communications, refinement of input process, and outlined in-person activities in future government-to-government workgroups. State Forester Daugherty highlighted the annual report on tribal working relationships and how this has a thorough communication process as well as a message from the State Forester is sent to engage tribes on the Board's policy topics.
- Reviewed climate change option one, noting the benefit of high-level contextual information versus a detailed analysis, and explored how an analysis may be useful in determining sufficiency. Suggested climate change option two be deferred to the afternoon workplan discussion, and listed elements of a general review, from air temperature warming, to species and hydrologic shifts. Noted how this information may help the Board understand what data is available under climate change, if this work does not encumber staff work or impact the Siskiyou decision timeline. Board members expressed that any realignment of the Siskiyou timeline would not be supported if fulfilling the request delays the sufficiency decision.
- Discussed the advisory committee composition, recommended to include water districts and commissions. Cowan explained the final committee composition will be decided upon with facilitator coordination to ensure appropriate and fair representation is held on the committee.
- Board Chair Imeson sought staff feedback on the proposed modified climate change option one as presented by the Board members.
  - Abraham commented that option one and two originated from the September 4, 2019 meeting materials. He explained additional input came in since then and responsively, the staff created option 1b. He reviewed option 1b, and Board members offered some suggestions of making this option a lighter workload for staff, but any information shared to be part of an open public process.
  - Commented on the value of a Department of Justice (DOJ) presentation on the Board's authority and the crosswalk between what the Siskiyou sufficiency review may have with Western Oregon rules to ensure the Board is maintaining the scope of work under their authority.
  - Commended the staff's work and flexibility in presenting options to the Board, as they work through climate change discussions and policy implications.
  - Allen discussed the current review of the existing information, challenges to the existing policies and systematic review of scoped questions. She stressed the importance of time and space for greater conversation with stakeholders as the Board prepares for their decision.

Public Testimony:

- Stacey Detwiler, Rogue Riverkeeper, provided oral and written testimony ([attachment 3](#)) on the Siskiyou streamside protections review topic. She offered support for providing relevant and available information to the Board before July 2020. Recommended the charter work plan to be updated with clarifications on monitoring options, committee's contributions, and



timeline. Aired support for ODF/DEQ collaboration in determining how total maximum daily load (TMDL) data and climate change contextual information can contribute to sufficiency determination. Asked for equitable representation of the Siskiyou region be on the committee.

- Mary Scurlock, Oregon Stream Protection Coalition, provided oral and written testimony ([attachment 4](#)) on the Siskiyou streamside protections review topic. She concurred with Detwiler's testimony and encouraged an expedient timeline for the Siskiyou decision. Commented that information presented on stream temperature is primary and desired future condition (DFC) be secondary. Noted how climate change information can be included for Siskiyou analysis, and offered thoughts on option one and two. Listed concerns regarding the committee charter and offered suggestions to objectives, components, and membership.
- Seth Barnes, Oregon Forest and Industries Council, provided written and oral testimony ([attachment 5](#)) on the Siskiyou streamside protections review topic. He offered a timeline of substantive Board decisions from 2017 to 2019. Supported the Board to review relevant and available data specific to the Siskiyou region. Encouraged a collaborative effort from all relevant parties to work together to secure funding to initiate a study of the Siskiyou georegion and act as a baseline to the region's future determinations.

Board members considered the additional comments and invited staff back for further discussion.

- Abraham offered his interpretation of the Board discussion on climate change, as a high-level contextual information around general patterns of climate change, species shift and stream flow. Commented on the lack of clarity of how to bring this information into the review as part of the sufficiency decision-making process, no Board discussion has outlined how this information relates to the sufficiency determination under the Board's statutory authority, and further Division conversations with DOJ are warranted. He recommended consulting with DOJ on rulemaking requirements and Board members supported this idea. State Forester Daugherty noted this sufficiency work would be new for DOJ to produce for the Board, and inquired with staff when this information could be presented within a two to five month range. Abraham responded with the latter end of the range, since this work has not been done before, all staff would need time to conduct the work and develop processes in which to integrate this work. Board member McComb emphasized climate change contextual information should be purposed for the Board to interpret available information that pertains to present circumstances, and not for a prospective look into the future, but acknowledges climate conditions impact to forest practices.
- State Forester Daugherty summarized Board feedback and staff input. He offered the following: *Board preferred option 1b lite with a shorter timeframe. To use external resources to provide a synthesis and overview of climate change impacts considering three areas, hydrological change and drought, air temperature, and species migration at a high-level to give contextual information for the Board. For the Department to coordinate presenters who can provide contextual information while using the current framework in deciding sufficiency, a synthesis of existing literature, and available science. DOJ scheduled to talk about how the Board makes decisions now for sufficiency but will not include a comprehensive review of authority around climate change..*
  - State Forester recommended a greater discussion on this topic can be explored during the work plan agenda item scheduled for later in the afternoon.
  - Board members inquired about timeline for this information to be presented to the Board. Abraham proposed the following timeline: *April for the contextual climate*

*change information, June for DOJ rulemaking authority and sufficiency, and July for the Board's sufficiency decision.*

- Board Chair asked members if they align with State Forester's summary, and opened it up for a motion.

Board member Deacon Williams motioned, with respect to the climate change decision, for the Board to approve option 1b lite summarized by the State Forester Daugherty with the timeframe as laid out by the Private Forests Division Chief, Kyle Abraham. Board member McComb seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Brenda McComb, Joe Justice, Jim Kelly, and Tom Imeson. Against: none. Motion carried.

Board member Deacon Williams motioned to accept the advisory committee objectives as outlined in the staff report. Board member Justice seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Brenda McComb, Joe Justice, Jim Kelly, and Tom Imeson. Against: none. Motion carried. Board member McComb emphasized the explicit inclusion of stakeholders involved, and the Division confirmed the receipt of this information.

Board discussion continued after second motion.

- Inquired about the potential outcomes from the DEQ/ODF collaboration by the time the Board makes a sufficiency decision. Abraham commented on the current status of the interagency efforts, mentioning the creation of a leader's intent and scope of work documents. He noted each agency has their own statutory authorities in determining sufficiency, and is unclear how DEQ would integrate into the framework of the Board's sufficiency determination under statute.
- Reflected on past Board discussions with DEQ regarding TMDL's prioritization of data analysis in the Siskiyou region, in relation to the Board's determination timeline. Allen explained this question would best be answered by a DEQ representative as the Department is unable to speak on behalf of another agency. Board member Deacon Williams requested that a message be relayed to DEQ/EQC to consider prioritizing the TMDL analysis for the Siskiyou region, and how critical this information can be towards the Board making a decision. Board member Justice, EQC liaison, reminded the Board that TMDL's are determined broadly on cumulative effects to watersheds.

Board member Deacon Williams motioned to approve the Siskiyou project work plan as proposed, with the addition of relaying the aforementioned message to DEQ from the Board and adding climate change option 1b lite (contextual information). Board member McComb seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Brenda McComb, Joe Justice, Jim Kelly, and Tom Imeson. Against: none. Motion carried.

Allen requested clarity on the additional work included in the motion. Board commented that this work was not to be completed by Division staff and to relay this request to DEQ. Board member Justice stated he will convey this message at the next EQC meeting.

Board Chair appreciated the staff work completed on this topic and thanked Marganne Allen for her contributions to the Department and Board.

**ACTION: The Board directed the Department to implement,**

1. **Climate Change Option 1b lite. To use external resources to provide a synthesis and overview of climate change impacts considering three areas, hydrological change and drought, air temperature, and species migration at a high-level to give contextual information for the Board. For the Department to coordinate presenters who can provide contextual information while using the current framework in deciding sufficiency, a synthesis of existing literature, and available science. DOJ scheduled to talk about how the Board makes decisions now for sufficiency but will not include a comprehensive review of authority around climate change. To use the following 2020 timeline: April for the contextual information, June for DOJ rulemaking authority and sufficiency, and July for the Board's sufficiency decision.**
2. **The Board approved the Siskiyou Project Workplan (Attachment 2), and**
3. **The Board approved the Advisory Committee Objectives (Attachment 3).**
  
4. **\*EXECUTIVE SESSION AND WORKING LUNCH**

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 192.660(2)(h)].

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

**Information Only.**

5. **AGENCY BUDGET DEVELOPMENT**  
[Listen to audio](#) MP3 - (15 minutes and 39 seconds – 3.58 MB)

James Short, Assistant Deputy Director of Administration, explained the purpose for the guiding principles in the planning and development of the 2021-2023 agency budget. He described how this work ties into the Governor's recommended budget, leadership collaboration, and agency's operational model. Highlighted the strategic initiatives, legislative concepts, work plan topics, and policy option packages discussed with the Board at the October 2019 retreat was a step in the overall budget development process. Noted that he will review the 12 guiding principles and Board input is welcomed.

Board commented on Agency Budget Development presentation:

- Board Chair asked if any guiding principles have changed from the last iteration. Short stated principle number two was modified and all other principles remained the same.
- State Forester Daugherty commented on how principle number three links to the work plan topic. He noted how the Board has more desires than what the agency has capacity to support, in turn forces the Board to prioritize work plan topics. Explained how some work can be reprioritized, where other work would be better served with the Board approving a policy option package. Short mentioned the timeline for policy option packages (POP).

- Commented on guiding principle number five, consider including diverse with workforce, remove ‘maintain’ and replace with ‘support’ or ‘expand’.
- Commented on guiding principle six and nine, inquired whether a POP is being considered across agencies to conduct a comprehensive analysis of climate change effects on natural resources. State Forester stated how he serves on the Natural Resources Cabinet, and there is no POP being developed for that work, but there are coordinated efforts in climate mitigation and adaptation. Noted if a climate bill is passed it may create a Climate Authority which could fund that sort of an effort, similar to the mandate created for the 100 year water vision.
- Inquired how many full time equivalent (FTE) employees from multiple natural resource agencies work collaboratively on issues that span different departments. State Forester described how Department staff participate in climate change mitigation, water quality and quantity work. Board commented on how diversity, equity, and inclusion would be another topic that could span across these agencies. State Forester explained how this topic is being taken on under the Executive Leadership Team (ELT), and listed the current efforts on this topic across the state.

Public Testimony: None

**Information Only.**

6. 2020-2021 BOARD WORK PLANS DISCUSSION  
[Listen to audio](#) MP3 - (One hour, 59 minutes and 10 seconds – 27.2 MB)  
 Presentation ([attachment 6](#))

Chad Davis, Partnership and Planning Program Director, opened with the listing the objectives for this Board discussion. Described the work plan process, what step in the process the Board and Department are engaging in, and relevance of the Board discussion in relation to final products. Daugherty asked the Board to consider prioritizing the presented issues to ensure the most desired work is captured on the two-year work plan. Davis outlined the topic order for the Board discussion, beginning with climate change and followed by Division-specific work. He defined each section of the January work plan template, and explained how it will differ from March work product. He highlighted the purpose behind a two-year work plan cycle, and how this work plan lends to Board agenda development.

Davis introduced the overarching issues work plan which includes cross-divisional and open ended issues. He listed the work completed, from the forest ecosystem carbon report to ecosystem services valuation, and noted the work in progress on the harvested wood products report. State Forester Daugherty described various examples of Department work under climate change, noting how scattered this information appears, and may be beneficial to view this work holistically.

Board members commented on the 2020-2021 Board Work Plan Discussion presentation.

- Understood how some prioritized issues may lead to requesting and securing additional funds, but inquired on whether new opportunities to collaborate with other agencies are identified. State Forester explained collaboration takes time to be successful, if a nexus exists to work with other agencies on a shared goal or project, then these opportunities can be explored as the work plans are developed.

- Discussed the nimbleness of an approved work plan. State Forester explained the flexibility, benefits, and caveats of creating a two-year work plan. Recognized work plans fill up agendas, limiting the opportunity to add new items by Board members. Noted the annual retreat has served as the mechanism to review work plans, identify gaps and course correct, but greater conversation is valid.
- Reviewed a list of potential climate change topics.
  - Board member considered impact to climate change on forest water quality including riparian buffer function not solely widths, and include under forest carbon policy, the contribution of wood products to the system.
  - Discussed how the Department can collectively address the issue of climate change through an analysis of current policies under ODF authority. Assessing each one with:
    - How changes in climate may influence agency policy and ability to achieve policy goals,
    - Determine if changes to policy would improve the agency’s ability to achieve goals, and
    - Consider whether developing new policies are needed to address climate change effects on adaptation and mitigation.
    - Commented on the Governor Brown’s intent to have Oregon contribute to carbon sequestration, and become a carbon neutral state. Discussed Department work across all Divisions, Board policies, and agency partners that may help to fulfill this vision.
- State Forester inquired what are the goals or objectives to climate change for the Board.
  - Board member commented on finding opportunities and nexus for carbon sequestration balanced with good timber management in different forest types. Described the importance to educate public on these opportunities and nexuses. Board members recommended to review the Governor’s statewide goals to see how forestry can contribute to meeting these goals. State Forester clarified whether the goal will be set under carbon sequestration or climate mitigation which tends to have a wider scope. Board sought clarity on the type of goals the State Forester was seeking. Daugherty asked for a set of goals clarifying what the Board wants the Department to work on. He recommended working on the Forestry Program for Oregon (FPFO) policy-level goals, and continue from there, forming Board alignment on an overall goal with objectives, and define actions to achieve those objectives. Explained how this approach would help focus Department work. Davis noted beginning with goal G from the FPFO may be a good place to start, and other Board members agreed.
  - State Forester recapped Board members input as the following:
    - Revision of FPFO, specifically goal G and reviewing value statements.
    - Policy analysis of existing policy to meet goals with the framework of how climate change may impact the policy goal.
    - New policies may or may not be needed to address climate mitigation and adaptation, within the role of forestry and forest management, while meeting statewide goals.
- Considered need for an interim process, procedure, or framework to be available for the Board and staff to refer to in making decisions in relation to climate change.
- Offered another consideration for staff to identify areas and alert Board if changes to statutory authorities or rules are needed to better equip the Department to deal with climate change.

State Forester does not know how forestry's policies operate in the realm of other agencies' authority and discretion, beyond the understanding of what the agency oversees or regulates. Board recommended to understand which agency does what and the existing rulemaking that constrains or condones Board authority to be reviewed, prior to any formal policy analysis, and to include any opportunities or limitations that may crosswalk with the Board work.

- Davis asked about the need for a climate change, issue-specific work plan involving all divisions versus housing it under overarching and emerging issues. State Forester confirmed this change with the Board.
- Davis confirmed with the Board to proceed with the Forestry Program for Oregon revision, in a step-wise process that aligns with the future Board transition, highlighting Goal G, monitor trends (i.e., indicators), and values as being the three areas of Board work.
  - Board member shared concern on the length of the document, how quantifiable the information is, and whether the indicators are sustainable. Aired a desire to refresh the indicators or monitoring trends, but with data that is readily available and relevant. Board member recommended to refer to October 9, 2019 Board retreat, where the Board had valuable input related to the Forestry Program for Oregon revision. State Forester explained how values align with goals being revised, and Board members agreed. Discussed further the need for agreement on set of indicators that would be accessible on a dashboard, and the State Forester reminded that this is a public process.
- Board member inquired about ecosystem services. Davis explained that presenters will be asked to return to help identify services, introduce a framework, and help provide additional foundation for the Board as they consider creating policy for specific topics, if pursued.
- State Forester asked the Board how they would prioritize the three topics, and all Board members offered their perspective, establishing climate change was the primary, forestry program for Oregon revision was secondary, and ecosystem services was tertiary. Stated these are all important issues, and will need to be refreshed as touch points for new incoming Board members.

Kyle Abraham, Private Forests Division Chief, reviewed each topic listed on the Private Forests work plan matrix, from current work to projected work topics, and explained the matrix key to the Board. He reviewed potential topics, explained majority of these items are not included in the current workload planned for the Division. Highlighted the implementation study review and compliance audit review, noting the topic will be added to the matrix, but sought direction and prioritization from the Board on the outcomes for this review. Mentioned staff capacity, as he reviewed addition of a reforestation module and how petitions redirect staff work from prioritizing an all species specified resource sites rulemaking. Closed by asking for Board input on the topics presented.

Board commented on Private Forests Draft Work Plan and Matrix.

- Inquired on projected date for marbled murrelet and Coho decision. Abraham explained no specific dates have been added to the work plan matrix, for some items may land outside of the two-year duration.
- Inquired about aerial spraying and clear cutting in particular areas, unsure if this is related to the tabled landslide work, but asked if there was a Board decision on these two issues. State Forester explained Oregon Department of Agriculture has authority to regulate pesticides, which differ from ODF authority under the FPA to regulate buffers to protect riparian areas

and water notification, as well as buffers around schools and homes. Abraham listed the recent work in these areas, available for Board review.

- Inquired about the outcome of the two statistical reviews on the implementation study, and whether they would impact the regular report to the Board over the next biennium. Abraham would have to wait and see where the reviews are at before any report is made.
- Discussed prioritization, if additional work was added to the Private Forests work plan, to consider specified resource sites (all species) regarding rulemaking. Reviewed high hazard landslides and public safety rulemaking status, and explained that funding was requested but not approved.

Liz Dent, State Forests Division Chief, reviewed each topic listed on the State Forests work plan matrix. She described the current and future work on the Habitat Conservation Plan (HCP) for Western Oregon State forestland project, and the draft revised western Oregon Forest Management Plan (FMP). Walked through proposed timelines, the elements involved, and the nexus between these two topics. She described the various scenarios, staff capacity, and potential next steps as the Board hears information items and make decisions on these two topics. Dent explained that future work to revive the recreation, education, and interpretation policy option package is forthcoming. She emphasized the forest trust land bill is not being carried by the Department, but the staff are working with external stakeholders. Closed by asking for Board input on the topics presented.

Board commented on State Forests Draft Work Plan and Matrix.

- Chair Imeson expressed to the Department the importance of maintaining the path the Division is on, and to continue operating under the current GPV rule as the basis of their work with consideration of current litigation and counsel advice received. Asked the Division to continue their work with stakeholder engagement as well. Dent appreciated the clarity around the policy work under the current mandates.
- Inquired about the funding and whether grant money is coming in to support this work. Dent stated the Department is prepared to move forward with projects with grant funding or not.

Ron Graham, Fire Protection Division Deputy Chief, reviewed each topic listed on the Fire Protection work plan matrix. He outlined the completion of recent rulemaking efforts for Smoke Management and acknowledged the strong collaboration around this work. Described the various ongoing and annual topics that are brought in front of the Board, explaining that some items are legislatively mandated. Reviewed items that Division work is subject to seek Board approval on, and explained how the Division plans to respond to the outcomes of the Wildfire Council work and legislative sessions over the next two years. Closed by asking for Board input on the topics presented.

Board commented on Fire Protection Draft Work Plan and Matrix.

- Board stated consideration to add a fire close out with the Board in November, fire season dependent.

Sabrina Perez, Senior Strategy Manager, explained due to time will highlight specific items on the Administrative draft work plan, where Board feedback has been incorporated or addressed in the administrative process changes. She explained that most administrative processes follow a two-year biennial cycle and annual reporting mechanisms that prepare for engagement with legislative and executive branches. Ms. Perez reviewed an added process step for the Board to consider potential

changes on the governance best practices self-evaluation criteria. She commented on the adaptive dashboard design, reviewed the anticipated work and timeline to report out to the Board, noted the addition of reporting on the Facilities Capital Management Plan and public information requests, and closed by asking for Board input on the topics presented.

Board commented on Administrative Draft Work Plan and Matrix.

- Supported the revision efforts around the survey, asked for a follow-up email to be sent to the Board, and clarified that any commentary can be provided.
- Discussed how new reporting is developed, distributed, responded to, and the processes in place to revamp or improve current systems. Explored whether the work associated with financial reporting to Ways and Means (i.e., Legislature) and Forestry's Financial Oversight Team, should be added to the Administrative and perhaps, Fire Protection work plan. State Forester understood that this work could be seen in relation to the financial dashboard. Staff expressed no concerns with this Board recommendation.

Public Comment: None

### **Information Only.**

7. 2021 LEGISLATIVE CONCEPTS  
[Listen to audio](#) MP3 - (18 minutes and 19 seconds – 4.19 MB)

Chad Davis, Partnership and Planning Program Director, outlined the proposed 2021 legislative concepts prepared for next long legislative session and explained the process associated with developing legislative concepts (LC).

Davis described the forest products harvest tax concept, outlined who receives the tax funds, and noted that rates are established every biennium. He commented on how these rates are calculated, how the funds are distributed and listed the Department programs who receives this funding. Highlighted how critical this rate development and funding is to the Private Forests Division to implement the Forest Practices Act (FPA).

Brian Pew, State Forests Policy Deputy, explained how the Division has sought out business improvements to modernize and increase efficiencies in the State Forests program and part of this process is identifying gaps or limitations of legal authority. Described how this work lends to LC development and noted how past legislative successes has led to leaner business operations. He outlined the proposed LC , explaining how it would expand authorities to transfer lands, sell lands or conservation easements, , which would provide more tools to manage Oregon's State Forests to meet all aspects of greatest permanent value (GPV).

