

**Oregon Board of Forestry – Virtual Public Meeting**

Wednesday, March 3, 2021

With the current public gathering restrictions, the Board of Forestry will hold its March meeting virtually to allow interested persons to view the meeting and participate statewide without having to travel or assemble indoors. The Board of Forestry public meeting will be conducted online and streamed live. The meeting will include a joint session with the Environmental Quality Commission and the Board of Forestry. There will not be an opportunity for the public to provide live oral testimony, but written testimony may be submitted for information items, before and up to three weeks after the meeting day. Send written testimony to [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov) with the agenda item number included and by March 24, 2021.

**Link to view Board of Forestry Meeting available at  
<https://www.youtube.com/c/OregonDepartmentofForestry>**

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

**Joint Session – Roll Call**

- 10:00 – 10:20    **1. Agency Directors and Board and Commission Chairs Comments** .....Peter Daugherty and Richard Whitman  
*The Departments of Environmental Quality (DEQ) and Forestry (ODF) Directors, and Board and Commission Chairs, will provide opening remarks to set the stage for the various topics organized for the Environmental Quality Commission (EQC) and Board of Forestry (BOF). Highlight interagency collaborations and mandates to inform public policy. This is an informational item.*
- 10:20 – 10:55    **2. Smoke Management Rule Implementation** ..... Doug Grafe, Nick Yonker, Michael Orman (DEQ),  
.....Margaret Miller (DEQ), and Gabriela Goldfarb (OHA)  
*The Department of Forestry alongside Oregon Health Authority and Department of Environmental Quality will provide an update to the Board and Commission regarding the implementation of the most recent rule changes. This is an informational item.*
- 10:55 – 12:15    **3. ODE-DEQ Collaboration Quarterly Update**..... Kyle Abraham, Jennifer Wigal (DEQ), Diane Lloyd (DOJ),  
.....and Matt Devore (DOJ)  
*The Department of Forestry and the Department of Environmental Quality are using a collaborative effort to better understand and align respective water quality programs. This item includes a quarterly update on progress, and Department of Justice memorandum on authority to protect water quality on forestland. This is an informational item.*
- 12:15 to 1:00        Lunch

**Board Meeting – Roll Call****Consent Agenda**

- 1:00 – 1:01    **A. January 6, 2021 Board of Forestry Meeting Minutes**.....State Forester Peter Daugherty
- 1:00 – 1:01    **B. State Forests Closure Rulemaking**.....Liz Dent and Justin Butteris
- 1:00 – 1:01    **C. Forest Practices Interagency Meeting Report**..... Kyle Abraham
- 1:00 – 1:01    **D. Department Financial Report - January and February 2021**..... Bill Herber
- 1:00 – 1:01    **E. Approval of Agency Director Financial Transactions, Fiscal Year 2020**..... Bill Herber

**Action and Information**

- 1:01 – 1:30    **4. State Forester and Board Comments**
- 1:30 – 1:45    **5. Forest Trust Land Advisory Committee Testimony** .....David Yamamoto or John Sweet  
*The FTLAC is a statutorily established committee that advises the Board on State Forests policy.*
- 1:45 – 3:00    **6. Santiam State Forest Restoration and Recovery**..... Liz Dent and Ron Zilli  
*The Department will update the Board on the restoration and recovery efforts on the Santiam State Forest, which was significantly impacted by the Labor Day fires of 2020. The State Forests Advisory Committee, Department of Environmental Quality and Department of Fish & Wildlife will provide additional perspective to the restoration and recovery approach. This is an informational item.*
- 3:00 – 3:45    **7. Oregon Global Warming Commission – Natural and Working Lands Goal Update**.... Catherine Macdonald  
*Oregon Global Warming Commission (OGWC) Chair, Catherine Macdonald, will provide an update on the goal setting process including preliminary survey results and process moving forward. This is an informational item.*
- 3:45 – 4:00    **8. Board and Closing Comments**..... Chair Imeson and Board Members  
*Chair and members to summarize meeting's information items and 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, and public testimony/comment will not be accepted.

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**BOARD WORK PLANS:** Board of Forestry (Board) 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: <https://www.oregon.gov/odf/Board/Pages/AboutBOF.aspx>

**PUBLIC TESTIMONY:** The Board of Forestry places great value on information received from the public. The Board will only hold public testimony at the meeting for decision items. The Board accepts written comments on all agenda items except consent agenda and 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.
- Remember that the value of your comments is in the substance, not length.
- For coordinated comments to the Board, endorse rather than repeat the testimony of others.
- To ensure the Board will have an opportunity to review and consider your testimony before the meeting, please send comments no later than 72 hours prior to the meeting date. If submitted after this window of time the testimony will be entered into the public record but may not be viewed by the Board until after the meeting.
- For in-person meetings, sign in at the information table in the meeting room when you arrive. For virtual meetings, follow the sign up instructions provided in the meeting agenda.

Written comments for public testimony provide a valuable reference and may be submitted before, during, or up to three weeks after the meeting for consideration by the Board. Please submit a copy to [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov), and written comments received 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 <https://www.oregon.gov/odf/Board/Pages/BOFMeetings.aspx>

The Board cannot accept comments on consent agenda items or 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 on the information items, email the Board Administrator at [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov).

**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 and/or delay of 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 at 503-945-7200 or fax at 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 6, 2021**

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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) Presentation, [2020-2022 Board Work Plans Revision Discussion](#), Agenda Item 2
- (2) Handout, [Written testimony by Audubon Society for Lincoln City for 2020-2022 Board Work Plans Revision Discussion](#), Agenda Item 2
- (3) Handout, [Written testimony by Oregon Wild for 2020-2022 Board Work Plans Revision Discussion](#), Agenda Item 2
- (4) Handout, [Oral and Written testimony by Willamette Riverkeeper for 2020-2022 Board Work Plans Revision Discussion](#), Agenda Item 2
- (5) Presentation, [2020 Forest Practices Operator of the Year Awards](#), Agenda Item 3
- (6) Presentation, [ODF Climate Change Carbon Plan](#), Agenda Item 5
- (7) Handout, [Written testimony by Cascadia Wildlands for ODF Climate Change Carbon Plan](#), Agenda Item 5
- (8) Handout, [Written testimony by Kelly for ODF Climate Change Carbon Plan](#), Agenda Item 5
- (9) Handout, [Written testimony by League of Women Voters of Oregon for ODF Climate Change Carbon Plan](#), Agenda Item 5

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on January 6, 2021 and hosted at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board members joined online by 8:30 a.m. into Zoom webinar. Chair Imeson called the public meeting to order at 9:00 a.m.

Board Members Virtually Present:

Brenda McComb  
Joe Justice  
Jim Kelly  
Tom Imeson

Board Members Absent:

None

**CONSENT AGENDA:**

A. NOVEMBER 4, 2020 BOARD OF FORESTRY MEETING MINUTES

Approval of Board's November 4, 2020 Meeting Minutes.

**ACTION: The Board approved minutes from the November 4, 2020 Board of Forestry meeting.**

B. TREES TO TAP – SPECIAL REPORT ON KEEPING DRINKING WATER SAFE

Introduces a science review related to forest management and drinking water quality. The report provides the results of a literature review on the effects of active forest management (harvest, forest roads, and reforestation) on drinking water quality and quantity. Additionally, community water suppliers were surveyed to better understand their operations and priorities, and three case studies were conducted.

**INFORMATION ONLY**

C. REGIONAL FOREST PRACTICES COMMITTEE APPOINTMENTS AND REAPPOINTMENTS

The purpose of this agenda item is to recommend the appointment of one new member to the Eastern Oregon Regional Forest Practice Committee.

**ACTION: The Board appointed Brandon Wood to the Eastern Oregon Region Regional Forest Practices Committee, term ending September 2022.**

D. FINANCIAL DASHBOARD UPDATE

Department provided an executive financial report and summary that will be submitted monthly to the Board. The report to include up-to-date information about the Department's financial condition, the financial and budgetary status, as well as other ancillary topics as appropriate for Board oversight.

**INFORMATION ONLY.**

E. 2021 BOARD GOVERNANCE PERFORMANCE SELF-EVALUATION CRITERIA REVIEW

The Board of Forestry completes a Board Governance Performance Evaluation annually, and prior to initiating the next annual evaluation cycle, the Department is soliciting the Board's interest in proposing any changes to the best practices criteria and/or tailored descriptions.

**ACTION: Board to provide a preliminary review of the best management practices performance measure self-evaluation criteria as tailored by the Board Performance Measure Implementation Subcommittee and adopted by the Board of Forestry in**

**2007 and submit any proposed changes individually to the Senior Strategy Manager utilizing the attached review form prior to February 1, 2021.**

F. **CARBON IN OREGON’S MANAGED FORESTS**

The Oregon Forest Resources Institute (OFRI) completed the [Carbon in Oregon’s Managed Forests](#) report that synthesized current information on carbon sequestration and storage in Oregon’s working forests and the wood products they produce.

**INFORMATION ONLY**

**Board Member Comments:**

- Board member Kelly clarified the OFRI reports, items B and F, are included with the consent agenda for the Board is to confirm receipt of these items.
- Board member Kelly provided feedback on the two OFRI reports, item B and F. He noted both items had useful information and acknowledge the progress each report made in areas of climate change and carbon. He expressed concern about the information missing in the conclusions of the reports and the perceived industry slant. He offered two examples to explain his position. He shared his appreciation for this work but believed the public would be better served if this information was presented without an industry filter and proposed the consideration of inviting conservation voices to share their perspectives on the reports. Board member McComb concurred with Kelly’s comments and noted the carbon report did not address how to sequester carbon while minimizing greenhouse gas emissions.
- Board member McComb spoke on item C relative to committee structuring. She suggested for the Department to provide guidance on selecting committee members that encourage committees to include representation of all demographics and identities, reflecting the diversity of Oregon. Board member Justice offered his perspective as a former committee member, expressing the challenges with committee engagement, participation, and service. He supports McComb's idea in broadening the selection lens as it could diversify and benefit committees.
- Board member Justice shared an impression of the two OFRI reports. He thought the information presented on the forest industry and products was educational and believed the OFRI reports were well done. He agreed with Kelly’s comments on the reports' progress and commended OFRI for including the work from an academic institution. He noted how with any kind of research publication, there can always be more work done.

Jim Kelly motioned for consensus of the consent agenda items. Joe Justice seconded the motion. Voting in favor of the motion: Joe Justice, Jim Kelly, Brenda McComb, and Tom Imeson. Against: none. With Board consensus Items A through F were accepted, and the motion carried.

**ACTION AND INFORMATION:**

1. **STATE FORESTER AND BOARD MEMBER COMMENTS**  
[Listen to audio](#) MP3 – (37 minutes and 3 seconds – 16.9 MB)

Chair Imeson commented on:

- Outlined Board proceedings for Board members, presenters, and the public.
- Noted the public meeting will be live streamed, recorded, and posted online.
- Noted written public testimony can be submitted through January 20, 2021 and included with the meeting record.

State Forester Daugherty commented on:

- Overview of 2020 challenges the Department navigated through including COVID-19, teleworking, social unrest, and the 2020 wildfires. Impressed with the Department's employee's resilience and dedication to public service as they worked through these challenges and encountered opportunities.
- Opportunities of 2020 initiated from the Governor's Executive Order 20-04, Forestry Memorandum of Understanding (MOU) with passage of Senate Bill 1602, Natural Resource and Recovery taskforce to various special sessions.
- Encouraged to engage in 2021 as the Governor released her recommended budget and policy agenda for 2021-2023 biennium. He noted how the Governor's budget and policies are in alignment with the Department's policy option package requests. He reviewed each package, outlining the areas supported, the number of positions created, and funding shifts anticipated for implementation in the coming biennium. Highlighted the positions listed in the Macias, Gini, and O'Connell (MGO) recommendations are also included with the Governor's Recommended Budget (GRB).
- Noted the approaching Oregon Legislature Emergency Board (E-Board) meeting, and discussed the funding and investments requested by the Department for the remaining biennium 2019-2021. He reviewed the three areas of investments: Oregon wildfire aviation program, advancement of ODF fire season readiness, and expansion of land management activities to create fire adapted communities in resilient landscapes.
- Updated the Board on Senate Bill 1602 process as it relates to the Forestry MOU. Explained the Private Forests Division remains on target, implementing the provisions outlined in the MOU. Described the Division efforts with the salmon, steelhead, bull trout stream rules now in effect within the Siskiyou Georegion and listed the additional pesticide application requirements also in effect for stream protection.

#### Board Member Comments:

- Board member McComb commented on the latest Oregon Watershed Enhancement Board (OWEB) developments, including funding toward fire recovery. She explained OWEB is working on the fire recovery taskforce and extended gratitude to ODF for their partnership. Reviewed the newly formed committees including climate change and diversity, equity, and inclusion (DEI) noting the OWEB members commitment in advancing DEI issues. She highlighted the 100-year water vision update, OWEB's focused investment projects, and ODF's contribution to the conservation reserve technical assistance grants. Mentioned the latest collaboration tasked by the Governor for OWEB, Department of Environmental Quality (DEQ), and ODF to collaborate on the Natural and Cultural Resources taskforce. Board member McComb recognized the ongoing partnership between OWEB and ODF.
- Board member McComb commented on the Santiam State Forest recovery and implementation planning efforts, explaining how her concerns and thoughts were shared with the State Forests Division and suggested an update from the State Forests to be

provided at the March Board meeting. She hoped the update would include interagency perspectives on the Santiam State Forest implementation plan, ideally from DEQ, Oregon Department of Fish and Wildlife (ODFW), and Oregon Global Warming Commission (OGWC). Board Chair Imeson thanked member McComb for her report, and State Forester Daugherty recommended for the request to be discussed with State Forests during the next topic's discussion. Board member McComb agreed.

Public Testimony: No provision made for public testimony.

## **INFORMATION ONLY.**

### 2. 2020-2022 BOARD WORK PLANS REVISION DISCUSSION

[Listen to audio](#) MP3 – (One hour, 50 minutes and 35 seconds – 16.9 MB)  
Presentation ([attachment 1](#))

John Tokarczyk, Policy and Analysis Unit Lead for the Partnership and Planning Program reviewed the Board's planning cycle timeline, the intention for the Board's work plans, and the work plan process. He explained the purpose for the midcourse correction, noting not all work plans were modified, but the Board's discussion with the Divisions will review any additions or changes, before the Board votes on accepting the work plans to date. He outlined the order of presentations and explained each Division will present their work plan matrix as they report on the proposed revisions.

Kyle Abraham, Private Forests Division Chief, reviewed the Division's work plan in its current state, noting the updates to the matrix milestones and timelines. He highlighted the Division's 2020 achievements, listed four areas of ongoing work, and described the two major additions to the work plan. He commented on the work that was tabled and the suite of work that will stay on track, as the Division adjusts to accommodate the 2020 additions.

Board commented on the Private Forests Division Work Plan.

- Board spoke on the resources and assistance provided by the Department for forest landowners and thanked the staff for their work during this difficult restoration period.
- Board commended the Division for their continued collaborative work with other agencies, noted how they can be a model of cross-agency collaboration for the Department.
- Board inquired about the goal for the reforestation module of the implementation study. Abraham clarified the module looks at harvest units requiring reforestation, and whether they are being fulfilled in two-years. He explained the team could do future modeling on how different species selected for planting could meet climate change goals if this is outlined with Board goal revision. He noted the Department is striving to understand non-industrial landowner challenges behind acquiring seedlings, and how the agency can assist.

John Tokarczyk reviewed the Climate Change and Forest Carbon work plan in its current state. He highlighted the plan's achievements, describing the key collaborations involved with the work, the subsequent outcomes of the work completed, and how it contributes to building the foundations for understanding the dynamics of forest carbon and the authorities around climate policymaking. He reviewed the ongoing work projects, scope of these projects, and the connection this work has with the Board's milestone timelines outlined on the work plan matrix. He described the updates made

to the work plan and why, explained how these updates impact staff and reprioritize the projects, as a key update to the work plan reflects the commitment to complete the Governor's letter request.

Board commented on the Climate Change and Forest Carbon Work Plan.

- Board expressed appreciation for the accomplishments made by the small team to complete this work.
- Board asked the team to consider two items as they continue this work 1) how to maximize carbon sequestration while minimizing greenhouse gas emissions associated with all aspects of forest stand management and transportation, and 2) assessment of the incentive structure available to enable changes in how the Board can propose managing forests. Tokarczyk explained both points will be considered as they work on projects moving forward. Board asked as the unit works on financial incentives to keep in mind the rural communities, in addition to forest landowners.
- Board expressed a strong interest with moving forward on climate change issues.
- Board commented on how the delay of revising Goal G was supported by staff without a Board discussion and expressed concern about further delay as the vacant board seats may not be filled until April 2021. Tokarczyk opened to revisit the timetable of Goal G revision and adjust accordingly. State Forester Daugherty appreciated the Board's comment. He explained how this milestone became postponed, as the cancellation of the October 2020 retreat limits the space for the Board to do this work, but noted how the Department can continue the values and goal revision discussion, as the Board desires. Board members shared their perspectives around picking up this work with the current Board, expressed their level of desire to complete this work, aired concerns and identified potential risks with having vacant Board positions.

John Tokarczyk provided an overview of the Overarching Issues work plan, highlighting achievements, the progress of ongoing work, and the anticipation that all milestones will be achieved with minor adjustments to timelines. He noted no major additions or changes were made to this work plan.

Board commented on the Overarching Issues Work Plan.

- Board inquired about the ecosystem services and valuation milestone, stating there are other values that can be considered beyond economic terms, and asked for clarity around interpretation and framing of valuation. Tokarczyk explained that valuation was initially framed with an economic lens, recognizing there are non-economic values as well. Board suggested to take a more holistic view to what ecosystems services are and how people value them. State Forester Daugherty asked for examples of values that could be considered, and the Board member responded ecological function, cultural values, and social values. Discussed how there should be a more balanced construct acknowledging the full suite of values associated with the ecosystem services concept. State Forester Daugherty provided additional context for the origination of this topic, and agreed that the Department will continue to broaden this construct with the assistance of various partners.

Liz Dent, State Forests Division Chief commented on that given the challenges of 2020, the amount of work that was completed along with core business across all Divisions was impressive. She reviewed the State Forests work plan achievements from 2020, including the revised draft Forest



Management Plan (FMP) and the robust stakeholder work in the second phase of the Habitat Conservation Plan (HCP). Acknowledged Division staff's personal and professional commitment to the planning processes and project management, in addition to their active roles in the complete and coordinated system for fire suppression. She outlined the 2021 check-in goals and projected rulemaking efforts but emphasized the major decisions relative to the National Environmental Policy Act (NEPA) process and companion FMP take place with additional rulemaking in 2022. She highlighted the additions to the work plan as a result of the 2020 Labor Day fires, stating the Division plan to report out on the Division's recovery plan and restoration work in March 2021.

Board commented on the State Forests Division Work Plan.

- Board recognized the Division workload regarding the HCP and now, the Santiam State Forest recovery efforts.
- Board asked how the March 2022 decision will be framed for the HCP and companion FMP. Dent explained how the two timelines coincide, noting the FMP will require rulemaking, but provided alternatives and explained how these approaches may extend timelines. Board member suggested framing up these plans in two separate votes and shared their perspective on why. Board Chair Imeson explained any voting approach can be discussed by the Board, at the time of the decision, and explained how alternatives can be proposed as well.
- Board appreciated the addition of the Santiam State Forest Update and encouraged the Division to include sister agencies perspectives as they report out on the proposed actions. Board understood they do not have any decision making authority, and the report is merely informational, but would appreciate to hear views on water quality, carbon sequestration, habitats for fish and wildlife as it relates to the proposed plan. Dent stated she will do some outreach with these agencies. Board would also be interested in hearing from local counties or trust counties regarding the Santiam recovery efforts, and their views on the restoration activities taking place on trust county land. Dent described the Division's outreach to Marion, Linn, and Clackamas counties, and Forest Trust Land Advisory Council thus far. Board encouraged the Division to consider addressing the public issues on timber sales as well during the March update. Dent stated this information may not be included with the staff report but is hopeful this can be part of the overall presentation.

Doug Grafe, Fire Protection Division Chief provided status on the Fire Protection Division workplan and concurred with the State Forester's opening remarks about the current state of the union. He explained how much of the Division's work ebbs from the Governor's Wildfire Council recommendations and spoke to the Board's involvement with this work. Commented on the anticipated work with the Emergency Board in preparation for the 2021 fire season. He discussed the policy work associated with the Governor's recommendations is forthcoming, as well as the potential rulemaking and direction that may be provided to the Department as the result of 81st Legislative Session. He outlined the Board business achieved in 2020 by the Division, noting the reports scheduled for 2021, and highlighted the additional report scheduled for March 2021.

Board made no comments on the Fire Protection Division Work Plan.

Bill Herber explained how the cyclic nature of the Administrative Division work plan results in several reoccurring administrative processes that generally tie into the biennial budgetary process. He shared the administrative achievements from 2020 and how the outcomes from these efforts will

be reported on as the Legislative Session progresses. He reviewed the work plan adjustments in terms of reporting intervals to the Board, as high-profile financial and administrative projects are underway for 2021-2022 with Board awareness being a top priority.

Board made no comments on the Administrative Division Work Plan.

Public Testimony:

- Joseph Youren from the Audubon Society of Lincoln City, provided written testimony ([attachment 2](#)) for the 2020-2022 Board work plans revision discussion. Listed reasons for his disappointment of the Board's and Department's decision to table the work on the Forestry Program for Oregon, Goal G revision. Urged the Board, as leaders, to direct the Department to collaboratively work with other state agencies in addressing climate issues.
- Collection of organizations, Beyond Toxics and et al, submitted written testimony ([attachment 3](#)) for the 2020-2022 Board work plans revision discussion relative to the Forestry Program for Oregon revision and Goal G. Provided topical background and outlined the reasons for revising the Board's strategic plan and goal G. Cited the Oregon Global Warming Commission draft biennial report on aspects around carbon storage and sequestration potential of Oregon's forests. Reviewed the Oregon Climate Action Plan (OCAP) coalition set of principles for climate-smart forestry policy. Made policy recommendations to guide the revision and update of goal G and listed 10 policy opportunities for the Board and Department to consider and implement as part of fulfilling Governor Brown's Executive Order 20-04.
- Amanda Astor, Forest Policy Manager for Associated Oregon Loggers (AOL), provided oral testimony for the 2020-2022 Board work plans revision discussion. Aired support for the Carbon workplan, suggesting an addition of a combined effort that utilizes the forest ecosystem carbon report, harvested wood products report, and Oregon's sawmill energy report into one all-encompassing lifecycle assessment for future modeling that includes disturbances. Urged the Department to work with American Forests to build a robust stakeholder engagement plan ensuring a full suite of management scenarios and possible effects are considered. AOL recommended additional collaboration between ODF with DEQ on the Executive Order 20-04 rule making efforts including any carbon offset credit from forestry activities. Spoke on the overarching work plan, how AOL would like to support the work on the Forestry Program for Oregon and be involved with the change's forthcoming. AOL looked forward in participating in the State Forests work plans items as stakeholder input will continue to contribute to the overall plans.
- Travis Williams, Riverkeeper and Executive Director of Willamette Riverkeeper provided oral and written testimony ([attachment 4](#)) for the 2020-2022 Board work plans revision discussion. Noted his testimony was behalf of Cascadia Wildlands, Oregon Wild, and various organizations opposed to the proposed Santiam State Forest Salvage project. He listed key issues of concerns with proposed timber sales relative to water quality, habitats, and wildlife. He encouraged the Department to adhere to the 2012 Implementation Plan principles as they work on restoration projects. Urged the Board to connect with stakeholders impacted by the Santiam project and defer any decision on timber sales until March 2021. Provided a list of research studies on water quality impacts from salvage logging. Reviewed the Board's statutory obligation to secure the greatest permanent value of the state lands and

noted administrative rules to warrant increasing riparian buffers and leaving burned trees in mature forests.

- Seth Barnes, Oregon Forest Industries Council (OFIC), provided oral testimony for the 2020-2022 Board work plans revision discussion. Highlighted the collaborative work and impacts that has resulted with the passage of Senate Bill 1602. Aired support for the legislation and provisions, thanked the Department for their work and appreciated the Board's support for the policy space for the discussions to continue. Shared the press release with the Board on the progress of the Forestry Accord and expressed hopefulness as this process moved forward. Supported the reforestation focus of the monitoring and compliance program, as a result of the 2020 Labor Day fires and State Forests emphasis in recovering the forest landscapes. Looked forward in being involved with the Natural and Cultural Resource taskforce process.
- Catherine Thomasson, Environmental Caucus on behalf of the Democratic Party provided oral testimony for the 2020-2022 Board work plans revision discussion. Expressed necessity for clean, safe drinking water and water resources. She referenced the coalition's report that outlines suggestions and summary for sequestration of carbon in our forests. Noted the climate change workplan lacks sufficient detail that outlines how the Department will achieve a sequestration plan by June. Climate Change will drastically impact resources in our watersheds located in forestlands. Thomasson suggested failures of water quality standards and described drinking watershed issues across Oregon due to timber harvests. Encouraged the Department to work further with DEQ, beyond revising a MOU, to work together to ensure Oregonians have access to safe, clean drinking water, as well as improve oversight and rulemaking.

Board members commented on the 2020-2022 Board Work Plans Revision Discussion Presentation.

- Board asked for clarification on how public testimony suggestions are incorporated and remind them of the motion in front of the Board. Tokarczyk reviewed the additional work and changes to the timelines relative to the Board's Climate Change work plan. He noted the other Board Work Plans had no substantial changes.
- Board Chair Imeson reviewed the midcourse correction process, by explaining the written material provided (e.g., 2020-2022 Board Work Plans) outlines the changes and additions made to the work plans. Noted how the Board could offer additional modifications, as necessary, through Board discussion. Board member McComb sought clarity on Board process in considering the testimony heard and incorporating additional changes to the modified work plans as presented by the Department. Board Chair encouraged the Board members and Division Chiefs to seek clarity from one another to ensure any updates to the workplans are understood. Board member Justice stated he had no further questions and would accept the modified work plans as presented.

Joe Justice motioned for approval of the modifications for the 2020-2022 Board work plans as presented. Tom Imeson seconded the motion. Board discussed motion made.

- Board member Kelly recognized this is a formal decision but noted there is a less-structured way of formalizing all work plan documentation and believes staff does a decent job of incorporating feedback with Board direction on the work plans. Stated unless there is a specific amendment, he would accept the

modified work plans as presented and discussed. Board Chair reminded the Board what was being voted on within the scope of the motion but stated exceptions can be made. State Forester Daugherty offered examples to the Board members on what they could outline or call out as they consider and vote on the motion.

- Board member McComb appreciated the information provided and reassured that the nuanced details and suggestions outlined by the Board are captured in the minutes (e.g., audio and written) relative to the work plan modifications.
- Board member McComb noted two elements that were discussed under the Climate and Carbon Work Plan and would like to see fulfilled, 1) list of incentives, 2) understand how to maximize carbon sequestration while minimizing greenhouse gas emissions associated with all aspects of forest management (i.e., including fire protection, stand management, harvesting and transportation). McComb also noted the State Forests Work Plan item, State Forest recovery efforts, and would like to know how other state agencies view the actions taken regarding the Santiam State Forest.
- Board member Kelly did not want to formalize a change to the Goal G revision timeline. State Forester stated he will schedule a follow-up with Board member Kelly and the Board Chair to draft some initial ideas on defining public input and outlining further Board discussion on this item. State Forester recognized the Board's attempt to remain flexible on the work plan timelines. Board Chair Imeson and Board member Justice clarified their positions in regards to the discussion around Goal G. Noted how they do not support delaying items because the Board does not have full membership, but recognized how missing voices can impact the Board's overall productivity and would like to function optimally as a board. Board Chair provided further clarification on his personal perspective on how he votes on a Board item, even without a full Board and aired his intention to remain as Board Chair and fulfill the duties of the Board until he is replaced.

**ACTION: Approved Board work plan modifications as presented and clarified by the Board discussion.**

Joe Justice motioned for approval of the modifications for the 2020-2022 Board work plans as presented and clarified by the Board discussion. Tom Imeson seconded the motion. Voting in favor of the motion: Joe Justice, Jim Kelly, Brenda McComb, and Tom Imeson. Against: none. With Board consensus the motion carried.

3. 2020 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS  
[Listen to audio](#) MP3 - (34 minutes and 32 seconds – 15.8 MB)  
Presentation ([attachment 5](#))

Board Chair Imeson opened the Operator of the Year topic, noting how the recognition process will be offered in a virtual format outside of the traditional norm, but expressed the Board's appreciation for the opportunity to acknowledge operators excellence for 2020.

Scott Swearingen, Private Forests Field Support Manager, introduced the Operator of the Year award presentation and described the modified award process.