Board commented on 2021 Legislative Concept Discussion presentation:

- Board asked how the conservation easement authority may align with the Habitat Conservation Plan. Pew explained any easement would fall under the GPV mandate, and easements would be appraised with current and future values of timber harvest to determine the county share of the timber sales. Encouraged the Division to continue dialogue with the counties.



- Inquired on how trading lands have become less prevalent. Pew commented that Federal landowners decreased the number of land transfers and the transferring process takes too long for private land owners.

Public Testimony:

- David Yamamoto, FTLAC chair, would like to engage with the Department, environmental groups and timber industries in forming a workgroup to collaborate on a forest land transfer concept for the proposed concept is not suitable for all parties.
  - Board inquired about the collaborative process anticipated for the 2021 proposed legislative concept. Pew outlined the outreach plan that will include stakeholders, counties, and interested parties.

**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 reviewing the State Forester's Annual Performance [ORS 192.660(2)(i)].

No decisions were made during Executive Session.

**Information Only.**

The Board exited the Executive Session, and Board Chair Imeson adjourned the public meeting at 5:20 p.m.

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Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board



Agenda Item No.:	B
Work Plan:	Administrative Work Plan
Topic:	Administrative Processes
Presentation Title:	Approval of Agency Director Financial Transactions, Fiscal Year 2019
Date of Presentation:	March 4, 2020
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203 <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a> James Short, Assistant Deputy Director for Administration (503) 945-7275 <a href="mailto:james.short@oregon.gov">james.short@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to meet the requirements of statewide policy by having the Board review and approve transactions submitted by State Forester, Peter Daugherty, for Fiscal Year 2019.

### **CONTEXT**

Oregon Department of Administrative Services policy 10.90.00 regarding internal controls requires the review and approval of certain financial transactions of the State Forester.

The financial transactions involved include:

- The director's monthly time report (including use of leave time).
- Travel expense reimbursement claims.
- Purchase card use approvals.
- Requests for vacation leave payoff.

As provided in the policy, by previous action, the Board has delegated the day-to-day review and approvals of these transactions to the Deputy State Forester, with an annual review by the Board of Forestry.

### **RECOMMENDATION**

The Department recommends the Board of Forestry review and approve the travel expense transactions and the leave usage transactions submitted by State Forester, Peter Daugherty, for Fiscal Year 2019, as summarized in Attachment 1, State Forester's Travel Claims Summary, and Attachment 2, State Forester's Leave Usage Summary. There were no purchase card transactions or requests for vacation leave payoff in this time period.

### **ATTACHMENTS**

- (1) State Forester's Travel Claims Summary, Fiscal Year 2019
- (2) State Forester's Leave Usage Summary, Fiscal Year 2019

**State Forester's Travel Claims Summary Fiscal Year 2019  
July 1, 2018 through June 30, 2019**

<b>Traveler</b>	<b>Destination</b>	<b>Claim Total(\$)</b>	<b>Depart Date</b>	<b>Return Date</b>	<b>Purpose of Trip</b>
P. Daugherty	Grants Pass, Medford and Lincoln City	392.00	08/05/18 08/22/18 08/31/18 09/21/18	08/07/18 08/23/18 08/31/18 09/21/18	Tour southern Oregon fires Oregon Coastal Caucus Economic Summit Ramsey Canyon Fire team close-out Associated Oregon Loggers board meeting
P. Daugherty	Portland and Sunriver	223.50	10/03/18	10/08/18	Society of American Foresters National Convention Portland and Oregon Forest Industries Council annual meeting Sunriver
P. Daugherty	San Diego	317.25	11/12/18	11/15/18	Western Forestry Leadership Coalition and Council of Western State Foresters Fall Conference
P. Daugherty	Portland	124.00	12/02/18	12/03/18	Oregon Leadership Summit
P. Daugherty	Medford	68.75	01/29/19	01/30/19	Participation with Governor signing of Executive Order
P. Daugherty	Seaside	177.50	3/18/19	3/20/19	Wildfire Council Meeting and Shared Stewardship Meetings
P. Daugherty	Canyonville and Lake Tahoe	367.75	04/01/19 05/13/19	04/03/19 05/15/19	Incident Management/Protection Conference Council of Western State Foresters Spring Meeting and Pacific Northwest Wildfire Coordination Group Executive Meeting
P. Daugherty	Newport	49.50	06/18/19	06/19/19	June Offsite Leadership Team Meeting
	<b>TOTAL</b>	<b>1,720.25</b>			

\*These expenditures do not include direct payment to vendors by the Department of Forestry for travel and lodging.

**State Forester's Leave Usage Summary, Fiscal Year 2019**  
**July 1, 2018 through June 30, 2019**  
**(Hours)**

**Peter Daugherty**

<b>Period</b>	<b>Sick Leave</b>	<b>Vacation Leave</b>	<b>Governor's Leave</b>	<b>Personal Business Leave</b>	<b>Misc. Paid Leave</b>	<b>Donated/ Lost Leave</b>	<b>Total Leave by Month</b>
July-18	0	16	0	0	0	0	<b>16</b>
Aug-18	0	8	0	0	0	0	<b>8</b>
Sept-18	0	16	0	0	0	0	<b>16</b>
Oct-18	0	48	0	0	0	8	<b>56</b>
Nov-18	0	0	0	0	16	0	<b>16</b>
Dec-18	0	8	8	0	24	0	<b>40</b>
Jan-19	0	0	0	0	0	0	<b>0</b>
Feb-19	8	0	0	0	0	0	<b>8</b>
Mar-19	0	0	0	0	0	0	<b>0</b>
Apr-19	0	0	0	8	0	0	<b>8</b>
May-19	0	0	0	16	0	0	<b>16</b>
Jun-19	0	8	0	0	0	0	<b>8</b>
<b>Total</b>	<b>8</b>	<b>104</b>	<b>8</b>	<b>24</b>	<b>40</b>	<b>8</b>	<b>192</b>



Agenda Item No. :	C
Work Plan:	Fire Protection Work Plan
Topic:	Ongoing Topics, Reappointment to Emergency Fire Cost Committee
Presentation Title:	Reappointment of Ken Cummings to EFCC
Date Presented to Board:	March 4, 2020
Contact Information:	Nancy Hirsch, EFCC Administrator 503-881-5255, <a href="mailto:Nancy.Hirsch@oregon.gov">Nancy.Hirsch@oregon.gov</a> Doug Grafe, Chief – Fire Protection Division 503-551-5391, <a href="mailto:Doug.Grafe@oregon.gov">Doug.Grafe@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to recommend reappointment of one candidate to a position on the Emergency Fire Cost Committee.

### **BACKGROUND**

ORS 477.440 directs that the Board “shall appoint an Emergency Fire Cost Committee consisting of four members, who shall be forest landowners or representatives of forest landowners whose forestland is being assessed for forest fire protection within a forest protection district. At least one member shall be selected from each forest region of the state.” “Members of the Emergency Fire Cost Committee shall be appointed by the board for four-year terms.” Attachment 1 shows current committee members and their terms.

ORS 477.445 gives authority to the Emergency Fire Cost Committee (EFCC) to “supervise and control the distribution of funds from the Oregon Forest Land Protection Fund”. The Oregon Forest Land Protection Fund (OFLPF), established by ORS 477.750, is used to equalize (reimburse) emergency fire suppression costs expended in protecting forestland statewide by forest protection districts, both state and association. The annual expenditure limit of the OFLPF is \$13.5 million which includes up to \$10 million for emergency fire suppression costs, up to \$3 million for statewide severity resources, administration/operating costs, up to a fifty-percent contribution towards the annual premium for the catastrophic suppression cost insurance policy and strategic investments.

Ken Cummings term expires in April 2020. He has completed six four-year terms with the EFCC and is willing to serve an additional term. Ken Cummings is a landowner representative for Hancock Forest Management within the Southwest Oregon District, which is part of the Southern Oregon Region. We propose that Ken Cummings be reappointed to the EFCC to a four-year term to expire in April, 2024. Ken’s brief biography is in attachment 2.

### **RECOMMENDATION**

The Department recommends the Board make the following appointment:

Reappoint Ken Cummings to the Emergency Fire Cost Committee to a four-year term expiring the end of March 2024.

### **ATTACHMENTS**

- (1) Emergency Fire Cost Committee Membership
- (2) Biography – Ken Cummings

EMERGENCY FIRE COST COMMITTEE MEMBERSHIP  
March 2020

	Forest Protection District(s)/ <u>Region</u>	First Term Began	Current Term Began	Term Expires
<b>Ken Cummings, Chair Hancock</b>	<b>Southwest Oregon</b>  <b><u>Southern Oregon</u></b>	<b>1/1996</b>	<b>4/2016</b>	<b>4/2020*</b>
Steve Cafferata, Landowner	West Oregon, Eastern Lane, Western Lane  <u>Northwest and Southern Oregon</u>	3/2011	4/2019	4/2023
Chris Johnson, Shanda	Central Oregon, Walker Range, Klamath Lake  <u>Eastern Oregon</u>	7/2018	7/2018	7/2022
Brennan Garrelts, Lone Rock	Douglas, Southwest Oregon, Coos, Eastern and Western lane  <u>Southern Oregon</u>	1/2020	1/2020	1/2024

**Bold** is position recommended for reappointment. Appointment would be through March 2024\*.



## **Biographical Sketch - Kenneth P. Cummings**

Ken grew up in the New England area and received a B.S. in Forestry from the University of Massachusetts in 1975. Ken earned a Masters Degree in Forest Management from Oregon State University in 1977. Ken worked for Boise (Cascade) based on the north coast of Oregon for 13 years, in a variety of positions to gain valuable insight, working in the coastal Douglas-fir regions of Oregon and Washington. In 1988 Ken and his family moved to southern Oregon as Chief Forester for Boise and really became acclimated to the challenges of a dryer ecoregion and the mixed conifer forests of the region.

Ken has been blessed to work along-side so many great professional colleagues in Oregon's forest industry for the last 42 years.

Currently, Ken is the Region Manager for Hancock Forest Management in southern Oregon. In that capacity he oversees management on 110,000 acres in southern Oregon and northern California. Ken represents the company in many policy related areas, by being on the Board of Directors of Southern Oregon Timber Industries Association (SOTIA) and is Chair of the Emergency Fire Cost Committee for the State of Oregon. Ken has been a member of the EFCC for 24-years and has served as the chair since 2008.

While serving as chair of the EFCC, Ken has dedicated significant time on multiple statewide fire policy reviews including:

- 2011-2012 Statewide Fire Protection Committee – this work informed a legislative concept that resulted in the Wildfire Protection Act (House Bill 2020) approved during the 2013 legislative session),
- 2015-16 Fire Program Review Committee – the results of this work informed the Department of Forestry's 2019 budget proposal, and most recently,
- 2019 Governor's Council on Wildfire Response – Ken served as chair of the Suppression Work Group.

Ken is a member of the Society of American Foresters. Ken lives in Central Point, Oregon with his wife Paula and they have five children and seven grandchildren.



Agenda Item No.:	D
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Revised Work Plan - Siskiyou Streamside Protections Project
Date of Presentation:	March 4, 2020
Contact Information:	Kyle Abraham, Chief, Private Forests Division, 503-945-7482, <a href="mailto:Kyle.Abraham@Oregon.gov">Kyle.Abraham@Oregon.gov</a> Ariel Cowan, Monitoring Specialist, Private Forests, 503-945- 7332, <a href="mailto:Ariel.D.Cowan@Oregon.gov">Ariel.D.Cowan@Oregon.gov</a> Terry Frueh, Monitoring Coordinator, Private Forests, 503- 945-7392, <a href="mailto:Terry.Frueh@Oregon.gov">Terry.Frueh@Oregon.gov</a>

### **SUMMARY**

This agenda item presents the Charter Work Plan as approved by the Board at their January 2020 meeting.

### **CONTEXT**

The Board's 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

### **BACKGROUND**

The Board and the Department of Forestry (department) are committed to using adaptive management in reviewing (and revising, if necessary) FPA rules using available science, monitoring and research. In November 2015, the Board increased streamside protection standards in most of western Oregon. The Siskiyou region was not included because of different vegetative and geologic conditions, and the Eastern Oregon regions were out of the scope of the science used in the rule analysis.

At the November 2016 meeting, the Board finalized the Private Forest Division's Monitoring Strategy. In conversing about the Strategy, the Board discussed the need to address riparian issues in the Siskiyou and Eastern Oregon regions. The Board directed the department to:

- Develop potential monitoring questions regarding streamside protections in the Siskiyou and eastern Oregon regions;
- Estimate the timeline and resources to address questions for various methods of study; and,
- Work with stakeholders to inform the department and the Board.

At the March 2018 meeting, the department presented information based on the aforementioned direction: The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review (Siskiyou Streamside Protections Review, a.k.a. Siskiyou Project). The Board also directed the department to work with partner agencies to present to them contextual information on fish status and trends. Since the Board directed the department to assess sufficiency of FPA rules for water quality standards for temperature, we asked DEQ to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data.

The Board directed the department make this assessment with a literature review in March 2018. In June 2019, they determined there was insufficient information to make a sufficiency determination, and requested that the department bring back additional information for their consideration. In September 2019, the Board directed the department to form an advisory committee to provide stakeholder input on the project, and expand the literature review to include information from western Oregon and similar forests.

In January 2020, the Board directed the department to include a synthesis of external researcher's perspectives on impacts from climate change on stream temperature and desired future condition in the Siskiyou region as contextual information. The external researchers would present at a Board meeting and provide the synthesis of the contextual information. The Board also approved a revised work plan and Advisory Committee objectives.

The expected outcome of this review will be a decision by the Board in on the sufficiency of riparian rules, to decide if:

- The FPA or rules are working as designed
- FPA or rules may not meet stated objectives
- Not enough information for sufficiency decision: Additional study prioritized
- Not enough information for sufficiency decision: Other work prioritized at this time

If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).

## **ANALYSIS**

The Board approved the Charter Work Plan the department presented to them at their January 2020 meeting, with the following changes:

- Request the Oregon Department of Environmental Quality expedite their re-analysis of stream temperature TMDLs for the Rogue Basin.
- Add climate change as contextual information
- Include municipal water commissions, watershed councils on the Advisory Committee.

Attachment 1 incorporates these changes, and is the version of this Plan as approved by the Board.

**RECOMMENDATION**

This agenda item is informational only.

**ATTACHMENTS**

- (1) Revised Charter Work Plan for Siskiyou Streamside Protections Project.





## SISKIYOU STREAMSIDE PROTECTIONS REVIEW

### APPROVED CHARTER WORK PLAN

### REVISED PER JANUARY 2020 BOARD DECISIONS<sup>1</sup>

JANUARY ~~MARCH~~ 2020

REQUESTOR	SPONSOR(S)	PROJECT MANAGER	START DATE	END DATE
Oregon Department of Forestry	Kyle Abraham	Terry Frueh	September 2019	TBD

#### BACKGROUND

In November 2015, the Board increased streamside protection standards in most of western Oregon. The Siskiyou region was not included due to concerns about extrapolating available studies across different vegetative and geologic conditions. The Eastern Oregon regions were outside the scope of science used in the rule analysis.

At the November 2016 meeting, the Board finalized the Private Forest Division's Monitoring Strategy. In conversing about the Strategy, the Board discussed the need to address riparian issues in the Siskiyou and Eastern Oregon regions. The Board directed the department to: Develop potential monitoring questions regarding streamside protections in the Siskiyou and eastern Oregon regions; Estimate the timeline and resources to address questions for various methods of study; and work with stakeholders to inform the department and the Board.

At the March 2018 meeting, the department presented information based on the aforementioned direction: The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review. The Board also directed the department to work with partner agencies to present to them contextual information on fish status and trends. Since the Board directed the department to assess sufficiency of FPA rules for water quality standards for temperature, we asked DEQ to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data.

The Board directed the department make this assessment with a literature review in March 2018. In June 2019, they determined there was insufficient information to make a sufficiency determination, and requested that the department bring back additional information for their consideration, including collaboration with DEQ. In September 2019, the Board directed the department to form an advisory committee to provide stakeholder input on the project, and expand the literature review to include information from western Oregon and similar forests.

In January 2020, the Board directed the department to include a synthesis of external researcher's perspectives on impacts from climate change on stream temperature and desired future condition in the Siskiyou region as contextual information. The external researchers would present at a Board meeting and provide the synthesis of the contextual information. The Board also approved a revised work plan and Advisory Committee objectives.

The expected outcome of this Streamside Protections Review (Siskiyou Project) will be two decisions by the Board in on the sufficiency of riparian rules. If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).

<sup>1</sup> Note: Modifications to this work plan since the version the Board saw in January 2020 are indicated by underlined words for added words, and ~~strikethrough~~ for deleted words.

<b>PROJECT DESCRIPTION</b>
<p>The expected outcome of this Project will be decisions by the Board on two high-priority monitoring (2) questions regarding the sufficiency of Forest Practices Act (FPA) riparian rules in the Siskiyou geographic region:</p> <p>(1) For small and medium fish-bearing streams in the Siskiyou region, what is the effectiveness of FPA buffers to meet DEQ water quality standards for temperature?</p> <p>(2) For small and medium fish-bearing streams in the Siskiyou region, what is the effectiveness of FPA buffers in achieving the desired future conditions of streamside forests?</p> <p>For each question, the Board will decide if:</p> <ul style="list-style-type: none"> <li>• The FPA or rules are working as designed</li> <li>• FPA or rules may not meet stated objectives</li> <li>• Not enough information for sufficiency decision: Additional study prioritized</li> <li>• Not enough information for sufficiency decision: Other work prioritized at this time.</li> </ul>

<b>OBJECTIVES &amp; SUCCESS CRITERIA</b>		
<b>Objectives</b>	<b>Success Criteria</b>	<b>How Measured</b>
Stream temperature sufficiency analysis completed	Complete review of FPA riparian rule sufficiency for meeting water quality standards and allocations	Board makes a final decision that ends the current stream temperature review process
Riparian desired future condition sufficiency analysis completed	Complete review of FPA riparian rule sufficiency for meeting goals for stand structure and associated outcomes (shade, cover)	Board makes a final decision that ends the current riparian desired future condition review process
Adequate stakeholder engagement	Key stakeholders affected by FPA sufficiency analyses are identified and engage in advisory committee or other public input processes	<ul style="list-style-type: none"> <li>• Successful convening of and implementation of advisory committee objectives</li> <li>• A range of public input is received through project and Board pathways.</li> <li>• Board is apprised of the range of public perspectives on the sufficiency analysis process and products.</li> </ul>
Adequate, timely, and affordable project design and implementation	Project elements align with and address monitoring questions, are completed on time, and within budget	Project elements are completed on time, within budget, and advance the state of knowledge on monitoring questions.
Project timelines and expectations for Board of Forestry Staff Reports, Attachments, and Presentations are met	High-quality, concise reports and presentation materials are provided to correct chain of command in a timely manner	<ul style="list-style-type: none"> <li>• Board documents are received and approved in a timely manner</li> <li>• Presentations are clear and within allotted time</li> </ul>



<b>PROJECT SCOPE</b>	
<b>In Scope (Will be Included)</b>	<b>Out of Scope (Will not be Included)</b>
<b>Overall Project Scope (Inference of Board decisions, FPA sufficiency topics)</b>	
Siskiyou FPA geographic region	All other FPA geographic regions
Small and medium Type F (fish)	All other FPA stream sizes and types
Stream temperature, desired future condition of riparian vegetation, resulting shade and cover	All other water quality, riparian vegetation, and other topics (ex: large wood recruitment, sediment, <u>climate change</u> , etc.)
FPA clearcut and thinning activities	All other FPA activities
FPA riparian basal area standard target prescriptions	All other FPA riparian prescriptions
<b>Project Element 1 – Two (2) expanded literature reviews</b>	
Geographic region in scope included: W Oregon, W Washington, British Columbia, and Northern California west of the crest of the Cascades; SE Alaska	All other EPA georegions
Product 1) Stream temperature literature review/executive summary (DEQ stream temperature standards, existing temperature TMDL allocations, temperature human use allowance)	All other water quality topics, water quality standards, and TMDLs (ex: sediment, turbidity)
Product 2) Riparian DFC literature review (standing riparian vegetation, shade, cover)	All other topics (ex: large wood recruitment)
<b>Project Element 2 – Informational Board agenda item on Oregon Revised Statutes</b>	
Board training session on ODF and DEQ statutes relevant to Board sufficiency decisions	All other statutes
<b>Project Element 3 – Advisory Committee</b>	
Review, discuss, and provide feedback on project design, development, implementation, and final products (Literature reviews, monitoring options)	DEQ/ODF coordination efforts, other work not identified
Receive project updates on DEQ/ODF coordination efforts, and other work (e.g., Board training on statutes) of the Siskiyou Project	Other work not identified
<b>Project Element 4 – ODF/DEQ Collaboration</b>	
Develop process for aligning agencies' sufficiency reviews	
<u>Request that DEQ expedite their stream temperature TMDL re-analyses in the Rogue River Basin</u>	
<b>Project Element 5 – Monitoring Options</b>	
Riparian Desired Future Condition sufficiency review monitoring options: <ul style="list-style-type: none"> <li>• Remote sensing and GIS analysis</li> <li>• Field study</li> <li>• Integrated field/remote sensing study</li> </ul> Monitoring plan to be developed. Can include existing, new data.	
Stream temperature sufficiency review monitoring options: <ul style="list-style-type: none"> <li>• Field study</li> <li>• Integrated field/GIS study</li> </ul> Monitoring plan to be developed. Can include existing, new data.	
<b>Project Element 6 – Climate Change</b>	
<u>As contextual information, a synthesis by outside researchers, in writing and presentation to the Board, on impacts of climate change to stream temperature and DFC</u>	<u>Analysis by ODF and DOJ on linkages between climate change impacts and statutory authority</u>

The synthesis will consider climate change impacts on hydrologic regimes, air temperature, and species shifts at a minimum	Analysis by ODF on linkages between climate change impacts and this rule review
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<b>DRAFT ADVISORY COMMITTEE COMPOSITION (GENERAL)</b>	
<b>Interested Parties</b>	<b>Why Interested</b>
Oregon Department of Environmental Quality	Delegator of forest water quality program
Oregon Department of Fish and Wildlife	Fisheries program affected by forestry water quality, aquatic habitat outcomes
Conservation Community	Directly, indirectly affected by decisions
Family forest landowners	Directly affected by decisions
Industrial forest landowners	Directly affected by decisions
Northwest and Southwest Regional Forest Practices Committees	Board committee charged with advisory role in review of proposed forest practice rules appropriate to forest conditions
Committee for Family Forestlands	Statutory role
<u>Municipal Water Commissions, Watershed Councils</u>	<u>Indirectly affected by decisions</u>
<b>Full committee composition to be finalized in consultation with facilitator</b>	

<b>RELATED PROJECTS ADDITIONAL OUTREACH</b>
<del>Outreach to Tribes of Oregon</del>

<b>PROJECT TEAM</b>		
<b>Resource Name</b>	<b>Role</b>	<b>Responsibilities</b>
Peter Daugherty	ODF Executive oversight (ODF/DEQ Collaboration)	Executive oversight, direction, coordination
Joe Justice	Board of Forestry Liaison with Environmental Quality Commission	Board liaison oversight, direction, coordination
Kyle Abraham	Project Sponsor	Division oversight and coordination, direction
Josh Barnard	Project Coordination	Facilitate intra-agency communication
<u>TBD</u>	Project Oversight	Support Project Manager, communications & outreach as needed
Terry Frueh	Project Manager	Project planning & management, rule language drafting, communications & outreach
Ariel Cowan	Project Implementation	Provide technical support & expertise; communications & outreach as needed
<u>Adam Coble</u>	<u>Project Support</u>	<u>Technical support and expertise</u>
John Hawksworth	Project Support	GIS analysis, other technical support and expertise
<u>Cam Amabile</u>	<u>Project Support</u>	<u>Technical support and expertise</u>
ODF GIS Unit	Project Implementation	Lidar analysis, other GIS analysis
Jim Gersbach	Public Affairs	Support Project Manager through press releases and other public outreach
DEQ Commission Liaison, Executive, and TMDL program staff	ODF/DEQ Collaboration Project: Oversight, implementation, support	Executive oversight, direction, coordination
Advisory Committee	Public project oversight, input	Provide comment on project design and implementation

**State Forester and Board Member Comments**



Agenda Item No:	2
Work Plan Title & #:	Strategic Planning / Board Work Plans
Presentation Title:	2020-2021 Draft Board Work Plans
Date of Presentation:	March 4, 2020
Contact Information:	Chad Davis, Director Partnership & Planning Program 503-602-2130    <a href="mailto:chad.davis@oregon.gov">chad.davis@oregon.gov</a>

**SUMMARY**

Department staff will present 2020-2021 work plans for Board approval.

**CONTEXT**

The development of Board work plans is intended to strengthen the Board’s ability to be an effective policy making body, direct the Department’s work, and focus the Board’s and Department’s efforts on the most significant issues.

At the October 2019 Planning Retreat, ODF staff discussed potential work plan items for 2020-2021 with the Board. In January 2020, Department staff reviewed draft work plans and the Board prioritized key items, including the request to develop an issue-specific work plan focused on Climate Change and Forest Carbon.

**BACKGROUND AND ANALYSIS**

The Board’s work plan process is designed to create a systematic way for the Board to identify issues and set priorities that lead to specific decisions and products. The process is also designed to link with the biennial budget cycle where resources are identified and allocated within the Department.

The process of developing work plans provides a number of advantages including:

- Allowing staff to more efficiently allocate time among multiple demands,
- Providing the public with a better idea about when to provide input, and
- Organizing the Board’s work so that it leads to specific decisions.

The steps of the work plan development process include:

**September** – Staff presents information to help the Board take stock of the current situation surrounding forest issues.

**October** – Board and Department discuss work plan priorities at annual planning retreat.

**November** – Board sets list of priority issues.

**January** – Department staff provides overview of draft work plans.

**March** – Board approves work plan two-year work plan.

## **RECOMMENDATION**

The Department recommends the Board to approve the Work Plans.

## **NEXT STEPS**

The Board will review progress on these work plans in October and consider mid-course corrections as needed.

## **ATTACHMENTS**

- (1) Private Forests Work Plan
- (2) State Forests Work Plan
- (3) Fire Protection Work Plan
- (4) Agency Administration Work Plan
- (5) Climate Change and Forest Carbon Work Plan
- (6) Overarching Issues Work Plan

Work Plan: ODF Private Forests Division

Primary Contact: Kyle Abraham

Date Presented: March 4, 2020

Date Approved:

## **DIVISION OVERVIEW**

### Purpose & Objective

The Oregon Department of Forestry (ODF), Private Forests Division, provides resource protection and landowner assistance on Oregon's 10.3 million acres (34 percent of Oregon's forestland) under private forest ownership. Oregon's privately owned forests are diverse in size and character, including large industrial ownerships, family woodlands of many sizes, and treescapes in cities, suburbs and rural residential areas. To support such diverse ownerships, the Private Forests program provides landowner assistance in the areas of forest and stream health protection and enhancement, urban and community forestry, enforcement of forest practices laws, research and monitoring, tree improvement, and incentive programs. These forests provide values for all Oregonians, including watershed protection, ecosystem services, economic activity, fish and wildlife habitat, and recreation.

### Current Issues and Focus

A significant task for the Private Forests Division is administering the FPA *and* providing wildland, urban, and community forest education and technical assistance across all of our business lines in the Division. ODF field staff spend an increasingly disproportionate amount of time working with complex natural resource situations and conflicts in forests already at risk of conversion and fragmentation. The Department continues to deliver a mix of services that meets the diverse needs of Oregonians, landowners, communities, developers, regulators and stakeholders across a broad diversity of forests while promoting and conserving forest land and forest values.

Current issues include increasing public pressure on the role of private forestlands in aspects of water quality, fish and wildlife habitat, and other desired outcomes from forests. To help meet these challenges the Private Forests Division remains anchored in the Board's 2011 Forestry Program for Oregon, which supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management

policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11; OAR 629-635-0110).

### **DIVISION TOPICS FOR THE BOARD OF FORESTRY 2020-2021**

A key objective is ensuring privately owned forests are responsibly managed under Oregon's Forest Practices Act. Division staff also provide technical assistance to forest landowners, protect clean water and wildlife habitat, detect and respond to threats to forest health, support work to safeguard and improve our urban forests, grow high-quality tree seed, and strive to develop effective biomass markets.

1. Water Quality Topics
  - a. Siskiyou Streamside Protection Review
  - b. Western Oregon Streamside Protection Review
  - c. ODF-DEQ Sufficiency Review Alignment
2. Forest Practices Act Rule/Policy Review
  - a. Specified Resource Site Rule Analysis: Marbled Murrelet
  - b. Specified Resource Site Rule Analysis: Coho Salmon
  - c. Specified Resource Site Policy Review
  - d. Implementation Study: Review and Reforestation Phase
3. Implement Legislative Direction
  - a. Complete Rulemaking for HB 3013, Wildlife Food Plots
4. Board Updates



## **ISSUE: Water Quality Topics: Siskiyou Streamside Protection Review**

### Overview

In March 2018, staff presented the results of stakeholder and tribal input on proposed monitoring questions. The Board voted in favor of the department's recommendation of conducting a systematic review (SR) on stream temperature and streamside desired future condition (DFC) for small and medium fish streams in the Siskiyou region, and discuss associated contextual info (i.e., fish status and trend, water quality evaluations). In September 2018, staff presented an update to the Board on this review. In January 2019, staff presented input on the SR protocol received from stakeholders and tribes, and the next steps in the review process. Partner agencies presented contextual information on fish status and trends. In June 2019, staff presented the results of the Systematic Review to the Board. The Board found there was insufficient evidence to make a sufficiency decision on either stream temperature or DFC at that time. In September 2019, the Board voted to expand the geographic scope of the literature review and recommended the department form an advisory committee. In January 2020, the Board approved a charter work plan, advisory committee objectives, and requested a synthesis of climate change information.

### Purpose

The goal is to insure that to the maximum extent practicable forest practices meet water quality standards with the following objectives:

Support the Board in making a decision on the sufficiency of FPA streamside rules for small and medium fish streams in the Siskiyou Region to achieve goals for:

1. Water quality standards for stream temperature;
2. The stand structure and shade components of DFC.

### Board Deliverables with Timelines

The Division is planning to bring contextual information about climate change impacts to the April 2020 meeting, a review of statutory authority and decision making processes with Department of Justice (DOJ) in June 2020, and the results of an expanded literature review on stream temperature to the July 2020 meeting for a sufficiency decision by the Board.

### Outreach and Public Involvement

The Division is in the process of forming an advisory committee and has hired a facilitator for this project. We will continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: Water Quality Topics: Western Oregon Streamside Protection Review**

### Overview

In 2002, the Oregon Department of Forestry (ODF) initiated the Riparian Function and Stream Temperature (RipStream) study throughout the Oregon Coast Range. The study objective was to evaluate the effectiveness of FPA rules in protecting stream temperature, and meeting DFC. Previous RipStream analyses (e.g., reports, analysis, and peer-reviewed publications) focused on harvesting effects on stream temperature and shade, as well as meeting state water quality standards. This phase of the RipStream analyses will assess the effectiveness of FPA rules at meeting large wood and DFC objectives (per OAR 629-642-0000). This analysis is one component of the larger project, the Western Oregon Streamside Protections Review, which will include data analysis of Ripstream data, systematic literature review, and modeling analyses.

### Purpose

The goal is to insure that to the maximum extent practicable forest practices meet water quality standards with the following objectives:

Support the Board in making a decision on the sufficiency of FPA streamside rules for small and medium fish streams in Western Oregon to achieve goals for:

1. Large wood recruitment;
2. Stand structure component of DFC.

### Board Deliverables with Timelines

The department provided an update on data analysis, plans for a systematic literature review, and future modeling work at the September 2019 Board meeting. An update on the combined literature review on DFC (stand structure) covering western Oregon and the Siskiyou is planned to be brought to the Board in September 2021 and September 2022. The department is tentatively planning to bring the full suite of western Oregon analysis results for a sufficiency decision at a winter 2021-22 Board meeting.

### Outreach and Public Involvement

The Division has previously developed and utilizes an external review team for this work. We will use this group and continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: Water Quality Topics: ODF-DEQ Sufficiency Review Alignment**

### Overview

In March 2018, the Oregon Board of Forestry (Board) directed ODF to conduct a literature review to inform the Board's determination of sufficiency of forest practices act (FPA) stream protection rules for water quality temperature standards, and the shade and riparian stand structure components of desired future condition (DFC).

ODF completed the literature review (using the systematic review approach) and presented it to the Board in June 2019. The Board expressed a desire to use DEQ's Total Maximum Daily Loads (TMDLs) as a basis for assessing sufficiency of riparian rules for the stream temperature portion. The Board directed ODF to collaborate with DEQ, and to formulate a range of other approaches to study sufficiency of FPA rules.

### Purpose

ODF and DEQ have different legal and policy frameworks within which they operate to assess sufficiency of rules in meeting water quality standards, and implementing total maximum daily loads (TMDLs). These differences lead to misunderstandings on sufficiency that impedes effective and efficient collaboration between the agencies on this work. This work will address these differences so there is agreement about testing for rule sufficiency and implementing TMDLs.

### Board Deliverables with Timelines

The Division and DEQ will bring approximately quarterly update to the Board, as well as the Environmental Quality Commission (EQC). These updates may be presentations or written reports to the governing bodies.

### Outreach and Public Involvement

We provide updates on this work to the Board and the Siskiyou Advisory Committee. In addition, we will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

**ISSUE: FPA Rule/Policy Review Specified Resource Site Rule Analysis: Marbled Murrelet**

Overview

In June 2016, the Board received a Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet. In November 2016, the Board directed the Department to initiate a rule analysis for marbled murrelets and as one of the initial steps for this project, to develop a technical report on marbled murrelets as guided by Oregon Administrative Rule (OAR) 629-680-0100. The draft technical report was presented to the Board in April 2018. Findings from an expert review of the draft technical report were presented to the Board in November 2018 and the final technical report approved by the Board in April 2019. The department will next be gathering input from stakeholders, using a facilitator, to help identify preferred resource site determination and protection strategies. This input from focus groups will be summarized and submitted to the Board.

Purpose

The purpose of this review is to complete specified resource site rule analysis for marbled murrelets. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites
3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

Board Deliverables with Timelines

The Division is planning to provide an update to the Board in November 2020.

Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Specified Resource Site Rule Analysis: Coho Salmon**

### Overview

In April 2019, the Board received a petition to initiate rulemaking under the specified resource site rules for coho salmon. In July, the Board accepted the petition and directed the department to initiate a rule analysis for coho salmon.

The department is currently working to define the resource sites and working with other natural resource agencies to help establish the inventory of the resource sites.

### Purpose

The purpose of this review is to complete specified resource site rule analysis for coho salmon. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites
3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

### Board Deliverables with Timelines

The Division is planning to provide an update on progress made in July 2020

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Specified Resource Site Review**

### Overview

After more than a decade since the adoption of special resource site protection policies, Board review of such policies—related statutes and/or rules—is needed in light of changing circumstances for private forests in Oregon and species protection efforts. Changes include the development of a Federal recovery plan for spotted owls, effective implementation of the Oregon Plan for Salmon and Watersheds, Oregon Department of Fish and Wildlife’s development of a statewide conservation strategy, Ballot Measure 49, and the development of a programmatic Safe Harbor Agreement for Spotted Owls. Overall there is also a growing recognition that species-by-species approaches to resource protection, as opposed to more holistic landscape level approaches, may not be the most effective or efficient means to achieve specified resource site protection goals.

### Purpose

Assist the Board in a policy-level review of the current approach to special resource site protection.

The policy review should address the following topics:

- What is the most appropriate role of the state / Department in relation to the Endangered Species Act and federal regulations for species protection?
- Does the implementation of current policy remain appropriate given the evolution of economic, social, and environmental issues in Oregon since the policies were adopted?

### Board Deliverables with Timelines

The Division will provide information to the Board in March 2021 on previously completed work.

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Implementation Study: Review and Reforestation Phase**

### Overview

The Board was introduced to the Implementation Study (e.g., Compliance Audit program) in the September 2012 Monitoring Unit update. The department hired a private contractor to collect data used to determine compliance. This study provides rates of compliance with the FPA for forestlands from which timber was harvested during the previous two years. The data collection protocol and site sampling process allows for reporting results at the statewide and FPA Area, and by ownership type (industrial, private non-industrial and other (e.g., county, state)). The department reports on FPA compliance as an annual Key Performance Measure. The department presented the 2013, 2014, 2016, and 2017 compliance reports to the Board at the annual Monitoring Unit updates (there was no study in 2015). Annual levels of compliance at the statewide level across all ownerships continue to be high, 97-98%. Closer evaluation of compliance at a rule level indicates low compliance ~50% for specific rule applications.

Some concerns have been expressed with the level of statistical inference of compliance rates due to landowners who choose not to participate in the study. Also, concerns with potential analysis bias with respect to lack of independent sample sites has also been expressed.

At their November 2019 meeting, the Board directed the State Forester to provide for a statistical review of the previous (2013-2017) compliance audit sampling design and analyses. The review process is under development and the first phase has been contracted out. Future work includes review of the expected goals and objectives of the implementation study to ensure alignment throughout the department and Board and developing a range of approaches to meet desired outcomes. This work will require participation of department staff to provide information and support for the third party review, goal and objective development, and determination of next steps.

### Purpose

The purpose of the implementation study is to evaluate compliance with the Forest Practices Act. The Department uses this information to:

1. Help guide training efforts.
2. Provide effective and efficient administration of the FPA.
3. Use results to report to the Board on implementation rates and to the legislature as a key performance measure.

### Board Deliverables with Timelines

The results of the third party contractor will be available likely by spring 2020. The Division will then review the range of recommendations provided by the review. Additional work will be required to define the goals and objectives of how future implementation studies are developed and analyzed. This futuring work will be brought to the Board. In addition, based on the results from the third party contractor additional work will be needed to determine how

best to address the concerns that were raised on the 2013-2017 compliance audit. Current resources are limited and focused on other projects in the Division and additional work on this project will take time. The Division will bring an update on this work in September 2020 during the annual monitoring update.

#### Outreach and Public Involvement

The Division has previously developed and utilizes an external review team for this work. We will use this group and continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

### **ISSUE: Implement Legislative Direction, Complete Rulemaking for HB 3013, Wildlife Food Plots**

#### Overview

HB 3013 allows small forestland ownerships (at least 10 acres, but less than 5,000 acres) subject to reforestation requirements under Forest Practices Act, to establish wildlife food plots within the boundaries of the ownership. The bill defines “Wildlife food plot” as a small forestland area that, instead of being used for growing and harvesting of forest tree species, is planted in vegetation capable of substantially contributing to wildlife nutrition. The bill specifies limits for combined size of the wildlife food plots on an ownership and defines establishment of food plots as a forest practice and forest operation requiring notice to the State Forester. The Bill requires the Board to adopt rules to carry out these provisions and to consult with the Oregon Department of Fish and Wildlife to identify vegetation capable of substantially contributing to wildlife nutrition.

#### Purpose

Complete final rule language and amend Oregon Administrative Rule. The Board has approved draft rule language in January 2020 and will need to approve final rule language.

#### Board Deliverables with Timelines

The Board will be asked to approve final rule language in July 2020.

#### Outreach and Public Involvement

The Committee for Family Forestlands has served as the rule advisory committee throughout this process and updates have been delivered to the Regional Forest Practices Committees and stakeholders.



Private Forests Division Work Plan	2020					2021					2022			
	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Water Quality Topics</b>														
<i>Milestones</i>														
❖ Siskiyou Streamside Protections Review	i	i	D											
❖ Western Oregon Streamside Protections Review				i							i			D
❖ ODF-DEQ Sufficiency Review Alignment		i		i		i	i		i		i			
<b>Issue: Forest Practices Act (FPA) Rule Policy Review</b>														
<i>Milestones</i>														
❖ Specified Resource Sites Rule Analysis: Marbled Murrelet					i									
❖ Specified Resource Sites Rule Analysis: Coho Salmon			i						i					
❖ Specified Resource Sites Policy Review							i							
❖ Implementation Study: Review/Reforestation				i							i			
<b>Issue: Implement Legislative Direction</b>														
<i>Milestones</i>														
❖ HB 3013 Wildlife Food Plots			D											
<b>Issue: Board Updates</b>														
❖ Operator of the Year						i							i	
❖ Committee for Family Forestlands Report and Appointments			D							D				
❖ Forest Practices Agency Meeting Report							i							i
❖ Forest Health Report				i							i			
❖ Forest Practices Monitoring Report				i							i			
❖ Urban and Community Forestry Report				i							i			
❖ Non-industrial Forest Landowner Report				i							i			
❖ Regional Forest Practices Committee Appointments				D							D			

**Matrix Key:**

- TBD – To be decided
- i – Informational item
- d – Preceding Decision item
- D – Final Decision item



Work Plan: ODF State Forests

Primary Contact: Liz Dent, State Forests Division Chief

Date Presented: March 4, 2020

Date Approved:

## **DIVISION OVERVIEW**

### Purpose & Objective

The Oregon Department of Forestry, State Forests Division, manages approximately 730,000 acres of forestlands across Oregon. These state forestlands are actively managed to provide economic, environmental, and social benefits to Oregonians. Timber sales on these forests create jobs and generate revenue that fund counties, local districts, and schools throughout the state. These forests also offer recreation and educational opportunities, and provide essential wildlife habitat and clean water. Management costs associated with managing these public forests are funded primarily through the sale of timber off of these lands.