John Krause, Private Forests Stewardship Forester, outlined the Division's [presentation](#) and reviewed the recognition program's goals. He explained the relative authority and background of the program. He described the intent behind the goals and the nomination process. Krause stated that nominations can come from anyone, but the nominees must meet five standard criteria in exceeding natural resource protection requirements. He defined and listed each criterion: consistency, difficulty, results, innovation and extra effort, as well as the financial risk to the operator.

Krause reviewed the selection and evaluation process for each nominated operator. He commented on the Department's goal in recognizing quality forest practices while educating the public on the Forest Practices Act (FPA) and how it can work within the forest industry. He explained how the Department works with various outlets to disseminate the recognition of operator's meritorious work and regional operator of the year achievements. Krause listed the operators who received a merit award by region in the following order, and thanked Jim Gersbach from the Department's public affairs team in preparing the operator award videos.

- Southwest Oregon Region:
  - Weber Logging and Construction Incorporated from Roseburg, Oregon ([video](#))
  - Rocky Wardle from Rogue River, Oregon ([video](#))
- Northwest Oregon Region:
  - Greg Johnson Logging from Blodget, Oregon ([video](#))
  - J.M. Browning Logging Incorporated from Astoria, Oregon ([video](#))
  - Greenup Enterprises Incorporated from Estacada, Oregon ([video](#))
  - Wayne Stone Logging Incorporated from Sandy, Oregon ([video](#))

Krause celebrated each 2020 Operator of the Year winner, by providing a brief description of each winner's achievements, before playing a video of the operator in action. He showed a narrated video of the operator's harvesting approach and shared the reason for the nomination. The video provided each operator the opportunity to explain how they balance efforts in logging, field work, slash clean-up, and stream buffer conservation.

- Darrell Jacobs Trucking Incorporated for the Eastern Oregon Region ([video](#))
- D & H Logging Company for the Southwest Oregon Region ([video](#))
- C & C Logging, LLC for the Northwest Oregon Region ([video](#))

State Forester Daugherty thanked the Operators of the Year for their exemplary work and for setting a good example for working lands. Swearingen remarked that each award recipient has been provided individual time to share any words they may on their work and recognition. Each awarded operator shared a few words to express their appreciation for the recognition, for their crew's hard work on the project, and gratitude for the Board and Department staff for acknowledging their team's work. Chair Imeson commented on the importance of their work and the dedication each operator demonstrated.

Public Testimony: None

Board members commented on the 2020 Forest Practices Operator of the Year Awards presentation.

- Board Chair Imeson expressed gratitude for the video production work done by Jim Gersbach from the Department's public affairs team. Board member Kelly mentioned he appreciated the videos and they felt like a field trip in this time of pandemic restrictions.

Public Testimony: None

#### **INFORMATION ONLY.**

4. FOREST TRUST LAND ADVISORY COMMITTEE TESTIMONY  
[Listen to audio](#) MP3 – (40 seconds – 320 KB)

Board Chair Imeson confirmed with Board Administrator, Hilary Olivos-Rood, there are no commissioners to provide comment and item concluded.

Commissioner Testimony: None

#### **INFORMATION ONLY.**

5. ODF CLIMATE CHANGE CARBON PLAN  
[Listen to audio](#) MP3 - (35 minutes and 49 seconds – 16.4 MB)  
Presentation ([attachment 6](#))

Board Chair Imeson introduced John Tokarczyk, Policy and Analysis Unit Lead for the Partnership and Planning Program. Tokarczyk offered brief background on the topic and introduced the main presenter.

Danny Norlander, Forest Carbon and Forest Health Policy Analyst, outlined the intent for the climate change carbon plan and reviewed the timeline for this work. He reviewed the drafted purpose, vision, and principles that will act as the framework for the plan's implementation. He explained to meet the plan's purpose, the Department and staff developed eight forestry climate action goals. Norlander reviewed each goal in the following order, noting purpose for goal and detailing elements that helped shape the goal's lens.

- Climate-Informed Forestry
- Fire Response and Fire / Smoke Adapted Communities
- State Forests Management
- Federal Forest Restoration
- Urban and Community Forests
- Reforestation and Afforestation
- Maintain and Conserve Forests
- Research and Monitoring

Norlander highlighted how research and monitoring is crucial to informing the policy work and measuring the accomplishment of each goal. He discussed the role and function of the supporting actions currently included with the plan. Reviewed how the supporting actions will pass through a

diversity, equity, and inclusion (DEI) lens that aligns with the forthcoming Equity Blueprint from the Climate Adaptation Framework, to ensure inclusion of underrepresented and vulnerable populations in the decision-making process. He outlined the forward progress being made on the plan's development and supporting actions. Norlander commented on the projected timeline for the plan's drafting, board review, and public input. He closed by asking the Board to consider whether any goals are missing from the plan, and what the public input process could look like for the plan.

Board commented on the ODF Climate Change Carbon Plan presentation.

- Appreciated the work done towards defining the plan's goals, encouraged the opportunity for public input on these goals, and interested in the measurements used in determining goal achievement. Noted how these goals speak to other statewide and regional efforts the Department is involved with or contributed to.
- Remarked on the importance for each goal to be quantifiable, measurable, and monitorable to help determine whether progress occurs. Suggested for each goal to have identified metrics, that can be implemented through a monitoring or research plan and program. Referenced the League of Women Voters of Oregon's written testimony and how they raised points for the need of metrics to be identified. Echoed the importance to keep the Board engaged and public informed, to ensure the plan and goals are understood.
- Inquired about the guidance provided by the Policy and Analysis Unit to the State Forests Division on the salvage logging and other activities on the Santiam State Forest. Tokarczyk and Norlander stated no direct conversation relative to the Santiam's efforts has occurred.
- Aired concerns about the process for goals framed, leadership assessing feasibility of goals, and alignment of goals with the division's actions. State Forester Daugherty responded by listing the ways the State Forests have led by example to date in areas of forest management and carbon sequestration, but the Board encouraged for the State Forests to progress further in light of the Governor's response letter. State Forester explained the Department's reasoning to begin with the vision, principles, and forestry climate action goals to the Board. Asked about further data to be shared with the Board supporting the assertion that State Forests is sequestering more carbon than other landowners in the state, beyond the data included with the Forest Ecosystem Carbon Report.
- Board Chair Imeson shared his preference for a practical approach, by receiving input from the Board, proceeding with the public input process, and returning to the Board with an update as well as some recommendations on next steps. He explained this is a good way to engage and inform the Board, while seeking advice on this plan. Norlander paraphrased what he heard collectively from the Board, provided an overview of the collaborative work completed thus far as clarification for the written testimony submitted, and confirmed how the plan will proceed with public and board engagement. Encouraged the PAU team to outline areas or advise the Board on ways to support areas that can help progress this plan. State Forester Daugherty reviewed some areas that are ready to progress and fulfill the goals outlined in the plan, explaining any encumbrances to these areas and how the Board could assist in resolving.

#### Public Testimony:

- Cascadia Wildlands submitted written testimony ([attachment 7](#)) for the ODF Climate Change Carbon Plan topic, relative to the North Cascade District's Santiam State Forest Implementation Plan revision. Provided background on three organizations who contributed

to the testimony submission letter. Outlined a series of issues for the Department to address, through modifying the proposed implementation plan, and offered research citations on various topics that could inform the plan's revision.

- Felice Kelly submitted written testimony ([attachment 8](#)) for the ODF Climate Change Carbon Plan topic. Shared feedback on the purpose, vision, principles, and goals outlined, as well as what was missing from this document. Urged for the Department to promptly distribute a more substantial climate change and carbon plan.
- League of Women Voters of Oregon submitted written testimony ([attachment 9](#)) for the ODF Climate Change Carbon Plan topic. Aired support for climate goals and policies developed with the best available climate science. Noted the value of carbon sequestration in forests for the reduction of greenhouse gas emissions (GHG) and cited relevant research studies. Requested the Department to revise the Forest Practices Act and improve forestry statutes akin to neighboring states. Recognized the economic factors relative to implementing climate-smart practices, and encouraged the collaboration between the Board, Legislature, and citizens to support the Department in an alternative funding mechanism. Urged the Board and Department to make their priorities clear, identify legislative needs, and develop aggressive plans to address climate change and carbon in Oregon.

## **INFORMATION ONLY.**

### 6. BOARD CLOSING COMMENTS AND MEETING WRAP UP [Listen to audio](#) MP3 - (16 minutes and 38 seconds – 7.61 MB)

Board Chair, Tom Imeson, reviewed the agenda items in sequential order with Board members and Department staff, and welcomed any closing comments or follow-up questions on topic items.

- Board Chair Imeson began with the consent agenda items and asked if there was any follow-up to these items.
  - State Forester Daugherty reviewed how information items are currently presented to the Board and offered alternative actions beyond approving the information reported, such as accepting a report. Chair Imeson provided another suggestion, where the Board acknowledges the report and recommended for the Board's feedback be returned to OFRI. Board member McComb shared her perspective of what a 'yes' vote for an informative report can mean, describing how an acknowledgment of receipt for the report could equate to no value judgment by the Board. State Forester agreed and will move forward with "acknowledgment of receipt for the report" and begin incorporating this language as a recommendation for informational reports.
  - State Forester Daugherty followed up on the comment made by Board member McComb about encouraging inclusion and expanding diversity on committees. He thanked the Board for their input and will pass along the message to the Area Directors. He mentioned a vacancy on an eastern Oregon committee and will follow-up with Board member Kelly on potential nominees. Board member McComb appreciated the follow-up and offered her perspective on how committee diversity can improve. She encouraged developing guidance and expectations for the Department and committees to consider when diversifying representation. State Forester agreed and



appreciated the Board's support. He recognized a cultural shift takes time but is hopeful that the Governor and Legislature will fund the Departments' position requests that will help advance equity, diversity, and inclusion objectives across the agency and committees.

- Item #1 and #2 were reviewed. Board Chair Imeson inquired if there was follow-up on the Board action and discussion for item two.
  - State Forester Daugherty noted there are several directions, approaches, and contexts around the work plans that were raised by the Board. He stated how he will ensure the Board's comments and intentions are reflected in the meeting minutes.
  - Board Chair Imeson reflected on the anticipated addition of four new board members and explained how current board members may become the minority voices during this transition. Explained how transitions can experience some tension with understanding the Board's direction as it relates to the work plans, so there will be an adjustment process. He suggested to not define the work too much allowing some flexibility for future member input.
- Board Chair Imeson commented on what was occurring at the National Capital in Washington D.C. He shared his perspective of the disturbing events, and other Board members commented. Board member Kelly noted the level of civil discourse in the Board meeting was in sharp contrast to what was happening in D.C. Board member McComb agreed, then shared her perspective and feelings about the televised unrest.
- Item #3 reviewed. Board Chair Imeson appreciated this award as a form of recognition for those who go above and beyond. Board member Justice expressed the great work done by the Department staff to pull together this award recognition. Board member Kelly appreciated the videos, as they provided a field trip experience for everyone viewing and illustrated the practices implemented by the operators.
- Item #4 was reviewed and nothing to report.
- Item #5 was reviewed. Board member McComb appreciated how hard the staff was working to advance the climate plan for the agency and to fulfill the mandate set by the Governor's office. She mentioned three areas for the Department to consider relative to this topic and state forest management. Offered thoughts on minimizing greenhouse gases through forest management, utilizing other department programs or partner agencies to review the state forest implementation plans, and balancing carbon-smart forestry in state forests while achieving economic, environmental, and recreational benefits.

**INFORMATION ONLY.**

Board Chair Imeson adjourned the public meeting at 2:27 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:	State Forests Work Plan
Topic:	State Forests Public Use Rulemaking
Presentation Title:	State Forests Public Use Rulemaking
Date of Presentation:	March 3, 2021
Contact Information:	Liz Dent, State Forests Division Chief 503-945-7351, <a href="mailto:Liz.F.Dent@Oregon.gov">Liz.F.Dent@Oregon.gov</a> Justin Butteris, Policy Analyst 503-945-7481, <a href="mailto:Justin.Butteris@Oregon.gov">Justin.Butteris@Oregon.gov</a>

## CONTEXT

The State Forests Division has promulgated a set of Oregon Administrative Rules (OARs) governing the public use of state forest lands, found in Chapter 629 and Division 025 ([OAR 629-025-0000 to 629-025-0099](#)). These rules are intended to cover all aspects of public use within state forest lands, with a focus on forest resource protection and reducing conflicts between users. Two updates are being pursued currently to address implementation of forest access restrictions and recreational immunity.

### Forest Access Restrictions

On September 6th, 2020 a weather event resulting in high temperatures, low humidity, and easterly winds created an extreme fire situation that led to rapid expansion of the Beachie Creek Fire, consuming 130,000 acres in one night. The fire grew to 190,000 acres by September 17th, and ultimately burned 193,573 acres. Of this total, 24,284 acres are in the Santiam State Forest, which is more than half of the total acreage of the Santiam State Forest. The fire has resulted in hazardous conditions across the forest, with recreational use of the forest likely to result in further adverse resource impacts to forest lands. Deficiencies in the current rules were uncovered when the Department implemented closures of the Santiam State Forest. Specifically, no rules existed to guide the Department's implementation of closures of the Santiam State Forest lands that are likely to be adversely impacted by public use, or to clearly articulate the penalty associated with violation of the closure.

### Recreational Immunity

Recent Supreme and Appellate Court rulings (*McCormick v. State Parks and Recreation Dept.*, 366 Or 452, 466 P3d 10 (2020)) have provided some clarity on the applicability of recreational immunity when a recreationalist has paid a fee for parking on public land. Most recently the Court of Appeals ruled in *McCormick v. State of Oregon* that the State was entitled to recreational immunity in a situation where a recreational user of an Oregon State Park paid a \$5 parking fee then was injured while swimming. The Supreme Court had reversed the Appellate Court ruling that the public trust doctrine waived recreational immunity and remanded the case back to the Court of Appeals to rule on other disputes of material fact. At issue was whether the payment of the parking fee waived recreational immunity. The Court ruled that recreational immunity was not waived, and this finding was supported by the administrative rule that established the parking fee containing the language that the fee "is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696".

## **BACKGROUND AND ANALYSIS**

### *Forest Access Restrictions*

There is appreciable and imminent risk to both the health and safety of the public and to forest resources due to the catastrophic wildfire on the Santiam State Forest. Forest roads, culverts, trails, and recreation infrastructure have been damaged throughout the area. Trees killed or damaged by the fire could fall unpredictably. Hillsides can be unstable after the trees and vegetation that once stabilized them are killed, and rain can result in landslides months later. Burned-out tree roots can lead to collapsing soils.

The State Forester has broad authority over state forest lands under ORS 530.050(13) to “do all things and make all rules, not inconsistent with law, necessary or convenient for the management, protection, utilization and conservation of the lands.” Implementing an immediate forest-wide closure of the Santiam State Forest became necessary to protect forest resources while the Division repairs forest infrastructure and restores the forest. While the authority to close the forest exists and the Department has existing rules for the closure of roads and campgrounds, the Division had not promulgated rules to describe the implementation process when closing other areas of the forest, or to make clear the penalties associated with violation of the closure order. In the interest of full transparency on the implementation of the closure and to ensure the Department had a clear enforcement mechanism, the Department adopted a temporary rule as Oregon Administrative Rule (OAR) 629-025-0091 (Attachment 1) in November 2020. This temporary rule will expire in mid-May. With the expectation that portions of the Santiam State Forest will need to continue to be closed over the next several months, and that other areas of State Forest lands may need to be closed in the future, the Division seeks to initiate permanent rulemaking on this OAR with the Board of Forestry.

The rule establishes the general process for implementing a closure, including notification of the closure to the public on the ODF website and at major points of entry to the areas that are closed. When the temporary rule was filed, the Department issued a press release, and sent emails to all stakeholders and stakeholder groups that have requested updates on State Forests, and sent emails to key legislators as well. There have been no comments provided to the Department on the temporary rule.

### *Recreational Immunity*

The State Forests Division has two parking fees established in current OARs. The first applies to campers who bring additional vehicles to camp sites and the second is a parking fee at designated parking areas. The latter situation is analogous to the situation found in the McCormick case. The Division seeks to amend the rule to adopt the language used by Oregon Parks and Recreation Department in order to strengthen the recreational immunity defense, should legal action be taken against the Department.

The Department is not seeking to change the fees or the policies associated with parking on State Forests at this time.

## **RECOMMENDATION**

- Direct the State Forest Division to begin rulemaking to adopt OAR 629-025-0091 as a permanent rule and amend OAR 629-025-0030, returning to the Board in June 2021 for final approval.

## **NEXT STEPS**

- The Division will initiate the rulemaking on OAR 629-025-0030 and 629-025-0091, including holding a public comment period and a hearing.
- The Division will bring back a summary of the comment received and the final recommendations on rule language to the Board at its June 2021 meeting, seeking approval to adopt the final rule effective immediately.

## **ATTACHMENT**

1. OAR 629-025-0091 – Closure and Access Restrictions temporary rule filing
2. State Forests public use rulemaking – proposed rule language

OFFICE OF THE SECRETARY OF STATE  
BEV CLARNO  
SECRETARY OF STATE  
JEFF MORGAN  
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DOF 2-2020**  
CHAPTER 629  
DEPARTMENT OF FORESTRY

**FILED**  
11/18/2020 3:34 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: State Forest public access restrictions.

EFFECTIVE DATE: 11/20/2020 THROUGH 05/18/2021

AGENCY APPROVED DATE: 11/18/2020

CONTACT: Justin Butteris  
503-945-7481  
odf.sfcomments@oregon.gov

2600 STATE ST BLDG D  
SALEM, OR 97310

Filed By:  
Hilary Olivos-Rood  
Rules Coordinator

**NEED FOR THE RULE(S):**

On September 6th, 2020 a weather event resulting in high temperatures, low humidity, and easterly winds created an extreme fire situation that led to rapid expansion of the Beachie Creek Fire, consuming 130,000 acres in one night. The fire grew to 190,000 acres by September 17th, and ultimately burned 193,573 acres. Of this total, 24,284 acres are in the Santiam State Forest, which is more than half of the total acreage of the Santiam State Forest. The fire has resulted in hazardous conditions across the forest, with recreational use of the forest likely to result in further adverse resource impacts to forest lands. This rule will allow the Department to implement closures of the Santiam State Forest lands that are likely to be adversely impacted by public use.

**JUSTIFICATION OF TEMPORARY FILING:**

(1) There is appreciable and imminent risk to both the health and safety of the public and to forest resources due to the catastrophic wildfire. Forest roads, culverts, trails, and recreation infrastructure have been damaged throughout the area. Trees killed or damaged by the fire could fall unpredictably. Hillsides can be unstable after the trees and vegetation that once stabilized them are killed, and rain can result in landslides months later. Burned-out tree roots can lead to collapsing soils. Implementing an immediate forest-wide closure is necessary for the protection, conservation, and management of forest resources of the Santiam State Forest. (2) Failure to act promptly will result in serious prejudice to the general public interest and to the recreational users of the Santiam State Forest.

(3) Failing to act promptly would increase resource damage, leading to more costly and extensive repair and restoration needs, and ultimately a longer closure. (4) Immediate closure is needed to eliminate or reduce impacts to forest resources while the Department repairs forest infrastructure and restores the forest.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Santiam State Forest webpage, <https://www.oregon.gov/odf/recreation/Pages/santiam-state-forest.aspx>.

ADOPT: 629-025-0091

**AGENDA ITEM B**  
**Attachment 1**  
**Page 1 of 2**

RULE TITLE: Closures and Access Restrictions

RULE SUMMARY: Establishes the State Forester may close all or portions of State Forest lands to public access and use. Establishes the notification requirements, enforcement, and penalties for violations for State Forest closures. Delegates authority to close or limit use of State Forest lands temporarily to Department employees.

RULE TEXT:

- (1) The State Forester may establish portions of State Forest land that are closed or limited to specific uses or activities by the public. These may differ from State Forest land to State Forest land and from time-to-time, but shall be indicated on the Department website, and on posted signs at the State Forest land that is closed.
- (2) Closures will be identified by signs at major points of entry to the restricted portions of the forest and notices placed on the Department's website.
- (3) A person may not enter or occupy State Forest land that has been ordered closed by the State Forester.
  - (a) A person engaging in work under contract with the Department of Forestry may be exempt with written permission from the Forester or their designee.
  - (b) This restriction does not apply to state employees or law enforcement officers in the performance of their official duties.
- (4) A Department employee may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.
- (5) A peace officer may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.
- (6) The State Forester may designate to Department employees the authority to protect forest resources under section (1). This authority includes actions that may:
  - (a) Permit or limit specific activities or uses in designated portions of State Forest land;
  - (b) Designate a location within a State Forest for a single use to avoid conflicts between users;
  - (c) Restrict access to or close an entire State Forest land;
  - (d) Restrict access to or close a portion of State Forest land; or
  - (e) Exclude a person from State Forest land.
- (7) A person excluded from State Forest land may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Forester responsible for the State Forest land where the notice of exclusion was issued.
- (8) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:
  - (a) A person ordered to leave State Forest land that remains present;
  - (b) A person excluded from State Forest land that enters or remains present;
  - (c) A person enters a closed or restricted portion of State Forest land; and
  - (d) A person engages in an activity that has been specifically prohibited or restricted on State Forest land or a portion of State Forest land.

STATUTORY/OTHER AUTHORITY: ORS 530.050

STATUTES/OTHER IMPLEMENTED: ORS 530.050

## State Forests Public Use Rulemaking – Proposed Rule Language

The bold text of OAR 629-025-0030 is the new text proposed to be added. OAR 629-025-0091 is a new rule in its entirety.

### 629-025-0030

#### Other Fees

- (1) A Person must pay the applicable fee for use of Campgrounds, Camping Areas and other listed facilities and services.
- (2) Payment of Fees: Unless posted otherwise, payment of fees must be made prior to receipt of the permit or use of the facilities and services. Permit fees are non-refundable. Overnight camping fees are for the use of facilities until 1:00 p.m. of the following day.
- (3) Established Fees: Specific fees for permits, facilities and services, are as follows:
  - (a) Camping in a Campground at a:
    - (A) Vehicle site: \$20 per night;
    - (B) Walk-in site: \$15 per night;
    - (C) Designated Camping Area: \$5 per night per Motor Vehicle.
  - (b) Camping at a group site: \$50 per night.
  - (c) A fee of \$5 per night, per Motor Vehicle must be paid by a Person who allows more than two automobiles or four motorcycles to be parked overnight at a Designated Campsite reserved by that Person. **This charge is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696. The immunities provided under ORS 105.682 apply to use of state forest land for recreational purpose.**
  - (d) Parking in a designated parking area: \$5 per vehicle per 24 hour period. **This charge is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696. The immunities provided under ORS 105.682 apply to use of state forest land for recreational purpose.**
- (4) Firewood: Where conditions permit, firewood may be sold by the Forester.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

### OAR 629-025-0091

#### Closures and Access Restrictions

- (1) The State Forester may establish portions of State Forest land that are closed or limited to specific uses or activities by the public. These may differ from State Forest land to State Forest land and from time-to-time, but shall be indicated on the Department website, and on posted signs at the State Forest land that is closed.
- (2) Closures will be identified by signs at major points of entry to the restricted portions of the forest and notices placed on the Department's website.
- (3) A person may not enter or occupy State Forest land that has been ordered closed by the State Forester.
  - (a) A person engaging in work under contract with the Department of Forestry may be exempt with written permission from the Forester or their designee.
  - (b) This restriction does not apply to state employees or law enforcement officers in the performance of their official duties.

## State Forests Public Use Rulemaking – Proposed Rule Language

(4) A Department employee may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.

(5) A peace officer may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.

(6) The State Forester may designate to Department employees the authority to protect forest resources under section (1). This authority includes actions that may:

(a) Permit or limit specific activities or uses in designated portions of State Forest land;

(b) Designate a location within a State Forest for a single use to avoid conflicts between users;

(c) Restrict access to or close an entire State Forest land;

(d) Restrict access to or close a portion of State Forest land; or

(e) Exclude a person from State Forest land.

(7) A person excluded from State Forest land may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Forester responsible for the State Forest land where the notice of exclusion was issued.

(8) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

(a) A person ordered to leave State Forest land that remains present;

(b) A person excluded from State Forest land that enters or remains present;

(c) A person enters a closed or restricted portion of State Forest land; and

(d) A person engages in an activity that has been specifically prohibited or restricted on State Forest land or a portion of State Forest land.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040



**MEMORANDUM**

**SUBJECT: ANNUAL INTERAGENCY FOREST PRACTICE RULE REVIEW  
MEETING REPORT**

**TO:** Members of the Board of Forestry

**FROM:** Peter Daugherty, State Forester

**DATE:** March 3, 2021

This memorandum and attachment summarizes the 2020 annual meetings held with other state agencies regarding the sufficiency of the Forest Practice Rules and proper coordination with other agencies with an interest in the forest environment. Oregon Administrative Rule (OAR) 629-605-0110 states “The State Forester shall, at least once each year, meet with other state agencies concerned with the forest environment to review the Forest Practice Rules relative to sufficiency. The State Forester shall then report to the Board of Forestry a summary of such meeting or meetings together with recommendations for amendments to rules, new rules, or repeal of rules.”

The report (attachment 1) relates to the 2011 Forestry Program for Oregon vision of ensuring statewide forest resource policies are coordinated among Oregon’s natural resource agencies. The report directly relates to the following goals:

Goal A.2. Support an effective, science-based, and adaptive Oregon Forest Practices Act and a strong, but flexible, Land Use Planning Program as the cornerstones of forest resource protection on private lands in Oregon. The Board will use non-regulatory methods as much as feasible to achieve public-policy goals on private forestlands, and consider the use of additional regulatory methods only when non-regulatory methods are either not feasible or are not likely to achieve the desired outcome.

Goal B.1. Continue to assess the unique challenges and opportunities facing federal, state, local government, tribal, industrial, investment, and family forest landowners and promote policies that result in economic conditions sufficient to encourage continued retention of, and investment in, forestlands in each of these ownership groups.

Goal C.4. Promote and use a variety of tools for retaining Oregon’s forestland base, including public acquisition of forests.

Goal C.5. Promote policy frameworks and land management assistance programs that recognize and encourage the diverse management objectives of Oregon’s public and private forestland owners. Diverse forest management objectives provide a suite of benefits, which collectively, in appropriate proportions and locations, will meet Oregon's environmental, economic, and social needs.

Goal D.1. Use education, engineering, incentives, and enforcement of the Forest Practices Act to protect soil productivity and water quality on non-federal forestlands.

Goal D.2. Promote understanding, acceptance, and support across all land uses for relevant evaluations of water quality conditions based on beneficial uses, and the use of these evaluations to develop stream protection policies across land uses that result in consistent application of state water quality standards.

Goal D.4. Promote the maintenance of forestland in forest uses and promote the establishment of new forests as key elements in promoting high quality water and protection of soil productivity.

Goal D.5. Promote forest management that perpetuates the ecological processes— including disturbance dynamics—that contribute to desired aquatic habitat and water quality using a landscape level approach.

Goal D.6. Support and contribute to continuing statewide efforts under the Oregon Plan for Salmon and Watersheds to enhance, restore and protect Oregon’s native salmonid populations, watersheds, water quality, and fish and wildlife habitat, while sustaining a healthy economy.

Goal D.7. Recognize that private forest landowners’ contribution to providing Oregonians with high quality drinking water is achieved through compliance with state water quality standards.

Goal D.8. Promote management practices that protect forest soil productivity from losses due to human-induced landslides, soil erosion, and soil compaction.

Annual meetings are offered individually to natural resource agencies. In addition to discussing forest practice issues, meetings are used to discuss a range of Department programs and state agency coordination issues. A decision to hold a formal meeting is based upon the relative importance of the issues identified during pre-meeting discussions, the adequacy of ongoing coordination, and the preference of the invited agency.

There were no specific recommendations for Forest Practice rule changes.

Attachment 1: Annual Rule Review Meeting Report 2020

## PRIVATE FORESTS DIVISION

### ANNUAL RULE REVIEW MEETING REPORT 2020

#### Introduction

This report describes the annual meetings the State Forester conducted during 2020, to ensure proper coordination among state agencies with an interest in the forest environment and forest practice rule sufficiency. OAR 629-605-0110 states, “The State Forester shall, at least once each year, meet with other state agencies concerned with the forest environment to review the Forest Practice Rules relative to sufficiency. The State Forester shall then report to the Board of Forestry a summary of such meeting or meetings together with recommendations for amendments to rules, new rules, or repeal of rules.”

All state natural resource agencies were invited to meetings, as were several additional agencies that often collaborate or coordinate with the Department on forest resource issues. Oregon Department of Forestry (ODF) field and program staff contributed input regarding issues of interagency coordination. Oregon Department of Forestry staff asked the other agencies for items to discuss at the annual meeting. A decision to hold a formal meeting is based upon the relative importance of the issues that have been identified during pre-meeting discussions, the adequacy of ongoing coordination, and the preference of the invited agency.

#### Summary of Meeting Results

**There were no specific recommendations for rule changes. Topics discussed, potential action items identified, and follow-up actions occurring as a result of the meetings are described on the following pages.**

#### Meetings held in 2020:

05/01/20	Oregon State University
06/05/20	Oregon Forest Resources Institute
06/24/20	Oregon Department of Agriculture
10/19/20	Oregon Water Resources Department
10/21/20	Department of Land Conservation and Development
11/03/20	Oregon Department of Transportation
11/10/20	Oregon Health Authority
11/12/20	Department of Geology and Mineral Industries
11/17/20	Columbia River Gorge Commission
12/10/20	State Historic Preservation Office
01/12/21	Oregon Water Enhancement Board

Declined	Office of Emergency Management Oregon Department of Revenue
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No Response:	Department of State Lands Oregon Parks and Recreation Department Department of Environmental Quality Oregon Department of Fish and Wildlife
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**ATTENDEES:**

**Oregon State University**

Jim Johnson, Department Head, Forest Engineering, Resources, and Management  
Carrie Berger, Associate Program Leader

**Oregon Department of Forestry**

Lena Tucker, Deputy State Forester  
Kyle Abraham, Private Forests Division Chief  
Josh Barnard, Private Forests Deputy Chief  
Jeff Burns, Partnership & Planning Grants Ops Coordinator  
Scott Swearingen, Field Support Unit Manager  
Ryan Gordon, Family Forestlands Coordinator  
Mike Kroon, Seed Orchard Manager  
Leana Dickerson, Executive Support

**TOPICS:**

Covid-19 Update

- General Impacts, Hiring Freeze

New Fire Program

- Webinar series, Fire Specialists, State Fire Program Advisory Committee

Partnership for Forestry Education

- Tree school and online series, Project Proposals for Willamette Valley Ponderosa Pine (WVPP) conservation and management planning

Willamette Valley Pine Conservation

- Seed Orchard Overview, Coordination with Oregon State University (OSU) marketing class to find a way to market seed, Long-term Seed Orchard Planning, WVPP Growing Guide Updates and Electronic Document Search

Federal Forest Collaborative

- General update

Forestland Classification Committee

- OSU need for upcoming dates

Entomologist Position at OSU

- Current update on vacancy

**ACTION ITEMS:**

- Mike to help look for an electronic copy of the old WVPP growing guide and connect it to Steve Fitzgerald, who is currently seeking the guide to make updates (OSU).
- Ryan to identify opportunities for Carrie to attend ODF Executive Team (ET) and Leadership Team (LT) meetings to present the Fire Program.
- Kyle to notify Jim of which counties will be up for forestland classification.
- Kyle and Private Forests Division to look for opportunities to support the search for a new entomologist position at OSU.

## Oregon Forest Resources Institute

June 5, 2020

### ATTENDEES:

#### **Oregon Forest Resources Institute**

Erin Isselmann, Director

Mike Cloughesy, Director of Forestry

#### **Oregon Department of Forestry**

Lena Tucker, Deputy State Forester

Kyle Abraham, Private Forests Division Chief

Scott Swearingen, Field Support Unit Manager

Ryan Gordon, Family Forestlands Coordinator

Joy Krawczyk, Public Affairs Program Manager

Leana Dickerson, Executive Support

### TOPICS:

#### Covid-19 Update

- General operational impacts, impacts to fire season, hiring freeze

#### Partnership for Forestry Education General Update

- Landscape Management Plan, Tree School Online update

#### E-Book/Video Grants

- Close out of project, additional \$5,000 to spend on additional videos

#### Public Opinion Survey

- Close out of 2019 topic, plan to provide presentation to LT/ET of ODF

#### Oregon Forest Resources Institute (OFRI) Board Tour

- Postponement and plan for 2021 tour to present new report: Trees to Tap

#### OFRI Plans for Revising *Oregon Forest Protection Laws—an Illustrated Manual*

- Discussion around a short term supplement to the manual to update a few rules, long term – work together to update a new manual entirely.

#### Landowner Database

- General information about the continued interest in this project and the need for additional funding to improve the database.

### ACTION ITEMS:

- Finalize and promote Partnership for Forestry Education logo.
- With OFRI, work to complete three final videos from video grant.
- OFRI to present Forest Values and Beliefs Survey results, as well as the Trees to Tap report to ET and/or LT.
- Assist OFRI with OFRI Board tour in Spring 2021.
- Planned supplements to *Oregon Forest Protection Laws – an Illustrated Manual*; Wildlife Food Plots and Siskiyou Temporary Rule.

**ATTENDEES:**

**Oregon Department of Agriculture**

Lisa Hanson, Deputy Director

Stephanie Page, Director of Natural Resources

**Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief

Josh Barnard, Private Forests Deputy Chief

Scott Swearingen, Field Support Unit Manager

Mike Kroon, Seed Orchard/Forest Health Unit Manager

Leanna Dickerson, Executive Support

**TOPICS:**

Covid-19 Update

- General operational impacts, impacts to fire season, hiring freeze

Budget Impacts

- ODF – vacancies and Sudden Oak Death (SOD) program cuts, Oregon Department of Agriculture (ODA) – vacancies, redistribution of staff, lottery fund deficit

Pesticide Investigation Coordination

- Coordination and communication, current spray concern in Newport, response timeliness

Interagency Memorandum of Understanding (MOU) on land conversion

- Look for training opportunities

Impacts of Senate Bill (SB) 1602

- Potential agency MOU for responsibility distribution on pesticide application records

Agriculture Wetlands Guidance

- Review of 2009 memo for ag/wetland use, creating a new policy, currently under review, interagency training need

Invasive Species

- Emerald Ash seed project, aerial survey

Sudden Oak Death

- Pathologist position, slow the spread, invasive species account funds

**ACTION ITEMS:**

- Share Agriculture Wetlands guidance with ODA once finalized, and set aside time to connect about implementation.
- ODF to revisit land conversion MOU and look at opportunities for training/collaboration.
- ODF to reach out to nursery industry in regards to SOD funding sources.
- Look at potential to develop interagency response/coordination on natural resource related issues that cross agency authority.
- Coordinate with ODA on implications of Senate Bill 1602.

## Oregon Water Resources Department

October 19, 2020

### ATTENDEES:

#### **Water Resources Department**

Douglas Woodcock, Deputy Director  
Mike McCord, NW Region Manager  
Bryn Hudson, Legislative Coordinator

#### **Oregon Department of Forestry**

Lena Tucker, Deputy State Forester  
Kyle Abraham, Private Forests Division Chief  
Josh Barnard, SB1602 Project Manager  
Eric Hartstein, Interim Private Forests Deputy Chief  
Scott Swearingin, Field Support Unit Manager  
Thomas Whittington, Water Quality Specialist  
Keith Baldwin, FPA Field Coordinator  
Brooke Burgess, Civil Penalties Assistant  
Jay Walters, FPA Field Coordinator  
Leana Dickerson, Executive Support

### TOPICS:

#### Senate Bill 1602

- General Overview, Geographic Information System (GIS) mapping coordination, anticipated challenges, future reporting, Memorandum of Agreement (MOA) or MOU development

#### 2020 Fires, Restoration/Recovery

- General overview of 2020 wildfire events, future supporting field operations during salvage and recovery efforts, general timeline of salvage/restoration, alternate plans, Governor's recovery plans

#### Covid-19 Updates and Impacts

- General overview of impacts to both organizations

#### Integrated Water Resources Strategy

- Update on staffing and 2022 program update

#### Place Based Planning Program

- Projects overview

### ACTION ITEMS:

- ODF to connect with Water Resources Department (WRD) for GIS mapping coordination and MOU/MOA development around SB 1602.
- ODF to provide SB 1602 one-page summary to WRD.
- ODF to provide a one-page Forest Activity Electronic Reporting and Notification System (FERNS) subscriber registration to WRD.
- Kyle to connect with Doug about alignment on water quantity and fire recovery awareness.

## Department of Land Conservation and Development

October 21, 2020

### ATTENDEES:

#### **Department of Land Conservation and Development**

Kirstin Greene, Deputy Director  
Gordon Howard, Community Services Division Manager  
Patty Snow, Ocean and Coastal Services Division Manager  
Hilary Foote, Farm & Forest Land Use Specialist  
Heather Wade, Coastal Policy Specialist  
Matthew Crall, Planning Services Division Manager

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief  
Josh Barnard, SB 1602 Project Manager  
Eric Hartstein, Private Forests Interim Deputy Chief  
Scott Swearingen, Field Support Unit Manager  
Thomas Whittington, Water Quality Specialist  
John Tokarczyk, Business and Land Use  
Dan Hubner, GIS Analyst  
Danny Norlander, Forest Health Monitoring Specialist  
Paul Clements, Training and Compliance Coordinator  
Leana Dickerson, Executive Support

### TOPICS:

#### Department of Land Conservation and Development (DLCD) Topics

- Shared efforts and collective contributions, DLCD commission temporary rules for disaster immediate shelter and interim housing

#### 2020 Fires, Restoration/Recovery

- Overview of 2020 fire season and future recovery and restoration efforts, Erosion Threat Assessment and Reduction Team (ETART) efforts, alternate plans, salvage logging, potential land use changes

#### Senate Bill 1602

- General overview

#### Coastal Nonpoint Pollution Control Program

- SB 1602 new buffer requirements for helicopter pesticide use, general update to FPA policies, Department of Environmental Quality (DEQ) alignment, and potential updates

#### Clatsop County Comprehensive Land Use Planning

- Overview of process and ODF role in work, FPA education and information sharing

#### Wildfire Risk Mapping: SB 1536

- Awareness moving forward

### ACTION ITEMS:

- ODF to share information about acres burned with DLCD by Nov. 12<sup>th</sup>.
- ODF to follow up with DLCD about salvage logging areas.



## Oregon Department of Transportation

November 3, 2020

### ATTENDEES:

#### **Oregon Department of Transportation**

Kris Strickler, Director

Luci Moore, Maintenance and Operations Engineer

Patti Caswell, Maintenance Environmental Manager

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief

Josh Barnard, SB 1602 Project Manager

Scott Swearingen, Field Support Unit Manager

Eric Hartstein, Interim Private Forests Deputy Chief

Keith Baldwin, FPA Field Coordinator

Leana Dickerson, Executive Support

### TOPICS:

2020 Fires, Restoration/Recovery

- Season overview, Erosion Threat Assessment and Reduction Team (ETART) taskforce, emergency protective measures, statewide removal waiver, Federal Emergency Management Agency (FEMA) eligible tree removal, Governor's Wildfire Council

Senate Bill 1602

- Overview, drone vs. helicopter application and regulations

Electronic Notification Subscriber Portal

- General update of usage

### ACTION ITEMS:

- Kyle to provide contact information for Ryan Gordon to Luci, so that Oregon Department of Transportation (ODOT) can send assessments to the ETART team as available.
- Continue coordination on tree removal on steep slopes.

## Oregon Health Authority

November 10, 2020

### ATTENDEES:

#### **Oregon Health Authority**

Andre Ourso, Center Administrator for the Center for Public Health  
Gabriela Goldfarb, Environmental Public Health Section Manager  
Dave Emme, Drinking Water Services

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief  
Josh Barnard, SB 1602 Project Manager  
Eric Hartstein, Interim Private Forests Deputy Chief  
Scott Swearingen, Field Support Unit Manager  
Keith Baldwin, FPA Field Coordinator  
Paul Clements, Training and Compliance Coordinator  
Dave Larson, South West Oregon District Forester  
Nick Yonker, Smoke Management Program Manager  
Doug Grafe, Fire Protection Division Chief  
Ron Graham, Deputy Fire Protection Division Chief  
Leana Dickerson, Executive Support

### TOPICS:

Prescribed Burning and Smoke Management Program

- Public health concerns with prescribed burning, implications and benefits of prescribed burning

2020 Fires, Restoration/Recovery

- Overview of 2020 fire impacts, Oregon Health Authority (OHA) recovery efforts, ETART and ODF restoration efforts, water operator access during emergency events, restoration and fire recovery in connection with future algae blooms

Senate Bill 1602

- Overview of SB 1602 and functions within ODF operations

Health Concerns for Firefighters and Outdoor Workers

- General concern for outdoor workers during fire/smoke season and Occupational Safety and Health Administration regulations

Pesticide Topics

- Tabled for future discussion

### ACTION ITEMS:

- ODF to communicate challenge of water operators gaining access to infrastructure during emergency operations to field to ensure future access.
- OHA to communicate with ODF about implications of fire and recovery efforts to waterways in regards to algae blooms to best inform future practices.
- OHA and ODF to connect GIS staff to share communication around waterways to inform SB 1602 work.

- OHA to communicate Oregon Occupational Safety & Health (OSHA) information regarding outdoor workers in fire/smoke season.

## **Department of Geology and Mineral Industries**

**November 12, 2020**

### **ATTENDEES:**

#### **Department of Geology and Mineral Industries**

Bob Houston, Geological Survey and Services Program Manager

Bill Burns, Engineering Geologist, Landslide Specialist

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief

Josh Barnard, SB 1602 Project Manager

Eric Hartstein, Interim Private Forests Deputy Chief

Scott Swearingen, Field Support Unit Manager

Thomas Whittington, Water Quality Specialist

Leana Dickerson, Executive Support

### **TOPICS:**

2020 Fires, Restoration/Recovery

- Overview of 2020 fire impacts, Erosion Threat Assessment and Reduction Team (ETART) and ODF restoration efforts, salvage logging

Debris Flow Susceptibility Modeling

- Partnerships and focus areas, potential opportunities for partnering with ODF

Senate Bill 1602

- Overview of SB 1602 and functions within ODF operations

Partnership Opportunities and Resource Sharing

- Light Detection and Ranging (LiDAR) data availability

### **ACTION ITEMS:**

- ODF to connect with Department of Geology and Minerals Industries (DOGAMI) on LiDAR needs/collaboration work.
- DOGAMI to provide more information on Debris Flow Susceptibility work to identify role that ODF could provide.

## Columbia River Gorge Commission

November 17, 2020

### ATTENDEES:

#### **Columbia River Gorge Commission**

Krystyna Wolniakowski, Executive Director

Aiden Forsi, Land Use Planner

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief

Josh Barnard, SB 1602 Project Manager

Scott Swearingen, Field Support Unit Manager

Leana Dickerson, Executive Support

### TOPICS:

Gorge Scenic Area Plan Changes

- Columbia River Gorge Commission (CRGC) master plan, climate change, carbon sequestration, Oregon/Washington coordination

Senate Bill 1602

- General overview, notification system, Oregon Habitat Conservation Plans

2020 Fires, Restoration/Recovery

- General overview of 2020 season

### ACTION ITEMS:

- CRGC to share documented research from Environmental Protection Agency (EPA) that informed the expansion of streamside buffers.
- ODF to provide memo from Department of Justice (DOJ) on climate change to CRGC.
- ODF to provide Forest Health Highlights to CRGC.
- ODF to determine and communicate back to CRGC on whether there are State Forest lands within the national scenic area.

## State Historic Preservation Office

December 10, 2020

### ATTENDEES:

#### **State Historic Preservation Office**

Ian Johnson, Associate Deputy State Historic Preservation Officer

John Pouley, SHPO Archeologist

#### **Oregon Department of Forestry**

Lena Tucker, Deputy State Forester

Kyle Abraham, Private Forests Division Chief

Josh Barnard, SB 1602 Project Manager

Scott Swearingen, Field Support Unit Manager

Keith Baldwin, FPA Field Coordinator

Leana Dickerson, Executive Support

### TOPICS:

#### Senate Bill 1602

- General overview and ways ODF and State Historic Preservation Office (SHPO) can collaborate
- Tribal involvement and anticipated questions

#### 2020 Fires, Restoration/Recovery

- SHPO recovery work and FEMA reimbursement support
- GIS and information sharing
- Connection with State Forests Division

#### Identification, Maintenance, and Rehabilitation of Historic Structures

- SHPO overview and expectations

#### Archeological Survey of State Dept. of Forestry Lands (Burn Areas) and Archeological Review of Projects on Private Forest Land

- Notification and permit processes
- Private landowner communication processes

#### ODF Recovery Efforts with FPA and Private Forests

- General overview of 2020 impacts, focuses

### ACTION ITEMS:

- ODF to send SHPO the press release from the Governor's office on the process and timelines for SB 1602.
- ODF to stay in touch with SHPO (specifically John Pouley) on cultural resources issues that may come up.
- Keith Baldwin to reach out to Ian Johnson about GIS informational needs.
- Lena to connect Ian Johnson with State Forests, and Liz Dent, to discuss restoration processes on State Lands.
- John to provide Private Land Bulletin to ODF.

## Oregon Water Enhancement Board

January 12, 2021

### ATTENDEES:

#### **Oregon Water Enhancement Board**

Renee Davis, Deputy Director  
Courtney Shaff, Interim Business Operations Manager  
Eric Williams, Grant Program Manager  
Ken Fetcho, Effectiveness Monitoring Coordinator

#### **Oregon Department of Forestry**

Kyle Abraham, Private Forests Division Chief  
Josh Barnard, SB 1602 Project Manager  
Scott Swearingen, Field Support Unit Manager  
Thomas Whittington, Water Quality Specialist  
Eric Hartstein, Interim Deputy Private Forests Division Chief  
Al De Vos, Federal Initiative Unit Grants Coordinator  
Jeff Burns, Acting Director, Partnership & Planning Division  
Leana Dickerson, Executive Support

### TOPICS:

2020 Fires, Restoration/Recovery

- Overview of restoration logging work

Senate Bill 1602

- Overview of workplan

Conservation Reserve Enhancement Program (CREP) and program's effectiveness monitoring

- Discussion of program and current progress

Oregon Agricultural Heritage Program

- Overview of program creation and development

Voluntary Measure Evaluation

- Brief discussion about capacity for developing this program further and its benefits

Forest Action Plan

- Overview of Forest Action Plan documents and opportunity for input

### ACTION ITEMS:

- Oregon Watershed Enhancement Board (OWEB) and ODF to collaborate on carbon and climate change issues.
- Continue discussion about large wood placement projects and opportunities post fire.
- Maintain awareness for voluntary measure reporting and future work.

Agenda Item No:	D
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Department Financial Report for January and February 2021
Date of Presentation:	March 3, 2021
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a>

## **SUMMARY AND CONTEXT**

An executive financial report and summary will be submitted monthly to ensure the Board of Forestry (Board) has up-to-date information for oversight of the Department's financial condition. This report will include the financial and budgetary status of the Department as well as other ancillary topics as appropriate.

## **BACKGROUND AND ANALYSIS**

This consent item is a transparent publishing of the Department's transmittal of monthly financial reports to the Board of Forestry. While executive-level in nature, the financial report provides information on various topics that are either germane, or direct impacts to the financial status of the agency, or other administrative functions of the organization during any given month.

This financial report will continue to evolve over time. As the Department's reporting ability matures and insights into its operational and administrative work improve, this financial report will reflect those improvements. These improvements could include operational or process improvements or the introduction of new systems and technologies that enhance the Department's administrative capabilities. In addition, Board input will be factored in as the report evolves.

## **NEXT STEPS**

The Board will receive the Department's Financial Report the third week of every month, whether a Board meeting is occurring or not. This will allow the Department to report on the previous month while allowing for the fiscal month closing process to conclude.

## **ATTACHMENTS**

- 1) Department of Forestry Financial Report for January 2021
- 2) Department of Forestry Financial Report for February 2021 (available one week before meeting)



# Memorandum

## Oregon Department of Forestry

**Date:** January 23, 2021  
**To:** Board of Forestry Members  
**From:** Bill Herber, Deputy Director for Administration  
**Subject:** Department Financial Report

### **Department Financial Report**

Since the last report, the department was once again able to improve its short-term financial situation with posting accounts receivables (AR) from many different revenue streams. In addition to timber sale revenue that continues to do quite well, the department received payment on the following long-term AR:

- \$4.9 million from the Bureau of Land Management for services provided through the Western Oregon Operating Plan.
- Approximately \$5 million from the Federal Emergency Management Agency for the 2015 Stouts Creek fire.
- Nearly \$1.2 million from Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for extraneous costs incurred by the department due to the COVID-19 pandemic. The department does anticipate recovering an additional \$400-\$500 thousand of CARES funding in the near future.

In addition to its normal accounts receivables, the department also received \$14.2 million in General Fund for the state's remaining portion of estimated net costs for the 2020 fire season (see Emergency Board below).

As noted in last month's report, invoices from accounts payables for costs incurred for the estimated \$130 million 2020 fire season have been less than anticipated, driven by many of the costs becoming mid- to long-term payables to state and federal agencies. Since that last report, the department paid out an additional \$5 million for large fire costs, bringing the total paid expenditures for the 2020 fire season to roughly \$80 million.

On January 29, the department will make its next payment to the counties for revenue generated through timber harvests. Current estimates place this expenditure at around \$14 to \$15 million.



The department continues to track well against its biennial budget and shows a drop in the overall percentage of budget spent for the department from 74.97% in the December 2020 report to the current expenditure percentage of 70.74 (Appendix A). This decrease is due to the Emergency Board actions in December and January increasing our Legislatively Approved Budget.

**Main Cash Account and Fire Protection General Fund Balances**

Accounts Receivables and General Fund (GF) revenue contributed to increases in the department’s cash account and Fire Protection’s GF appropriation. These balances are critical as the department prepares to pay county payments at the end of the month and engage its strategy for repayment of the outstanding \$55 million loan from the Oregon State Treasury.

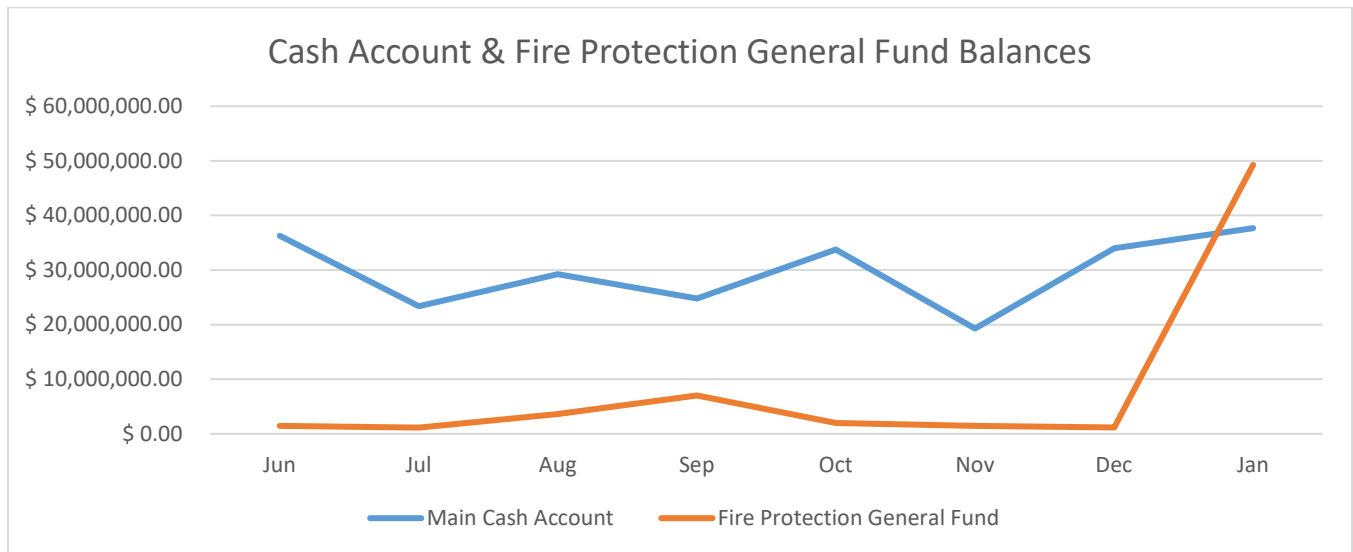


Figure 1, Monthly Balance for Main Cash Account and Fire Protection General Fund, Jun through Jan 22, 2020

**Emergency Board**

On January 8, 2021, the Emergency Board met to consider requests from numerous agencies. As related to the department, the Emergency Board took the following actions:

- Allocation of \$14,281,798 for funding the state’s remaining portion of the estimated net cost for the 2020 fire season.
- Allocation of \$13 million to the department for the following uses:
  - \$5.0 million to supplement the wildfire aviation program;
  - \$3.0 million, along with authorization of 37 limited-duration positions (12.29 FTE), for additional Fire Protection program staffing;
  - \$5.0 million to expand the partnership and planning program, including federal forest health.

Details on these actions are in the department’s and Office of State Fire Marshals joint request to the Emergency Board (Appendix B).

**OREGON DEPARTMENT OF FORESTRY**  
**AGENCY-WIDE EXPENDITURES BY PROGRAM AND APPROPRIATION**  
**2019-2021 BIENNIUM TO DATE THROUGH DECEMBER 2020**

Program Title	Fund Type	Legislatively Approved Budget	Actuals as of DECEMBER 2020	Percentage of Biennium Elapsed 75%	
				Budget Balance	Percentage of Budget Spent
<b>AGENCY ADMINISTRATION</b>	General Fund	4,003,620	1,849,995	2,153,625	46.21%
	Other Funds	36,442,908	29,251,633	7,191,275	80.27%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	4,666,940	2,977,345	1,689,595	63.80%
	<b>AGENCY ADMINISTRATION TOTAL</b>	<b>45,113,468</b>	<b>34,078,973</b>	<b>11,034,495</b>	<b>75.54%</b>
<b>CAPITAL IMPROVEMENT</b>	General Fund	0	0	0	0.00%
	Other Funds	4,783,787	595,246	4,188,541	12.44%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>CAPITAL IMPROVEMENT TOTAL</b>	<b>4,783,787</b>	<b>595,246</b>	<b>4,188,541</b>	<b>12.44%</b>
<b>DEBT SERVICE</b>	General Fund	16,418,449	10,356,070	6,062,379	63.08%
	Other Funds	603,234	532,009	71,225	88.19%
	Lottery Funds	2,543,451	1,495,077	1,048,374	58.78%
	Federal Funds	0	0	0	0.00%
	<b>DEBT SERVICE TOTAL</b>	<b>19,565,134</b>	<b>12,383,157</b>	<b>7,181,977</b>	<b>63.29%</b>
<b>EQUIPMENT POOL ADMINISTRATION</b>	General Fund	0	0	0	0.00%
	Other Funds	18,033,946	10,729,314	7,304,632	59.50%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>EQUIPMENT POOL ADMINISTRATION TOTAL</b>	<b>18,033,946</b>	<b>10,729,314</b>	<b>7,304,632</b>	<b>59.50%</b>
<b>FAMADA OPERATIONS</b>	General Fund	0	0	0	0.00%
	Other Funds	5,642,619	1,536,702	4,105,917	27.23%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>FAMADA OPERATIONS TOTAL</b>	<b>5,642,619</b>	<b>1,536,702</b>	<b>4,105,917</b>	<b>27.23%</b>
<b>PRIVATE FORESTS</b>	General Fund	20,581,904	13,679,365	6,902,539	66.46%
	Other Funds	13,699,474	7,296,819	6,402,655	53.26%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	14,246,693	7,737,549	6,509,144	54.31%
	<b>PRIVATE FORESTS TOTAL</b>	<b>48,528,071</b>	<b>28,713,733</b>	<b>19,814,338</b>	<b>59.17%</b>
<b>PROTECTION FROM FIRE</b>	General Fund	94,396,064	67,088,353	27,307,711	71.07%
	Other Funds	190,938,471	167,793,162	23,145,309	87.88%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	17,924,645	5,975,072	11,949,573	33.33%
	<b>PROTECTION FROM FIRE TOTAL</b>	<b>303,259,180</b>	<b>240,856,587</b>	<b>62,402,593</b>	<b>79.42%</b>
<b>STATE FOREST LANDS</b>	General Fund	5,000	5,000	0	100.00%
	Other Funds	109,117,608	62,983,551	46,134,057	57.72%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	928,679	718,342	210,337	77.35%
	<b>STATE FOREST LANDS TOTAL</b>	<b>110,051,287</b>	<b>63,706,893</b>	<b>46,344,394</b>	<b>57.89%</b>
<b>AGENCY-WIDE</b>	<b>All General Funds</b>	<b>135,405,037</b>	<b>92,978,784</b>	<b>42,426,253</b>	<b>68.67%</b>
	<b>All Other Funds</b>	<b>379,262,047</b>	<b>280,718,437</b>	<b>98,543,610</b>	<b>74.02%</b>
	<b>All Lottery Funds</b>	<b>2,543,451</b>	<b>1,495,077</b>	<b>1,048,374</b>	<b>58.78%</b>
	<b>All Federal Funds</b>	<b>37,766,957</b>	<b>17,408,308</b>	<b>20,358,649</b>	<b>46.09%</b>
	<b>Total All Fund Types / Programs</b>	<b>554,977,492</b>	<b>392,600,605</b>	<b>162,376,887</b>	<b>70.74%</b>



**Oregon**

Kate Brown, Governor

Department of State Police  
General Headquarters  
3565 Trelstad Ave SE  
Salem, OR 97317  
503-378-3720  
General Fax: 503-378-8282  
TTY 503-585-1452

**January 4, 2021**

The Honorable Senator Peter Courtney, Co-Chair  
The Honorable Representative Tina Kotek, Co-Chair  
State Emergency Board  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

Dear Co-Chairpersons:

**Nature of the Request**

The Office of State Fire Marshal (OSFM) and the Oregon Department of Forestry (ODF) respectfully request permission to appear before the January 2021 Emergency Board to:

1. Request \$17 million (\$13 million to ODF and \$4 million to OSFM) of the \$40 million appropriated for wildfire response to begin the process of advancing the state's wildfire protection system in the critical areas of community preparedness; aircraft capacity; fire-line leadership; critical staff support in areas including financial processing, fire investigations, firefighter safety, and fire cache coordination; and building fire-resilient landscapes. This modernization is necessary to adequately respond to the growing complexity of Oregon's wildfire conditions. The request is only for a portion of the full \$40 million set aside for this purpose in recognition of the fact that there are only six months remaining in this biennium.
2. Discuss the need for continued investment of the full \$40 million as a biennial appropriation to continue advancing the state's wildfire protection system in the 2021-23 biennium.