The Division's core businesses include financial accounting and log tracking, timber sale contracting and administration, fish and wildlife surveys and implementation of conservation measures. We collect, manage, and analyze data and report outcomes. Field and Salem staff conduct and coordinate reforestation activities, road construction and maintenance, collaborate with local communities and other organizations on habitat improvement projects, maintain recreation facilities and opportunities, and provide educational programs to schools and the public.

### Current Issues and Focus

It has become increasingly difficult to support all priority work and core business. Unanticipated legal actions have further impacted workloads, are costly, and often displace other priority work. We are addressing these issues on multiple fronts. We modernized our organizational structure to better meet the current social and political climate and deliver greatest permanent value to Oregonians now and into the future. We continue to make significant improvements in our business processes. We are revisiting policies and are seeking to diversify funding streams so we can sustainably manage state forests to provide the range of social, economic, and environmental benefits. This includes potential changes to Forest Management Plans and the development of a Habitat Conservation Plan, both of which are intended to achieve financial viability and improve conservation outcomes within the context of the Greatest Permanent Value mandate.

## **DIVISION TOPICS FOR THE BOARD OF FORESTRY 2020-2021**

The Division has been pursuing forest management policy work in parallel processes- Developing a Draft Western Oregon Forest Management Plan (FMP) and a Draft Western Oregon Habitat Conservation Plan (HCP). With an important decision point for the BOF in October of 2020, the two efforts will come together. Should the BOF decide to continue pursuing an HCP, the Draft FMP will be adapted to couple with the HCP. Should the BOF decide to terminate efforts to gain an HCP, the Division will re-focus on revising the FMP assuming a take-avoidance approach to compliance with the ESA.

1. *Habitat Conservation Plan for Western Oregon State Forests*
2. *Revised Forest Management Plan for Western Oregon State Forests*

## **ISSUE: Habitat Conservation Plan for Western Oregon State Forestlands**

### Overview

The Board of Forestry has directed staff to continue exploring options for achieving financial viability while increasing conservation outcomes, including the pursuit of a programmatic Endangered Species Act (ESA) compliance tool, such as a Habitat Conservation Plan.

### Purpose

The purpose of this work is to develop a Western Oregon Habitat Conservation Plan (HCP) to achieve programmatic Endangered Species Act (ESA) compliance. The State Forests Division is taking the following 3-phased approach to evaluate the possibility of an HCP to cover state forestland west of the Cascade Mountains:

- ✓ Phase 1: HCP Initiation/Scoping: *Completed*
- ✓ Phase 2: HCP Draft Development (*In Progress*): Development of an administrative draft HCP that includes conservation measures and mechanisms to provide operational certainty into the future.
- ✓ Phase 3: National Environmental Protection Act (NEPA) process and Companion FMP development (*Pending*).
  - Submit the draft HCP into the Federal National Environmental Protection Act (NEPA) process.
  - An HCP must be coupled with a companion FMP. Concurrently draft a companion FMP drawing on the Draft Revised Western Oregon FMP (see Issue below).

### Board Deliverables with Timelines

- ✓ April and July 2020: Information Items
  - Division provides updates to the BOF on accomplishments and progress towards the development of an Administrative Draft HCP.

- ✓ October 2020: Decision Item
  - Administrative Draft HCP for decision to go into NEPA process. If BOF decides to continue working on the HCP:
    - Submit HCP into the NEPA process which will take approximately 18 months.
    - Begin adapting the Draft Revised Western Oregon FMP into the Companion FMP.
- ✓ November 2021: Decision Item
  - Present the Draft Companion FMP for decision to go into formal rulemaking process. FMP rulemaking: approximately 6 months.
- ✓ June 2022: Final Approval of Western Oregon Habitat Conservation Plan and Forest Management Plan

### Outreach and Public Involvement

All standing stakeholder committees (State Forests Advisory Committee, Oregon Forest Conservation Coalition, Conservation Ad Hoc, Industry Ad Hoc, Forest Trust Land Advisory Committee, and Oregon Forest & Industries Council) have been invited to participate in the HCP scoping process. Some members of the Forest Trust Lands Advisory Committee (FTLAC) have expressed concerns and the Oregon Forest & Industries Council does not support an HCP on state forestlands. Despite these reservations, no committee or stakeholders have actively declined participation.

The Department recognizes the importance and value of reaching out to all Oregon's federally-recognized Tribes on issues related to managing Oregon's state forests. We will pursue opportunities to meet with Tribal Chair Council and Tribal staff directors to listen and learn from the Tribes, seek opportunities for input and collaboration, and build relationships.

This work is being conducted collaboratively with our state and federal sister agencies including- National Marine Fisheries Service, US Fish and Wildlife Service, Department of State Lands, Oregon Department of Fish and Wildlife, Department of Environmental Quality.

## **ISSUE: Draft Revised Western Oregon Forest Management Plan**

### Overview

The dominant management plan for State Forests is the NW Forest Management Plan (Northwest FMP) which includes 650,000 acres, about 75% of the total state forest land base, and generates over 90% of the revenue from Board of Forestry lands. The Board of Forestry approved the original Northwest FMP in January 2001 as the first integrated resource management plan for the state and approved a plan revision in 2010 to improve financial outcomes. The foundation of the plan is an approach called "structure based management" under which the forest is managed to

produce a range of forest conditions across the landscape. The plan was intended to be coupled with an HCP. However, the state was not able to acquire an HCP. The lack of an HCP combined with costs associated with take avoidance and some challenges with implementing structure based management are impacting State Forests Division financial viability.

### Purpose

The purpose of this work is to Draft a Revised Western Oregon Forest Management Plan (Draft Revised FMP) to guide management of all State Forests west of the Cascades. The goal of the Draft Revised FMP is to improve financial viability and conservation outcomes. The BOF has also directed the Division to pursue an HCP. The two efforts will merge in 2020.

The Draft Revised FMP serves two purposes. First, should the BOF decide not to seek an HCP, the Draft Revised FMP will be the basis for continued exploration of a plan revision to improve financial viability and conservation outcomes. Alternatively, should the BOF decide to move into the NEPA process, elements of the Draft Revised FMP will be used to develop the companion FMP.

### Board Deliverables with Timelines

- ✓ April 2020: Information Item
  - Present the Draft Revised Western Oregon FMP and summary of input from FTLAC and public engagement as informational item.
  - Pause work on the Draft Revised Western Oregon FMP until October of 2020 when the BOF will decide if we will continue to pursue an HCP.
- ✓ October 2020: Decision Item
  - As long as there is positive progress on the HCP- begin adapting the Draft Revised FMP to serve as a companion FMP to be coupled with the HCP.
  - Should the BOF terminate efforts to pursue an HCP, shift focus back to the FMP revision without an associated HCP.

### Outreach and Public Involvement

The eventual success of the Draft Western Oregon FMP project will largely depend on developing sufficient understanding, acceptance, and support from stakeholder groups. Providing accurate and timely information to stakeholders will be of critical importance, and the Division is committed to an open, equitable, and transparent stakeholder engagement process. Additionally, counties within which we manage Board of Forestry lands have a statutorily established relationship with the Board through the FTLAC.

The Division will provide accurate and timely information to ensure FTLAC has the information they need to advise the Board of Forestry and the State Forester. The Division will seek public engagement and convene informational meetings for all interested stakeholders

with the purpose of providing the information in a clear and transparent manner and allowing sufficient time for the stakeholders to prepare their input for the Board of Forestry meeting.

The Department recognizes the importance and value of reaching out to all Oregon's federally-recognized Tribes on issues related to managing Oregon's state forests. We will pursue opportunities to meet with Tribal Chair Council and Tribal staff directors to listen and learn from the Tribes, seek opportunities for input and collaboration, and build relationships.

State Forests Division Work Plan	2020						2021						2022	
	Apr	Jun	Jul	Sep	Oct	Nov	Apr	Jun	Jul	Sep	Oct	Nov	Jan	Mar
<b>Issue: Western Oregon Habitat Conservation Plan</b>														
<i>Milestones</i>														
❖ BOF progress updates	I		I					I						
❖ Administrative Draft HCP with Decision to continue into NEPA process					d			I						
○ If continuing to pursue an HCP - Begin Companion Western Oregon FMP					*			I				d		
<b>Issue: Draft Revised Western Oregon Forest Management Plan</b>														
<i>Milestones</i>														
❖ Draft Revised Plan & Summary of Input from FTLAC and Public Engagement	I													
○ If terminate HCP efforts – refocus on Draft Revised FMP without HCP					*									

**Matrix Key:**

- \* - Corollary preceding decision item
- I – Informational item
- d – Preceding Decision item
- D – Final Decision item



Work Plan: ODF Fire Protection

Primary Contact: Doug Grafe, Fire Protection Division Chief

Date Presented: March 4, 2020

Date Approved:

## DIVISION OVERVIEW

### Purpose & Objective

The Protection from Fire Division is the oldest (since 1911) and largest (397 FTE) program of the Department of Forestry. The authorizing statute for the Division is ORS 477.005 stating, “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.” The program’s mission is to protect Oregon forestlands from fire, through a complete and coordinated system with our cooperators, including fire prevention, suppression, investigation and cost collection. The overarching programmatic goal is to minimize acres burned, the cost of suppression and the value of loss to resources through aggressive wildland fire initial attack, secondary only to the protection of human life.

### Current Issues and Focus

There are several policy issues affecting the Protection Division that warrants the Board’s attention this coming year. Maintaining a complete and coordinated protection system requires periodic review and revisions of policy ensuring a dynamic and sustainable program that encourages participation by stakeholders and cooperators. Fire Protection financials will be reported as part of the agencies routine financial reports

This plan outlines key policy work that the Board has already committed to and/or anticipates making decisions on through 2021.

## DIVISION TOPICS FOR THE BOARD OF FORESTRY 2020-2021

### Ongoing Topics: Intermittently presented to the Board

#### Overview / Purpose

**Approve Protection Budgets:** As directed by statute, at the June Board of Forestry meeting, “The State Board of Forestry shall annually review the forest protection district and rangeland protection budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all protection budgets and the prorated acreage rates therein.”

**Association Letters:** In each of the agreements with the non-operating forest protective associations, there is a requirement that each association will provide "...an annual letter from the Association to the Forester providing input on Department operations affecting the District or the Association (to be transmitted to all members of the Board)..." (State Forester letters).

**Fire Season Reports:** Staff will provide fire season reports annually, during the fire season.

**Emergency Fire Cost Committee:** As vacancies occur, the Board makes appointments to the Emergency Fire Cost Committee.

**Forest Protection Association Agreements:** Periodically, agreements are updated and Board approval of updated agreements are necessary under OAR 629-041-0100.

**Rangeland Protection Association formation:** Periodically, a request for a public hearing on the possible formation of a Rangeland Protection Association (RPA) will come before the Board for approval. Based on the outcome of the hearing, the Board may receive a request for approval on the formation of an RPA.

#### Board Deliverables with Timelines

At each June Board meeting, the budgets for the forest protection districts and rangeland protection associations, and copies of the State Forester letters will be presented to the Board for consideration as directed in statute and the association agreements. Fire season reports will be presented to the Board annually from June through September and as requested. All other ongoing topics will be presented to the Board on an as-needed basis.

#### Outreach and Public Involvement

- Prior to the June Board meeting, the forest protection district budgets are developed through local budget committees made up of landowners, reviewed and discussed at the forest protective association meetings, and required to go through a public hearing at district and unit offices.
- Public comments may be accepted on all annual and ongoing topics at Board meetings.

### **Evolving Topic: Governor's Council on Wildfire Response**

#### Overview

Following the 2013-2015 fire seasons, two parallel review processes were initiated: Secretary of State (SOS) Audit and the Fire Program Review. Both of these efforts are aligned to help continue a highly functioning wildfire protection system for Oregon into the future. The Department has fully embraced the findings and recommendations from both final reports. The 2017-2108 fire seasons experience reinforced the need for the agency to continue efforts on these recommendations. Additionally, The Governor issued Executive Order 19-01 creating the Governor's Council on Wildfire Response.

- The SOS Performance Audit has offered a third-party review of the Agency's ability to sustain its multiple missions, where an increased demand for the fire protection effort has been required from the entire agency.

- The Fire Protection Response Committee (FPRC) was coordinated with all agency partners through a transparent process including legislators, governor's office, forest landowners, and cooperators to reach for continuous improvement in Oregon's complete and coordinated fire protection system
- The Governor's Council on Wildfire Response offers 37 recommendations to improve Oregon's wildfire protection system. Implementation of these recommendations is expected to be guided through legislative committee and the governor's office.

### Purpose

These reports have provided a roadmap for ongoing Fire Protection policy work regarding fire funding, achieving a sustainable workforce across all programs and divisions in support of the agency's fire protection mission, and providing for wildfire prevention and mitigation. This item remains on the Board's work plan as an awareness item, maintaining the Protection Division's focus on: "Protecting Oregonians, our Forests and Communities from Wildfire" through implementation of the recommendations from the 2016 Fire Program Review, SOS performance audit and the Governor's Council on Wildfire Response.

### Board Deliverables with Timelines

The Board will be updated and when appropriate, asked to approve any policy level work and/or significant agency action planned to address the recommendations of the Secretary of State audit, Fire Program Review Committee and Governors Council on Wildfire Response.

### Outreach and Public Involvement

- Staff will work directly with internal and external partners and provide updates as necessary at meetings that include a broader range of landowners and stakeholders.
- Public comments may be accepted on topic at Board meetings.

Fire Protection Division Work Plan	2020					2021						2022		
	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Annual and Ongoing Topics</b>														
<i>Milestones</i>														
❖ Approve Forest Protection District and Rangeland Protection Association Annual Budgets		<b>D</b>							<b>D</b>					
❖ Review Letters from FPA's to State Forester		<b>I</b>							<b>I</b>					
❖ Fire Season Reports		<b>I</b>	<b>I</b>	<b>I</b>					<b>I</b>	<b>I</b>	<b>I</b>			
❖ Appointment for Emergency Fire Cost Committee (As Needed)														
❖ Approve Forest Protection Association Agreements (As Needed)														
❖ Rangeland Protection Association Formation (As Needed)														
<b>Issue: Evolving Topic</b>														
<i>Milestones</i>														
❖ Governor's Council on Wildfire Response														

**Matrix Key:**

- I** – Informational item
- D** – Final Decision item

Work Plan:	Agency Administration
Primary Contacts:	Bill Herber, Deputy Director for Administration Chad Davis, Partnership & Planning Director
Date Presented:	March 4, 2020
Date Approved:	

## **OVERVIEW**

### Purpose & Objective

Agency Administration provides leadership and management, policy development and assessment, public outreach and communications, and administrative support to the Board of Forestry and the agency's key operating programs.

### Current Issues and Focus

The administrative issues that regularly require the Board's attention include: securing the Board's input and approval of the Department's legislative concepts and the Agency Request Budget that is submitted to the Governor and the Department of Administrative Services (DAS) every two years; assisting the Board with its governance performance self-evaluation each year; reporting on the agency's annual Key Performance Measures; and periodic reports on the agency's financial status and human resource metrics.

## **TOPICS FOR THE BOARD OF FORESTRY 2020-2021**

1. Development of Legislative Concepts
2. Agency Budget Development and Request
3. Board Governance Performance Self-Evaluation
4. Key Performance Measures Review
5. Financial Dashboard
6. Human Resources Dashboard
7. Facilities Capital Management Plan
8. Public Information Request Report

## **ISSUE: Development of Legislative Concepts**

### Overview

Development of legislative concepts for bills that may be introduced during the 2021 Legislative Session represent an important opportunity to advance Board and Department goals, objectives and priorities, to help shape statewide policy, and to address barriers.

Purpose

The legislative concept development process involves interactions among multiple groups, including the Board, Department leadership, stakeholders, and the Governor’s Office. Consistent with past cycles, it is expected that the 2021 concepts will be due to DAS and the Governor’s Office in April 2020. Review at those levels generally focuses on alignment with agency and statewide budget and policy considerations, and with the Governor’s priorities.

Board Deliverables with Timelines

Review proposed guiding principles and initial list of potential concepts ..... January 2020  
Approve the concepts for submission to DAS ..... March 2020

Outreach and Public Involvement

Public comments and input will be taken at Board of Forestry meetings and in meetings with stakeholders.

**ISSUE: Agency Budget Development and Request**

Overview

Biennial budget development begins in the fall of odd-numbered years as one component of the Department’s strategic planning effort. To be effective with budget development over the course of the next 13 months through the finalization of the Governor’s Recommended Budget, joint engagement by the agency leadership, the Board, and stakeholders is necessary and is a part of the operating model of leadership at the Board and agency levels.

Purpose

The first steps involve assessing the current and expected situation, establishing development principles and guidelines, and creating initial focus areas for further consideration as the process moves along. These steps guide preliminary budget concept development, and may adjust due to changing environments over the course of the next nine months as the Agency Request Budget is completed. This combination of assessment, principles and guidance, and initial focus areas sets the foundation for final budget development during 2020.

Board Deliverables with Timelines

Review proposed guiding principles and provide direction ..... January 2020  
Review and provide input on initial budget concepts ..... April 2020  
Review and provide input on the budget concepts ..... June 2020  
Approve the 2021-23 Agency Request Budget and approve in concept the Board  
letter of transmittal to the Governor..... July 2020

Outreach and Public Involvement

Public comments and input will be taken at Board of Forestry meetings and in meetings with stakeholders.

**ISSUE: Board Governance Performance Self-Evaluation**

Overview

The governance performance measure for state boards and commissions, “percent of total best practices met by the board” was enacted by the Oregon State Legislature and adopted by the Board in 2006. The measure included fifteen standard best practices criteria and flexibility for Boards and Commissions to develop additional criteria to meet the Board’s specific needs and interests.

In 2007, the Board appointed an ad hoc Board Performance Measure Implementation Subcommittee consisting of Chair Steve Hobbs and members Barbara Craig and Larry Giustina to “tailor and fine tune” the Board’s specific approach for the performance measure. The Subcommittee completed their work and the Board adopted a tailored set of best practices criteria that included descriptive text to assist in a shared understanding of the measure, one additional criteria relating to public involvement and communications, and key summary questions added to the evaluation. The measure is included in the agency’s annual Key Performance Measures and has been conducted every year since 2008.

Purpose

Board members complete individual self-evaluations of board governance performance and a summary of the self-evaluations is presented to the board for approval in meeting the sixteen best practices criteria. The performance measure information is then included in the Department’s Key Performance Measures Report submitted to the Department of Administrative Services and Legislative Fiscal Office.

The Board of Forestry collectively discusses the results of their annual evaluation at the Board’s planning retreat each October. The 2019 retreat raised interest in further review of the best practices criteria and tailored descriptions adopted by the Board of Forestry in 2007.

To facilitate the Board’s review of the criteria prior to this coming year’s evaluation process, the Department recommended the Board consider additional milestones in the preliminary stages that would include individual collection of Board member feedback on the criteria and a collective review of any proposed changes that would be presented for Board approval at the April meeting as an initiation to the self-evaluation period that annually occurs in May.

Board Deliverables with Timelines

Board members provide individual preliminary review of self-evaluation criteria .....January 2020, 2021  
Review proposed changes to criteria, approve and initiate self-evaluation process .....April 2020, 2021  
Board members complete individual self-evaluations .....May 2020, 2021  
Summary evaluation presented for approval of best-practices criteria metrics ..... July 2020, 2021  
Collective discussion on board governance performance ..... October 2020, 2021

Outreach and Public Involvement

None. This is a self-evaluation performed by the Board.

**ISSUE: Key Performance Measures Review**

Overview

Through the biennial budgeting process, each Oregon state agency is required to develop key performance measures consistent with joint direction from the Legislative Fiscal Office (LFO) and DAS Chief Financial Office (CFO). Key performance measures proposed by state agencies must be approved by the Legislature along with their respective agency budgets. The Department is required to submit an Annual Performance Progress report to LFO and CFO each year.

Purpose

A summary listing of the agency’s key performance measures, an executive summary on the Department’s performance for the year based on these measures, and individual summaries for each of the current biennium’s 14 measures is provided to the Board for informational purposes.

Board Deliverables with Timelines

Key Performance Measures Report ..... September 2020, 2021

Outreach and Public Involvement

None. This is an informational item.

**ISSUE: Financial Dashboard**

Overview

The Board has requested regular updates on the Department’s financial status.

Purpose

As the agency continues to modernize its financial systems and build an integrated reporting framework, the Board has requested review of the projected dashboard design to ensure it presents the appropriate financial information desired from across the agency, including but not limited to review of large fire cost recoveries, accounts receivables, revenue, cash flow and budgetary streams. Review of the projected dashboard design is anticipated for the June Board meeting, where discussions can further inform dashboard elements and timing for regular reporting intervals.