**Agency Action**

**Background**

After the most devastating fire season in Oregon's history and based on the recommendations from the Governor's Council on Wildfire Response, ODF and OSFM—the lead state agencies for wildfire preparedness and response [Emergency Support Function (ESF) 4]—need additional capacity for the 2021 wildfire season, and need that expanded capacity in future biennia, to advance the state's wildfire protection system to a level commensurate with Oregon's wildfire environment. Given this new reality and as we look to future fire seasons, these additional investments ensure that ODF, OSFM, and the more than 300 local fire departments that we partner with frequently (Oregon's Fire Service) can adequately respond when Oregon's communities and forest are at risk.

The Governor's Wildfire Council recommendations are anchored into the National Cohesive Strategy that identifies adequate response, fire-adapted communities, and resilient landscapes as the tenants for a comprehensive wildfire protection system. Oregon's protection system must advance on all of these fronts to meet our growing risk of wildfire and this request represents a critical step towards that end. The devastating wildfire seasons of the last decade have challenged ODF and OSFM and demanded a level of response neither agency is staffed for. The **fire-adapted communities** portion of this investment will advance community preparedness, ensuring our communities prioritize fire prevention, preparedness, and response functions. The **resilient landscapes** portion of this investment is critical to providing our first responders with the greatest potential for successful suppression and fire-control efforts by mitigating some of the conditions that have contributed to the increasingly catastrophic fire behaviors we have seen in recent years.

Both agencies urgently need investments now in preparation for the 2021 fire season, which will occur in the first fiscal year of 2021-2023 biennium. The timing between legislative and fire season cycles will require a phased approach to advancing Oregon's wildfire protection system, which will require both the funding requested in this letter for the remainder of the 2019-21 biennium and commitment to carrying these investments into the 2021-23 biennium as current service level.

OSFM investments:

For OSFM, \$8 million in total investment is needed in the 2021-23 biennium's current service level. Due to the timing of fire seasons and legislative cycles across multiple biennia, the office will use a phased approach. For phase one, \$4 million will be required for the remainder of the 2019-21 biennium, which will be allocated to two areas:

- \$2 million for the purpose of response and community preparedness. Funding includes limited duration FTE. This capacity is a critical starting point for increasing boots on ground for fire response, community preparedness, communications and safety response capacity, fire leadership, support for the Incident Management Teams and fire prevention strategies for local communities—all based on critical lessons learned from the 2020 wildfire season. Investments now and in the future (2021-23) are needed to manage the increased workload and risk of medium and large fires, ensure responders are safe and increase training to support an effective statewide Oregon response.
- \$2 million provided to local fire departments to increase mobilization readiness, personal protective equipment, and preventative measures, with fire agencies affected by the Labor Day wildfires as the priority. Funds will also be used to support fire departments impacted by the wildfires of 2020, with fire suppression equipment, training, personal protective equipment and costs incurred by fire departments to stabilize after the wildfires.

ODF investments:

For ODF, \$32 million will be needed in the 2021-23 biennium's current service level. Due to the timing of fire seasons and legislative cycles across multiple biennia, the department will use a phased approach. For phase one, \$13 million will be required for remainder of the 2019-21 biennium, which will be allocated across the following three areas:

- \$5 million for the advancement of Oregon's wildfire aviation program. Starting with the 2021 fire season, ODF would procure one next generation airtanker and one heavy helicopter on daily availability contracts. ODF currently has no other contracts for these assets and these assets in particular, are often in critical shortage nationally at our greatest times of need. ODF would also procure two single-engine airtankers, advancing our current fleet of these assets to a total of seven distributed across the state. The spending of these dollars typically begins in June, as fire activity increases and securing aviation assets becomes imperative to having resources available when needed for initial attack.
- \$3 million for the advancement of ODF's fire readiness by investing in fire-line leadership and critical staff support in areas including financial processing, fire investigations, firefighter safety and fire cache coordination. Funding includes limited duration FTE. Implementation would begin immediately with the hiring of the limited duration positions for the remainder of the biennium. Additional seasonal fire-line leadership would also be hired in early spring to ready for and respond to the 2021 fire season activity.
- \$5 million to enable the state to work collaboratively across boundaries engaging multiple partners to create a Shared Stewardship approach for implementing meaningful land management activities to create fire adapted communities and restore and maintain resilient landscapes. Funding match relief. One aspect of this ask is to provide match relief to leverage additional federal funding requests for USFS State and Private Forestry funds. The capacity to provide federal assistance is currently limited by the availability of local and state governments to match federal funds.

Action Requested

The Office of State Fire Marshal (OSFM) and the Oregon Department of Forestry (ODF) respectfully request permission to appear before the January 2021 Emergency Board to:

1. Request limited duration positions and \$17 million (\$13 million to ODF and \$4 million to OSFM) of the \$40 million appropriated for wildfire response to begin the process of advancing the state's wildfire protection system in the critical areas of community preparedness; aircraft capacity; fire-line leadership; critical staff support in areas including financial processing, fire investigations, firefighter safety, and fire cache coordination; and building fire-resilient landscapes. This modernization is necessary to adequately respond to the growing complexity of Oregon's wildfire conditions. The request is only for a portion of the full \$40 million set aside for this purpose in recognition of the fact that there are only six months remaining in this biennium.
2. Discuss the need for continued investment of the full \$40 million as a biennial appropriation to continue advancing the state's wildfire protection system in the 2021-23 biennium.

**Legislation Affected**

**Oregon State Police / Office of State Fire Marshal:**

SB5530, Chapter 568, section 1(1), Oregon Law 2019 - \$ 4,000,000

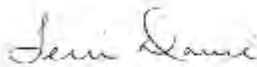
**Oregon Department of Forestry:**

HB5019, Chapter 664, section 1(2), Oregon Laws 2019 - \$8,000,000

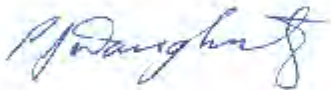
HB5019, Chapter 664, section 5(1a), Oregon Laws 2019 - \$5,000,000

Thank you for your time and consideration.

Sincerely,



Terri Davie  
Superintendent  
Oregon State Police



Peter Daugherty  
Oregon State Forester  
Oregon Department of Forestry

CC: Constantin Severe, Governor's Office  
Julie Neburka, Legislative Fiscal Analyst  
Michelle Lisper, DAS/CFO Policy & Budget Analyst  
Jon Harrington, OSP Deputy Superintendent  
Traci Cooper, OSP Chief Financial Officer  
Jason Miner, Governor's Office  
Oregon Board of Forestry  
Matt Stayner, Legislative Fiscal Office  
Renee Klein, DAS/CFO Policy & Budget Analyst



# Memorandum

## Oregon Department of Forestry

**Date:** February 23, 2021  
**To:** Board of Forestry Members  
**From:** Bill Herber, Deputy Director for Administration  
**Subject:** Department Financial Report

### **Department Financial Report**

In the period between this report and the last, the department has seen a fair amount of activity in its cash accounts. Over \$40 million went out in this period in various payables, most notably a \$14.3 million disbursement to the counties for timber harvest revenue and \$6.1 million in large fire costs for the 2020 fire season. Even with this pressure on our cash reserves, the department's cash balance was able to grow slightly over the last month due to continuing accounts receivables. With State Forests' timber posting a respectable \$12.5 million in revenue, continued receipts of Forest Patrol Assessments, and payments from the Bureau of Land Management and the Federal Emergency Management Agency, along with other miscellaneous revenues, the department's Accounts Receivables continued to help us maintain a favorable cash position (Figure 1).

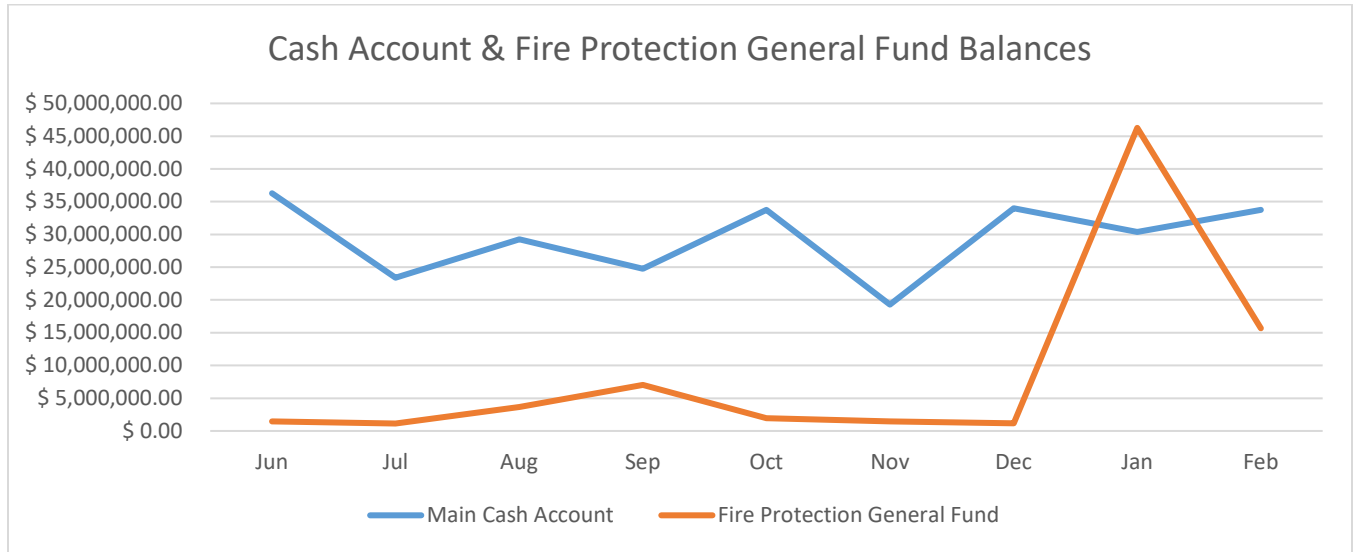
As noted in January, legislative action through the Emergency Board allocated the department General Fund for the state's portion of 2020 fire costs. A substantial portion of these funds were utilized to make a payment towards the outstanding loan with the Oregon State Treasury. Earlier this month, the department posted \$30 million towards the principal of our loan, along with \$339,906 towards outstanding interest. This now leaves the department with a balance of \$25 million. Continued analysis of our financial condition will determine when the remaining balance should be paid, taking into consideration upcoming county timber revenue disbursements and outstanding 2020 large fire costs.

To date, the department has paid \$88.2 million of the estimated \$135 million of 2020 large fire costs.

With the additional General Fund, the department is now tracking closely to its Legislatively Approved Budget. The only major exception is Fire Protection Division's Other Funds, driven by large fire costs, which is offset at the department-wide level (Appendix A).

**Main Cash Account and Fire Protection General Fund Balances**

Accounts Receivables compared well against Accounts Payables this period, allowing cash balances to remain relatively static. The large reduction in Fire Protection General Fund is the \$30 million payment to the Oregon State Treasury.



*Figure 1, Monthly Balance for Main Cash Account and Fire Protection General Fund, Jun through Feb 22, 2021*

**Macias, Gini and O’Connell External Review**

MGO and the department are in the final phase of wrapping up their external review of the department’s large fire cost recovery processes. On February 5, MGO presented a draft of their final report the Forestry Financial Oversight Committee. This report highlighted 28 observations and recommendations in the five original areas of concern, Budgeting, Financial Resources, Information Technology, Oversight, and Policies and Procedures. The observations fall into three risk categories (based on severity and impact to operations), with 12 being in the high category, 12 medium and 4 in low. The Committee spent a majority of their time reviewing the 12 high risk observations. Next steps for the report are the incorporation of feedback from the department, primarily focused on completion efforts and dates. In addition to the final report, MGO has provided numerous financial schedules that can assist the department with the tracking and reporting of their financial situation. The department is also working on a comprehensive implementation plan to assist in the operationalization of the recommendations outlined by MGO.

Given that many of the recommendations are around that lack of controls and policy and procedures, the department is continuing to engage with MGO on this front. Their expertise in policy, process and control documentation and implementation will prove invaluable as we continue to address many of their findings.



**OREGON DEPARTMENT OF FORESTRY**  
**AGENCY-WIDE EXPENDITURES BY PROGRAM AND APPROPRIATION**  
**2019-2021 BIENNIUM TO DATE THROUGH JANUARY 2021**

Percentage of Biennium Elapsed 79%

Program Title	Fund Type	Legislatively Approved Budget	Actuals as of JANUARY 2021	Budget Balance	Percentage of Budget Spent
<b>AGENCY ADMINISTRATION</b>	General Fund	9,123,310	2,111,613	7,011,697	23.15%
	Other Funds	37,642,908	29,926,643	7,716,265	79.50%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	4,666,940	3,064,015	1,602,925	65.65%
	<b>AGENCY ADMINISTRATION TOTAL</b>	<b>51,433,158</b>	<b>35,102,271</b>	<b>16,330,887</b>	<b>68.25%</b>
<b>CAPITAL IMPROVEMENT</b>	General Fund	0	0	0	0.00%
	Other Funds	4,783,787	595,246	4,188,541	12.44%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>CAPITAL IMPROVEMENT TOTAL</b>	<b>4,783,787</b>	<b>595,246</b>	<b>4,188,541</b>	<b>12.44%</b>
<b>DEBT SERVICE</b>	General Fund	16,418,449	10,356,070	6,062,379	63.08%
	Other Funds	603,234	546,089	57,145	90.53%
	Lottery Funds	2,543,451	1,495,077	1,048,374	58.78%
	Federal Funds	0	0	0	0.00%
	<b>DEBT SERVICE TOTAL</b>	<b>19,565,134</b>	<b>12,397,237</b>	<b>7,167,897</b>	<b>63.36%</b>
<b>EQUIPMENT POOL</b>	General Fund	0	0	0	0.00%
	Other Funds	18,033,946	11,310,452	6,723,494	62.72%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>EQUIPMENT POOL ADMINISTRATION TOTAL</b>	<b>18,033,946</b>	<b>11,310,452</b>	<b>6,723,494</b>	<b>62.72%</b>
<b>FAMADA OPERATIONS</b>	General Fund	0	0	0	0.00%
	Other Funds	5,642,619	1,590,311	4,052,308	28.18%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>FAMADA OPERATIONS TOTAL</b>	<b>5,642,619</b>	<b>1,590,311</b>	<b>4,052,308</b>	<b>28.18%</b>
<b>PRIVATE FORESTS</b>	General Fund	20,581,904	14,474,136	6,107,768	70.32%
	Other Funds	13,699,474	7,815,759	5,883,715	57.05%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	14,246,693	7,979,613	6,267,080	56.01%
	<b>PRIVATE FORESTS TOTAL</b>	<b>48,528,071</b>	<b>30,269,508</b>	<b>18,258,563</b>	<b>62.38%</b>
<b>PROTECTION FROM FIRE</b>	General Fund	116,677,862	70,571,322	46,106,540	60.48%
	Other Funds	190,938,471	171,340,251	19,598,220	89.74%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	17,924,645	6,521,101	11,403,544	36.38%
	<b>PROTECTION FROM FIRE TOTAL</b>	<b>325,540,978</b>	<b>248,432,675</b>	<b>77,108,303</b>	<b>76.31%</b>
<b>STATE FOREST LANDS</b>	General Fund	5,000	5,000	0	100.00%
	Other Funds	109,117,608	71,006,157	38,111,451	65.07%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	928,679	799,687	128,992	86.11%
	<b>STATE FOREST LANDS TOTAL</b>	<b>110,051,287</b>	<b>71,810,844</b>	<b>38,240,443</b>	<b>65.25%</b>
<b>AGENCY-WIDE</b>	<b>All General Funds</b>	<b>162,806,525</b>	<b>97,518,141</b>	<b>65,288,384</b>	<b>59.90%</b>
	<b>All Other Funds</b>	<b>380,462,047</b>	<b>294,130,908</b>	<b>86,331,139</b>	<b>77.31%</b>
	<b>All Lottery Funds</b>	<b>2,543,451</b>	<b>1,495,077</b>	<b>1,048,374</b>	<b>58.78%</b>
	<b>All Federal Funds</b>	<b>37,766,957</b>	<b>18,364,416</b>	<b>19,402,541</b>	<b>48.63%</b>
	<b>Total All Fund Types / Programs</b>	<b>583,578,980</b>	<b>411,508,543</b>	<b>172,070,437</b>	<b>70.51%</b>

Agenda Item No.:	E
Work Plan:	Administrative Work Plan
Topic:	Administrative Processes
Presentation Title:	Approval of Agency Director Financial Transactions, Fiscal Year 2020
Date of Presentation:	March 3, 2021
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203 <a href="mailto:bill.herber@oregon.gov">bill.herber@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 2020.

**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 2020, 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 2020
- (2) State Forester’s Leave Usage Summary, Fiscal Year 2020

**State Forester's Travel Claims Summary Fiscal Year 2020  
July 1, 2019 through June 30, 2020**

<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	Florence	30.50	08/21/19	8/22/19	Oregon Coastal Caucus Economic Summit
P. Daugherty	Sunriver	45.75	10/13/19	10/14/19	Annual Oregon Forest Industries Council Meeting
P. Daugherty	Roseburg	27.50	10/17/19	10/18/19	Lloyd's of London Underwriter Visit and Field Tour
P. Daugherty	Pendleton, John Day	110.00	12/02/19	12/05/19	Tribal-State Government Summit
	TOTAL	<b>213.75</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 2020**  
**July 1, 2019 through June 30, 2020**  
**(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-19	0	56	0	0	0	8	<b>64</b>
Aug-19	0	8	0	8	0	0	<b>16</b>
Sept-19	0	24	0	0	0	0	<b>24</b>
Oct-19	4	8	0	0	0	0	<b>12</b>
Nov-19	0	0	0	0	0	0	<b>0</b>
Dec-19	0	44	8	16	0	0	<b>68</b>
Jan-20	0	0	0	0	0	0	<b>0</b>
Feb-20	0	0	0	0	0	0	<b>0</b>
Mar-20	0	0	0	0	0	0	<b>0</b>
Apr-20	0	0	0	0	0	0	<b>0</b>
May-20	0	5	0	0	0	0	<b>5</b>
Jun-20	0	16	0	0	0	0	<b>16</b>
<b>Total</b>	<b>4</b>	<b>161</b>	<b>8</b>	<b>24</b>	<b>0</b>	<b>8</b>	<b>205</b>

**Agency Directors, and Board and Commission Chairs Comments**

Agenda Item No.:	2
Work Plan Title & #:	Fire Protection Work Plan
IBI # & Title:	Smoke Management Plan
Presentation Title:	Smoke Management Plan Update
Date of Presentation:	March 3, 2021
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> or Doug Grafe, Chief, Forest Protection Division 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) and Environmental Quality Commission (EQC) on the progress of rule implementation for the Oregon Smoke Management Plan (SMP) including outcomes from the 2019 and 2020 fire seasons.

## BACKGROUND AND ANALYSIS

The Smoke Management Plan 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 five 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:

- (1) *“To improve the management of prescribed burning as a forest management and protection practice; and*
- (2) *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.”*

Following the adoption of the 2019 SMP rules amendments, DEQ incorporated revisions into the federally approved Oregon Clean Air Act State Implementation Plan which is under review by EPA for approval. Key revisions include:

- Updating the definitions of “smoke intrusion” and “smoke incident,”
- Changing how smoke incidents and smoke intrusions are characterized,
- Allowing an increased size and thickness of polyethylene sheeting to be burned along with piled forest fuels,
- Promoting non burning alternatives,
- Adding a section on the necessity of safeguarding public health,

- Adding a statewide communication plan, and
- Adding community response plans and exemption guidelines for smoke vulnerable smoke sensitive receptor areas (SSRAs).

These new strategies are intended to improve integration of DEQ, ODF, and Oregon Health Authority (OHA) agency objectives to both minimize smoke and emissions from prescribed burns while also providing maximum opportunity for prescribed burning as a responsible forest management and protection practice.

Both the BOF and EQC approved these recommendations in January of 2019 and requested a progress report on the new rules approximately a year later. The BOF received an update in early March of 2020, but a previously scheduled EQC update was canceled due to COVID-19.

Implementation of the 2019 SMP is underway and staff from ODF, OHA, and DEQ will present on the status of the project, outcomes from the 2019 and 2020 fire seasons, and answer Board and Commissioner questions or concerns previously posed at the January, 2019 EQC meeting.

#### Presentation Overview:

- Goals of the Smoke Management Rule Update
- Key Changes to Oregon’s Smoke Management Rules
- Creating Opportunities for the use of Prescribed Fire
  - Smoke Impacts – Intrusions vs. Incidents
  - Data on the usage of polyethylene covers
- Role of Fire in the Ecosystem
- Timely and Comprehensive Communication
  - After Action Reviews
- Communication, Community Response Plans and Exemption Request
  - Bend: Community Response Plan and One-Hour Exemption
  - 2020 Smoke Mitigation and Community Response Grants
- Best Burn Practices and Emission Reduction Techniques
- Smoke management outcomes for 2019 and 2020
- Alternatives to Pile Burning
- Coordination between partner agencies
- COVID-19 impacts on smoke management
- Safeguarding Public Health

Key Agencies and Presenters:

*Oregon Department of Forestry*

Doug Grafe, Chief of Fire Protection

[Doug.Grafe@oregon.gov](mailto:Doug.Grafe@oregon.gov)

Nick Yonker, Smoke Management Manager

[Nick.yonker@oregon.gov](mailto:Nick.yonker@oregon.gov)

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**RECOMMENDATION**

This agenda item is informational only.



Agenda Item No.:	3
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Department of Forestry and Department of Environmental Quality Collaboration Quarterly Update
Date of Presentation:	March 3, 2021
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 Matt DeVore, Department of Justice Diane Lloyd, Department of Justice

### **SUMMARY**

The Department of Forestry (ODF) and the Department of Environmental Quality (DEQ) have engaged in an interagency collaborative effort with the objective of ensuring alignment between the two agencies' water quality responsibilities and processes. This effort seeks to create understanding and interagency processes that support achievement of state and federal water quality requirements and improved water quality outcomes.

This information item will provide an overview of these collaboration efforts and the anticipated outcomes for the agencies' water quality programs. The agencies' respective Department of Justice counsels will participate and provide an overview of advice provided to the agencies regarding authorities and requirements relative to their work in this area.

### **CONTEXT**

The Board of Forestry's (Board) 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. In September, the Board received the final summary of the literature review on stream temperature and shade. In addition,

the Board requested the Department to work closely with DEQ on the relationship of Total Maximum Daily Loads (TMDLs) and how the information and analysis can be used in determining sufficiency of forest practice rules.

ODF and DEQ have responsibilities and requirements associated with carrying out water quality protection for the state of Oregon. The agencies have a need to specify how agency programs and processes will accomplish their respective requirements while working to continue achieving water quality outcomes in Oregon.

To that end, ODF and DEQ have been collaborating with the objective of clarifying ODF's role and responsibilities as watershed management plans, also known as Total Maximum Daily Loads (TMDLs) are developed and implemented as well as how TMDLs and associated information and analysis can be used in determining sufficiency of forest practice rules. The agencies are also collaborating on the processes associated with forestry related TMDL development, implementation, and reporting.

The Oregon Department of Justice has provided advice explaining the respective authorities and obligations of the Environmental Quality Commission and the Board of Forestry for the protection of water quality on nonfederal forestland. This advice explains those roles, broadly, as EQC and DEQ assess waters and establish the water quality standards and TMDLs, while the Board and ODF then establish forest practices to achieve those standards (Attachment 1).

An important outcome from this collaboration is the development of an interagency Memorandum of Understanding that will articulate how the agencies will work together to implement their respective programs and achieve these objectives. The existing MOU between ODF and DEQ is over 25 years old and does not reflect the agencies' current program requirements and operations, nor does it reflect current technical and scientific analyses and understandings of the relationship between landscape conditions and water quality.

Based on collaborative discussions to date, ODF and DEQ have begun drafting a new Memorandum of Understanding to address the relationship between the agencies' water quality programs and how the agencies will work together in the future to implement their respective programs (Attachment 2). The agencies seek to delineate processes that build upon the agencies' respective areas of expertise, meet state and federal requirements, are collaborative in nature, and reduce redundancy where possible.

## **RECOMMENDATION**

This agenda item is informational only.

## **NEXT STEPS**

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

## **ATTACHMENTS**

1. Department of Justice (DOJ) advice memo (available before Board meeting).
2. Draft Outline: ODF/DEQ Memorandum of Understanding (available before Board meeting).



**DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION**

**MEMORANDUM**

DATE: March 2, 2021

TO: Peter Daugherty, State Forester, Department of Forestry  
Richard Whitman, Director, Department of Environmental Quality

FROM: Matt DeVore, Assistant Attorney General, Natural Resources Section  
Diane Lloyd, Assistant Attorney General, Natural Resources Section

SUBJECT: Authority to Protect Water Quality on Forestlands

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**Question presented:**

What are the respective authorities and obligations of the Environmental Quality Commission and the Board of Forestry for the protection of water quality on forestland? <sup>1</sup>

**Short answer:**

The Environmental Quality Commission (Commission) is charged with protecting the quality of waters of the state and with administering the federal Clean Water Act (CWA) in Oregon. This responsibility includes establishing water quality standards to protect beneficial uses of waters, issuing permits and certificates that limit water pollution, and (in areas where water quality standards are not met) overseeing development and implementation of plans to further limit pollution from all sources in order to improve water quality so that standards are met in the future. These plans, known as “Total Maximum Daily Loads” or “TMDLs” identify the amounts of pollution that can occur from particular sources in order to achieve water quality standards. If pollution reductions are needed from particular sources in order to improve water quality and meet standards, they are achieved through limits and requirements in permits and certificates (for point sources), and through implementation plans (for non-point sources, such as forest

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<sup>1</sup> Public disclosure of this Memorandum is not intended to operate as a waiver of the attorney-client privilege. The Attorney General provides advice and representation to the Governor, any officer, agency, department, board or commission of the state or any member of the legislature. The Attorney General may not render opinions or give legal advice to persons other than the state officers listed above. Any opinions or conclusions in this memo are not intended to be advice, except as provided in ORS 180.060.

operations). To approve TMDLs, the Department of Environmental Quality (DEQ) (or the Commission), and then the federal Environmental Protection Agency (EPA), must conclude that these management actions (carried out through permits and certificates issued by DEQ), and implementation plans (which are normally prepared by other governmental entities and approved by DEQ), are likely to be implemented to achieve water quality standards.

The Board of Forestry (Board) is obligated to establish best management practices and forest practice rules to ensure that, to the maximum extent practicable, nonpoint source discharges of pollutants resulting from forest operations on forestlands do not impair the achievement and maintenance of water quality standards set by the Commission. This obligation includes two elements, first, maintaining the water quality of water bodies that already meet those standards, and second, the implementation of plans (including TMDL implementation plans) to improve the water quality of water bodies that do not meet the standards. In considering forest practice rules, the Board also must make a series of determinations related to the need, effectiveness and impacts of the proposed rules.

## **Discussion**

### Environmental Quality Commission and Department of Environmental Quality

The Commission has controlling authority for regulating water pollution.<sup>2</sup> Under the direction of the Commission, the legislature charged DEQ with taking such actions as are necessary for the prevention of new pollution and the abatement of existing pollution.<sup>3</sup> The legislature charged the Commission with the obligation to adopt water quality standards and to take other steps necessary to implement the CWA in Oregon.<sup>4</sup> Water quality standards, if approved by EPA, have the effect of federal law.<sup>5</sup> If the EPA does not approve the standards, the EPA must develop and adopt standards that would apply to Oregon's water bodies.<sup>6</sup>

Water quality standards consist of three components: a designated use or uses for the water body, water quality criteria based upon such uses and antidegradation requirements.<sup>7</sup> One of the designated uses that frequently creates a limiting factor relevant to forestry operations is native cold water dependent aquatic species, such as salmon and trout. Water quality standards include the water quality criteria and policies to protect these designated uses. In the case of temperature, the criteria are made up of numeric and narrative elements, including (a) biologically-based numeric criteria (for example, with temperature, a 7-day average of the daily

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<sup>2</sup> ORS 468B.010.

<sup>3</sup> ORS 468B.020(2).

<sup>4</sup> ORS 468B.048, ORS 468B.035. *See also* Clean Water Act, 33 USC §1251 et seq.

<sup>5</sup> 33 USC §1313(c)(3).

<sup>6</sup> 33 USC § 1313(c)(4); 40 CFR § 131.22.

<sup>7</sup> 40 CFR § 131.3(i), 40 CFR § 131.6.

maximum stream temperature)<sup>8</sup>; and (b) a narrative criterion or criteria (for example, no increase in temperature is allowed that would reasonably be expected to impair cool water species).<sup>9</sup> The temperature standard also includes an anti-degradation requirement, designed to prevent high-quality waters that meet the biologically-based numeric criteria from being degraded (for example, the protecting cold water standard that limits temperature increases from all sources taken together to 0.3 degrees Celsius).<sup>10</sup>

Every two years, DEQ must assess water quality throughout the state and report to the EPA on the condition of Oregon's waters. DEQ prepares an Integrated Report that meets the requirements of CWA sections 305(b) and 303(d). Section 305(b) requires a report on the overall condition of Oregon's waters. Section 303(d) requires DEQ to identify waters that do not meet water quality standards. If a waterbody fails to meet one or more water quality standards, DEQ is required to identify the amounts of pollution coming from different sources, and determine what reductions are necessary in order for the applicable standard to be met. This determination is called a Total Maximum Daily Load (TMDL).<sup>11</sup> CWA section 303(d) requires that a TMDL be "established at a level necessary to implement the applicable water quality standard." Federal and state regulations define a TMDL as the sum of the wasteload allocations (allowable pollutant loads from point sources), load allocations (allowable pollutant loads from nonpoint sources), and background."<sup>12</sup> The TMDL identifies the amounts of pollutants that a water body can receive and still meet water quality standards.

Where a pollutant is highly variable or difficult to measure directly, a TMDL may use surrogate measures as an additional means to express allocations.<sup>13</sup> One example, particularly important for nonpoint sources such as farm and forestry operations, is the use of riparian shade as a surrogate measure for temperature TMDLs. EPA regulations allow TMDLs to be "expressed in terms of either mass per time, toxicity, or other appropriate measure."<sup>14</sup> For TMDLs for water bodies that do not meet temperature standards, DEQ typically determines nonpoint source heat loads by analyzing current shade levels relative to the amount of shade likely to occur without operations impacting shade cover in riparian areas. Under this analysis, DEQ is able to correlate shade levels needed along particular stream segments within sub-basins (fourth order hydrologic units set by the U.S. Geological Service, such as the Imnaha subbasin of the Grande Ronde in eastern Oregon, and the Applegate subbasin of the Rogue basin in western Oregon) in order for biologically-based numeric criteria to be met.<sup>15</sup>

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<sup>8</sup> See, e.g. OAR 340-041-0028(4)(a), limiting temperature to 13 degrees Celsius for certain streams at certain times of the year.

<sup>9</sup> OAR 340-041-0028(9)(a).

<sup>10</sup> OAR 340-041-0028(11).

<sup>11</sup> 33 USC § 1313(d); ORS 468B.110.

<sup>12</sup> 40 CFR 130.2(i); OAR 340-042-0040(4)(b).

<sup>13</sup> OAR 340-042-0040(5)(b).

<sup>14</sup> 40 CFR § 130.2(i).

<sup>15</sup> See Willamette Temperature TMDL, Figure 4.17, p.4-71 and Appendix C, <https://www.oregon.gov/deq/FilterDocs/chpt4temp.pdf>.

TMDLs must be reviewed by EPA for consistency with federal requirements. In order to be approved by EPA the TMDL must be accompanied by a management plan that provides reasonable assurance that, when implemented, it will result in attainment of the relevant water quality standard.<sup>16</sup> When a TMDL is developed for waters impaired by point sources only, the issuance of discharge permits to the point sources provides the reasonable assurance that the wasteload allocations in the TMDL will be achieved because federal regulations require that effluent limits in permits be consistent with wasteload allocations in applicable approved TMDLs.<sup>17</sup> Where a TMDL is developed for waters impaired by both point and nonpoint sources, EPA evaluates whether nonpoint source reductions specified in the TMDL have a “reasonable assurance” of occurring. In its evaluation, EPA considers whether practices capable of reducing the specified nonpoint source pollutant loads: “(1) exist; (2) are technically feasible at a level required to meet allocations; and (3) have a high likelihood of implementation.”<sup>18</sup> EPA’s requirement of reasonable assurance of implementation of load allocations for nonpoint sources was upheld by the United States Third Circuit Court of Appeals.<sup>19</sup> Load allocations for nonpoint source pollution are often broad in nature and can be assigned to types or sectors of nonpoint sources such as all non-federal forest operations in a sub-basin.<sup>20</sup>

As discussed, DEQ’s TMDLs are not water quality standards, but are the state’s primary plan for achieving the water quality standards in waterbodies where standards are not met.<sup>21</sup> As noted above, the TMDL wasteload allocations for point sources are implemented through discharge permits issued by DEQ.<sup>22</sup> For non-point sources, the TMDL allocations are implemented by designated management agencies (DMAs), such as cities, counties and other government agencies (including ODF for non-federal forestlands), as identified by DEQ in the TMDL.<sup>23</sup> DMAs develop TMDL implementation plans that may contain regulatory measures, non-regulatory measures, or both, and that are subject to review and approval by DEQ.<sup>24</sup>

For non-federal forestlands, the Commission has adopted a specific TMDL implementation rule. This rule provides that “[n]onpoint source discharges of pollutants from forest operations on state or private lands are subject to best management practices and other control measures established by the Oregon Department of Forestry under \* \* \* ORS 527.610 to 527.992 and according to OAR chapter 629, divisions 600 through 665.”<sup>25</sup> However, “[i]n areas where a

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<sup>16</sup> *EPA Guidance for Water Quality-based Decisions: The TMDL Process*, p. 24. April 1991.

<sup>17</sup> 40 CFR 122.44(d)(1)(vii)(B).

<sup>18</sup> *See, e.g.*, Environmental Protection Agency, EPA Chesapeake Bay TMDL. Section 7. Reasonable Assurance and Accountability, available at [www.epa.gov/sites/production/files/2014-12/documents/cbay\\_final\\_tmdl\\_section\\_7\\_final\\_0.pdf](http://www.epa.gov/sites/production/files/2014-12/documents/cbay_final_tmdl_section_7_final_0.pdf).

<sup>19</sup> *American Farm Bureau Federation vs. United States Environmental Protection Agency*, 792 F3d 281, 300-301 (2015).

<sup>20</sup> 40 CFR § 130.2(g).

<sup>21</sup> 40 CFR § 130.7(c).

<sup>22</sup> ORS 468B.050.

<sup>23</sup> ORS 468B.110(1).

<sup>24</sup> OAR 340-042-0040(4)(1)(G), OAR 340-042-0080(1).

<sup>25</sup> OAR 340-042-0080(2).

TMDL has been approved, site specific rules under the Forest Practices Act rules will need to be revised if [DEQ] determines that the generally applicable Forest Practices Act rules are not adequate to implement the TMDL load allocations.”<sup>26</sup> If the Board fails to act following such a determination by DEQ, then DEQ must request that the Commission petition the Board for rule changes.<sup>27</sup> If the Commission made such a petition and the Board failed to adopt changes within two years,<sup>28</sup> the Commission could adopt by rule and enforce, or DEQ could adopt by order and enforce, source-specific requirements on forest operations in a sub-basin in order to comply with the TMDL requirements of section 303(d) of the federal Clean Water Act and the need to establish “reasonable assurance” of implementation.<sup>29</sup>

State law provides that neither the Commission nor DEQ may adopt or enforce any effluent limitation upon nonpoint source discharges from forest operations, unless they are required to do so by the provisions of the CWA.<sup>30</sup> TMDL load allocations are not effluent limits as that term is defined in the context of the CWA to apply to limits on point source discharges of pollutants in discharge permits.<sup>31</sup> Additionally, as discussed above, when a water body is not meeting water quality standards a TMDL is required by the CWA and therefore the state law limitation on the adoption of “effluent limitations” cannot be interpreted as a prohibition on adopting load allocations in the context of TMDL development.

#### Board of Forestry and Department of Forestry

The legislature delegated to the Board the responsibility to “supervise all matters of forest policy and management under the jurisdiction of the state.”<sup>32</sup> The legislature provided the Board with exclusive authority to develop and enforce forest practice rules and the obligation to coordinate with other state agencies concerned with the forest environment.<sup>33</sup> The Board must adopt forest practice rules that provide for the overall maintenance of air quality, water resources, soil productivity, and fish and wildlife.<sup>34</sup> Specifically as to water quality, the Board must establish best management practices (BMPs) and forest practices rules to ensure that to the maximum extent practicable nonpoint source discharges of pollutants resulting from forest operations on forestlands do not impair the achievement and maintenance of water quality standards established by the Commission.<sup>35</sup> To establish best management practices the Board must adopt rules for forest practice that prevent or reduce pollution to waters of the state.<sup>36</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> ORS 527.765(3)(e).

<sup>29</sup> ORS 468B.110(1).

<sup>30</sup> ORS 468B.110(2).

<sup>31</sup> 33 USC § 1311; 40 CFR § 122.2.

<sup>32</sup> ORS 526.016.

<sup>33</sup> ORS 527.630(3).

<sup>34</sup> ORS 527.710(2).

<sup>35</sup> ORS 527.765(1).

<sup>36</sup> *Id.*

The legislature provided further direction to guide the Board's rulemaking process. When the Board enacts forest practice rules that are not specifically addressed in statute, it must do all of the following:

- Describe the purpose of the rule and the level of protection desired.<sup>37</sup>
- Determine that there is monitoring or research evidence that documents that degradation of resources is likely.<sup>38</sup>
- Determine that the proposed rule reflects available scientific information, the results of relevant monitoring and, as appropriate, adequate field evaluation at representative locations in Oregon.<sup>39</sup>
- Determine that the objectives of the rule are clearly defined.<sup>40</sup>
- Determine that the restrictions placed on forest practices as a result of adoption of the proposed rule:
  - Are to prevent harm or provide benefits to the resource or resource site for which protection is sought;<sup>41</sup> and
  - Are directly related to the objective of the proposed rule and substantially advance its purpose.<sup>42</sup>
- Determine that the availability, effectiveness and feasibility of alternatives to the proposed rule were considered, and the alternative chosen is the least burdensome while still achieving the desired level of protection.<sup>43</sup>
- Determine that the benefits to the resource that would be achieved by adopting the rule are in proportion to the degree that existing practices are contributing to the overall resource concern.<sup>44</sup>
- Prepare and make available to the public a comprehensive analysis of the economic impact of the proposed rule.<sup>45</sup>

Current Board rules provide that if the Board determines that forest practices in a watershed are measurably limiting water quality achievement or species maintenance, and the water body in the watershed is either: (a) designated by the Commission as water quality limited, or (b) contains threatened or endangered aquatic species, the Board must appoint an interdisciplinary task force that includes representatives of forest landowners within the watershed and from appropriate state agencies.<sup>46</sup> The task force must analyze the conditions in the watershed and recommend

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<sup>37</sup> ORS 527.714, ORS 527.714(4).

<sup>38</sup> ORS 527.714(5)(a).

<sup>39</sup> ORS 527.714(5)(c).

<sup>40</sup> ORS 527.714(5)(d).

<sup>41</sup> ORS 527.714(5)(d)(A).

<sup>42</sup> ORS 527.714(5)(d)(B).

<sup>43</sup> ORS 527.714(5)(e).

<sup>44</sup> ORS 527.714(5)(f).

<sup>45</sup> ORS 527.714(7).

<sup>46</sup> OAR 629-635-0120(2).



whether additional watershed-specific protection rules are needed.<sup>47</sup> The task force should rely on the findings and analysis used by the Commission in establishing the water quality standards and any approved TMDLs for the waterbody.

Forest operations must be conducted in full compliance with the rules and standards of the Commission.<sup>48</sup> If the operation is conducted in accordance with the Board's rules currently in effect, then an operator shall not be considered in violation of any water quality standard.<sup>49</sup> This is often referred to as a "BMP shield." The BMP shield can be lost if the Board does not take timely action to review BMPs in response to a petition from the Commission, as described below.<sup>50</sup>

### Implementation of Water Protection Measures on Forestlands

As described above, the Board, the Commission, ODF, and DEQ have interconnected roles in protecting Oregon's water quality on forestlands. Broadly speaking, the Commission and DEQ assess waters and establish the water quality standards, while the Board and ODF then establish forest practices to comply with and work towards compliance with those standards. The legislature intended for the two agencies to work collaboratively on their efforts so that each agency brings in its specific perspective and expertise to create a coordinated effort with the goal of protecting water quality and complying with the CWA.

Coordination between the agencies is an ongoing process. This coordination can help to inform the Commission's development of water quality standards, which can include waterbody specific criteria. The Commission establishes water quality standards in rule based on EPA regulations and guidance as well as DEQ's research and analysis.<sup>51</sup> The Board and ODF may assist in the Commission's decisions related to water quality standards and also participate in DEQ's water quality standards revision process.<sup>52</sup> The Board may also request that the Commission review any water quality standard that affects forest operations on forestlands.<sup>53</sup> However, state water quality standards must be reviewed and approved by EPA, so the state's authority in developing standards is limited by what is approvable by EPA.<sup>54</sup>

If a waterbody is meeting the Commission's water quality standards, the Board's obligation is to ensure that forest practices do not impair maintenance of those standards.<sup>55</sup> If a waterbody is not meeting the Commission's water quality standards, DEQ will establish a TMDL for that

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<sup>47</sup> OAR 629-635-0120(3).

<sup>48</sup> ORS 527.724.

<sup>49</sup> ORS 527.770.

<sup>50</sup> ORS 527.770, 527.765(3)(e).

<sup>51</sup> ORS 468B.048.

<sup>52</sup> ORS 468B.110; OAR 340-041-0001.

<sup>53</sup> ORS 468B.105.

<sup>54</sup> 33 USC § 1313(c)(3); 40 CFR 131.21.

<sup>55</sup> ORS 527.765.

waterbody, and determine whether current Board rules and any other measures proposed by ODF are adequate to achieve the pollution reduction required by the TMDL.<sup>56</sup> The Board and ODF should participate actively in DEQ's development of any TMDL involving state and private forestlands, including sharing data and information prior to and during TMDL development, and by participating in and providing input during DEQ's Local Advisory Group.<sup>57</sup> Once a TMDL is adopted and approved by EPA, any load allocations for non-federal forestlands and operations included in the TMDL will be binding. The Board is then obligated to implement rules that establish forest practices (which may include voluntary actions as well as regulatory changes) consistent with the TMDL. If DEQ then determines that existing Board rules or any other measures proposed to reduce pollution from these forestry activities (which may include voluntary actions as well as regulatory changes) are inadequate, DEQ will initiate the petition process set forth in ORS 527.765, by asking the Commission to petition the Board to revise its rules to protect water quality on forestlands. This process could lead to the loss of the BMP shield provisions for forest operations if the Board fails to revise the rules within the required time.

If the Board initiates rulemaking to adopt basin-specific water protection rules, it must follow the procedural steps required by forestry statutes, including making the findings required by ORS 527.714. DEQ's determination of a load allocation for non-federal forestlands in a sub-basin would be binding on the Board in establishing an overall target for the Board. However, the Board would retain discretion to determine *how* to achieve that target or outcome. In particular, under ORS 527.714(5)(e), the Board is obligated to choose the alternative practice that is the "least burdensome to landowners \* \* \* while still achieving the desired level of protection." In addition, ORS 527.765(1) requires the Board to establish forest practice rules that meet a "maximum extent practicable" (MEP) standard. The Commission is not under an obligation to consider the burden to the landowners, however, nor is the MEP limitation included in Section 303(d) of the Clean Water Act. For the Board to meet its statutory obligation, it must look beyond the analysis of the Commission and take into account the effect that a particular forest practice would have on landowners. But because TMDL implementation is a requirement of the Clean Water Act, this required analysis does not authorize the Board to change the Commission's determination of water quality standards or TMDL requirements.

In sum, as the Board and Commission work cooperatively to improve water quality in sub-basins that are not currently meeting water quality standards, the Commission is responsible for determining the overall amount of pollution reduction needed on non-federal forestlands, and the Board is responsible for determining how to achieve those reductions. In determining whether current, generally applicable, Board rules are adequate to achieve reductions, the Board, ODF, DEQ and the Commission may also consider non-regulatory measures so long as DEQ can establish that there is a reasonable assurance that the measures, when implemented, will result in attainment of the relevant water quality standard.

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<sup>56</sup> 33 USC § 1313(d); ORS 468B.110.

<sup>57</sup> ORS 468B.110; OAR 340-042-0050.

# ODF-DEQ MOU OUTLINE

Jan. 29, 2021 DRAFT

## **Preamble:**

[Insert brief statement noting DEQ and ODF have responsibilities and requirements associated to carry out water quality protection for state of Oregon and as such, have a need to articulate that for how agency responsibilities will support one another and water quality in Oregon which is intended to be accomplished by this MOU.]

## **I. Introduction**

### **I.1 Purpose & Vision of this MOU**

#### **Vision for this Memorandum of Understanding (MOU):**

Achieve and maintain high water quality on all non-federal, non-tribal forestlands.

#### **Purpose:**

The purposes of this MOU are to:

- Delineate how the Oregon Department of Forestry (ODF) and the Oregon Department of Environmental Quality (DEQ) will coordinate to achieve and maintain high water quality on non-federal, non-tribal forestlands, including:
  - Processes to assess the adequacy of Forest Practices Act (FPA) rules and non-regulatory measures in achieving water quality standards and (if completed) TMDL load allocations; and,
  - Processes for incorporating forestry-related considerations in TMDL development, implementation, and reporting.
- Build a strong relationship between DEQ and ODF on water quality-related issues.
- Encourage the use of non-regulatory and incentive-based solutions to achieve and maintain water quality standards and TMDL load allocations.
- Ensure that the agencies fulfill their respective obligations in an effective and efficient manner.

### **I.2 Scope of MOU**

[Scope will cover items in this MOU outline. Scope is not expected to cover the following elements beyond their relevance to the WQS/TMDL development processes and relevant aspects of ODF WQ program:

1. Land use conversions (separate MOU, see ODF *et al.*, 2006)
2. Actions by DEQ/ODF solely focused on climate change, wildfire, or other natural disturbances.

3. Aerial pesticide applications (for more information, see Senate Bill 1602)
4. Pesticide Analytical and Response Center (Existing MOA, see PARC, 2006)
5. Explicit discussion of resolving Coastal Zone Management Act Reauthorization Amendments (CZARA) lawsuit.]

### **I.3 Background**

#### *DEQ water quality authorities*

[Overview of relevant water quality authorities, programs, and responsibilities.]

#### *ODF water quality authorities*

[Overview of relevant water quality authorities, programs, and responsibilities.]

#### *Nexus of DEQ and ODF water quality-related authorities*

[Overview of federal and state authorities and mandates and where those intersect within DEQ and ODF, including where statutes/regs address intersect as well as process opportunities to improve program intersections. Section will also address the role of the Board of Forestry and Environmental Quality Commission.

#### *History of DEQ-ODF collaboration*

[Summarize history of agencies' water quality-related work, acknowledge change and evolution of water quality regulatory programs, forestry operations/industry, scientific understanding of water quality and watershed processes, and forest lands' role in those processes. Highlights need of MOU to build on these changes and understandings.]

## **II. Interagency Coordination**

### **II.1 Principles of Interagency Collaboration**

[This section describes several guiding principles that are essential to our effective collaboration.]

### **II.2 Adoption and revision of Water Quality Standards; [Flow Chart (Adoption and revision of WQS (including ODF participation)]**

[Overview of process to prioritize, review and adopt water quality standards, including specific points for ODF engagement in this process.]

### **II.3 Implementation (of non-grant part) of Section 319 program**

[Overview of section 319 nonpoint source program as baseline program to “make reasonable progress” to address nonpoint sources of pollution through existing authorities, collaborations, and funding.]

### **II.4 TMDL Development and Implementation**

[Overview of process to prioritize, develop and implement TMDLs and WQMPs to achieve WQS, including specific points for ODF engagement in this process. Overview of ODF steps/processes related to TMDL implementation.]

### **II.5 Nonregulatory and incentive-based programs**

[Discussion of importance and approach to use of non-regulatory programs in meeting water quality goals.]

### **II.6 Implementation Evaluation and Reporting**

[will include description of implementation evaluation and reporting both through ODF and DEQ processes including DEQ’s process for evaluation of other DMAs TMDL implementation and reporting]

### **II.7 FPA Sufficiency Reviews**

[Overview of rule sufficiency review process and steps to consider for rule revision within statute. Include how DEQ is involved.]

### **II.8 Desired Future Condition**

[Discuss how this principle applies and connection to DEQ principles for streamside vegetation.]

### **II.9 Basin Specific Rules**

[Section on the approach defined in the basin rule and consideration of how to accomplish requirements in early development of TMDL.]

## **III. Mechanics of MOU**

### **III.1 Dispute Resolution**

[State principles for addressing disputes and mechanisms that will be used should disagreements occur that cannot be resolved by staff rank in a timely manner. Will address elevation processes, up to and including EQC/BOF level resolution specified in statute/regs.]

### III.2 Additional support for this MOU

[Cite attachment or appendix with any additional procedural details we have ironed out or that will be ironed out later and included in this MOU by reference]

### III.3 MOU Amendment and Review processes

The agencies will review this MOU every 5 years, or sooner if agreed upon by the agencies. No amendments may be made to this agreement without the express written agreement of both parties. Such agreement will be signed by the Directors of each agency.

Peter Daugherty, Director  
Oregon Department of Forestry

Date:

Richard Whitman, Director  
Oregon Department of Environmental Quality

Date:

### References

### Appendix:

Flowcharts of (1) WQS prioritization and adoption; and (2) TMDL prioritization, development and implementation, including points of public and stakeholder involvement and engagement, ODF Role/Engagement for each.

**State Forester and Board Member Comments**

**STAFF REPORT**

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Agenda Item No.:	5
Topic:	Forest Trust Land Advisory Committee
Presentation Title:	FTLAC Testimony to the Board of Forestry
Date of Presentation:	March 3, 2021
Contact Information:	David Yamamoto, Tillamook County Commissioner John Sweet, Coos 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:	State Forests Work Plan
Topic:	Santiam State Forest Restoration and Recovery
Presentation Title:	Santiam State Forest Restoration and Recovery
Date of Presentation:	March 3, 2021
Contact Information:	Liz Dent, State Forests Division Chief 503-645-7351, <a href="mailto:Liz.F.Dent@Oregon.gov">Liz.F.Dent@Oregon.gov</a> Ron Zilli, Planning and Coordination Deputy Chief 503-338-1344, <a href="mailto:Ron.F.Zilli@Oregon.gov">Ron.F.Zilli@Oregon.gov</a>

## **CONTEXT**

On September 6th, 2020 a weather event resulting in high temperatures, low humidity, and easterly winds created an extreme fire situation that lead to rapid expansion of the Beachie Creek Fire, consuming 130,000 acres in one night. The fire grew to 190,000 acres by September 17th, and ultimately burned 193,573 acres. Of this total, 24,284 acres are in the Santiam State Forest, which is more than half of the total acreage of the Santiam State Forest. Within this fire perimeter, the fires caused damage on approximately 16,600 acres. The fire severity ranged from areas of no burn, to high intensity stand replacing fire, creating a mosaic of fire effects across the landscape and caused extensive damage to roads, trails and other infrastructure.

## **BACKGROUND**

The State Forests Division is providing a brief update to the Board of Forestry on the efforts to restore and recover the Santiam State Forest. The Division's approach can be thought of as three overarching phases and associated management emphases:

1. Assessment: Inventory of impacts and conditions to prioritize our work.
2. Recovery:
  - a. Planning Adjustments (Annual Operations Plan and District Implementation Plan);
  - b. Stand Management (post-fire harvest and reforestation), Repair (roads, recreation);
  - c. Protection (environmental protection standards and cultural resource sites) and;
  - d. Engagement and Coordination (counties, partner agencies, tribes and the public).
3. Restoration: Over the course of the next six months a team will integrate information gathered through the assessment, recovery implementation phase, and conduct literature reviews to develop a framework for restoring and recovering a healthy working forest in the context of Greatest Permanent Value (GPV). The restoration vision will be rooted in existing policies and reflect an adaptive management approach acknowledging climate change and the variability associated with carbon storage capacity for a range of desired future conditions (DFC). Recovery and the future restoration plan and resulting projects will be consistent with the existing guidance and policies while integrating consideration of the draft Habitat Conservation Plan (HCP) conservation goals and measures. Lastly, this work will engage a variety of stakeholders from state agencies, federal, local, Tribes and publics to grow existing partnerships and consider a diversity of viewpoints to ensure we achieve GPV within the Santiam State Forest.

## **CURRENT STATUS**

The Division completed an initial assessment of the fire impacts and conditions. The assessment identified the burn severity of the forest, hazards to public and employee safety, short-term needs to protect and restore roads, drainage structures, recreation infrastructure and maintain water quality and fish and wildlife habitat and was used to inform the development of the revised Implementation Plan (IP).

In order to begin the recovery process, the Implementation Plan for the North Cascade District, which covers the Santiam State Forest was revised to reflect circumstances after the fires. This revised plan covers Fiscal Year (FY) 2021 through the end of FY 2023 (June 30, 2023) and provides a broad overview of strategies and activities with the aim of re-establishing a healthy, productive forest that provides the economic, environmental, and social benefits required on state forests.

The draft IP was initially released for a 30 day public comment period, which was extended by another 12 days. A virtual public forum was held on December 8, 2020. Staff gave a presentation to the Marion County Commission and extended offers to the Linn and Clackamas County commissions.

Public engagement and state agencies' comments are summarized in appendices in the IP. In all, ODF received 1,155 written comments related to the Implementation Plan revision and/or Santiam State Forest restoration generally, including 1,091 from organizational email campaigns. The Oregon Department of Fish and Wildlife and Department of Environmental Quality also submitted comments. Major themes from the comments included salvage logging, recreation and access, reforestation, forest management, roads, wildlife, funding, and fire prevention. The revised IP was approved on February 19, 2021 (Attachment 1).

The Division is actively preparing for the final planning phase, restoration of the Santiam State Forest. A project lead has been identified and is engaged in building a project team and framework for the plan. The effort will include a suite of objectives including: climate change and landscape-level disturbance; environmental; economic; recreation, education, and interpretation; research and monitoring; and safety. Good restoration plans balance restoration project work and timing across both a temporal and spatial scale. Our goal is to restore the Santiam to support the full suite of GPV objectives while ensuring these forests function as healthy working ecosystems. It is important to acknowledge the importance of working collaboratively within a regional context and with a diversity of partners to enhance the benefits of the mosaic disturbance pattern to meet GPV-rooted objectives on the Santiam but also contribute to the regional recovery.

## **RECOMMENDATION**

- Information Only

## **NEXT STEPS**

- The Division will continue to work to recover and restore the Santiam State Forest to achieve healthy, productive, and sustainable forest ecosystems that over time and across the landscape provide a full range of social, economic, and environmental benefits to the people of Oregon.

## **ATTACHMENTS**

1. North Cascade District Revised Implementation Plan



# Oregon

Kate Brown, Governor

## Department of Forestry

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"STEWARDSHIP  
IN FORESTRY"

To: Liz Dent, State Forests Division Chief  
Andy White, Area Director  
Steve Wilson, District Forester

CC: Brian Pew, State Forests Deputy Division Chief - Policy  
Ron Zilli, State Forests Deputy Division Chief - Planning

From: Peter Daugherty, Oregon State Forester

Date: February 19, 2021

Subject: Major Revision of North Cascade District Implementation Plan

### Introduction

This memo documents my review and approval of major revisions to the North Cascade District Implementation Plan (IP). In September 2020, a series of catastrophic wildfires impacted approximately half of the Santiam State Forest causing extensive damage to the forest and other infrastructure. As a result, timely yet thoughtful revisions to the IP are necessary to conduct post-fire recovery and restoration work. The planning team did significant analyses of the changes to forests conditions post-fire and developed thorough documentation of the short-term recovery and restoration activities.