An additional deliverable relative to agency finances includes the Board’s annual review and approval of the State Forester’s financial transactions as required by statewide policy.



Board Deliverables with Timelines

Financial Dashboard Projected Design Review ..... June 2020  
Financial Dashboard Report.....TBD  
Annual Approval of the State Forester’s Financial Transactions ..... March 2020, 2021

Outreach and Public Involvement

None. This is an informational item.

**ISSUE: Human Resources Dashboard**

Overview

The Board has requested regular updates on the Department’s human resources and safety-related metrics.

Purpose

The Department has developed a human resources dashboard providing valuable information about the agency’s human resource trends and safety-related metrics.

Board Deliverables with Timelines

Human Resources Dashboard ..... June 2020, 2021

Outreach and Public Involvement

None. This is an informational item.

**ISSUE: Facilities Capital Management Plan**

Overview

During the Board’s October 2019 planning retreat, interest was expressed in reviewing the Department’s facilities capital management plan and alignment with district budgets and committees. The Department manages over 400 structures in a network of Salem and Field office buildings, storage warehouses, housing facilities, communication sites, and miscellaneous infrastructure.

Purpose

A preliminary discussion held with the Board will provide an overview of current status and condition of our facilities statewide, recurring and deferred maintenance needs, and investment strategies to manage this extensive network of facilities in Salem and the Field.

Board Deliverables with Timelines

Facilities Capital Management Plan ..... June 2020, 2021

Outreach and Public Involvement

None. This is an informational item.

**ISSUE: Public Information Request Report**

Overview

During the October 2019 Board planning retreat, interest was expressed in tracking the number of public information requests based on workload and number of FTE’s with a report back to the Board. The agency is actively tracking our public record requests and can report on the number of requests, those requests fulfilled within specific timeframes, waivers requested and granted, and dollars collected for fulfilling records requests.

Purpose

An initial report on our public records requests could be presented to the Board with presentation to include further information on the varying complexity of fulfilling requests, statutory references, and broad recognition of regular information provided through public inquiries outside of formal public record requests.

Board Deliverables with Timelines

Public Information Request Report ..... June 2020, 2021

Outreach and Public Involvement

None. This is an informational item.

Administrative Work Plan	2020							2021						
	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov
<b>Issue: Development of Legislative Concepts</b>														
<i>Milestones</i>														
❖ Review proposed guiding principles, list of potential concepts	i													
❖ Approve the legislative concepts for submission to DAS		D												
<b>Issue: Agency Budget Development and Request</b>														
<i>Milestones</i>														
❖ Review proposed guiding principles and provide direction	i													
❖ Review and provide input on draft budget concepts			i											
❖ Review and provide input on final budget concepts				i										
❖ Approve the 2021-23 Agency Request Budget and approve in concept the Board letter of transmittal to the Governor					D									
<b>Issue: Board Governance Best Practices Self-Evaluation</b>														
<i>Milestones</i>														
❖ Review the annual Board governance self-evaluation criteria	i							i						
❖ Review proposed changes to criteria, approve and initiate self-evaluation process			D							D				

❖ Approve summarized evaluation report and metrics of Board governance best practices criteria						D							D		
<b>Issue: Key Performance Measures (KPM) Review</b>															
<i>Milestones</i>															
❖ Review the <i>Annual Performance Progress Report</i> summarizing the agency's 14 key performance measures														i	
<b>Issue: Financial Dashboard</b>															
<i>Milestones</i>															
❖ Financial Dashboard Projected Design Review														i	
❖ Financial Dashboard Presentations														TBD	
❖ Annual Approval of the State Forester's Financial Transactions														D	
❖ Fire Finance Update														i	
<b>Issue: Human Resources Dashboard</b>															
<i>Milestones</i>															
❖ Human Resources Dashboard														i	
<b>Issue: Facilities Capital Management Plan</b>															
<i>Milestones</i>															
❖ Facilities Capital Management Plan														i	
<b>Issue: Public Information Request Report</b>															
<i>Milestones</i>															
❖ Public Information Request Report														i	

**Matrix Key:**

- TBD – To be decided
- i – Informational item
- d – Preceding Decision item
- D – Final Decision item

Work Plan:	Climate Change and Forest Carbon
Primary Contacts:	Chad Davis, Partnership & Planning Director
Date Presented:	March 4, 2020
Date Approved:	

## WORK PLAN OVERVIEW

### **Background:**

Climate and topography are the two most influential factors in Oregon’s forests. Modeled projections of long-term changes in climatic conditions across the Pacific Northwest based on rising concentrations of atmospheric carbon dioxide are accompanied by predictions such as increased temperatures, rising sea levels, declining snowpack, extreme precipitation events, and increased risk of drought and heat waves. Oregon has established various climate and carbon policies since the early-to-mid 1990s, including multiple statutory changes, work groups and agency-driven plans focused on adaptation.

The *Forestry Program for Oregon*, the Board of Forestry’s (Board’s) strategic plan, includes seven overarching goals to achieve the Board’s mission: *Leading Oregon in implementing policies and programs that promote sustainable management of Oregon’s public and private forests*. Goal G of the Board’s strategic plan is specific to climate change and forest carbon and reads: **Improve carbon sequestration and storage and reduce carbon emissions in Oregon’s forests and forest products**. Goal G has seven objectives intended as short-term actions to focus the Board’s efforts:

1. Forest land base retention
2. Public and landowner education
3. Accessible carbon-offset markets
4. Advantages of Oregon forest products
5. Biomass as a renewable energy source
6. Biomass/bioenergy/bio-based products
7. Forest sector energy efficiency

In 2015, the Board reaffirmed its commitment to Goal G by adopting seventeen recommendations regarding integration of climate change into the agency’s business across all three operating divisions. The Department provided the Board a report at their September 2019 meeting on progress to date in implementing these recommendations (See Appendix 1).

Recently, the Board included climate change among eleven principles for the development of a Forest Management Plan for state forests west of the Cascades. The principle is anchored to mitigation and adaption.

### **Principle 11**

*The FMP will be implemented to adapt to climate change and mitigate its impacts on the management of state forestlands. The FMP will also contribute to climate change mitigation and sequester carbon.*

Future changes in temperature, precipitation, and hydrologic processes may alter the distribution of climate conditions, as well as the frequency of disturbances, including insects, disease, wildfire, and drought. Within the context of the Division's overarching adaptive management framework, the plan will implement forest management strategies directed at ecological processes and functional characteristics to determine the potential to promote resilient forest conditions. State forestlands and wood products derived from active management contribute to carbon sequestration, a factor in mitigating global climate change. A focus on strategies that adapt to changing conditions will ensure the Division is able to meet State Forests' management objectives over the long term.

### **Current Context:**

Oregon's forests encompass 30 million acres, 47 percent of the total land area of the state. A variety of statutes and management objectives direct management of our public and private forests. However, across these different mandates, one commonality exists: Oregon's forests are both an asset and at risk to a changing climate. The state's forests have faced other challenges. Policy makers passed the nation's first Forest Practices Act (1971) and land use protections (1974) to maintain Oregon's forests. Due to these actions, 98% of Oregon's wildland forests present in 1974 remain forests today. A changing climate in the state represents a new and different threat to the state's forest ecosystems and communities. We are already seeing examples of forecasted impacts of a warmer climate. In the past decade, large wildfires have shown to be more resistant to suppression actions and tree mortality and susceptibility to disease and insects has increased because of drought stress. Our economy and communities have been impacted as significant areas of the state have been inundated with unhealthy levels of smoke. These impacts increase the risks and costs to state agencies, communities, industries, and homeowners.

- Fire managers use energy release component (ERC) as a strong predictor of heightened fire risk and severity. Since 1995, the percentage of the fire season above a critical threshold has risen from 3% to 33% of the season, staying above the critical ERC for 60 days in 2018.
- A direct result of increased wildfire, smoke intrusions into communities have caused health impacts to residents and economic harm to local businesses forced to alter work, cancel events, or evacuate the active fire areas.
- A "bathtub ring" of drought-induced mortality in Douglas-fir and true firs surrounds the Willamette Valley. These native species are on the fringe of their native ranges and exhibiting signs that they are maladapted to changing climate on a local level.

While the most visible result of climate change at this time is an altered fire environment, there are many other impacts less well understood and studied. Many of these impacts are currently subject to research and monitoring, including species susceptibility to drought and the movement of tree species based on adaptive traits and environmental conditions.

## **TOPIC A: Analysis of Statutes and Administrative Rules**

### Overview

Throughout 2019, the Board continued to assert that climate change and forest carbon as an urgent policy topic for their work in 2020-2021. The Board reviewed Board work dating back to 2015 on climate policy and reviewed how ODF Divisions have incorporated climate change into operations. Throughout the year, Board members identified several specific topics of interest, including, but not limited to:

- Impact of climate change on forest water quality, including riparian buffer widths
- Sufficiency of the Forest Practices Act under future climate conditions
- Strategic investments in climate mitigation and adaptation on State Forests
- Policy choices and analysis tools to optimize long-term carbon storage, including forest management and wood products utilization
- Development of a forest carbon offset protocol
- Revision of the Forestry Program for Oregon climate goal and objectives

At its January 2020 meeting, the Board discussed work plan topics related to climate change and forest carbon as part of the Overarching Issues work plan. In response, Department staff offered to develop a specific work plan to house various elements of the Board's work on the topic, rather than to include specific items within division work plans.

### Purpose

This work plan provides details on one of two broad topic areas resulting from the Board's January 2020 discussion. The Board acknowledged that this urgent issue interfaces with work in all divisions and opted to pursue a policy analysis of statutes and administrative rules. In addition, the Board committed to reviewing and revising Goal G of the Forestry Program for Oregon as a means to re-establish the Board's overarching policy statement and objectives on climate change and forest carbon.

### Board Deliverables with Timelines

The following deliverables are proposed to occur in sequence.

- 1. Evaluate Board's authority and constraints.** This work plan item requires the Board to frame up particular questions of interest relative to the Board's authority under current Oregon Revised Statutes. The Department will request a legal analysis on those questions from the Department of Justice. This analysis will inform the Board's deference to evaluate and potentially revise or create administrative rules. *Estimated timeframe: Spring – Summer 2020.*

- a) *Establish Board's climate change and forest carbon goal.*** This work plan item will review and revise Goal G in the current Forestry Program for Oregon. Additionally, the Department will work with the Board to identify an indicator to assess progress towards achieving the revised goal. *Estimated timeframe: Spring – Winter 2020.*
  - b) *Conduct policy analysis of statutes and administrative rules regarding the impact of climate change to achieve outcomes.*** This work plan item includes policy analysis of current statutes and rules to assess the impacts of climate change relative to achieving desired outcomes of those policies. In total, this is a large scope of work and the Board, likely enduring beyond this work plan timeframe of two years. The Board will prioritize a sequence to achieve a comprehensive analysis over time. For example, does the Board prefer an initial analysis on statutes across the agency (e.g., ORS 477, 526, 530) or a more focused analysis of the statutes and related administrative rules within a particular policy area (e.g., Fire Protection Division or the Forest Practices Act)? *Estimated timeframe: Summer 2020 – Spring 2022.*
- 2. *Identify gaps in current policy to respond to climate change.*** This work plan item is derivative of 1) and 2b) above and will identify needed revisions and/or new statutes and/or administrative rules to mitigate and adapt Oregon's forests for climate change. This work plan does not include the necessary steps nor time to adopt new policies. *Estimated timeframe: TBD in light of 2b.*

#### Outreach and Public Involvement

In addition to public comment at Board meetings, the Board will design a specific public input component to revising Goal G per deliverable 2a) above. The particular mechanism to ensure public values in goal formation will be identified as an initial step of goal revision.



## **TOPIC B: Mitigation and Adaptation Efforts**

### Overview

During the 2018 Legislative Session, the Legislature charged the Office of Carbon Policy (OCP) to assess carbon in Oregon's forests. The OCP initiated an agreement to have ODF complete this work. ODF contracted with the Pacific Northwest Research Station of the US Forest Service to complete the Forest Ecosystem Carbon Report based on plot data from the Forest Inventory Analysis Program. Department staff presented results of this work to the Board at its April 2019 meeting. Selected highlights from this assessment include:

- Carbon storage in Oregon's forests is approximately 3.2 billion metric tons
- Each year, Oregon's forest sequester approximately 30.9 million metric tons of CO<sub>2</sub> equivalents

Department staff are also working on a second report to quantify the carbon storage and flux in harvested wood products. This work is due to be completed in 2020. Future work will evaluate different management and utilization scenarios to assess potential strategies to increase the ability of Oregon's forests and forest sector to mitigate for climate change.

Since 2018, the Department has participated with staff from twenty-two other agencies to revisit the Oregon Climate Change Adaptation Framework. The Framework describes threats, opportunities, and information gaps arising from climate change and suggests strategies for addressing them. The cross-agency leadership structure developed in the Framework ensures that the highest priority adaptation strategies and actions are identified and implemented across the state and incorporated into budget requests and work plans. This highly coordinated effort charts a path forward on adaptation that makes equitable and efficient use of existing and future state capacity and resources.

### Purpose

This work plan includes multiple information items to ensure Board awareness and alignment on various efforts Department staff engages in relative to climate mitigation and adaptation.

### Board Deliverables with Timelines

The primary deliverable is review of the Oregon Harvested Wood Products and Sawmill Energy Report. This report is due to ODF in September 2020. At minimum, additional updates regarding the Department's integrated efforts on mitigation and adaptation will be included with the annual assessment agenda topic in September.

### Outreach and Public Involvement

Items in this work plan are informational and will follow Board standards for public comment during Board meetings.

Climate Change and Forest Carbon Work Plan	2020					2021					2022			
	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Assess Statutory Authority</b>														
<i>Milestones</i>														
• Identify primary questions of interest		d												
• Request DOJ analysis			x											
• Receive legal analysis and report					i									
<b>Issue: Establish Climate Change and Forest Carbon Strategic Goal</b>														
<i>Milestones</i>														
• Review Goal G in Forestry Program for Oregon		d												
• Determine public input for goal revision		d												
• Conduct public input														
• Board workshop to revise goal				i										
• Establish new goal					D									
<b>Issue: Analyze Existing Policies to Achieve Outcomes in face of Climate Change</b>														
<i>Milestones</i>														
• Establish sequence to conduct full analysis of statutes and administrative rules			d											
• Identify priority for initial analysis			i	d										
• Interim report on initial analysis							TBD							
• Final report on initial analysis										TBD				
• Initiate second priority analysis										TBD				
<b>Issue: Identify Gaps in Current Policy</b>														
<i>Milestones</i>														
• To be determined following assessment of statutory authority and analysis of existing policies												i		
<b>Issue: Mitigation and Adaptation Efforts</b>														
<i>Milestones</i>														

• Harvested Wood Products and Sawmill Energy Report				i											
• Annual Update on Mitigation and Adaptation Efforts				i											
• Scenario Planning Model Review						i									
• Update on Scenario Planning with focus on Management and Utilization Strategies										i					
• To be determined															

**Matrix Key:**

- TBD – To be decided
- i – Informational item
- d – Preceding Decision item
- D – Final Decision item

## **Appendix 1: Climate Change Policy Direction and Business Practices within ODF Divisions**

# **Climate Change Policy Direction and Business Practices within ODF Divisions**

### ***September 2019***

Climate change is a complex and uncertain issue. The ultimate result of a warming climate are not well known at the ground level and informed decisions have to be made with the information that is available, with the understanding that new decisions will need to be made as more certain information emerges.

In 2015, the Board adopted a set of recommendations regarding integration of climate change into the agency's business. In 2019, the Board reaffirmed its interest in elevating climate change policy with respect to its purview and statutory authority. This white paper includes a synopsis of the Board recommendations relative to each ODF Division and catalogues the work to incorporate climate practices into the agency's business.

### **Board of Forestry**

#### **2015 Recommendations adopted by the Board**

- When updating the current *Forestry Program for Oregon* (2011), or developing a new policy document, the Board should consider whether
  - Objectives that mention climate change should remain as is or if they should be modified.
  - The issue of climate change and forest policy should be expanded.
- Climate change should be explicitly considered to the best extent of the available science in the Board's regular business issues.

## **Private Forests**

### **2015 Recommendations adopted by the Board**

- During review of FPA take predictions of future stream flow events in account
- Promote larger scale provenance research and monitoring to inform policy on assisted migration.
- Continue work with PNW research station to monitor insect activity and forest mortality, encourage PNW Research Station to employ full time Entomologist and Pathologist.

## **Implemented Business Practices**

### **Landscape Scale Data Collection and Assessment of Forest Health**

*Forest Health Program and Forest Health Assessment* – Climate change and associated impacts on forest are realized in the course of drought, disease, and mortality events. Actively assessing forests with a focus on identifying flux is fundamental to assessing areas and impacts of climate change. The Forest Health Program actively assesses forest health on private and public lands through aerial and ground surveys. This informs and identifies changes and trends on forestlands related to insects, disease, invasives, drought, and mortality. This work supports development of information requisite to understanding and identifying tree species health and migration interests.

*Climate Change Driven Technical Advice and Training* – Information is assessed and utilized to provide technical advice and training to agency personnel, research partners, professional foresters, and landowners.

*Collaborative Information Collection and Development* – The forest health program actively collaborates with PNW research station, Oregon State University, stewardship foresters and others in the course of collection, evaluation, and dissemination of information and associated training and support. Collectively this work, in conjunction with other data gathering efforts, promotes ongoing research and evaluation both within ODF and in conjunction with other agencies (ODFW, DLCD, OGWC, and USFS) and research partnerships (SOD, species, stream). These relationships allow:

- Active evaluation of forest health and stress events precipitated and or exacerbated by climate change.
- Direction and feedback on rules, resource outcomes, agency training and views, and support to stewardship foresters, landowners, and other forest interests.

<https://youtu.be/9nNMv7IIk2o> - Aerial Survey Video

<https://youtu.be/wHZ1G5wH4r8> - Christine Buhl Drought/Insect Video

<https://www.oregon.gov/ODF/Documents/ForestBenefits/Drought.pdf> - ODF Drought Publication

### Seed Orchard and Seed Bank

*Climate and Condition Adapted Tree Species* – The J.E. Schroeder Seed Orchard is one of the primary sources of seed for growing Oregon's forests. The seed Orchard actively considers changing conditions by focusing on developing seed that will flourish depending on growing region and other conditions.

Seed production actively considers adaptability and changing conditions as seed is developed and provided to promote conservation and forest production. Among the unique seed sources produced are the Willamette Valley strain of Ponderosa pine or Valley Pine. This species is particularly suited to any type of soil in the Willamette Valley wet or dry and can persist on the landscape despite change. Other adapted seed examples include genetically improved Western Hemlock and regionally adapted Douglas-Fir.

*Adaptive Evaluation and Development of Species* – Ongoing evaluation of seed progeny sites permits ongoing evaluation of seed and species resilience and adaptability. Present focus of progeny sites is limited in diversity of species evaluated, could be broadened to include other species including Valley Pine. Progeny program provides improved ability to discern species adaptability by discerning strong performing and disease resistant species.

*Rapid Response to Changing Conditions* – The organization and collaborative nature of the seed orchard permits rapid development and delivery of different species as conditions shift. This is critical in a period of shifting zonal conditions and necessary species adaptability.

*Collaborative* – The orchard works in a cooperative manner and operates as part of a collaborative network of partners including:

- ODF State Forests Division
- Oregon State University
- Bureau of Land Management
- Industrial forests
- Oregon Seed Bank

## **State Forests**

### **2015 Recommendations adopted by the Board**

- Consider climate change implications in forest management plans.
- Review planning in the case of severe weather events that may be attributable to climate change.
- As revenues increase, expand research and monitoring to increase the capacity to monitor regeneration success, changes in species composition, tree growth and mortality, plant phenology, and extent of pest and pathogens on State-owned forestland.
- Continue collaboration with state and federal programs to assist in adaptation planning and strategy development.

## **Implemented Business Practices**

### **Greatest Permanent Value**

*Guiding Principles* – Guiding State Forests is the statutory obligation requiring that Board of Forestry lands are managed to provide the “greatest permanent value” to the state. Within this construct, climate change is an active element of operational planning as it relates to fulfillment of the principle elements of GPV rule:

- Sustainable and predictable production of forest products and revenues
- Properly functioning aquatic habitats for salmonids and other native fish and aquatic life
- Habitats for native wildlife
- Productive soil and clean air and water
- Protection against floods and erosion.

As climate change entails long-term ecosystem uncertainties, managing for resilient forests coupled with active monitoring is paramount to meeting GPV and associated suite of goods indefinitely. Accordingly, climate change is ongoing element of active and planned SF operations in multiple arenas, but not limited to:

- Inventory and stocking relative to species zonal adaptability and resilience
- Reforestation planning for composition and landscape diversity
- Directed fuels reduction in climate stressed regions
- Monitoring to identify stressors, inform management, and evaluate operational hypotheses
- Assess waterway sensitivity to better prioritize and inform buffer and restoration decisions

The present Revised Forest Management Plan (RFMP) process includes climate change as a guiding principle, incorporating and further developing these and other climate change operational elements.