### Implementation Plan Revision

The current IP for the North Cascade District covers a ten-year period from July 1, 2012 through June 30, 2022. This plan has been revised to address the short-term recovery and restoration activities that will be occurring over the next two and half fiscal years (Fiscal Year 2021 (FY21) through the end of Fiscal Year 2023 (FY23) (June 30, 2023).

During this timeframe, the District will focus its efforts on post-fire recovery and begin restoration work to reestablish a healthy working forest in the context of Greatest Permanent Value. This IP revision updates the current stand conditions and broadly characterizes the types of post-fire forest operations and projects that will occur within this timeframe. The mapped desired future condition landscape design, aquatic and terrestrial anchor locations, and the forest land management classifications remain unchanged.

Beginning in the winter of 2021, staff will develop a multi-decadal long-term restoration plan. The Santiam Restoration Plan will articulate the long-term needs beyond the spatial and temporal scope covered by this short-term revised IP. Additionally, the Board of Forestry is engaged in policy work to secure a Habitat Conservation Plan and revised Forest Management Plan for western Oregon state forests. Work on a transition IP for this policy work will be take place during the term of this IP and is expected to guide forest operations and projects that will occur after FY23.

## Public Comment

This IP major revision required a 30 day public comment period. A public comment period totaling 42 days was held from November 23, 2020 through January 4, 2021. Based on requests from the public for additional time, the public comment period was extended 12 days. The Department received extensive public comments and comments from partner agencies. The comments were considered and refinements were made to the revised IP as a result. A summary of the comments received and the Department's response can be found in Appendix A for comments for partner agencies and Appendix B for the public.

I reviewed this IP and found it to be consistent with the Northwest Oregon Forest Management Plan (2010). The activities conducted under this implementation plan will be consistent with state forests operational policies and strategies. Therefore, I approve the revised North Cascade District Implementation Plan.

Sincerely,



Peter Daugherty  
Oregon State Forester

# North Cascade District

## Implementation Plan Major Revision



*Photo 1. Packsaddle & Niagara areas on the Santiam State Forest as seen from Potato Hill*

February 2021



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# Introduction

The Oregon Department of Forestry (ODF) manages over 745,000 acres<sup>1</sup> of forestland throughout the state. Of these lands, 712,000 acres are Board of Forestry lands, which are managed to secure greatest permanent value (GPV) by maintaining healthy and productive forests, providing clean air and water, recreation and outdoor learning opportunities, and diverse native fish and wildlife habitat. Timber from state forests provides local governments with much-needed revenue and supports family-wage jobs. The remaining 33,000 acres are Common School Forest Lands (CSFL). ODF manages these lands for the Department of State Lands to provide the greatest benefit to Oregonians, consistent with resource conservation and sound land management strategies. Among these lands is the Santiam State Forest.

The *Northwest Oregon State Forests Management Plan* (FMP), adopted by the Board of Forestry in 2010 is the policy document that guides how these forests will be managed to secure GPV and support the CSFL goals. This Implementation Plan revision characterizes the overall framework for implementing the FMP on the Santiam State Forest in the wake of the September 2020 Labor Day fires, which significantly altered forest conditions. This Implementation Plan is intended to broadly characterize forest operations and projects that will occur on the forest for the next 2.5 years. The Forest Land Management Classifications (OAR 629-035-0055) have not changed as a result of the fires.

The 2020 wildfire season was one of the most destructive on record in the state of Oregon with multiple fires burning more than 1.2 million acres of private, state, federal and tribal forestland. The fires impacted all Oregonians and many rural communities suffered devastating fatalities and losses of homes, businesses, historical and cultural landmarks, community infrastructure, and critical natural resources.

In early September, three of these fires, the Beachie Creek, Lionshead and Riverside Fires caused widespread damage across the Santiam State Forest. Approximately 24,000 acres (51%) of the Santiam State Forest was within these fire perimeters. Although the fire impacts to the Santiam State Forest were significant, they represent less than 5% of total area burned in these three catastrophic wildfires (Table 1).

**Table 1. State Forest Acres within three of the 2020 fire perimeters**

Fire Name	Total Fire Acres <sup>1</sup>	Santiam State Forest
Beachie Creek	193,573	23,790
Lionshead	204,469	528
Riverside	138,054	39
Total Acres	536,096	24,357

<sup>1</sup>Total fire acres from InciWeb January 2021

Immediately after the fire suppression effort was completed, ODF conducted an initial assessment of the fire impacts and changed forest resource conditions. The assessment identified the burn severity of the forest; hazards to public and employee safety; short-term needs to protect and restore roads, drainage structures, recreation infrastructure and maintain water quality; and fish and wildlife habitat.

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<sup>1</sup> All acres in this document are based off of GIS for analysis and are not legal acres.

Due to the significant fire impacts, several components of the 2012 North Cascade District Implementation Plan (IP) need to be revised to address the post-fire recovery activities that will occur over the next 2.5 years (Fiscal Year 2021 (FY21) through the end of Fiscal Year 2023 (FY23; June 30, 2023).

ODF has developed this plan for the post-fire recovery work needed to restore a healthy, resilient and productive working forest in the context of the Greatest Permanent Value rule (OAR 629-035-0020). This goal will be achieved by meeting the following objectives:

- Provide for public and employee safety;
- Implement a range of post-fire harvest methods and prescriptions to recover value from burned areas and initiate restoration of healthy forests, consistent with the desired future forest conditions and current resource protection policies;
- Promote reforestation to align with desired future forest conditions through silvicultural activities that include a range of reforestation methods and species mix;
- Identify and implement recovery activities and plans to protect, maintain, and enhance fish and wildlife habitat for both short-term and long-term benefits;
- Protect and maintain water quality;
- Restore and enhance diverse recreational opportunities;
- Develop unique short- and long-term interpretive opportunities to educate Oregonians about healthy working forests, fire effects and recovery;
- Conduct targeted monitoring of post-fire effects, treatments, and recovery; and
- Identify, evaluate, and participate in relevant post-fire research projects in conjunction with federal and non-federal land managers.

ODF has begun developing a long-term restoration plan. The Santiam Restoration Plan will articulate the long-term vision for the forest and address restoration needs beyond the spatial and temporal scope of the recovery phase covered by this short-term revised IP. ODF will engage counties, stakeholders, tribes, and partner agencies during the development of the Restoration Plan.

### ***Land Ownership***

The Santiam State Forest contains 47,465 acres and is located in the foothills of the Cascade Mountains in Oregon and is managed within the North Cascade District. The acreage in the Santiam State Forest is distributed between three counties (Table 2). The ownership is primarily Board of Forestry Lands (98%), with a small amount of Common School Forest Lands (2%). The amount of acres burned varied by county. The most significant amount of acres burned was in Marion and Clackamas Counties, with 56% and 42% of ownership within each County burned, respectively. Approximately 14% of the forestland within Linn County burned. Other forest lands in the counties are held by a mix of landowners: United States Forest Service, Bureau of Land Management, private timber companies, and small private landowners.

**Table 2. North Cascade District by County, Ownership and Acres Burned**

County	Board of Forestry Unburned	Board of Forestry Burned	Common School Forest Land Unburned	Common School Forest Land Burned	Total Unburned Acres	Total Burned Acres	Total Acres
Clackamas	4,113	3,044	81	32	4,194	3,076	7,270
Linn	18,197	2,942	88	0	18,285	2,942	21,227
Marion	8,085	10,205	287	391	8,372	10,596	18,968
<b>Total Acres</b>	<b>30,395</b>	<b>16,191</b>	<b>456</b>	<b>423</b>	<b>30,851</b>	<b>16,614</b>	<b>47,465</b>

***Burn Severity Patterns***

Burn severity was estimated using satellite images and has been broken down into 4 categories - unburned, low, moderate, and high. These categories were calculated based on a standardized formula called the Normalized Burn Ratio that estimates the relative amount of vegetation and soil visible in an image using two satellite images taken before and after the fires (See Satellite Image Analysis in Table 3 and Photo 2).

**Table 3. Burn Severity Class Description**

Burn Severity Class	Satellite Image Analysis <sup>1</sup>	Description (Qualitative Field Indicators) <sup>2</sup>
Unburned	No evidence of fire	No evidence of fire
Low	Tree canopy largely unaltered. Shrub canopy intact and patches of scorched leaves not dominant. Ash is spotty.	Evidence of patchy understory fire, bole scorch low on tree, live green crowns, minimal tree mortality
Moderate	Tree canopy is scorched over 50% of area. Shrubs mostly charred but difficult to assess fuels from air. Black ash is visually dominant. Gray or white ash may be spotty.	Consistent fire disturbance and spread pattern, high understory mortality, extensive bole scorch but minimal wood fiber damage, little to no live crown, high tree mortality, isolated pockets of windthrow and scattered live trees,
High	Tree canopy is largely consumed over > 50% of area. Shrubs completely charred but difficult to assess fuels from air. Gray and white ash is visually dominant.	Complete removal of understory and organic material, extensive bole scorch, fire damage into cambium layer, charred wood fiber, little to no crown, major amounts of windthrow

<sup>1</sup>Burn severity class descriptions from an aerial view of the canopy. From “Field Guide for Mapping Post-fire Soil Burn Severity” (Parson 2010)

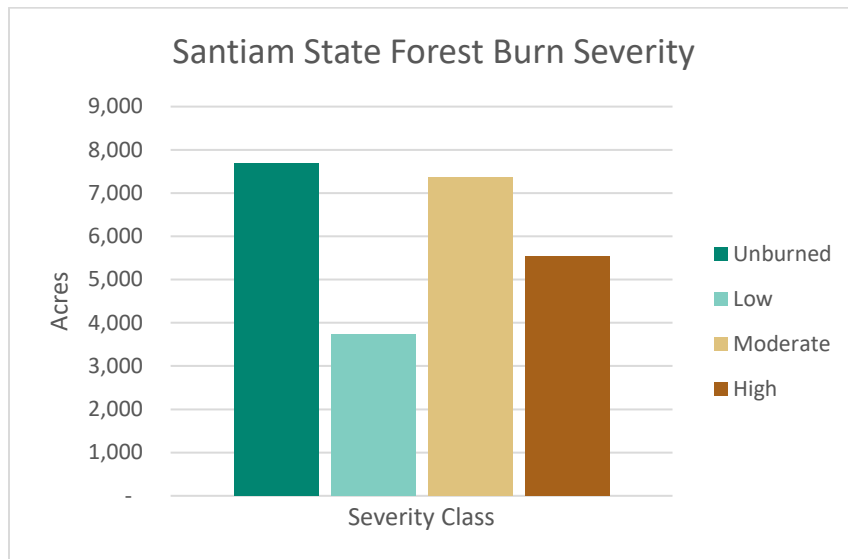
<sup>2</sup>Burn severity class descriptions based on indicators found in the field.



*Photo 2. Burn severities (low, moderate, high)*

It should be noted, these classification provide a high-level assessments for planning purposes. All final decisions regarding forest operations will be made on the ground based on actual site conditions and burn severities (See Description – Qualitative Field Indicators in Table 3).

The fire perimeter encompassed approximately 24,000 acres of the District, resulting in fire damage on approximately 16,600 acres (Figure 1). Early field recognizance and satellite imagery revealed a mosaic of fire effects across the landscape and across age classes. The fire severity within the perimeter ranged from unburned stands to high-intensity stand-replacing fire. The graph in Figure 2 shows that while most of the forest within the fire perimeter is in the 50-90 year-old age class, proportionally, forest stands less than 30 years old had the greatest percentage of acres with moderate to high severity burn.



*Figure 1. Santiam State Forest inside the fire perimeter by burn severity.*

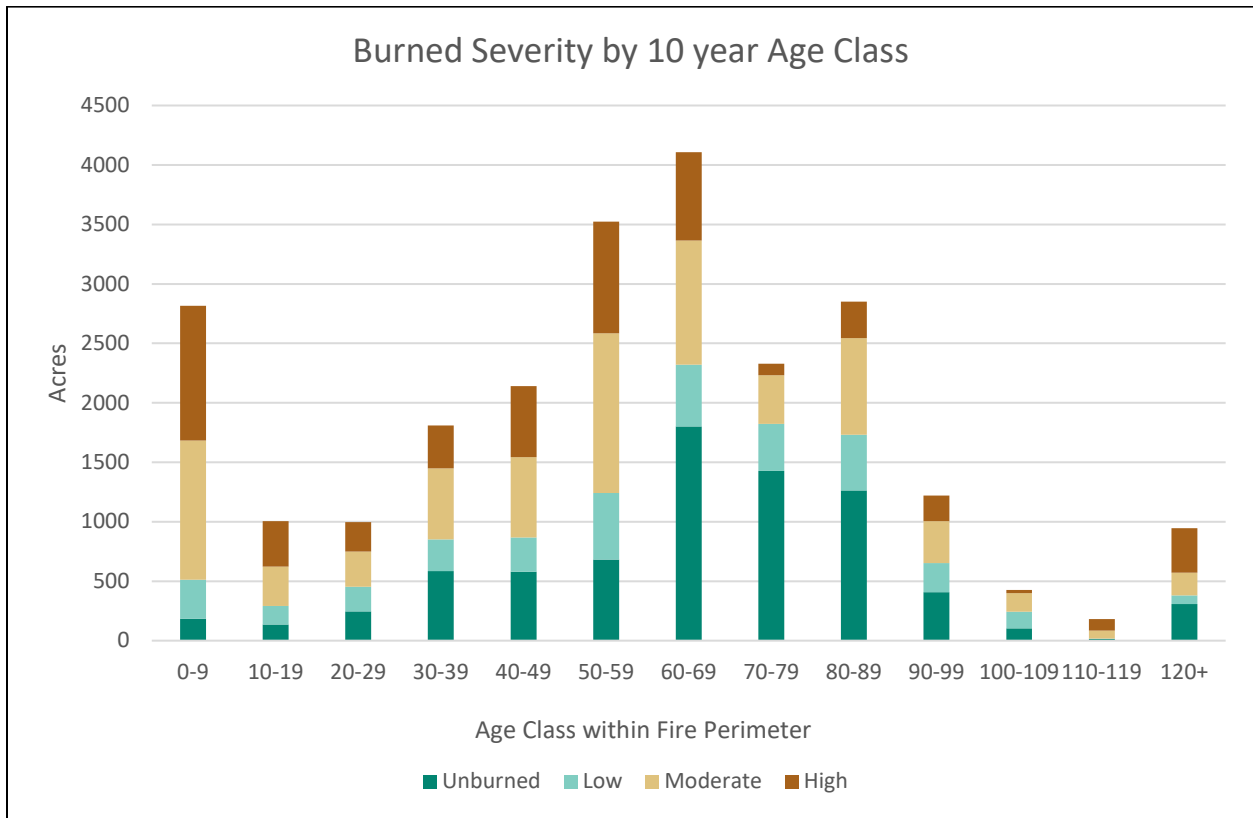


Figure 2. Burn Severity by 10 Year Age Class

### Forest Structure

Fire impacts and post-fire management activities are considered in the context of the 2010 FMP forest management principles. The foundation of the current FMP is to create a diverse set of forest conditions over time and across the landscape. These forest conditions are described as stand structure types described below.

- Regeneration (REG): Young stands with newly established trees, grasses, herbs and shrubs.
- Closed Single Canopy (CSC): Stands in which the tree crowns have closed together, creating a closed canopy where very little light reaches the forest floor.
- Understory Development (UDS): Stands with some openings in the canopies and some canopy layering; these stands have newly established shrubs, herbs, and shade-tolerant trees in the understory.
- Layered (LYR): Open stands that have significant understory development. Vigorous herbaceous and shrub communities combine with tree crowns to create multiple canopy layers. Tree crowns and shrubs create a complex vertical structure from the forest floor to the tops of the tallest trees.
- Older Forest Condition (OFS): Stands with large trees; multiple, deep canopy layers; substantial amounts of coarse woody debris; large snags; and other structures typically associated with older forest.

## Post-Fire Forest Structure

The Santiam State Forest is made up of a mixture of stand types discussed above. The amount of burned acres within each basin and the current stand condition of the remaining acres that were not affected by the fires are shown in Table 4. Rock Creek and Green Basin are the largest management basins. Green Basin has the largest proportion impacted with 76% of acres burned. The Crabtree Basin was outside the fire perimeter and very little of the Rock Creek (1%) and Cedar Creek (7%) basins burned. Rock Creek has the largest proportion (39%) of unburned complex forest structure (Layered plus Older Forest Condition) remaining after the fires.

**Table 4. Current Stand Condition after the 2020 fires as a percent of management basins**

				Current Stand Condition <sup>1</sup>					
				Percent of Acres Unburned and Burned by Basin					
Management Basin	Acres	NSC/ Non Forest <sup>2</sup>	Total Percent of Basin Burned <sup>4</sup>		REG	CSC	UDS	LYR	OFS
Butte Creek	9,970	5%	42%	Unburned	5%	4%	29%	13%	6%
				Burned	5%	5%	18%	6%	4%
Cedar Creek	4,186	<1%	7%	Unburned	8%	11%	56%	13%	5%
				Burned	<1%	<1%	4%	2%	<1%
Crabtree	1,843	<1%	0%	Unburned	60%	9%	23%	8%	0%
				Burned	0%	0%	0%	0%	0%
Green Basin <sup>3</sup>	12,201	7%	76%	Unburned	<1%	1%	20%	2%	1%
				Burned	8%	6%	47%	5%	3%
Mad Creek	6,604	<1%	44%	Unburned	2%	8%	17%	25%	4%
				Burned	7%	8%	23%	4%	2%
Rock Creek	12,661	2%	<1%	Unburned	6%	5%	48%	26%	13%
				Burned	0%	<1%	<1%	<1%	0%
<b>District Total</b>	<b>47,465</b>	<b>3%</b>	<b>35%</b>	<b>Unburned</b>	<b>6%</b>	<b>5%</b>	<b>33%</b>	<b>15%</b>	<b>6%</b>
				<b>Burned</b>	<b>4%</b>	<b>4%</b>	<b>19%</b>	<b>3%</b>	<b>2%</b>

<sup>1</sup> The Current Condition was determined using the latest Stand Level Inventory imputed 2018 (SLI 2018).

<sup>2</sup> NSC/Non-Forest (Non-Silviculturally Capable and Non-Forest lands). Non-Silviculturally Capable lands are not capable of growing forest tree species (defined in OAR 629-035-0040). Non-Forest lands are those areas, greater than 5 acres, that are maintained in a permanently no forest condition (examples include: District offices, work camps and large power line right-of-ways).

<sup>3</sup> Acreage for the Scattered Basin described in the 2012 IP is included in Green Basin for this table and the remaining basin summaries in this document.

<sup>4</sup> The percentages in management basin rows are percent of basin burned. The percentages in district totals row are percent of district burned.

Table 5 shows the distribution of stand structures that existed on the district prior to the fires, the acres and percent burned, and burn severity distribution by pre-fire stand types and burn severity is. Within the burned areas the UDS structure type was by far the most common forest condition at

9,925 acres or 62% of total burned, exceeding all other structure types combined. This stand type most commonly burned at moderate (48%) to high severity (30%). REG stands predominately burned at high severity levels (55%) and moderate (38%) with 7% at low severity. CSC stands burned equally at high severity and moderate levels (38% each) with 24% at low severity. Prior to the fires there were 12,450 acres of existing complex forest structure (LYR & OFS) across the Santiam State Forest, or 21% of the forest. Approximately 20% (2,486 acre) of the existing complex forest burned with the highest amount of low severity across stand types (32%) and lowest amount of high severity (27%).

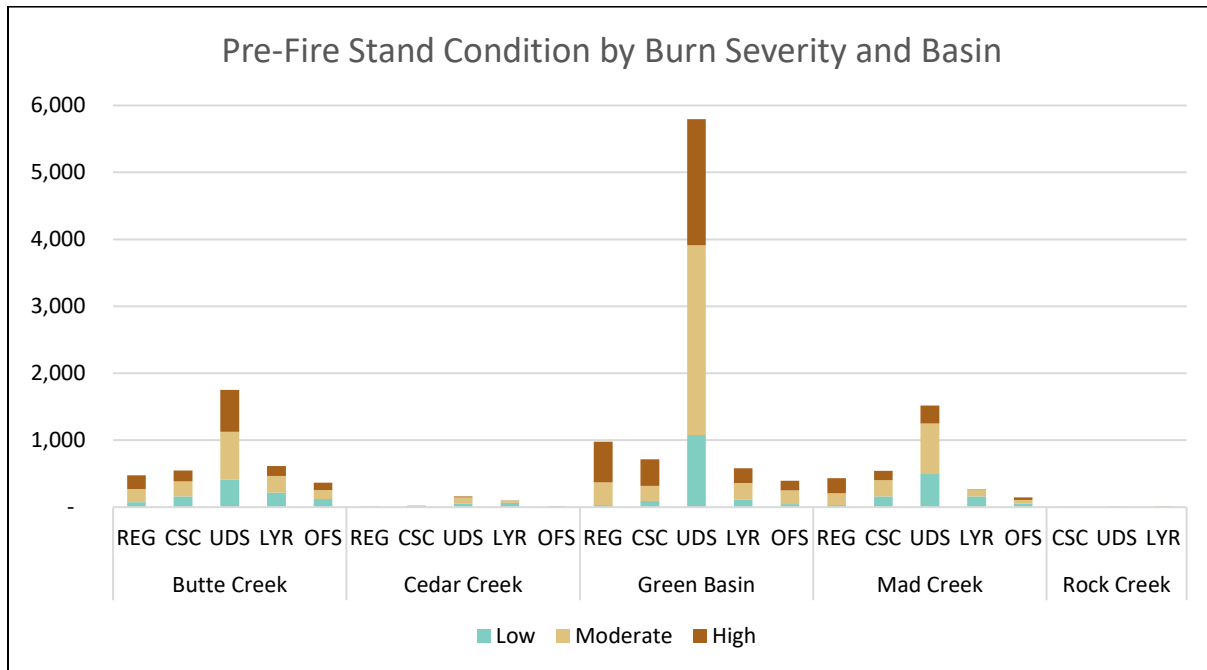
**Table 5. Percent of low, moderate, and high burn severity by pre-fire stand condition**

Pre-Fire Stand Condition <sup>1,2</sup>	Pre-Fire Acres	Acres Burned	Percent Burned	Burn Severity (Percent of Acres)		
				Low	Moderate	High
REG	4,731	1,890	40%	7%	38%	55%
CSC	4,021	1,831	46%	24%	38%	38%
UDS	24,718	9,925	40%	22%	48%	30%
LYR	8,635	1,570	18%	35%	41%	24%
OFS	3,831	916	24%	26%	43%	31%
Complex (OFS+LYR)	12,450	2,486	20%	32%	42%	27%

<sup>1</sup> The Pre-Fire Stand Condition was determined using the latest Stand Level Inventory imputed 2018.

<sup>2</sup> Non-forest condition acres (1,529) are not included in this table

Burn severity also varied between basins and by forest structure conditions prior to the fires. (Figure 3).



*Figure 3. Burn Severity of Pre-Fire Stand Condition  
(Crabtree Basin is entirely outside of the fire perimeter, so it is not shown in this figure)*

## ***Desired Future Condition Targets and Burn Severity***

The FMP establishes targets for how much of the forest landscape will be managed to create each of the five structure classes. Expressed as percentage of the landscape, the targets describe a long-range desired future condition (DFC), with upper and lower limits (Table 6).

**Table 6. Desired Future Condition (Targets) for the proportion of Stand Structure types across the landscape on each District**

<b>Stand Type</b>	<b>Range</b>
REG	15-25%
CSC	5-15%
UDS	30-40%
LYR	15-25%
OFS	15-25%

Together, the LYR and OFS are considered complex stand structures and are designated in a functional arrangement across the landscape resulting in a “mapped landscape design” or DFC Complex. This mapped landscape design was established during the creation of the 2012 North Cascade IP with input from ODF resource specialists and wildlife biologists and Oregon Department of Fish and Wildlife (ODFW) wildlife and fish biologists and has not changed as a result of the fires. The mapped landscape design is shown in the “*North Cascade District Desired Future Condition*” map in the Map Section. While DFC Complex is mapped, targets for REG, CSC and UDS stands are not mapped, but rather are expressed as a desired range that accounts for changes across the landscape from management during the duration of the IP.

Santiam State Forest management is organized around management basins with long-term DFC Complex targets per basin (Table 7). Percentages reported in Table 7 apply to the entire basin including burned acres.

**Table 7. Mapped DFC Complex (Targets) by Management Basin**

<b>Management Basin</b>	<b>Total Basin Acres</b>	<b>LYR</b>	<b>OFS</b>
Butte Creek	9,970	27%	14%
Cedar Creek	4,186	4%	4%
Crabtree	1,843	0%	0%
Green Basin	12,201	28%	4%
Mad Creek	6,604	11%	14%
Rock Creek	12,661	27%	33%
<b>District Total</b>	<b>47,465</b>	<b>20%</b>	<b>15%</b>

The overall long-term DFC Complex target for the Santiam State Forest is 35%. It is important to note that the mapped DFC Complex does not represent the current amount of complex forest structure on the landscape. It represents the long-term target that will be achieved through active management which is estimated to take 70-90 years to achieve.

The majority of the landscape being managed to create complex forest structure did not burn. Within the fire perimeter, 17% of the DFC Complex remained unburned. Coupled with the DFC Complex



outside the fire perimeter, 76% of the forest designated to become complex structure remained unburned. The remaining 24% of the DFC Complex burned in a mosaic of fire severity (Table 8).

**Table 8. Burn Severity of Mapped DFC Complex Landscape Design (Targets)**

DFC Complex	Total DFC Across the District (acres)	Outside of Fire Perimeter (%)	Inside Fire Perimeter				
			Unburned (%)	Low (%)	Moderate (%)	High (%)	Total (%)
LYR	9,376	45%	23%	8%	14%	10%	100%
OFS	7,078	76%	9%	3%	6%	6%	100%
<b>Total Complex</b>	<b>16,453</b>	<b>59%</b>	<b>17%</b>	<b>6%</b>	<b>10%</b>	<b>8%</b>	<b>100%</b>

To summarize the fire impact on stand conditions within the Santiam State Forest:

- Approximately half (24,000 acres) of the Santiam State Forest was in the footprint of three catastrophic fires that occurred in the fall of 2020.
- The fires burned with variable intensity, creating a mosaic of forest conditions across the landscape including areas in the fire perimeter that didn't burn at all.
- Within the footprint of the fires, approximately 16,600 acres actually burned.
- The forest is managed to create a range of forest structure conditions across the landscape.
- The majority of the forest is in the understory development (UDS) structure and most commonly burned with moderate severity.
- Very young stands in the regeneration stage tended to have the largest proportion of high severity burn.
- Out of a total of 12,450 acres of existing complex structure prior to the fires, 20% of complex burned, leaving 9,960 acres of existing complex structure across the forest.
- For the Santiam, 35% of the forest is designated to become complex.
- 76% of the forest designated to become complex forest structure in the future remain unburned.

# Management Activities

Thirty-five percent of the landscape on the Santiam State Forest has been dramatically changed due to the fires in early September 2020. The fires burned in a mosaic pattern introducing forest complexity across the landscape and impacted everything from forests that were very recently replanted to forests with older forest structure. There was widespread damage to wildlife habitat, riparian areas, road systems, recreation areas, campgrounds, and trails.

The next 2 to 3 years of activities are designed as an initial a recovery phase- setting the stage for long-term restoration of the forest. These initial management activities will focus on reforestation, post-fire harvest, and road and recreation infrastructure repair. Initial recovery harvest operations will be conducted on approximately 18% of the 16,600 acres burned. Green trees, down wood, and snags, where safety allows, will be retained within these areas. No-harvest riparian buffers will be retained around streams.

Some of the highest severity burn is located within young stands. These young stands will be replanted over several years as the necessary seedlings become available. Other moderate to high severity burn areas will be aerially seeded with a mix of species or will be reforested naturally. Snags of varying size and decay class outside of the harvest areas will persist on the landscape eventually becoming down wood. These strategies, along with leaving the unburned and low severity burn areas within the fire perimeter, will provide a variety of stand ages and seral conditions within the fire perimeter and across the Santiam State Forest.

## *Reforestation and Young Stand Management*

The impacts of the fires have drastically changed reforestation needs on the district. Approximately 25% of the forest requires some reforestation activity. A variety of reforestation methods will be used to begin the recovery of the Santiam State Forest. These methods include planting seedlings, aerial seeding, and utilizing natural regeneration (Table 9). These different approaches combined will create a diverse landscape that includes a variety of age classes, stand densities, and complex early seral habitat. A mix of conifer species will be used during reforestation activities including Douglas-fir, western hemlock, western red cedar and noble fir. Red alder will also be considered in areas that contain root rot disease, riparian areas and at low elevations.

**Table 9. Proposed Reforestation Practices in the burn**

Reforestation Type	Acres <sup>1</sup>
Planting - young stands burned	3,600
Planting – post-fire harvest units	3,000
Aerial Seeding	4,800
Natural Regeneration	600

<sup>1</sup>Acres subject to change as more information becomes available

Aerial seeding and natural regeneration will be utilized to accomplish reforestation goals in areas that have difficult access or safety concerns for planting due to remaining hazard trees. This approach will help promote a natural succession pathway that includes a delayed response to conifer regeneration and allow for perennial shrubs and hardwoods to colonize these areas.

Replanting of seedlings will occur both in areas where young stands burned and in post-fire harvest units. Roughly 3,600 acres of stands aged 0-18 years were completely lost to the fires and will need to be replanted. In addition to this, approximately 3,000 acres of stands over 30 years old are being

considered for post-fire harvest. In these areas, reforestation will occur to reestablish a healthy working forest that has the ability to provide all elements of GPV. Planting densities will vary within a unit and across the landscape depending on the specific site conditions and management objectives with the goal of achieving fully stocked stands for the given site and minimizing needs for future density management. Minor species will be incorporated when available and will be prioritized for reforestation inside DFC Complex (LYR, OFS) areas.

In all harvest units, the reforestation requirements will comply with the Forest Practices Act (FPA) rules. Individual Reforestation Plans will be developed for harvest units. These plans will take into consideration elevation, aspect, root disease, desired future stand conditions, and describe site preparation, species, stock type and tree spacing tailored to each unit.

North Cascade District typically plants an estimated 250,000 seedlings a year, enough for around 500 acres of initial plant and 150 acres of interplant. In addition to the reforestation needs from the fire, there are active timber sales both inside and outside of the burn that will be completed within this IP period and will also need to be replanted. To accomplish all the planting needs and requirements, the district will need approximately 3,000,000 seedlings. To accomplish longer term reforestation needs to restore healthy forests, the district will potentially need another 2-3,000,000 seedlings.

Table 10 describes the annual silvicultural activities that will occur during this IP. To increase reforestation success we prepare sites for planting and use a combination of animal-damage control and control of competing vegetation (release). Site preparation may include one or more of the following occurring on the same acreage: machine slash piling, pile burning, or vegetation control with herbicides. Animal-damage control work may include one or more of the following conducted on the same acreage: mountain beaver control, bud capping, or tree tubing. Release work may include vegetation control using herbicides, or manual release with hand / power tools.

**Table 10. Cumulative Silvicultural Activities Fiscal Years 2021- 2023**

Activity	Estimated Acreages <sup>1</sup>
Site Preparation	2,000 – 3,200 acres
Reforestation – Post-Fire Harvest Sales	1,500 – 3,000 acres
Reforestation – Young Stands Burned	2,000 – 3,200 acres
Reforestation – Unburned Sales	0 – 900 acres
Reforestation – Aerial Seeding	4,000 – 4,800 acres
Reforestation – Natural Seeding	600 – 1,000 acres
Animal Damage Control	1,000 – 3,200 acres
Release	0 – 3,500 acres
Precommercial Thinning	0 – 1,500 acres
Non-Commercial Tree Removal	0 - 1,500 acres

<sup>1</sup>These acreage ranges are for the total activities for the 3 year period of this IP. Acres are subject to change as more information becomes available

Precommercial Thinning (PCT) acres shown represent a range dependent on annual workloads and budget levels. During years of low fiscal budget levels, these estimates could fall to zero. Pre-commercial thinning is an important density management practice in young, dense stands. Pre-commercial thinning generally occurs in stands between 13 and 17 years old and removes small or defective trees in order to provide more water, light, and nutrients to increase the growth of the healthy residual trees. In addition, PCT delays the canopy from closing, thus preserving the

growth of herbaceous vegetation required by big game; and provides an opportunity to maintain species diversity in the plantation through tree selection. Fire impacts amplify financial constraints and may shift financial investments away from PCT and towards reforestation. Pre-commercial thinning would occur mostly outside the fire perimeter. There may be a few stands inside the fire perimeter that didn't burn and may be treated.

Approximately 1,500 acres need to be assessed for potential non-commercial tree removal. This assessment focuses on stands between 18-40 years old (depending on stand elevation, stocking of site, etc.) within the burn where the trees need to be removed in order to mitigate future fire hazards and to replant a unit, but there is no commercial value to the trees harvested due to size and/or burn severity. Stands will be evaluated on a stand-by-stand basis and if it's determined that merchantable volume is present, it will be further evaluated for post-fire harvest. How to remove these non-commercial trees efficiently and effectively for replanting requires further evaluation and may include the pursuit of grants to fund the work. Photos 3 and 4 show examples of burned plantations and burned stands with no commercial value.



*Photo 3. Burned plantation*



*Photo 4. Burned trees of non-commercial size*

## ***Roads***

The State Forest road network provides access for forest management activities, fire suppression, and recreation. Visions, guiding principles, and goals for managing the road network are discussed in the FMP and the 2000 State Forest Roads Manual. The State Forest Roads Manual also provides standards and guidance for all road management activities and definitions, road classifications and other terms.

There are approximately 190 miles of road inside the fire perimeter. To mitigate public and employee safety concerns, an inventory of the affected road system was conducted, including inspecting all culverts and bridges. Approximately 188 miles of road have been assessed as of this report. The remaining road that needs to be assessed is located on a scattered tract of land that is currently inaccessible. The District should be able to access and evaluate this road by the end of summer 2021. Table 11 summarizes results for culverts that have been assessed. Photo 5 shows an example of fire damaged culvert. None of the culverts needing to be replaced or maintained are on fish bearing streams. Culverts replaced on streams will be designed to pass a 100-year flow event.

**Table 11. Road Culvert Safety Assessment**

Assessment Activity	Number
Culverts Inspected	1,278
Culverts Needing Replacement:	
Fish stream culverts	0
Non-fish stream culverts	15
Ditch relief culverts	98
Culverts Requiring Maintenance	226



*Photo 5. Burned out culvert*

In addition to the culvert work, 31 sections of road were identified that require some sort of rehabilitation work such as debris removal, road bed repair, bank stabilization, etc. Roads were also assessed for roadside trees that pose a danger to public and employee safety (see Photo 6). Approximately 79 miles of road have hazard trees that need to be removed, with 43 miles identified as having a high number of hazard trees and 36 miles having a low number of hazard trees. Hazard tree removal for safety concerns can be conducted up to 1.5 times tree height from the road (OAR 437-007-0200, 437-007-0225, 437-007-0500, 629-605-0400 and 2020 Fire Salvage and the FPA Guidance). Hazard trees or snags are defined as any tree or snag that has an imminent failure potential and has the ability to strike a target (people, property, or structures) based on each individual tree condition and generally follows these characteristics:

- leaning and/or root-sprung trees or snags with a lean of >15 degrees towards right of way;
- undermined, severed, or compromised root systems with <50% of structural roots remaining in the ground;
- fire damaged boles of trees or snags with <50% cross-section of structural integrity and sound wood; or
- trees or snags with multiple indicators including conks, bole cracks, extensive rot, v-shaped forks with embedded bark and open cracks, in conjunction with high-severity fire damage and a high likelihood of reaching the right of way.



*Photo 6. Roadside hazard trees*

Hazard trees or snags that are felled along roadways that are also within a stream buffer shall be felled towards the stream where possible to contribute to riparian and aquatic function. The culvert, road repair and hazard tree removal will occur during this IP period in conjunction with post-fire harvests and work order contracts. Waste areas and areas where exposed soil may occur during culvert replacements will be grass-seeded using local weed-free grass and have straw mulch placed to reduce sedimentation in these areas.

Roads will be monitored and evaluated closely during the fire restoration and recovery process to ensure safe travel routes to facilitate current and future management goals in an efficient manner, while minimizing impacts to natural resources and waters of the state. This monitoring includes (but is not limited to) monitoring culvert conditions, road surface wear, development of ruts or potholes, or road runoff and need for wet weather hauling restrictions (629-625-0700) 6250700).

### ***Recreation, Education, and Interpretation***

Recreation opportunities on the Santiam State Forest were impacted from fire damage to varying degrees. Initial assessment work has occurred at all of the designated recreation sites and trails within the Santiam State Forest. Assessment work will continue through the winter months and into the spring. The most significant impact occurred in the Shellburg Falls and the High Lakes Recreation areas. The Santiam Horse Camp (Photos 7 and 8), Monument Peak trail system, and trails in the Niagara area were also impacted by fire. Trails and recreation infrastructure within the fire have suffered damage resulting in the need for facility infrastructure repair, trail tread rehabilitation, trail relocation, stair/handrail replacement, and culvert or bridge replacement.



*Photo 7. Horse Camp sign*



*Photo 8. Horse Camp corral damage*

In the short term, the Recreation Education and Interpretation (REI) team will be engaged in recreation facility and trail restoration and repair work to address public safety, investment protection, and resource impacts. As restoration and recovery work progresses, the REI team will transition into a recreation planning effort focused on the redesign of recreation facilities and trail systems that reflect the change in forest setting and offer interpretive and educational opportunities. This phase of the restoration effort will include the development of conceptual plans for new trails and facilities to enhance and support recreational needs well into the future with an eye toward integrated regional recreation planning with other State and Federal partners. Additionally, the REI program is building an education and interpretation program framework focused on the role of fire on the landscape and relationships with active forest management. Elements of this program will

position the State Forest Division to successfully tell the story of the Labor Day Fires of 2020 well into the future. The REI Program has already begun working with State and Federal partners on topline visitor use messaging across the larger landscape to help manage visitors' expectations and understanding of a very changed forest setting.

The forest setting around recreation facilities and trails has been changed by the fire and can be further changed by post-fire harvest activity focused on forest recovery and reforestation. When post-fire harvest operations are to occur along or adjacent to trails and recreation facilities, harvest prescriptions will focus on providing for public and staff safety and to maintain or enhance legacy structures (e.g. snags, down wood) where possible to provide for and enhance recreation experiences. Additional opportunities for complementary redesign of recreation facilities and habitat restoration will be explored as part of the long-term recovery and restoration planning.

Recreation facilities and trails that have been significantly impacted will be closed to public access for extended periods to ensure public safety and allow for hazard tree removal (Photo 9), forest road repair, post-fire harvest operations, reforestation and facility and trail repair (Photo 10). The team will develop a public access management plan that reflects the progression of rehabilitation, recovery and safety mitigation work.



*Photo 9. Hazard trees along trail*



*Photo 10. Trail damage*

## ***Harvest Outputs***

Post-fire harvest prescriptions will focus both on safety and on setting-the-stage for successful reforestation efforts that provide for habitat and timber harvest, while retaining existing legacy structures for short- and long-term ecological functions. The actual fire damage to wood quality is unknown. Fire damaged timber starts to deteriorate quickly with warm weather and its marketability quickly falls over time. As a result, most of the post-fire harvesting will be prepared and sold by June 30, 2021. Due to this shift in harvesting priority, originally planned sales in the district's fiscal year 2021 (FY2021) Annual Operations Plan that had not already sold have been suspended.

Pre-fire, the district's Annual Harvest Objective (AHO) was 19 million board feet (MMBF). Initial estimates of post-fire harvest to be prepared and sold in FY21 are 35-60 MMBF. Harvest in FY22 and FY23 will be lower and likely consist of any additional tree mortality due to stress from the fire, beetle kill, drought or other conditions. Additional unburned sales may be utilized to supplement the

harvest levels for FY22 and FY23 in order to maintain a predictable flow of timber for the counties and workforce during this timeframe. These sales will go through the FY22 and FY23 Annual Operations Plan public review process. Marion, Linn, and Clackamas counties will directly benefit receiving approximately two thirds of the revenue generated from these harvests. These harvests will also contribute to approximately 675 primary jobs and 640 secondary jobs.

**Table 12. Annual Regeneration Harvest and Partial Cut Acreage Ranges**

	Regeneration Harvest Acres	Partial Cut Harvest Acres	Volume (MMBF)
FY 2021	1,000 – 3,000 <sup>1</sup>	500 - 1,200	35-60
FY 2022	0 – 1,500 <sup>2</sup>	0 – 1,500	8-25
FY 2023	0 – 750 <sup>2</sup>	0 - 800	8-15

<sup>1</sup>Most of the post-fire harvesting will be prepared and sold in FY21. For FY21, the harvest acres will be near the top of the range.

<sup>2</sup>The harvest operations for FY22 and FY23 will include post-fire harvests where available and include other unburned harvests (partial cut and/or modified clearcut).

### ***Retained Legacy Structures During Harvesting***

Retained legacy structure quality and configuration will vary from unit-to-unit based on the site characteristics. Within post-fire regeneration harvest units, live green trees and any remnant old growth trees within the timber sale perimeters will be retained where operationally possible and safe to do so. Green trees are defined as having 10-30% of live crown in respect to total tree height depending on site conditions, stand conditions, burn severity, and future management goals. The number of green trees and their arrangement on the landscape is dependent on the burn severity and will be unique to each harvest unit. If 5 or more live green trees per acre are not available within the harvest unit, snags will be substituted at an average rate of 2.5 snags per acre at a minimum to achieve overall results for wildlife, habitat, and forest diversity goals. Thinning prescriptions may also be utilized to treat post-fire areas where appropriate.

The objective of each harvest prescription and accompanying reforestation plan is to achieve the desired future stand condition in the most rapid, safe, and efficient manner. The majority of the regeneration post-fire harvest units that are being planned will be less than 120 acres (with many individual harvest units in the 30-60 acre range) and will be based on burn pattern (Photo 11), operational settings, and green tree locations. If larger acreages are necessary to achieve multiple aspects of achieving GPV they will not exceed 240 acres and is limited to 30% or less of planned post-fire harvests.





*Photo 11. Mosaic nature of the burn*

There are 6,746 acres of mapped complex within the fire perimeter which amounts to 41% of mapped DFC Complex across the forest (Table 13). Approximately 3,949 acres burned with varying degrees of severity. Post-fire harvest will occur on 437 acres of the burned DFC Complex and will be primarily in areas with moderate to high fire severity. Forest-wide the amount of post-fire harvest is 3% of the mapped complex structure across the forest.

**Table 13. Planned harvest within mapped DFC complex.**

<b>Mapped DFC</b>	<b>Acres across entire forest (acres)</b>	<b>Within Fire Perimeter (acres)</b>	<b>Burn Severity Low, Med, High (Acres)</b>	<b>% of 2021 Planned Harvest in DFC Complex</b>	<b>% of Forest-Wide DFC Complex in 2021 Post-Fire Harvest</b>
Complex Structure <sup>1</sup>	16,453	6,746	3,949	15%	3%

<sup>1</sup>Complex Structure is a mix of mapped desired future condition LYR and OFS combined

### ***Cultural and Historic Resources***

Cultural resources are defined as any human-created sites, structures, or objects that are of historical significance to the local area, region, state, or nation, in providing information and education of ethnic, religious, or social groups, activities, or places. Cultural resources are known to occur in the forest, mostly from the early logging and homesteading that took place in the Santiam canyon.

It is the policy of the Oregon Department of Forestry, State Forests Division, to preserve and protect archaeological and cultural resources and sites during forest management activities according to state law. In order to protect any potential cultural resources during forest management activities, planned operations areas are screened for the presence of cultural resources. Areas where cultural resources may be present receive further review and avoidance measures where appropriate.

Consultation with the State Historic Preservation Office or a qualified archaeologist shall occur if any cultural or archaeological resources are inadvertently discovered on State Forest lands during the course of management activities.

## *Aquatics*

The streams, rivers, lakes, and other water bodies on the North Cascade District provide habitat for a variety of fish species. Native salmonid species that have been confirmed on the North Cascade District include chinook salmon, coho, steelhead trout, and cutthroat trout. The influence of Big Cliff and Detroit Dams on Chinook and Winter Steelhead is an important backdrop for the North Santiam Watershed.

The Riparian Standards section of the FMP states that Riparian Management Areas (RMA's) will be established immediately adjacent to waterways for the purpose of protecting aquatic and riparian resources, and maintaining the functions and ecological processes of the waterways. Within these areas, special management considerations and operational restrictions will be applied, and the protection of aquatic resources will be a high priority. The FMP (Appendix J) establishes the standards for RMA's for the various stream types in the Santiam State Forest. All post-fire harvest operations will continue to use the FMP RMA standards as a minimum starting point.

There are approximately 174 miles of streams within the burn perimeter representing about half of all the stream miles within the Santiam State Forest. Of the 174 miles of streams within the perimeter, non-fish streams were the most prevalent. In total, approximately 32 miles of RMA's were unburned as the fire in many places burned in a patchy mosaic pattern. For those burned RMA's, a moderate burn severity was the most common across all stream types. Approximately 16% of RMA's impacted by the fire burned at a high severity. Table 14 summarizes the burn severity along these streams by stream type.

**Table 14. Burn Severity along streams by stream type.**

<b>Stream Type</b>	<b>Unburned Miles</b>	<b>Low Severity Miles</b>	<b>Moderate Severity Miles</b>	<b>High Severity Miles</b>	<b>Total Miles</b>	<b>% of Total</b>
Fish	5	9	16	4	34	20%
Non-fish	26	30	37	17	110	63%
Unknown Fish Presence	1	2	20	7	30	17%
<b>Grand Total</b>	<b>32</b>	<b>41</b>	<b>73</b>	<b>28</b>	<b>174</b>	<b>100%</b>

Wood recruitment to streams is one of the primary functions of a RMA. This fire event represents a wood recruitment event these systems are not likely to see for decades to come. Therefore, wood loading will exceed standards in the FMP in many locations. As riparian areas are posted in the field, based on FMP RMA standards there will be wide buffers on fish bearing streams and most non-fish streams with many being buffered high up into the stream network. This will include debris-flow prone channels and high landslide hazard locations that are likely to deliver wood to fish streams. Larger buffers will be utilized on many post-fire harvests based on site-specific conditions and in collaboration with ODFW and Department of Environmental Quality (DEQ). If there are circumstances that require alternative management in order to accelerate the development of mature forest condition or are required for public safety, a plan for alternative practice shall be completed and approved by the staff aquatic specialist.

Restoration activities that may take place over the next few years include:

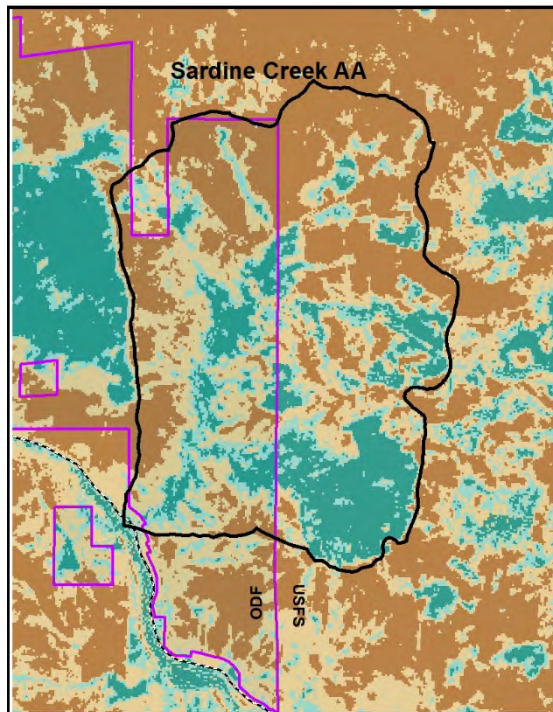
- Targeted instream restoration in conjunction with ODFW & local Watershed Councils in identified high priority watersheds;

- Replace damaged drainage culverts and stream culverts;
- Vacate legacy roads near streams following review with partner agencies and public;
- Opportunistic large wood placement in conjunction with post-fire operations where feasible; and
- Planting heavily burned RMAs where it can be done safely and if seedlings appropriate for riparian sites are available.

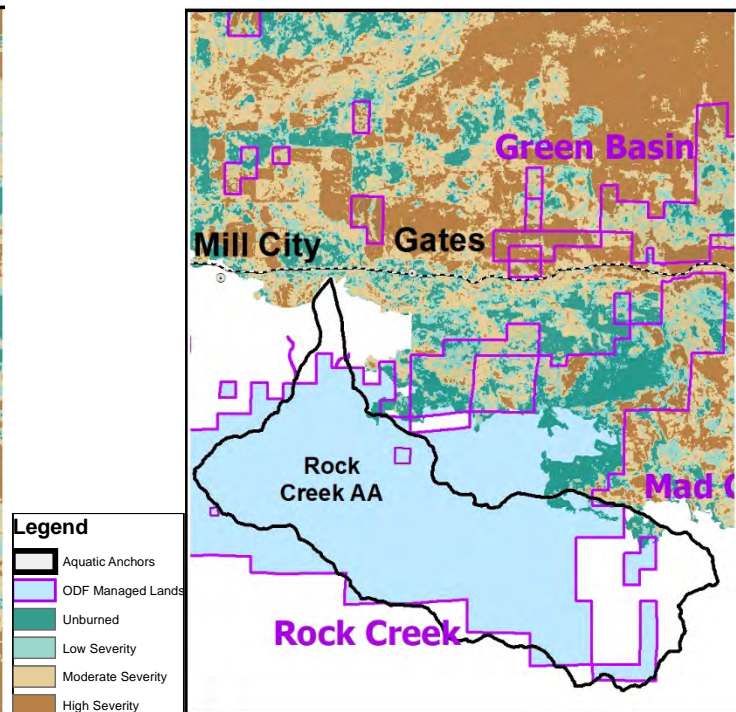
Aquatic Anchor (AA) sites are watersheds where additional stream and riparian management standards are applied to specifically maintain and enhance habitat for salmonids and headwater amphibians. Rock Creek and Sardine Creek Watersheds are designated as Aquatic Anchors (AAs) and were selected through a collaborative effort with ODFW District Fish Biologists, State Forests Aquatic Specialist, and district staff during the 2012 IP development and will remain in place. In addition, areas designated for the development of complex structure in the Landscape Design are clustered around streams important to fish in the AA. The Rock Creek AA is located at the edge of the fire perimeter while the Sardine Creek AA was completely within the fire perimeter (Table 15 and Images 1 and 2).

**Table 15. Burn Severity within the Aquatic Anchors on ODF managed land**

Aquatic Anchor	Unburned Acres	Low Severity Acres	Moderate Severity Acres	High Severity Acres	Total Acres
Sardine Creek	208	228	578	515	1,529
Rock Creek	9,453	13	6	0	9,472



*Image 1. Burn severity in the Sardine Creek AA*



*Image 2. Burn severity in the Rock Creek AA*

## *Wildlife*

The North Cascade District is comprised of a variety of habitat types that support many native species found in forests in the Oregon Cascade Range. Appendix E of the FMP contains lists of native fish and wildlife species that are currently known, or are likely, to exist within the area covered by the FMP. In addition, many game and furbearer species occur on the district. Some of the most common game species are black-tailed deer, Roosevelt elk, and black bear. Also common are beavers, mountain beavers, cougars, bobcats, and coyotes.

All post-fire harvest operations will continue to use the FMP strategies for leave trees, snags and down wood, and current resource protection policies at a minimum. Additional legacy components will be left within these harvest areas based on desired results for wildlife, habitat, and forest diversity goals. These prescriptions for the post-fire harvests will be developed with input from staff, wildlife biologists, and ODFW biologists.

Restoration activities that may take place over the next few years include:

- Dispersing forage seed when available along roads where post-fire harvest occurs, culvert replacements, dirt roads or riparian areas along roads;
- Establish early seral forage areas;
- Evaluate restoration projects involving beavers;
- Reforest with higher concentrations of minor species (hemlock, western red cedar, etc.) within Terrestrial Anchors and DFC complex areas;
- Leave larger snags, all live green trees where safety allows, and greater quantities of down wood left in post-fire regeneration harvest areas within DFC complex areas;
- Aerial seeding portions of the forest, where applicable, that do not have a short term ability to have natural regeneration and will not be harvested to retain legacy structure;
- Manage for natural regeneration in some stands to stagger the age class across the forest; and
- Vacate or block roads to minimize disturbance to wildlife where possible within DFC complex areas.

Of the many wildlife species found on the North Cascade District, the northern spotted-owl is listed as threatened under both the federal and state Endangered Species Acts. The northern spotted owl was listed as threatened by the United States Fish and Wildlife Service (USFWS) in 1990. The North Cascade District has conducted a northern spotted owl survey program since 1990. There are currently 17 northern spotted owl (NSO) provincial circles that affect management on the Santiam State Forest, 15 of which are at least partially or wholly within fire perimeters. Figure 4 shows the distribution of burn severity in the NSO home ranges within the fire perimeter.

Any post-fire harvesting within a NSO home range will be done with input from ODF biologists. A Biological Assessment (BA) of the NSO home range will be completed by the ODF biologist for the district and will be reviewed by the USFWS prior to the harvest being sold.

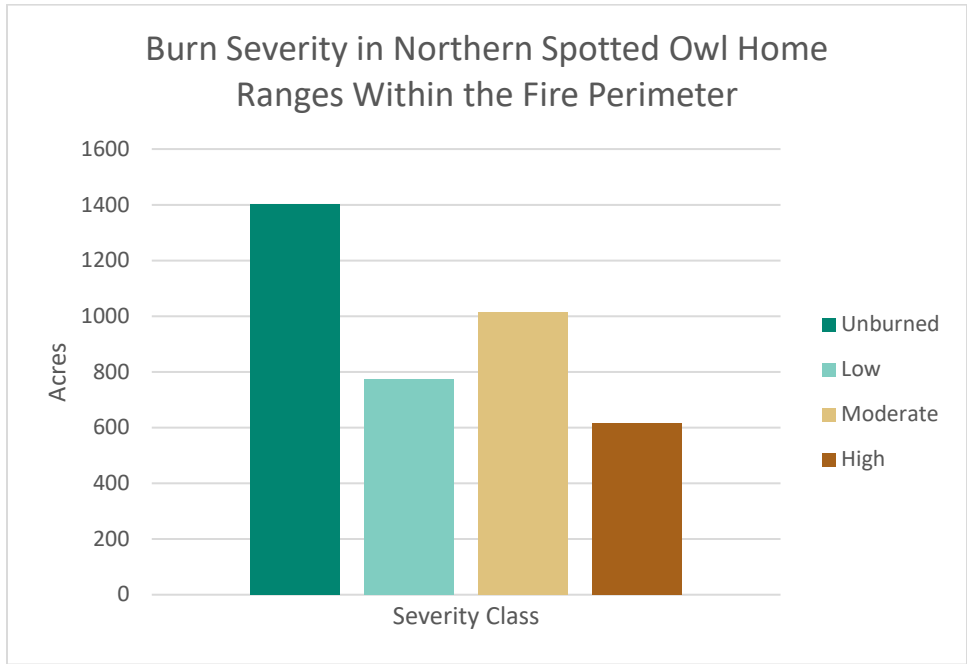


Figure 4. Burn Severity within Northern Spotted Owl Home Ranges.

Terrestrial Anchor Sites (TAS) are intended to benefit terrestrial wildlife species of concern, especially those associated with older forest or interior habitat conditions, sensitive to forest fragmentation, or do not readily disperse across younger forest conditions. The Rhody Lakes TAS was selected through a collaborative effort with biologists and district staff during the 2012 IP development and will remain in place. This TAS is located entirely within the fire perimeter. Table 16 and Image 3 shows the burn severity in the TAS. Management within TAS is intended to be limited, to emulate natural small-scale disturbance patterns, and to minimize short-term negative impacts to habitat. All areas designated as TAS are designated for DFC complex. The TAS in this district is intended to benefit primarily species associated with high elevation lakes, wetlands, and forests.

Post-fire conditions within the TAS are still in the process of being assessed due to access issues.. Any proposed future management within the forested portions of the TAS will promote development of mature forest conditions and will emphasize protection of existing high elevation lakes, wetland, and talus slopes. ODF and ODFW wildlife biologists will be involved in development of management prescriptions within the TAS.