## **Protection**

### **2015 Recommendations**

- Integrate climate adaptation into future planning and budgeting
- Monitor changing fire risk and monitor the duration of fire season
- Coordinate with National Fire Plan
- Build upon current work to inform future assessments
- Explore funding opportunities for climate change preparedness planning

### **Implemented Business Practices**

#### **Guiding Mission**

*Adapting to Environmental Change* – Adapting to environmental change is a guiding mission of Protection. This is an active response to climate change, ecosystem uncertainty, and an active element of operational planning, assessment, and action.

#### **Assessment, Coordination, and Mitigation**

*Planning and Budgeting Adaptation* – Protection conducts an annual protection adequacy evaluation to assess existing capacity necessary to meet existing and emerging demands to inform operational planning and needs. Relative to these evaluations, the division has developed policy packages in each of the last two biennial sessions seeking resources necessary to address increasing severity of fire risk and season duration.

*Monitoring of fire risk, severity, and duration* – Protection actively tracks and assesses the nature and change of fire season duration, weather, drought, risk, intensity, and other climate related factors to inform operational planning.

*Coordination* – Coordination and collaboration relative to assessing, assisting, and addressing climate change occurs across multiple platforms and entities including climate and fire analysis in conjunction with agency, university, and federal partnerships. Participation in the National Fire Plan and Cohesive Wildfire Strategy along with an ongoing commitment to supporting increasingly frequent coordinated response resource events. Increasingly utilization and coordination with the National Guard through training and capacity planning has become an increasingly important element of planning and operations.

*Mitigation and Management* – Restoration, fuels reduction, and RPA development along with funds directed at improving watershed restoration and health are targeted proactive responses to changing landscape conditions, realized through annual grant requests and expenditures of awards.

#### **Increasing Capacity Commensurate with Change**

*Incident Management Team Formation* – Tracking and evaluating the increasing frequency, duration, and severity of wildfire coupled with ongoing capacity assessment underlines the necessity of additional resources to respond to increasing threats. Active efforts to address these present and future needs presented by climate change has informed the agency initiative relating to formation of an additional Incident Management Team.



## **Partnership and Planning**

### **2015 Operational Recommendations**

Engage with Climate Organizations and Research – Active collaboration, support, and participation with Oregon Global Warming Commission, Oregon Climate Change Research Institute (OCCRI), Forest Service, Bureau of Land Management, US Geological Survey, Adaptation Framework Working Group, and others on climate change research and adaptation policies with regular reporting to the Board of Forestry on significant developments.

Participate with interagency climate change efforts to ensure ongoing dialogue and partnership. Specifically:

- Receive information and updates on progress of the various efforts to develop climate change policies in Oregon.
- Provide participants information about progress that ODF and Board of Forestry make regarding climate change adaptation and forest carbon management.

Develop integrated, long-term, large-scale climate change monitoring. Explicitly consider early-warning indicators of species responses, including range shifts, population status, and changes in ecological systems functions and processes.

- Integrate relevant recommendations from case studies produced for the Olympic National Forest, the North Cascades Region, Washington, and the Blue Mountains Adaptation Partnership into agency planning. Participate in these efforts in the remaining regions of the state.
- Cooperate with Forest Service researchers to integrate large fire modeling projects conducted in partnership through OCCRI and Forest Service within a climate change context. Highlight the need for studies on the interaction between fire, insects, and climate change on the potential for ecosystem loss/change.
- Maintain and provide a bibliography of scientific publications for identifying relevant adaptation options and posting on the Department's climate change website.
- Continue to provide new information on climate change to the agency (i.e., transfer information into the operating divisions), and provide liaison support by engaging with issues from other ODF programs.

## **Implemented Business Practices**

### Cooperation and Collaboration with External Partners

The Partnership and Planning Program has often taken a lead agency role in matters relating to climate change in Oregon and in the Pacific Northwest. The Program has been active through collaboration and dynamic partnership across State, Federal, Academic, and other Climate and Carbon focused entities and organizations. Several examples of these working relationships and ongoing efforts include:

- Active participant in the Oregon Global Warming Commission, providing technical support to the Commission’s 2018 Forest Carbon Task Force, drafting portions of the “Roadmap to 2020,” and providing logistical support for other Commission work and projects. Most recently, Partnership and Planning also provided multiple reviews of the Commission’s “Forest Carbon Accounting Project Report 2018.”
- Informed and drafted a key section of HB3543 (2007) which established the Oregon Climate Change Research Institute (OCCRI) and Global Warming Commission.
- Provided significant input and preparation of Oregon’s 2010 Climate Change Adaptation Framework and the 2019 revision of the Framework.
- Collaborated with USFS Pacific Northwest Research Station researchers to model the climatic suitability of large wildfires for Oregon and Washington. Models developed were instrumental to estimating how much the suitability of large forest wildfires will increase through this century. This work continues to inform and guide fire and climate strategy in regional climate and carbon planning.
- Coordination with the Governor’s Office of Carbon Policy to create accounting of forest carbon data and direct development of the Oregon Forest Ecosystems Carbon Report to inform state policies. This work has involved the USFS Forest Inventory and Analysis and PNW Research Station, and generated new and ongoing working relationships with Western states and British Columbia.
- Near completion on a carbon analysis of Oregon’s Harvested Wood Products and Sawmill Energy Reports to further inform carbon analyses and state policy. This work has engaged the offices of the USFS Forest Inventory and the Bureau of Business and Economic Research at University of Montana.
- Staff within Partnership and Planning are currently working with USFS FIA Program to study the dynamics of tree species in Oregon using re-measured inventory plots. This research will provide an unprecedented evaluation of how tree species in Oregon are responding geographically to changes in climate. The final analysis will be completed in 2021.
- Work to integrate climate change in to the revision of the forest action plan due out in 2020 as a guidance document for the Departments programs, particularly in Private Forests, and restoration work of the other divisions.

#### Board of Forestry and Climate

- Developed Strategy G of the 2003 *Forestry Program for Oregon* with the goal of “enhancing carbon storage in Oregon’s forests and wood products.” Drafted the 2011 *Forestry Program for Oregon* update for Goal G to “improve carbon sequestration and storage and reduce carbon emissions in forests and wood products.”

- Drafted both the Climate Change section of the “Emerging Issues Work Plan” and the “History of climate change policy in Oregon.”
- Ongoing support and staffing for the development of indicators reflecting changes in the geography of individual trees and other forest vegetation.
- Provided multiple presentations to the Board regarding the climate and carbon. Several examples include:
  - 2010 Climate Change Adaptation Framework
  - Emerging Issues Work Plan
  - Global Warming Commission’s Roadmap to 2020 and Forest Carbon Taskforces
  - Climate change and the geography of tree species.
  - Analyses and reports for Oregon Forest Ecosystems Carbon, Harvested Wood Products Carbon, and sawmill energy.



Work Plan:	Overarching Issues
Primary Contacts:	Chad Davis, Partnership & Planning Director
Date Presented:	March 4, 2020
Date Approved:	

## PROGRAM OVERVIEW

The Partnership & Planning Program (P&P) serves the Board of Forestry (Board), the Oregon Department of Forestry (ODF) Divisions, coordinates policy analysis and input to the Governor's Office and other state agencies, and partners with federal land management agencies to achieve cross-boundary restoration work. In 2017, ODF merged the former Resource Planning Program with the Partnership Development Program to combine these functions. P&P is within the Administrative Services Division

As it relates to policy development, P&P houses agency expertise in forest ecology, forest economics, and economic development. P&P also coordinates Board strategic planning and work plan development. In this role, P&P develops and delivers Board work that does not fit squarely into one of the three operating Divisions. P&P also coordinates the agency's legislative efforts. Operationally, P&P functions as the administrative house for all grants from the US Forest Service and houses the Federal Forest Restoration Program which includes the project oversight for the implementation of the Good Neighbor Authority.

The Board Work Plan items included in this draft workplan are proposed as Potential Topics for 2020-2021. Work to develop an Ecosystem Services Valuation Framework would continue work the Board explored during 2019-2020. Work to revise the *Forestry Program for Oregon* would be considered a new effort, although the document is due for review and consideration for revision by the Board.

### Work Plan Items

#### Issue: Revise the Board's Strategic Plan

##### Overview:

The *Forestry Program for Oregon* serves as the strategic plan for the Board of Forestry. The purpose of the Board's Strategic Plan is to institute a comprehensive sustainable forest management policy framework for discussing and measuring performance on all Oregon public and private forest ownerships. The Board's Strategic Plan was last updated in 2011 and is due for review and consideration for revision by the Board

The State Forester and agency Executive Team have identified several values missing from the current Board's Strategic Plan and that are necessary to include to ensure alignment with the agency's values. In addition, throughout 2019, the Board has called for increased focus and attention on climate change as an urgent topic for the Board to elevate in its work.

The 2011 document relied heavily on the 2003 edition for its foundation. The Board updated its mission, vision, and value statements in 2011, though the seven strategies identified in the 2003 document were relabeled as goals and largely remained unchanged. The Board's Strategic Plan adopted in 2011 is a highly layered document with five Vision statements, eleven Values, and seven Goals, each with no less than seven Objectives.

The most significant change was the inclusion of ratings information for the new 19 Oregon indicators of sustainable forest management, based on Oregon Roundtable on Sustainable Forests input. These indicators were intended as a metric to inform the Board on pertinent issues, to measure performance, and inform policy, regulatory, and management decisions. In order to ensure that Board members had up to date information in a timely fashion, the indicators were intended to be updated and reported on a regular basis. In 2015, the Board de-emphasized this set of indicators acknowledging that the indicators framework when reported on in lump sum had multiple missing pieces and multiple points of redundancy. In November 2014, the Board moved away from the indicators as a single framework. The Board recognized the importance of maintaining these data sets and in building relationships with partners to help maintain and provide data. Instead of annual Indicator reports, the Board asked that Department staff bring forward similar information on pertinent issues as they arise.

An initial discussion with the Board in October 2019 indicated there was interest in revising the current Board Strategic Plan. In January 2020, the Board confirmed this interest and provided an initial outline to proceed.

#### Board Deliverables with Timelines:

Revision of the Board's Strategic Plan will require significant agenda time, likely requiring more than a two year timeframe to fully develop. This work plan outlines a phased approach that recognizes Board/Chair transition over the next year.

There are four primary deliverables in this work plan. The work plan matrix includes more specific steps for each of the deliverables summarized here.

1. Revise Values Statements – *to be completed in 2020*
2. Revise Climate Change Goal – *to be completed in 2020*
3. Develop Dashboard for Board Strategic Plan – *to be completed by July 2021*
4. Determine Process for Revising Remainder of Plan – *to be completed in 2021*

**Issue: Ecosystem Services Valuation**

**Overview:**

Ecosystem Services include a broad spectrum of benefits of our forest. Non-timber related ecosystem services can be difficult to quantify and value without a proper framework. In 2017, the Board identified Ecosystem Services as an Emerging Issue. P&P staff worked with the State Forester and experts at Oregon State University (OSU) to bring two agenda items to the Board regarding the valuation of ecosystem services in policy making. Board discussion and interest centered around continuing to explore the potential development of a framework that the Board could use to value ecosystem services in future policy discussions.

The valuation of Ecosystem Services (non-timber) is of interest to the Board of Forestry and the agency as a whole insofar as it can help inform a spectrum of decisions ranging from forest management plans to rule changes for the Forest Practices Act. At current, there is insufficient data around values of ecosystem services in Oregon due to the complexity and costs of studies, timelines, and failure to reach consensus on “what are ecosystem services?” much less which services should be prioritized for valuation. Over the previous year P&P staff have provided opportunities for Dr(s). David Lewis and Randy Rosenberger to address the Board regarding frameworks for valuing ecosystem services that Oregon State University had conducted and a specific study regarding Oregon Coastal Coho. The presentations reinforced the complexity and time consuming nature of these studies while also providing a cost estimate (approximately \$250,000/study). One of the suggestions that David Lewis provided to the Board in his most recent presentation (June 2019) was that they focus on a “few” ecosystem services to value. These services should be specific enough that the studies can be conducted (e.g., realistic) but also be able to serve as proxies/umbrellas for multiple goods.

It would be important that the Board, along with Department Staff and researchers, narrow down ecosystem services to three possibilities for further development of methodologies for valuation. This effort could take a few meetings (2/3) to synthesize what services make sense and assess feedback from researchers on feasibility. At the end, the agreed upon services would be contracted for valuation (possibly with OSU).

Department staff would accommodate providing the framework for the Board on presentations and synthesis for what Services should be chosen. This includes pulling in the right researchers for presentations and materials. Staff would then accommodate the contracting process for valuations.

**Board Deliverables with Timelines:**

- Framework Development: complete by July 2021
  - Component A: Determine priority policy use for Ecosystem Service valuation. *Timeframe: July – November 2020*
  - Component B: Select services to include in future analyses, including assessment of feasibility. *Timeframe: July 2020 – June 2021.*
- Rule Change-specific Analysis: 2 to 3 years. *Not proposed as part of this workplan. Each analysis would require significant time and budget.*

Overarching Issues Workplan	2020					2021						2022		
	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar
<b>Revise Board’s Strategic Plan</b>														
<i>Strategic Plan Values Statements</i>														
• Review current Value statements		i												
• Determine public input process for revision of Values		d												
• Conduct public input														
• Adopt new Values statements for the Board’s strategic plan				i	D									
<i>Climate Change Goal</i>														
• Revise Goal G relating to climate change		(see Climate Change and Forest Carbon workplan)												
<i>Dashboard for Strategic Plan</i>														
• Review previous indicators and current status				i										
• Develop list of potential dashboard measures						d								
• Review potential sources and time responses of underlying data for potential measures								i						
• Adopt Dashboard										D				
<i>Revise Remainder of Strategic Plan</i>														
• Establish process to complete revision									i			D		
<b>Ecosystem Services Valuation</b>														
• Review potential uses and determine priority policy use of Ecosystem			i		d									



Services (e.g., future 714 Analyses, State Forest Management Plan, etc.)														
• Board review and selection of services to include in future analyses, including assessment of feasibility			i			i			D					
• Methodology Development										TBD when specific policy analysis requires valuation				
• Valuation														

**Matrix Key:**  
**TBD** – To be decided  
**i** – Informational item  
**d** – Preceding Decision item  
**D** – Final Decision item



Agenda Item No.:	3
Work Plan	Administrative
Topic:	Legislative Concepts for 2021 Legislative Session
Presentation Title:	Legislative Concept Guiding Principles and Initial Ideas
Date of Presentation:	March 4, 2020
Contact Information:	Chad Davis, Director, Partnership & Planning Program 503-602-2130 or <a href="mailto:chad.davis@oregon.gov">chad.davis@oregon.gov</a>

**SUMMARY**

This agenda item seeks Board of Forestry (Board) approval of 2021 Legislative Concepts.

**CONTEXT**

Legislative concept development, a part of the Board’s and Department’s strategic planning cycle, begins in the fall of odd-numbered years. Agency-led legislative concepts may result in bills that will be introduced during the 2021 legislative session. The development of legislative concepts serves to seek authority for the advancement of Board and Department goals, objectives and priorities, or to address current barriers, resulting from current or lack of existing statutes.

Development of legislative concepts is an iterative process that includes engagement with the Board, Department leadership, stakeholders and the Governor’s Office. The 2021 legislative concepts will be submitted to the Department of Administrative Services (DAS) and the Governor’s Office in April 2020. Concept review at the highest level of the Executive Branch generally focuses on alignment with statewide budget and policy considerations, and with the Governor’s priorities.

**BACKGROUND AND ANALYSIS**

**Guiding principles for developing Legislative Concepts**

The agency’s executive team utilizes a set of principles to guide the development of legislative concepts. These concepts are submitted for the Board’s consideration.

2021 legislative concept development will:

Seek input and ensure alignment. Key inputs for legislative concepts include alignment with other elements of the Board’s and Department’s strategic planning cycle, such as:

- Board and Department’s strategic initiatives
- Board and Department work plans
- Governor’s priorities
- Public input from stakeholder and other sources

Consider the political and economic environments. These factors may render some legislative concepts more viable, necessary, or timely than others. This environment requires ongoing assessment as concepts are developed.

Consider feasibility / workload. The number and complexity of concepts should reflect the Department's capacity to engage in the necessary outreach and legislative interaction. Some concepts are relatively simple, non-controversial, and/or offer opportunities for "housekeeping" changes. Others are larger in scale, and may connect to or establish major statewide policy direction.

### **Legislative Concepts for 2021 Legislative Session**

The following list, presented for Board approval, are the legislative concepts the Department seeks to submit ahead of the 2021 Session.

#### Fire Protection Division

- None

#### State Forests Division

- The Division will be holding a few meetings this year to engage in collaborative efforts with stakeholders and county commissioners to develop a package of concepts that promotes the increased efficiency in management and continued investments in Oregon's State Forests. New authorities and modern tools are needed to more effectively manage Oregon's State Forests for all Oregonians. Legislative concept ideas include a forest land transfer and the ability to sell parcels or conservation easements. Having the authority to sell or transfer lands that have limited potential to deliver on all aspects of greatest permanent value, along with the ability to sell conservation easements that provide high-value recreational or conservation benefits, would provide greater financial stability over time. Currently, the Division only has the authority to exchange and purchase property. The intent of new legislation would be to complement our existing authorities to optimize the management of these public forests and to best achieve greatest permanent value for the people of Oregon.

#### Private Forests Division

- **Forest Products Harvest Tax Rate.** Historically, legislation has been introduced each session to set tax rates for Forest Practices Act (FPA) administration, support of the Oregon State University (OSU) Forest Research Laboratory, and professional forestry education at the College of Forestry, OSU. For the Department of Forestry, when combined with public funds (General Fund), the bill maintains the concept of shared responsibility for the Forest Practices program delivery between the general public and program recipients.

#### Administrative Services Division

- None

**RECOMMENDATION**

The Department recommends the Board approve the legislative concepts to be submitted to the Department of Administrative Services.

**NEXT STEPS**

Continue legislative concepts development per Governor's office process.



Agenda Item No.:	4
Work Plan:	Private Forests
Topic:	Ceremonial Events and Recognitions
Presentation Title:	2019 Forest Practices Operator of the Year Awards
Date of Presentation:	March 4, 2020
Contact Information:	Greg Wagenblast, Policy Analyst, Private Forests 503-945-7382, <a href="mailto:Greg.Wagenblast@Oregon.gov">Greg.Wagenblast@Oregon.gov</a> Scott Swearingen, Interim Field Support Unit Manager, Private Forests 503-945-7473, <a href="mailto:Scott.Swearingen@oregon.gov">Scott.Swearingen@oregon.gov</a>

## SUMMARY

The Board of Forestry recognizes Operators of the Year. This year's award recipients are Steve Jackson Logging, Pacific Forest Contractors, Inc. and Gahlsdorf Logging.

## BACKGROUND

The *Forestry Program for Oregon* includes the operator recognition program. The program aims to protect, maintain, and enhance forest soil and water resources through voluntary efforts. Forest resources, such as water, wildlife habitat, and soil are important to all Oregonians. The program recognizes operators who voluntarily protect these resources in a conscientious and diligent way. To recognize operators who meet or exceed Forest Practice Act requirements, typically the Board names one Operator of the Year per Region and one or more Merit Award recipients; ODF districts may also issue Letters of Commendation. Program goals are to:

1. Recognize operators who consistently exceed the Oregon Forest Practices Act and voluntarily raise industry standards; and,
2. Improve public understanding of the Forest Practices Act, its administration, and its effectiveness in protecting natural resources.

## PROCESS

Anyone may nominate candidates for the Operator of the Year award. Agency staff screens the nominees for minimum requirements. The Regional Forest Practices Committees review the nominations for their region. Each committee chooses a recipient based on innovative techniques, cooperative spirit, consistent performance, and measures taken to protect resources. To make the selection, Regional Forest Practices Committee members tour the sites, review nominations, and watch videos that capture the operator's work. The 2019 Operators of the Year are:

### **For the Eastern Oregon Region –**

**Steve Jackson Logging** of Ridgefield, Washington earned the award for a careful harvest along a scenic roadway in Hood River County leading to popular hiking trails. Steve Jackson Logging protected multiple pockets of young trees, jump starting natural regeneration on the steep slopes. They were able to fell trees near an upper fork of the Hood River without harming trees in the protective buffer. In addition, at the request of the U.S. Forest Service they also removed hazardous, non-merchantable trees along the roadside to improve public safety. The award also recognizes Steve Jackson Logging for decades of consistently applying best management practices to safeguard forest resources, even under challenging circumstances.

## **Northwest Oregon Region –**

**Gahlsdorf Logging Inc.** of Rickreall earned the award for minimizing soil disturbance by using an elaborate rigging system that lifted logs off the ground and over a high ridge and challenging topography to the yarder landing. Gahlsdorf Logging also utilized high tech research and layout to plan and implement this operation. The operation was in a steep, remote part of the Coast Range during fire season, which prompted the owner to take extra firefighting precautions. The award also recognizes Gahlsdorf Logging for decades of consistently applying best management practices to safeguard forest resources, even under challenging circumstances.

## **Southwest Oregon Region–**

**Pacific Forest Contractors** of Eagle Creek earned the award for successfully harvesting a unit, which was severely damaged by a late winter snowstorm in 2019. Heavy snow bent many of the trees in a hazardous, helter-skelter pattern. There was only a narrow window of time to harvest before summer fire restrictions would have curtailed logging. Crews also did an outstanding job of protecting trees bordering two streams (a salmon-bearing stream and a domestic use stream), lifting logs up and sending them via rigging across the stream over the tops of retained trees. The award also recognizes Pacific Forest Contractors for a history of consistently applying best management practices to safeguard forest resources, even under challenging circumstances.

## **PUBLICITY**

The department recognizes the operators through news releases, social media postings, and at annual statewide industry events, including the Associated Oregon Loggers Convention, the Oregon Logging Conference, and the Oregon Small Woodland Association Conference.

All nominees met or exceeded Forest Practices laws and improved Oregon's forests in multiple ways, from enhancing fish and wildlife habitat, to improving fire safety and safeguarding water quality and soil.

Merit Award and Letter of Commendation recipients will be recognized at local functions. The Merit Award recipient for 2019 is:

- C & C Logging, LLC – Kelso, Washington

Staff will give a brief presentation, including videos, and operator recognition.

- Steve Jackson Logging:  
<https://youtu.be/BW-6ibwJALM>
- Pacific Forest Contractors, Inc.:  
[https://youtu.be/KJ2gRGM4mo8?list=PLhtLP-50RDaTT\\_2xQbO-LEfxJheH2YVY0](https://youtu.be/KJ2gRGM4mo8?list=PLhtLP-50RDaTT_2xQbO-LEfxJheH2YVY0)
- Gahlsdorf Logging Inc.:  
[https://youtu.be/ckOw2NsYXbs?list=PLhtLP-50RDaTT\\_2xQbO-LEfxJheH2YVY0](https://youtu.be/ckOw2NsYXbs?list=PLhtLP-50RDaTT_2xQbO-LEfxJheH2YVY0)

## **RECOMMENDATION**

The Department recommends the Board of Forestry present the recipients with plaques uniquely recognizing each operator for their excellent forestry work.



**STAFF REPORT**

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Agenda Item No.:	5
Topic:	Forest Trust Land Advisory Committee
Presentation Title:	FTLAC Advice to the Board of Forestry
Date of Presentation:	March 4, 2020
Contact Information:	David Yamamoto, Tillamook County Commissioner

On behalf of the Forest Trust Land Advisory Committee (FTLAC), comments and additional information provided on State Forest Lands business.



Agenda Item No.:	6
Work Plan Title & #:	Fire Protection Work Plan
IBI # & Title:	Smoke Management Plan
Presentation Title:	Smoke Management Plan Update
Date of Presentation:	March 4, 2020
Contact Information:	Nick Yonker, Smoke Management Program Manager 503-945-7451, <a href="mailto:Nick.J.Yonker@Oregon.gov">Nick.J.Yonker@Oregon.gov</a> Doug Grafe, Fire Protection Division Chief 503-945-7204, <a href="mailto:Doug.Grafe@Oregon.gov">Doug.Grafe@Oregon.gov</a>

## SUMMARY

The purpose of this agenda item is to update the Board of Forestry (BOF) on the progress of rule implementation for the Oregon Smoke Management Plan (SMP) OAR 629-048 approved by the BOF in January of 2019 and implemented in March of 2019.

Key metrics that were requested by the Board include: (1) progress on development of community response plans, and (2) success approving exemption requests.

## BACKGROUND AND ANALYSIS

The SMP is administered by the Oregon Department of Forestry (ODF) to manage prescribed burning on private, federal and other public land to protect air quality and maintain forest productivity and health. ORS 477.013 requires the State Forester and the Department of Environmental Quality (DEQ) to approve a plan. The plan is to be developed by ODF in cooperation with federal and state agencies, landowners and organizations that will be affected by the plan.

Under OAR 629-048-0450(5) a review of the SMP will be conducted every 5 years. The primary purpose of this Smoke Management Review is to ensure the smoke management policy and program implementation is balanced in achieving the following two goals outlined in ORS 477.552:

- *“To improve the management of prescribed burning as a forest management and protection practice; and*
- *To minimize emissions from prescribed burning consistent with the air quality objectives of the federal Clean Air Act and the state of Oregon Clean Air Act Implementation Plan developed by the Department of Environmental Quality.”*

Through the Smoke Management Review ODF and DEQ brought forward two key recommendations:

- **Recommendation #1:** Change how smoke incidents and smoke intrusions will be characterized: (1) intrusion intensities (light, moderate, and heavy) will be

discontinued; (2) intrusion magnitudes will be measured as particulate matter levels in micrograms per cubic meter vs. light scattering measured in Beta-scattering; (3) intrusions determined using a short-term (hourly) minimum threshold and a long-term (24-hour average) threshold; (4) intrusions determined based on total (all sources) particulate levels vs. based on above a previous three-hour average background level; and (5) add reporting requirements for different magnitude smoke events (section 0110).

- **Recommendation #2:** Add a communication plan to inform the public of the increased need for prescribed burning. Encourage smoke vulnerable SSRAs to notify their community that new smoke intrusion thresholds may increase smoke impacts, communicate how they will be informed of smoke impacts, and how to prepare for them. SSRA communities that develop approved smoke response plans may request an exemption from the one-hour intrusion threshold. Conditions for qualifying for an exemption are listed (section 0180).

Both the BOF and EQC approved these recommendations in January of 2019 but asked to receive a progress report on the new rules approximately a year later. The following provides details on the progress of the SMP implementation.

#### **UPDATE (Completed tasks):**

1. Twenty-six presentations provided to federal, state, and private stakeholders informing them of the key rule changes, implementation progress, and benefits and challenges of the new Plan.
2. Updated the forecast instructions to allow for increased prescribed burn opportunities without compromising National Ambient Air Quality Standards.
3. Developed and distributed the statewide communication framework through ODF and federal district offices to their respective local public health authority.
4. Approved one community response plan from the city of Bend which enabled the city to receive an exemption from the one-hour average smoke intrusion threshold.

#### **Tasks in progress:**

1. Community response plan in progress for the city of Ashland.
2. Discussion with Lane Regional Air Protection Agency to develop community response plans in Eugene, Springfield and Cottage Grove.
3. Interest in Lakeview, John Day and Baker City to develop community response plans.

#### **Prescribed burning progress:**

1. 2019 prescribed burn acres: 194,816 – 11 percent increase over 10-year average.
2. Smoke incidents: 38, smoke intrusions: 6 – 10-year average is 9.

#### **NEXT STEPS**

1. Continued increase in prescribed burning, including large (1000 acre +) landscape burns.

2. Increase communication with public through the statewide communication framework.
3. Encourage more smoke-vulnerable Smoke Sensitive Receptor Areas to develop community response plans.

**RECOMMENDATION**

This agenda item is informational only.



Agenda Item No.:	7
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Department of Forestry and Department of Environmental Quality Collaboration - Siskiyou Streamside Protections Project
Date of Presentation:	March 4, 2020
Contact Information:	Kyle Abraham, Chief, Private Forests Division, 503-945-7482, <a href="mailto:Kyle.Abraham@Oregon.gov">Kyle.Abraham@Oregon.gov</a> Jennifer Wigal, Deputy Water Quality Administrator Oregon Department of Environmental Quality

### SUMMARY

The Department of Forestry and the Department of Environmental Quality (DEQ) will present an update on the collaborative effort underway by the two agencies working toward alignment of the respective agencies' water quality programs. This agenda item is informational only.

### CONTEXT

The Board's 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

### BACKGROUND AND ANALYSIS

The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review. The Board also directed the department to assess sufficiency of FPA rules for water quality standards for stream temperature. DEQ was asked to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data. ODF and DEQ have embarked on an interagency collaboration with the objective of aligning water quality efforts and processes to meet water quality goals. As part of this effort, the agencies have agreed to develop mutually-acceptable processes between DEQ and ODF to:

- a) Assess the adequacy of Forest Practices Act rules and other measures in particular basins or subbasins where water quality standards are not met, and where a Total Maximum Daily Load has been adopted or is being developed; and

b) Develop or update load allocations for forestlands and identify conditions necessary to achieve water quality standards, along with similar allocations to other designated management agencies, for those basins or subbasins.

The expected outcome of this review will be a decision by the Board on the sufficiency of riparian rules, to decide if:

- The FPA or rules are working as designed
- FPA or rules may not meet stated objectives
- Not enough information for sufficiency decision: Additional study prioritized
- Not enough information for sufficiency decision: Other work prioritized at this time

If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).

#### **RECOMMENDATION**

This agenda item is informational only.

#### **NEXT STEPS**

The department will provide approximately quarterly updates on this interagency effort.

#### **ATTACHMENTS**

- (1) Oregon Department of Forestry (ODF) and Oregon Department of Environmental Quality (DEQ) Leader's Intent for Agency Collaboration



## **Oregon Department of Forestry (ODF) and Oregon Department of Environmental Quality (DEQ) Leader's Intent for Agency Collaboration**

The purpose of this Leader's Intent is to foster productive conversations between ODF and DEQ so that the agencies:

1. Share a common understanding of their respective policy and legal frameworks.
2. Agree to develop mutually-acceptable processes between DEQ and ODF to: a) assess the adequacy of Forest Practices Act (FPA) rules and other measures in particular basins or subbasins where water quality standards are not met, and where a Total Maximum Daily Load (TMDL) has been adopted or is being developed; and b) develop load allocations for forestlands and identify conditions necessary to achieve water quality standards (along with similar allocations to other designated management agencies) for those basin or subbasin.
3. ODF and DEQ, along with their respective governing bodies (The Board of Forestry and the Environmental Quality Commission and assigned liaisons) are embarking on an inter-agency policy review. As a foundation for this review, each agency will clearly articulate its understanding of current roles and responsibilities and how it will approach the collaborative work envisioned by this document.
4. Both agencies desire to achieve and maintain high water quality on all forestlands. Our goal is to foster an open dialogue where each agency is free to express its concerns and questions and receive direct feedback and openly share information and identify opportunities or limitations of agency approaches. To achieve this, we expect that agency staff will not characterize the position or statements of the other agency on the issues under consideration.
5. ODF and DEQ envision hiring a facilitator to assist with this work. It will take time and a commitment from agency leadership and staff to achieve a common understanding and subsequent process for enhanced collaboration. Listed below are some key principles that will be used to guide initial conversations (subject to collaborative change by the work group).
  - Agencies and respective Board and Commission members and liaisons are committed to this process.
  - The Agencies will develop a charter to further define the working relationship and process for engagement.
  - Staff are expected to make a good faith effort to participate in this process.
  - Participants will come prepared to openly discuss and work through issues in a collaborative manner.
  - Agency staff will share and discuss information with the objective of understanding the effects of forest practices on water quality.
  - A revised MOU will describe agency agreement and processes for water quality coordination on non-federal forestland.

**Oregon Department of Forestry (ODF) and Oregon Department of Environmental Quality (DEQ) Leader's Intent for Agency Collaboration**

6. Timing. The agencies agree to report back to their respective governing bodies on a quarterly basis.

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Richard Whitman  
Director  
Oregon Department of Environmental Quality

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Peter Daugherty  
State Forester  
Oregon Department of Forestry

## STAFF REPORT

Agenda Item No.:	8
Work Plan:	Private Forests Work Plan
Topic:	Forest Practices Act (FPA) Rule Policy Review
Presentation Title:	College of Forestry Dean's Research Initiative: The Oregon Marbled Murrelet Project Update
Date of Presentation:	March 4, 2020
Contact Information:	Dr. Jim Rivers, Professor of Forest Ecosystems & Society, College of Forestry, Oregon State University.

### SUMMARY

Dr. Jim Rivers will present an update on the Oregon State University College of Forestry's long term, comprehensive study to understand habitat needs of the marbled murrelet in relation to a number of forest management issues. This research applies new methods and technology to improve our understanding of marbled murrelet nesting habitat requirements and the factors that affect breeding success.

### CONTEXT

This agenda item pertains to the ongoing Forest Practices Act Rule Analysis for marbled murrelets and is intended to provide an update on current, ongoing research.

### RECOMMENDATION

This is an informational item only.

### ATTACHMENTS

None



## STAFF REPORT

Agenda Item No.:	9
Topic:	Fire Finance Update
Presentation Title:	Financial Report on Accounts Receivables, Contractor Audit, and Legislative Requests.
Date of Presentation:	March 4, 2020
Contact Information:	Doug Grafe, Fire Protection Division Chief 503-945-7204, <a href="mailto:Doug.Grafe@Oregon.gov">Doug.Grafe@Oregon.gov</a> Bill Herber, Deputy Director for Administration (503) 945-7203 <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a>

### SUMMARY

This agenda item provides the Board of Forestry (Board) an update on the status of fire finances and accounts receivables. Staff will discuss the work of the Governor's Forestry Financial Oversight Team, the external contractor Macias, Gini, and O'Connell LLP (MGO), and the Department to improve the Department's financial processes and address its immediate cash flow issues. Staff will also provide an update on the status of the Department's 2020 Legislative Session funding requests.

### BACKGROUND/CONTEXT

Refer to Fire Finance document available online,  
[https://www.oregon.gov/odf/Board/Documents/BOF/20191106/1.0\\_BOFMIN\\_20191106\\_01\\_Fire%20Finances%20Information.pdf](https://www.oregon.gov/odf/Board/Documents/BOF/20191106/1.0_BOFMIN_20191106_01_Fire%20Finances%20Information.pdf).

### RECOMMENDATION

Information only.

### NEXT STEPS

Continue work with the Governor's Forestry Financial Oversight Team and the external contractor, MGO, and report progress to the Board at a future date.



Agenda Item No.:	10
Topic:	Good Governance Discussion
Presentation Title:	Governance Practices
Date of Presentation:	March 4, 2020
Contact Information:	Peter Daugherty, State Forester 503-945-7429, <a href="mailto:Peter.Daugherty@Oregon.gov">Peter.Daugherty@Oregon.gov</a> Tom Imeson, Board of Forestry Chair 503-945-7210, <a href="mailto:BoardofForestry@Oregon.gov">BoardofForestry@Oregon.gov</a>

## SUMMARY

This agenda item allows time for the Board of Forestry to discuss governance practices based on the action plan designed to help the State Forester, Department, and Board work together to build relationships, to promote consensus, and to foster respectful and effective governance.

## BACKGROUND/CONTEXT

Generated from the October 9, 2019 and January 8, 2020 Board of Forestry Executive Sessions on the State Forester's Annual Performance Review.

## ANALYSIS

At the October 2019 retreat and in follow up discussions with Board members, several governance topics were identified and in need of resolution, to ensure effective and respectful governance. This agenda item intends to address these topics through Board discussion to develop direction or recommendations on governance processes and approaches. Initial governance topics identified include:

- Board process to manage individual requests for information. While we currently use an informal process, the Board has not specifically discussed the process as a governance issue.
- Board process for two board members to submit a request for agenda topics. The Board discussed a potential process at the October retreat, but no decision was made to formalize the process.
- Board develops a statement of expectations or guidelines to which members commit. For example, a code of conduct for Board members, Board charter, operating principles, or working guidelines.
- Board discussion on the level of information needed for policy decisions, their expectations about science included in Department staff reports, and the role of science in policy decisions.
- Board discussion on priorities and process for the revision of the Board's strategic plan, *Forestry Program for Oregon*. Note: the Board may cover this topic under the work plan discussion on Overarching Issues.

## **RECOMMENDATION**

The Department recommends that the Board discuss the governance topics, prioritize the topics to address, and provide direction for the development of governance processes.

## **NEXT STEPS**

One-hour will be set aside at upcoming meetings for the Board and Department to continue working on these topics.

## **ATTACHMENT**

- (1) Discussion of Board of Forestry Governance Topics



## Discussion of Board of Forestry Governance Topics

Discussion with Board of Forestry (Board) members did not lead to a clear consensus on which governance topic to address first. I referred to Governor Brown's Membership Handbook for Boards & Commission<sup>1</sup>. This document makes recommendations and sets a number of expectations for Board Members. Under general Board activities, it states:

*It is recommended that boards have a set of bylaws to direct and clarify its actions, procedures and organization. Bylaws are the guidelines by which a board functions and should include expectations of members. Issues such as attendance, responsibilities and discipline should be addressed in the bylaws. Board members are expected to adhere to bylaws and all relevant statutes. (Emphasis added)*

Given this recommendation and the concept that Board behavior and expectations are fundamental to effective and respectful governance. I have compiled expectations from the Membership Handbook and have included additional expectations from discussions with Board members (see below). Please review and come prepared to discuss and reach a decision on next steps. Also, evaluate if there are any significant expectations that are missing.

Current Board administrative procedures are contained in Oregon Administrative Rules (OAR) 629-001-0000 to 629-001-0057 and Board administration rules are in 629-010-0005 to 629-010-0100 (see below). Statutory, administrative rule and state policy changes require a rule making to incorporate housekeeping changes, including updating statutory and Administrative Procedures Act references, and correcting grammatical errors. This rule making also provides the opportunity for the Board to suggest other changes to Board administration rules. Please review the Board administration rules and come prepared to discuss approaches.

### Board of Forestry Member Expectations

*The first set of expectations are from the Governor's Membership Handbook.*

- Regularly attend board meetings.
- Prepare for meetings by reading reports, proposals and other documents prepared or distributed by staff.
- Recognize that serving the public interest is the top priority. All members have been appointed to the board to serve the public at large.
- Understand the primary responsibility of every board member is to protect the health, safety and welfare of the general public.
- Recognize the board must operate in a public and open manner.

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<sup>1</sup> Membership Handbook for Boards & Commission. Kate Brown, Governor State of Oregon. Revised 2/18/15

- If you were recommended by a professional association or special interest group, you will be expected to provide the board with your technical expertise, and to bring the point of view of the group to the board.
- All board members must work for the benefit of the public first, with the good of any particular profession, industry or special interest group taking a secondary position.
- Listen to all viewpoints and work as a cohesive group to create a forum for developing good policies and procedures and finding fair solutions to problems.
- Learn about issues affecting the board.
- Examine all available evidence before making judgment.
- Acknowledge that authority to act is granted to the board as a whole, not to individual members.
- Board members must be familiar with and operate within their board's governing statutes and bylaws, and state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the board should be in written form.
- No board member should make decisions or take unilateral action without the consent of the board as a whole.
- Questions about board issues should be directed to the board's administrative or executive officer, who will see that all board members receive full information by the next regular meeting.
- A board member should disclose no details of board investigations or matters dealt with in executive session unless they are part of the public record.
- Board members should use caution about participating in private discussions on behalf of one party in the absence of other parties to a dispute.
- Board members should remember they are seen as representatives of the board when they appear at industry or professional gatherings. They must take care not to appear to be speaking for the board unless specifically authorized by the board to do so.
- Board members must keep in mind that their mission is to serve the public, and it is inappropriate to use board membership to create a personal platform.

*This set of expectations are from discussions with Board Members.*

- Understand that the board set standards for the department through board policy.
- Respect the right of board members to have differing opinions and ideas in developing policy and finding solutions to problems.
- Take action only after hearing the State Forester's (Department's) recommendation.
- Avoid surprising staff. Staff are here to support the board. If you have alternate recommendations and or new requests for information, discuss with State Forester or staff prior to the board meeting so they can provide support.

## Chapter 629

### Division 1

#### PROCEDURAL RULES

### 629-001-0000

#### **Administrative Rule Notification**

Prior to the adoption, amendment, or repeal of any rule, the State Forester shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Forester's mailing list established pursuant to ORS 183.335(8)(c), at least 30 days prior to the effective date.

(3) By mailing a copy of the notice to the following persons, organizations, and publications at least 30 days prior to the effective date:

(a) State Agencies:

- (A) Agriculture, Oregon Department of;
- (B) Environmental Quality, Oregon Department of;
- (C) Fire Marshal Division, Oregon Department of Commerce;
- (D) Fish and Wildlife, Oregon Department of;
- (E) Geology and Mineral Industries, Oregon Department of;
- (F) Governor's Office, Assistant for Natural Resources;
- (G) Health Division, Oregon Department of Human Resources;
- (H) Land Conservation and Development, Oregon Department of;
- (I) Lands, Division of State;
- (J) Parks and Recreation Department;
- (K) Revenue, Oregon Department of;
- (L) Water Resources, Oregon Department of.

(b) News Media:

- (A) Associated Press, Salem;
- (B) United Press International, Salem;
- (C) Albany — Democrat-Herald;
- (D) Astoria — Daily Astorian;
- (E) Bend — The Bulletin;
- (F) Coos Bay — The World;
- (G) Corvallis — Gazette-Times;
- (H) Eugene — Register-Guard;
- (I) Forest Grove — The News-Times;
- (J) John Day — Blue Mountain Eagle;

- (K) Klamath Falls — Herald and News;
- (L) La Grande — Observer;
- (M) Medford — Mail Tribune;
- (N) Newport — News-Times;
- (O) Pendleton — East Oregonian;
- (P) Portland — The Oregonian;
- (Q) Prineville — Central Oregonian;
- (R) Roseburg — News-Review;
- (S) Salem — Statesman-Journal;
- (T) The Dalles — Chronicle;
- (U) Tillamook — Headlight-Herald;
- (V) Oregon Administrative Law News, Tigard.

(c) Each Regional Forest Practices Committee member.

**Statutory/Other Authority:** ORS 183.310(1), 192.610-710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 183.550, 192.610 - 192.710 & 526.016

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 10-1986, f. & ef. 9-25-86

FB 45, f. & ef. 3-26-76

**629-001-0003**

**Definitions**

The following words, when used in this division shall mean the following unless otherwise required by context:

(1) "Board" means the State Board of Forestry.

(2) "State Forester" means the State Forester or the duly authorized representative of the State Forester.

**Statutory/Other Authority:** ORS 526.016(4)

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0005**

**Model Rules of Procedure**

The Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective January 1, 2008 are hereby adopted as the rules of procedures of the Board of Forestry and the State Forester.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Forestry.]

**Statutory/Other Authority:** ORS 526.016(4) & 526.041

**Statutes/Other Implemented:** ORS 183.341

**History:**

DOF 1-2008, f. 3-6-08, cert. ef. 3-7-08  
DOF 3-2006, f. & cert. ef. 3-15-06  
DOF 6-2004, f. & cert. ef. 6-10-04  
DOF 1-2002, f. & cert. ef. 3-13-02  
DOF 4-2000, f. 10-25-00, cert. ef. 10-31-00  
DOF 3-1998, f. 3-10-98, cert. ef. 4-22-98  
FB 1-1996, f. & cert. ef. 3-13-96  
FB 1-1994, f. & cert. ef. 3-11-94  
FB 3-1992, f. & cert. ef. 3-10-92  
FB 6-1988, f. & cert. ef. 9-9-88  
FB 5-1986, f. & ef. 6-17-86  
FB 1-1984, f. & ef. 1-6-84  
FB 2-1982, f. & ef. 3-3-82  
FB 1-1982(Temp), f. & ef. 2-8-82  
FB 8-1980, f. & ef. 3-20-80  
FB 1-1980, f. & ef. 1-9-80  
FB 4-1978, f. & ef. 3-13-78  
FB 46, f. & ef. 4-19-76  
FB 34, f. 10-19-73, ef. 11-11-73  
FB 27, f. 11-12-71, ef. 12-1-71

**629-001-0010**

**Agency Representation by Officer or Employee**

(1) Department of Forestry officer or employee is authorized to appear (but not make legal argument) on behalf of the department in a hearing or in a class of contested hearings in which the Attorney General or the Deputy Attorney General has given written consent for such representation. A copy of the list of contested case hearings for which the Attorney General has given consent is maintained by the Department of Forestry and the Department of Justice.

(2) "Legal argument" as used in ORS 183.450(8) and this rule shall include arguments on:

- (a) The jurisdiction of the agency to hear the contested case;
- (b) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency;
- (c) The application of court precedent to the facts of the particular contested case proceeding.

(3) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

- (a) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;
- (b) Comparison of prior actions of the agency in handling similar situations;

(c) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(d) The admissibility of evidence or the correctness of procedures being followed.

(4) When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

**Statutory/Other Authority:** ORS 183 & 526

**Statutes/Other Implemented:** ORS 183 & 526

**History:**

DOF 8-2005, f. 12-13-05, cert. ef. 1-1-06

DOF 6-2005(Temp), f. & cert. ef. 8-2-05 thru 1-27-06

FB 1-1990, f. & cert. ef. 3-15-90

**629-001-0015**

**Rules of Procedure for Contested Cases; Applicability**

The rules of procedure in this Division, OAR 629-001-0010 to 629-001-0055, apply to all contested cases before the board and State Forester, unless otherwise provided by law, and are in addition to the procedural requirements of the Attorney General's Model Rules adopted in 629-001-0005. Contested cases covered by these rules include, but are not limited to the following:

- (1) Appeal of civil penalties assessed under ORS 527.687;
- (2) Appeal of "any finding or order" under ORS 527.610 through 527.770 and 527.992;
- (3) Hearings requested by persons adversely affected or aggrieved by an operation requiring a written plan under ORS 527.700(3) through (9);
- (4) Appeal of temporary orders to cease further activity under ORS 527.680(3) and 527.680(4);
- (5) Appeal of repair orders issued under ORS 527.680(2)(b) and 527.690(1);
- (6) Appeal of orders prohibiting new operations under ORS 527.680(5);
- (7) Appeal by any person adversely affected by operations to be conducted under an approved or amended stewardship agreement under ORS 527.662;
- (8) Review of State Forester's proposal to conduct repair work at state expense under ORS 527.690(2); and
- (9) Appeals of decisions on land exchanges under OAR 629-033-0055.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 2-2011, f. 3-14-11, cert. ef. 3-15-11

DOF 1-2011(Temp), f. & cert. ef. 1-7-11 thru 7-5-11

DOF 2-2004, f. & cert. ef. 2-10-04  
DOF 5-2002, f. & cert. ef. 7-1-02

### 629-001-0020

#### **Requesting Hearings**

- (1) All requests for hearing shall be made in writing, within the time period provided by statute or rule.
- (2) All requests shall specifically state the issues to be addressed and the relief sought.
- (3) Requests for hearing involving civil penalties shall comply with OAR 629-670-0310.
- (4) Requests for hearing involving a finding or order of the State Forester issued under ORS 527.610 to 527.770 shall comply with OAR 629-672-0200.
- (5) Requests for hearing by persons adversely affected or aggrieved by an operation approved under ORS 527.670(3) shall comply with OAR 629-672-0210.
- (6) Requests for hearing by persons adversely affected or aggrieved by a proposed or amended stewardship agreement shall comply with ORS 527.662(12).
- (7) Requests for hearing involving land exchanges shall comply with OAR 629-033-0055.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

#### **History:**

DOF 2-2011, f. 3-14-11, cert. ef. 3-15-11  
DOF 1-2011(Temp), f. & cert. ef. 1-7-11 thru 7-5-11  
DOF 5-2002, f. & cert. ef. 7-1-02

### 629-001-0025

#### **Conduct of Hearings**

- (1) Unless otherwise provided by law or order of the board or State Forester in a specific case, contested case hearings will be conducted by an administrative law judge, who shall prepare a proposed order for consideration by the board or State Forester.
- (2) Unaccepted proposals of settlement shall be privileged and shall not be admissible as evidence in the proceeding.
- (3) In civil penalty proceedings, conferences and hearings shall be held at locations which are within the forest practices region of the person being assessed the penalty, unless otherwise agreed to by the State Forester and parties.
- (4) The issues for hearing shall be limited to those raised by the parties or by the State Forester in a request for hearing or other pre-hearing filings.
- (5) Timing of hearings and orders are stated as follows, unless all parties agree to an extension of the time limits:
  - (a) For appeals from orders of the State Forester under ORS 527.700(1), hearings shall be commenced within 14 days after receipt of the request for hearing, and a final order shall be issued within 28 days of the request for hearing.

(b) For appeals by persons adversely affected or aggrieved by an operation under ORS 527.700(3), hearings shall be commenced within 21 calendar days after receipt of the request for hearing. The board's comments shall be issued within 45 days after the request for hearing was filed.

(c) For appeals by persons adversely affected or aggrieved by a proposed or amended stewardship agreement, hearings shall be commenced within 45 calendar days after receipt of the request for hearing. A final order shall be issued within 45 calendar days of the concluded hearing.

(d) Hearings on notices of civil penalty under ORS 527.687 shall not be held less than 45 days from the date of service of the notice of penalty. The hearing shall be held not more than 180 days following issuance of the notice.

(6) In order to comply with statutory timelines, the administrative law judge may establish time limits different from those under OAR 137-003-0580 for making and responding to motions for ruling on legal issues. The administrative law judge shall not consider a motion for ruling on a legal issue if the agency requests that the case proceed to a hearing on that issue.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 8-2005, f. 12-13-05, cert. ef. 1-1-06

DOF 6-2005(Temp), f. & cert. ef. 8-2-05 thru 1-27-06

DOF 2-2004, f. & cert. ef. 2-10-04

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0030**

**Transmittal of Questions to the Agency**

(1) Questions transmitted to the agency, as provided for in OAR 137-003-0635 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.

(2) Response may be made by the State Forester or the State Forester's delegate.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0035**

**Immediate Review by Agency**

(1) Matters referred to the agency for immediate review, as provided for in OAR 137-003-0640 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.

(2) Rulings on requests for immediate review may be made by the State Forester or the State Forester's delegate.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550



**History:**

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0040**

**Exceptions to Proposed Orders**

(1) In all cases in which the administrative law judge is to issue a proposed order, exceptions by a party or the agency must be filed in the manner and time specified by the administrative law judge, making allowance for any statutory timeline applicable to the proceeding. If no time is specified, exceptions must be filed with the administrative law judge within seven days after the proposed order is issued.

(2)(a) The exceptions shall be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:

(A) A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence on the record;

(B) A necessary legal conclusion is omitted or is contrary to law or the board's policy; or

(C) Prejudicial procedural error occurred.

(b) The exceptions shall be numbered and shall specify the disputed finding, opinions, or conclusions. The nature of the suggested error shall be specified and the alternative or corrective language provided.

(3) A proposed order will become a final order if no exceptions are filed within the time specified, unless the agency notifies the parties and the administrative law judge that the agency will issue the final order. All proposed orders shall include a statement to this effect.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 2-2004, f. & cert. ef. 2-10-04

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0045**

**Final Orders in Contested Cases**

(1) Following hearing, the administrative law judge will prepare the record and proposed order for filing with the board as expeditiously as possible. In the case of hearings related to orders of the State Forester pursuant to ORS 527.700, the record and proposed order shall be filed with the board within five working days of the close of hearing unless an extension has been agreed to by the parties and State Forester. Except as provided in section (2) of this rule, no less than a majority of the board shall then review and consider the proposed order and record, hold a meeting or telephone conference, and take final action as provided for in this rule.

(2) If upon a determination by the board chairperson, the board cannot complete a final order within applicable statutory time limits, the chairperson may delegate authority to issue a final order to the administrative law judge.

(3) After reviewing and considering the proposed order and record, the board may do any of the following:

(a) Schedule written or oral argument from the State Forester and any party that filed exceptions to the proposed order. The board chairperson shall determine whether oral argument, written argument, or both will be permitted after consulting with the board members.

(A) Oral argument shall be allowed only if the board determines it is necessary or appropriate to assist in the proper disposition of the case, and shall be:

(i) Limited to matters raised in written exceptions; and

(ii) Conducted under such time limits as the board chairperson determines are appropriate.

(B) The board chairperson shall notify the agency and parties of the form of argument, if any, to be allowed.

(b) Remand the matter to the administrative law judge for further hearing on such issues as the board specifies, and to prepare a revised proposed order as appropriate, under OAR 137-003-0655(2).

(c) Enter a final order adopting the recommendation of the administrative law judge.

(d) Enter an amended proposed order or final order that modifies or rejects the recommendation of the administrative law judge. If the board decides to modify or reject the proposed order, the board must comply with OAR 137-003-0655 and 137-003-0665.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 2-2004, f. & cert. ef. 2-10-04

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0050**

**Reconsideration and Rehearing**

As a condition of judicial review, a party must file a petition for reconsideration or rehearing with the person or body which rendered the final order in the proceeding. The petition must state with specificity the grounds for objection to the order, and the remedy sought.

**Statutory/Other Authority:** ORS 526.016(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 183.310 - 183.550

**History:**

DOF 5-2002, f. & cert. ef. 7-1-02

**629-001-0055**

**Delegation of Authority to State Forester**

In addition to any duties and responsibilities conferred upon the State Forester by law or delegation of authority from the Board of Forestry, the State Forester may, with regard to the administration of contested cases:

(1) Execute any written order, on behalf of the board, which has been consented to in writing by the person or persons adversely affected by the order;

(2) Prepare and execute written orders, on behalf of the board, implementing any action taken by the board on any matter;

(3) Prepare and execute orders, on behalf of the board, upon default where:

(a) The adversely affected party or parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or

(b) Having requested a hearing, the adversely affected person or persons have failed to appear at the hearing.

**Statutory/Other Authority:** ORS 526.016(4), 527.685(4), 527.687(3) & 527.715

**Statutes/Other Implemented:** ORS 527.685 & 183.310 - 183.550

**History:**

DOF 2-2004, f. & cert. ef. 2-10-04

DOF 3-2003(Temp), f. 9-5-03, cert. ef. 9-8-03 thru 3-6-04

**629-001-0057**

**Delegation of Authority to State Forester — Responding to Claims under ORS 197.352**

(1) This rule delegates to the State Forester certain duties and responsibilities to carry out the authorities of the Board of Forestry and the Department in responding to claims under ORS 197.352 (Formerly Chapter 1, Oregon Laws 2005, 2004 Ballot Measure 37). This rule further provides for review and modification by the Board of Forestry of certain actions taken by the State Forester pursuant to this delegation of authority.

(2) The State Forester is vested by the Board of Forestry with authority to respond to claims under ORS 197.352 by:

(a) Reviewing claims;

(b) Denying claims;

(c) Recommending approval of claims by modifying, removing, or not applying the statute(s) or rule(s) that are the basis of the claim; or

(d) Recommending payment of claims. These actions shall be done in compliance with Department of Administrative Services administrative rules relating to ORS 197.352.

(3) The State Forester shall submit to the Board any recommendation made under paragraph (2)(c) or (d) of this rule. The Board may accept or modify the State Forester's recommendation.

(4) The State Forester shall establish procedures to provide notice of any action on a claim under ORS 197.352 as required by Department of Administrative Services administrative rules relating to ORS 197.352.

(5) Actions by the Board of Forestry or State Forester on claims under this rule are actions under ORS 197.352, and are not orders under ORS 527.700.

**Statutory/Other Authority:** ORS 197.352, ORS 526 & 527

**Statutes/Other Implemented:** ORS 197.352, 526.016, 526.031 & 526.041

**History:**

DOF 2-2006, f. 1-11-06 cert. ef. 1-13-06

## Chapter 629

Division 10

BOARD ADMINISTRATION; PUBLIC RECORDS; PARKING

### 629-010-0005

#### **Board Administration — Definitions**

The following words and phrases, when used in this division shall mean the following unless the context otherwise requires:

- (1) “Board” means the Board of Forestry of the State of Oregon.
- (2) “Chairperson or Chairman” means the Chairperson of the Board.
- (3) “Committee” means a committee of the Board.
- (4) “Secretary” means the State Forester.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0010

#### **Rules of Order**

Roberts Rules of Order are adopted for the conduct of meetings of the Board and committees of the Board; however, Oregon statutes, specific rules of order adopted by the Board, or actions of the Board will take precedence over Roberts Rules of Order. Rules of order adopted by a committee shall not be effective until approved by the Board.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0020

#### **Chairperson**

Under the provisions of ORS 526.009(1), the Chairperson has the following powers and duties:

- (1) The duties of a presiding officer as prescribed by Roberts Rules of Order.
- (2) The duty to appoint standing and ad hoc committees.
- (3) Pursuant to ORS 526.016(3), in cooperation with the State Forester, the duty to determine where Board meetings are to be held.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92  
FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0030

#### **Agendas**

The Secretary shall send an agenda together with the minutes of previously held committee meetings and the minutes of the last Board meeting to all members of the Board prior to each Board meeting.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0040

#### **Order of Business**

The order of business of Board meetings shall be determined by the Chairperson in cooperation with the State Forester. At the request of any two Board members, the Chairperson shall include a specific item on the agenda.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0050

#### **Quorum**

A majority of the members of the Board or a committee constitutes a quorum to do business.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### 629-010-0060

#### **Meetings and Notice**

The Secretary shall follow the procedures established by the Attorney General for giving notices of Board and committee meetings. Unless a meeting is called exclusively for the purpose of holding an executive session pursuant to ORS 192.660, copies of the meeting notices shall be sent to organizations and individuals that the Board may designate. In addition, a copy of the notice shall be sent to any organization or individual that has indicated to the Chairperson or to the Secretary an interest in the subject matter to be considered at a meeting.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)  
**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92  
FB 38, f. 6-10-74, ef. 7-11-74

**629-010-0080**

**Committees**

The Chairperson may appoint standing committees or ad hoc committees to consider matters of Board responsibility which are not feasible to be handled by the Board as a whole.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)  
**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92  
FB 38, f. 6-10-74, ef. 7-11-74

**629-010-0090**

**Attendance**

In accordance with ORS 182.020, the Secretary shall submit a copy of the minutes of each Board meeting to the Governor or the Governor's Assistant including members present and absent with an attachment indicating the members' reason for absence.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)  
**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92  
FB 38, f. 6-10-74, ef. 7-11-74

**629-010-0100**

**Compensation of Board Members**

If a Board member should elect to decline payment for compensation as set forth by ORS 292.495, the Board member shall submit a signed statement to that effect on forms available from the Administrative Secretary of the Forestry Department. After declining payment, a member may at any subsequent date choose to accept payment by submitting a written statement indicating this change.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)  
**Statutes/Other Implemented:** ORS 292.495

**History:**

FB 3-1992, f. & cert. ef. 3-10-92  
FB 38, f. 6-10-74, ef. 7-11-74

**629-010-0200**

**Public Records — Charges for Copying and Purchasing Public Records**

Pursuant to ORS 192.430 and 192.440, the Department of Forestry establishes the following fees and section:

(1) Copy Charges:

(a) Fees will not be charged for copies of public records, which the State Forester has determined to be appropriate for dissemination without charge, under Department statutes and policies. Fees for other copies will be charged as provided in this rule;

(b) A fee of 25¢ an image will be charged for copies made on standard office copy machines. This fee may be waived if fees total less than \$2;

(c) The charge for certifying copies of public records shall be \$5 for the first ten pages and 25¢ for each additional page. This is in addition to other fees charged;

(d) Office service labor will be charged for any service requiring excessive time beyond what is usually offered by the Department as free public service for research, compilation, and supervision of public records use. This shall be at the hourly rate of the employee or employees selected to do the job, plus the current percentage for other personnel expenses. Employees will be selected based on the needed skills and availability. An average hourly rate may be used if more than one employee is required.

(2) Computer Processing Charges:

(a) Actual computer time will be charged for the specific job;

(b) Programmer, analyst, and clerical support time will be charged at rates noted in subsection (1)(d) of this rule;

(c) A fee of 15¢ a page for computer printout will be charged;

(d) Other supplies will be charged at actual cost;

(e) A minimum fee of \$5 will be charged for computer processing.

(3) Other Charges:

(a) Established costs will be charged for documents published by the Department, including booklets, maps, law books, and other materials;

(b) Actual costs will be charged for tape recordings, photographs, and other materials;

(c) Actual costs will be charged for mailing and shipping.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.430 - 192.440

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 1-1986, f. & ef. 1-10-86

### 629-010-0210

#### **Parking at Department-Owned Facilities — Purpose of Rule**

The Department of Forestry has developed OAR 629-010-0210 through 629-010-0230 to describe the Department's policy regarding parking at facilities owned or controlled by the Department in compliance with ORS 276.595.

**Statutory/Other Authority:** ORS 526.016(4)

**Statutes/Other Implemented:** ORS 276.595

**History:**

FB 8-1996, f. & cert. ef. 11-7-96

### 629-010-0220

#### **Definition**

"Department" means State of Oregon, Department of Forestry.

**Statutory/Other Authority:** ORS 526.016(4)

**Statutes/Other Implemented:** ORS 276.595

**History:**

FB 8-1996, f. & cert. ef. 11-7-96

### 629-010-0230

#### **Procedures**

The following procedures shall apply:

(1) The Department under the authority granted by ORS 276.595, shall maintain a policy of not charging parking fees for vehicles or other equipment at all facilities owned or controlled by the Department.

(2) This policy will apply to all Department employees, Department visitors, members of boards, commissions, or committees, or any governmental entities.

**Statutory/Other Authority:** ORS 526.016(4)

**Statutes/Other Implemented:** ORS 276.595

**History:**

FB 8-1996, f. & cert. ef. 11-7-96



**Board Closing Comments and Meeting Wrap Up**