**Table 16. Burned Severity within the Terrestrial Anchor Site**

TAS	Unburned Acres	Low Severity Acres	Moderate Severity Acres	High Severity Acres	Total Acres
Rhody Lakes	228	232	510	383	1,354

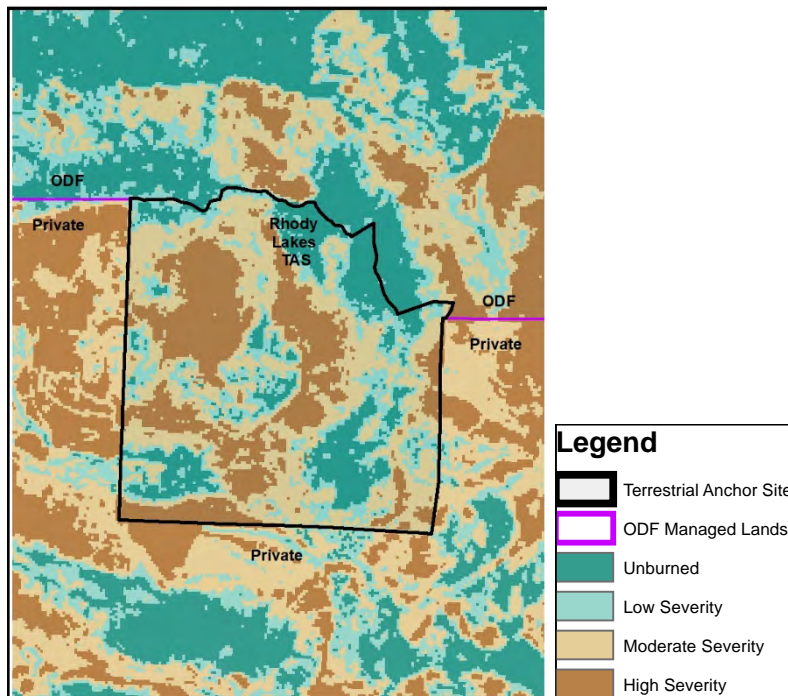


Image 3. Burn severity in the TAS

## Soils

### Soil Assessment

Most soils in the burned area are gravelly, sandy, coarse-grained, and non-cohesive, resulting in high permeability and fairly high frictional strength. Initial assessments have found that some of the soils have been impacted by the fires. Post-fire soil changes noted to-date include:

- Ubiquitous surface settling: Where the organic fraction is burned off the top of the forest floor, the remaining mineral fraction of the soils have settled. This change occurred in the upper 10 inches of soil resulting in a loosened surface with an unstable texture.
- Voids: Large holes around burned stumps and root systems where roots were completely burned will collapse over time causing a loosening and loss of soil strength.
- Raveling: Rolling and sliding of individual cobbles and boulders is a common result on steep slopes due to the loosening effect. Spalling (heat cracking) of larger boulders has also resulted in loose rock fragments in steep terrain.
- Loss of organics: In the most severe burned areas there is no remaining organic component to the soils. For example, along the ridgeline bounding the Sardine basin, only mineral soil remains. Not even ash is present as it seems to have been completely removed by fire winds. Much of the area was impacted by historic burns, so it is not known what the organic content of the surficial soils looked like prior to this assessment. This loss will affect future forest productivity.

These changes are likely to cause, or have already caused, a loosening of surficial soils down to the bottom of the rooting depth. In most cases the effect should be constrained to the upper 2 ½ feet of soil. These soils, will over time, reconsolidate and regain their former strength through densification. These changes can result in the following conditions:

- Temporary upward migration of the top of stream seasonality and possibly perennality due to increased moisture in the subsoils has been observed. Since the infiltration moderating effect of a live forest has been lost, more precipitation percolates deeply and is then able to increase surface flows. These changes may also increase sediment movement.
- Initial “flush” of ash and sediment in surface waters running through the burned areas. Much of this sediment may not be observed easily as much of the sediment will be moved as bedload and not suspended material (which causes discoloration).
- Increased shallow landslide initiation and resulting debris flow activity is likely to occur within the next decade as a result of the loss of root strength, soil loosening, and increased subsurface flow of water.

### ***Management Actions for Soils***

The use of best management practices for road management and construction will need to be adjusted on an as-needed basis as these activities move forward. For example, along roads below steep terrain, boulders will roll onto roads and into ditches causing blockages. In locations where more subsurface water is encountered, due to lack of canopy, shorter ditch runs with more frequent drainage features may be required. Additional maintenance presence will likely be needed to keep road drainage features working properly for the next 3-5 years.

Planning for harvest in burned areas will continue to use subject matter expert recommendations to adjust harvest boundaries to accommodate additional buffering where necessary. Geotechnical assessment of slope stability for proposed harvests and roads will provide necessary adjustments for specific soil conditions on a unit by unit basis. In addition, rapid reforestation will be utilized where recommended in order to stabilize soils.

Careful consideration of harvest, landing, and road layout will be used to minimize soil impacts from disturbance of ground-based machinery and soil gouging during yarding. In-unit practices utilized during harvest operations will reduce these potential soil impacts. By minimizing temporary stream crossings, minimizing the number of passes by machinery, employing one-end or full suspension while yarding, and establishing exclusion zones for ground based machinery, soil impacts and sediment delivery to water will be minimized.

## **Invasive Plants**

Integrated pest management principles to address incidences of invasive, non-native plants will be applied on state forest land. We will coordinate with other agencies and landowners in efforts to address such problems. The district will take steps to assure that management activities are not contributing to existing or new invasions of non-native plant species. These steps will include vegetation management efforts to control such species on state forest land, and the use of native plant species in re-seeding projects on state forest lands.

Most noxious weeds or invasive plants are found along roads and have spread into young stands. The main sources for the weed introduction into the forest are vehicle tires, equipment moved into and out of district, and where soil disturbance occurs. We require 100% weed free grass seed and certified weed-free straw used for mulch for project work on roads. Equipment washing is required in timber sale contracts to prevent the introduction of weed seed from other sites. It is also required that weed-free hay be used for feeding stock on State Forest Lands.

# Insects and Disease

Most insect, disease and abiotic forest threats are best handled through prevention via management for forest resilience. Healthy trees are well-defended and able to resist or tolerate these forest threats. Silvicultural methods will be used to enhance tree and stand resiliency to ensure forest health and sustainability.

Climate change, wildfire or mechanical damage, poor site quality or suitability for a tree species can predispose trees to damage caused by insects and disease. Silvicultural decisions that are being utilized to address forest stressors include:

- Planting species and genotypes (know your seed source) appropriately on the landscape in their preferred habitat (account for changing temperature and precipitation);
- Widening spacing to mitigate reduced or inconsistent precipitation;
- Increasing tree species diversity to inhibit the spread of host-specific insects and diseases;
- Avoiding planting host tree species in known root disease pockets;
- Utilizing preventive techniques during operations to prevent the spread of invasive weeds and diseases; and
- Removing and process marketable logs as quickly as possible to avoid defect-causing agents such as wood boring beetles and fungi.

# Climate Change

The overarching approach to address climate change is to acknowledge and manage for uncertainty and change. This approach includes managing for integrity and resilience to maintain ecosystem function, biodiversity and management options over time. We strive to sustain ecosystem integrity and functions and to ensure the continuous delivery of ecosystem goods and services, while minimizing the impact of and adapting to climate-induced changes. Our goal is neither a static reserve for conservation nor a traditional production-oriented forest. We view the entire forest as a working forest in a dynamic landscape that functions as a whole providing for a wide range of benefits including carbon sequestration, reducing emissions where possible, building forest resilience, and increasing forest productivity.

In order to adapt to changes in the climate, and-timing, and scale of disturbances on the Santiam State Forest, several techniques will be utilized to achieve diversity and resilience at both the stand and landscape scales. These techniques include facilitating natural regeneration and planting of native as well as native tree species outside of their current range and genetic variants that are considered to be adapted to future conditions. The latter will be accomplished by using seed from climate and condition (e.g. drought resistant, disease resistant, etc.) adapted tree species from the Schroder Seed orchard for planting and aerial seeding. In addition, increased spacing between planted seedlings will be utilized where appropriate to reduces stress on trees early on and can reduce the need for PCT in the future. In areas where there has historically been root disease, planting susceptible host tree species will be avoided and alternative species will be used.

Additional strategies will be used where possible to reduce emissions or sequester carbon. These strategies include but are not limited to the following:

- Prioritizing harvests that require little to no road building and are closer to main haul routes;
- Minimizing equipment moving in and out by grouping operations together;
- Utilizing aerial seeding in areas that have limited access; and



- Leaving larger snags, all live green trees, and greater quantities of down wood in post-fire regeneration harvest areas, where possible.

## Fire Mitigation

Managing for resilient, fire-adapted forests will be utilized as the primary approach to wildfire mitigation. There is a clear link between forest health and the potential for wildfires. Active management to improve forest health during the recovery and restoration of the Santiam State Forest will not only promote biodiversity and address issues such as invasive species and insects and disease, it will also help mitigate future fire risk. In addition to forest health improvements discussed throughout this document, listed below are some additional strategies that will be used to reduce fire risk.

- Strategic fuel reduction projects that address excessive fuel loading but still meet long term goals.
- Maintain roads and trails as potential fire breaks as well as facilitating fire suppression access needs.
- Continue outreach and enhance educational opportunities around wildfire prevention.
- Continued maintenance of registered fire ponds on ODF ownership and improve as appropriate.

## Collaboration and Partnerships

A concerted effort between partner agencies, forest nurseries, loggers, contractors, mills, associations, and recreation clubs, organizations and volunteers will be needed to restore healthy, growing forests, roads, and recreation on these lands and across ownerships. Opportunities for new or continued collaboration over the next few years include (but are not limited to):

- Continued work with ODFW will focus on a variety of topics including stream restoration projects, harvest prescriptions and legacy structure retention, big game needs, beaver restoration, forage seeding.
- The USFWS will continue to review and provide feedback on prepared biological assessments.
- Work with DEQ on stream protection, stream restoration and soil stabilization.
- Coordinate with recreation clubs, organizations and volunteers on trails and recreation infrastructure related recovery and restoration efforts.
- Potential project with Oregon Hunters Association to establish early seral forage plots.
- Work with partners on education and interpretive messaging around fires and fire legacies.

## Monitoring and Adaptive Management

Even though an initial post-fire assessment has been mostly completed, conditions could change drastically over the next couple of years. Strategic and targeted monitoring will show how the forest is responding to post-fire harvest, reforestation, and restoration activities and show where management strategies might need to be adjusted. Also, new research might become available that shows alternative treatments to apply in the burned area. Monitoring will be established to better

understand the efficacy of reforestation and post-fire harvest activities. New short-term monitoring will address:

- Short- and long-term levels of green tree retention, snags and large downed wood associated with different post-fire harvest prescriptions.
- Large wood recruitment over time in stands with and without post-fire harvest.
- Success of natural regeneration and various active reforestation techniques, including variable planting density, aerial seeding and interplanting in stands with a significant standing dead tree component, in both upland and riparian areas.
- Recovery of riparian vegetation and large wood recruitment to streams under different riparian protection standards and restoration techniques.

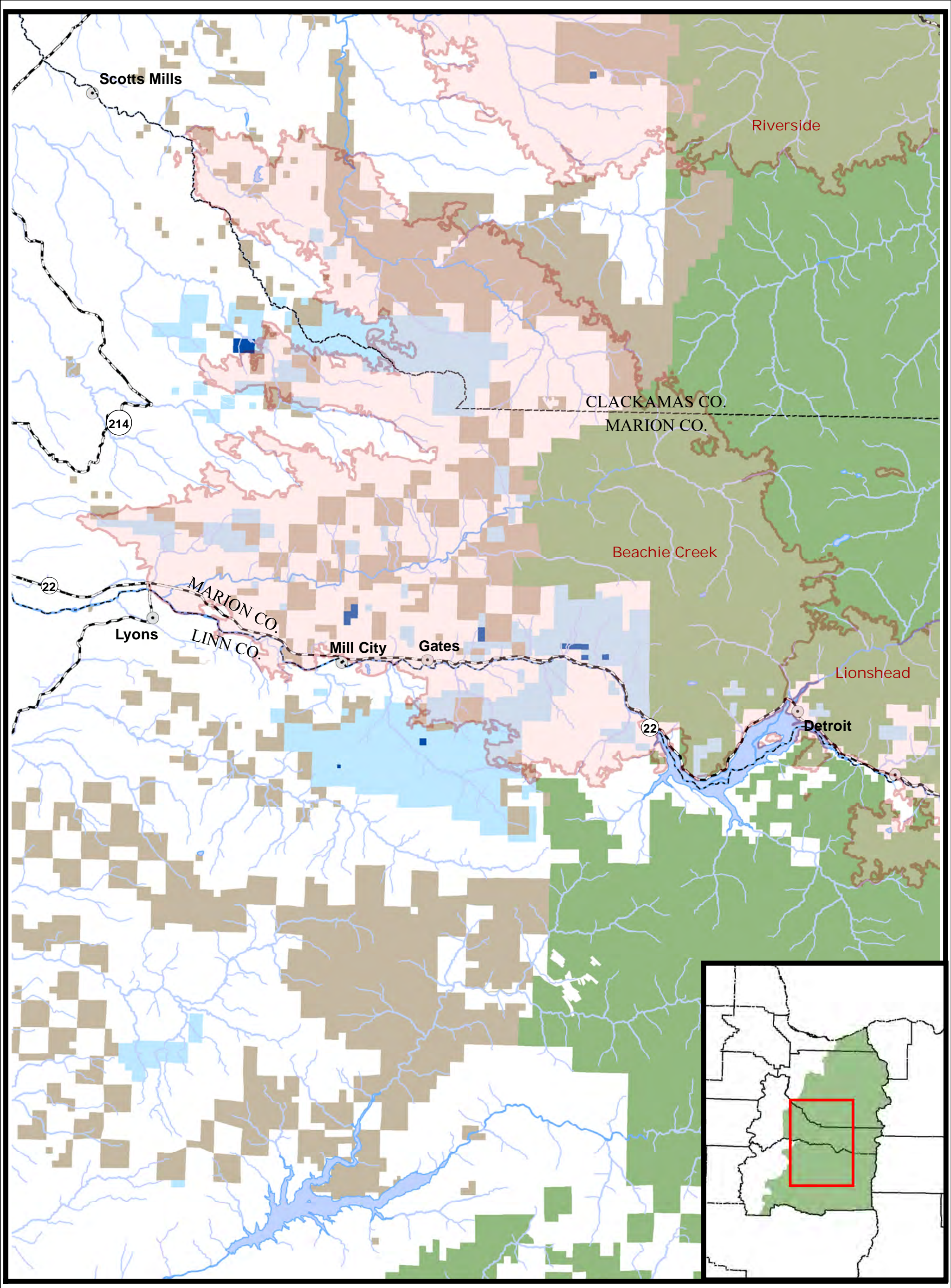
Ongoing monitoring efforts will continue for species of concern such as:

- Continue monitoring of Northern Spotted Owl activity using existing survey protocols inside and outside the fire perimeter.
- Actively engage in a salamander study with focus on Oregon Slender Salamander rates of occupancy after the fire with different post-fire harvest prescriptions, using existing survey protocol and working with Oregon State University.
- Continue monitoring of bats using acoustic monitoring systems in conjunction with Oregon State University Bat Hub and ODFW.

New adaptive management plans will be developed as part of the long-term recovery and restoration planning effort for the Santiam State Forest. Recovery and restoration plans will require an adaptive management approach founded on data-driven decision points and associated thresholds for changes in management approach or prescription. As the recovery and restoration plan is developed, specific monitoring protocols will be developed to identify adaptive management thresholds and aid in forest recovery process in areas where post-fire harvest, novel reforestation, or restoration projects have been implemented. Outreach to topical experts, other agencies, and landowners to engage in research or monitoring activities (e.g. bark beetles, water quality, erosion, etc.) on a broader scale where there are implications across landownership and management strategies will be explored and pursued where feasible.

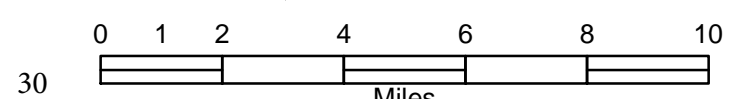
# Map Section

# North Cascade District Ownership



- Ownership**
- Board of Forestry Lands
  - Common School Lands
  - US Bureau of Land Management
  - US Forest Service
  - Fire Perimeter

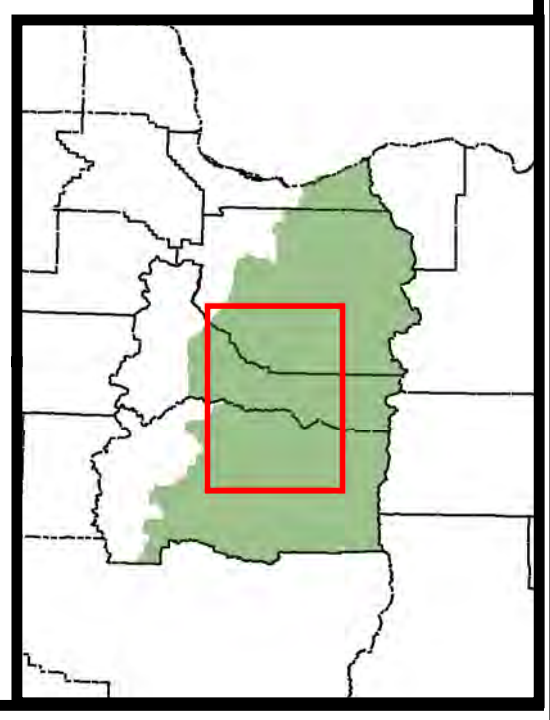
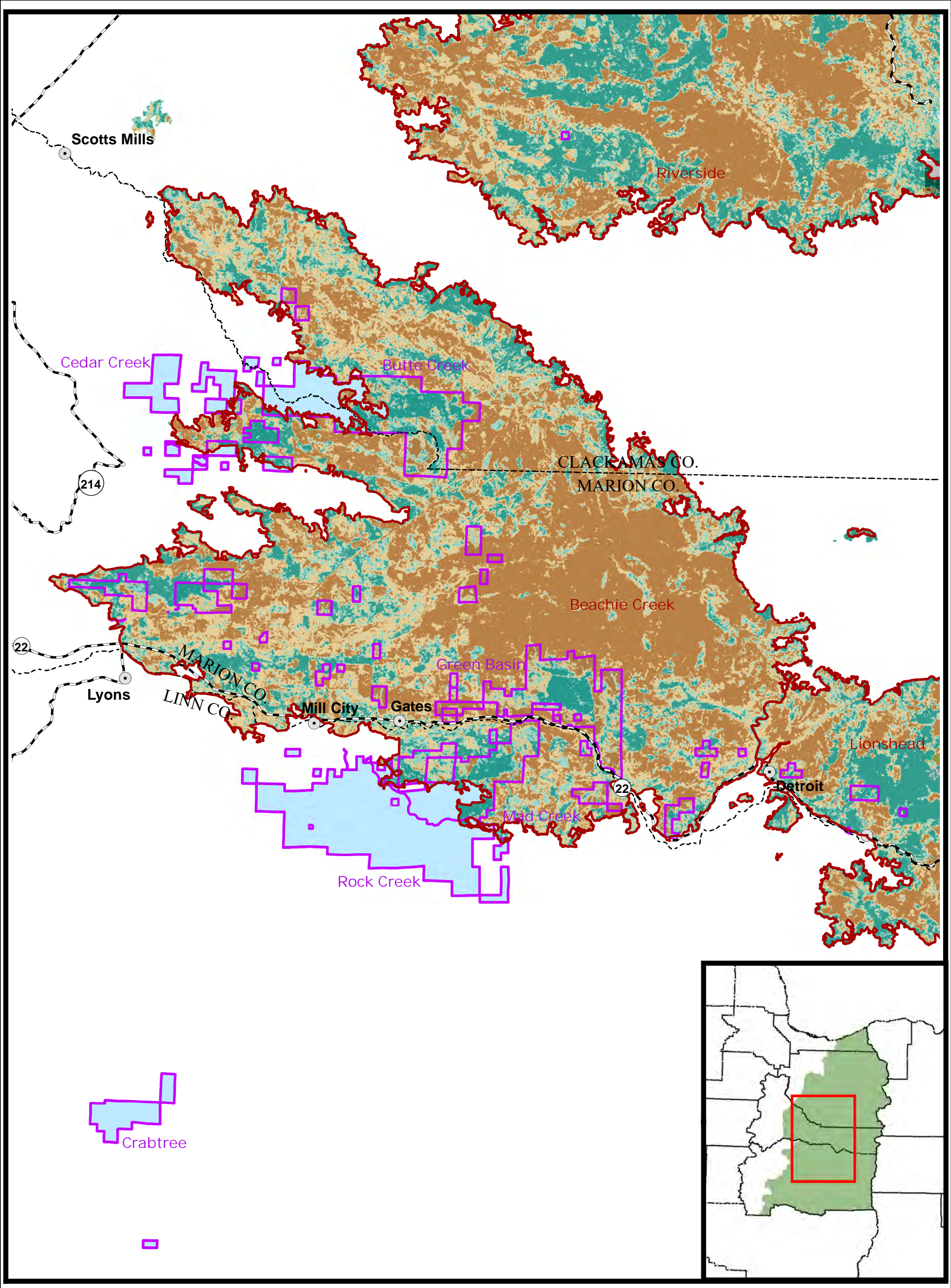
- **Towns**
- **Roads**
- **Streams, Large**
- **Streams, Medium**



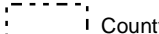







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# North Cascade District Burn Severity Map



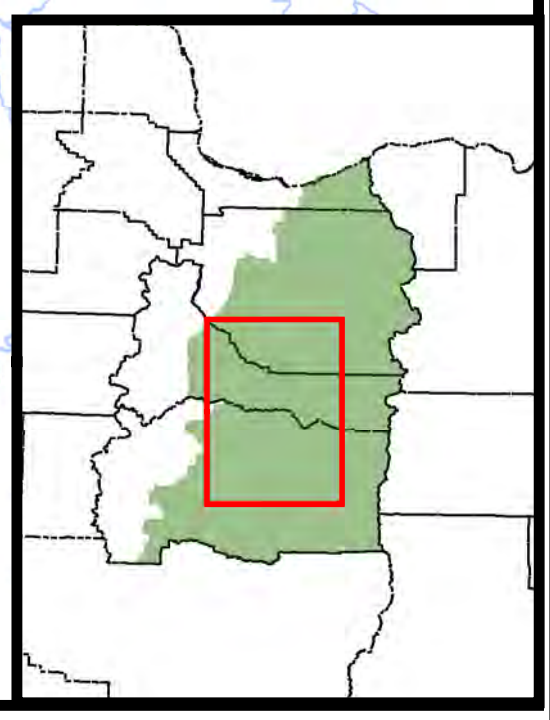
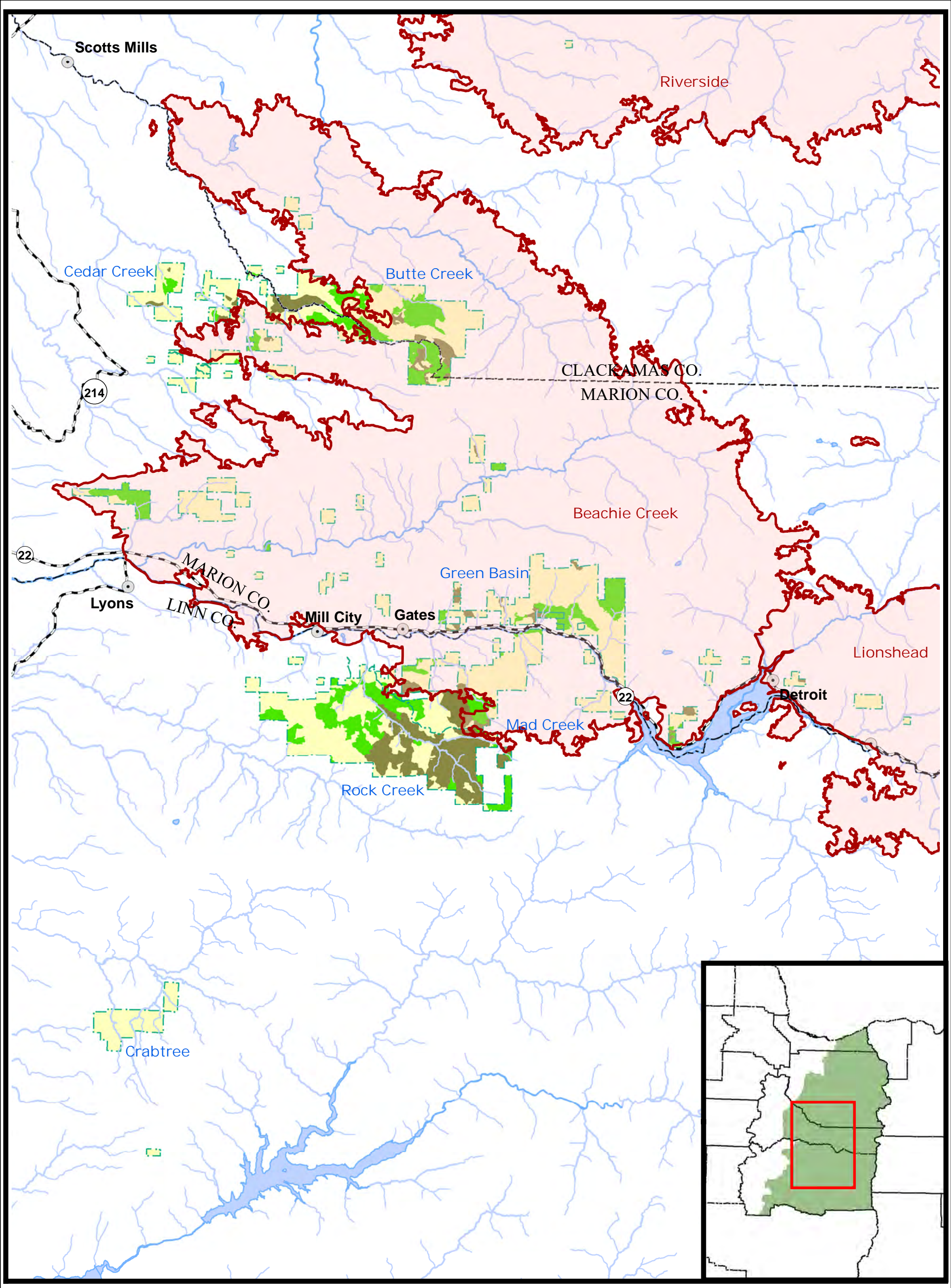
-  Towns
-  Roads
-  County
-  Fire Perimeters
-  ODF Managed Lands
-  Unburned
-  Low Severity
-  Moderate Severity
-  High Severity



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# North Cascade District Desired Future Condition



- Towns
- Roads
- Streams, Large
- Streams, Medium
- ▭ Management Basins
- ▭ Fire Perimeters
- ▭ Layered
- ▭ Older Forest Structure
- ▭ Other



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# Appendix A

## *Consultations with Other State Agencies*

### **Oregon Department of Fish and Wildlife (ODFW)**

The following comments were received from ODFW:

***“Provide more clarity and detail in the revised IP how it will ensure, improve, and promote coordination between agencies and other partners to develop and implement a comprehensive post-fire restoration and recovery plan for the Santiam State Forest.”***

A “Collaboration and Partnership” section has been added to the IP to clarify coordination between agencies and other partners. ODFW fish and wildlife biologists toured the burn area in the Santiam State Forest with staff to discuss riparian management strategies, harvest prescriptions, legacy structure retention, ground based yarding practices, culvert replacement, reforestation and future collaboration during the Restoration Plan development. Ongoing follow-up and discussions are occurring as this work is progressing.

***“Clarify and address in the revised IP several key considerations.... including:***

- ***Maintenance of the integrity of aquatic ecosystems and hydrological processes***
- ***Maintenance of landscape heterogeneity***
- ***Maintenance of structural complexity in forest stands***
- ***Maintenance of connectivity and landscape corridors for fish and wildlife species***
- ***Risks of introducing invasive weeds***
- ***Risks of elevating future high-intensity wildfires by developing densely stocked stands***
- ***Risks of elevating future risk of insect or fungal attack in even-aged monotypic stands***
- ***Utilization of natural disturbance regimes as a guide for future management activities***
- ***Climate change”***

Several sections and subsections were added to the Revised IP following public and partner agency comments. These include: invasive plants, soils, climate change, insect and disease, fire mitigation, wildlife, forest structure, post-fire forest structure, desired future condition targets and burn severity, retained legacy structures during harvest. More detailed information was added in the aquatic subsection regarding riparian management strategies and aquatic anchors.

***“Clarify in the revised IP how it will “crosswalk” and tier off the varied goals and objectives of the ‘current’ FMP, ‘revised’ FMP, and ‘Draft’ Habitat Conservation Plan (HCP), respectively.”***

The agency is working diligently to seek and develop an HCP and apply for an Incidental Take Permit with the federal services. The current Forest Management Plan is the basis for all planning and operations decisions, which will be the case until the Board of Forestry reviews and decides to adopt an HCP and companion FMP.

The current FMP contains significant conservation strategies, most prominently those associated with forest structure. Additionally, to the extent possible under the Greatest Permanent Value mandate, we will look for opportunities to incorporate draft HCP conservation approaches into our management planning and operations.

***“Provide more clarity and detail about the location and prescriptions of post-fire forest management activities for a given fiscal year in the revised IP or in Annual Operations Plans (AOPs).”***

“Table 12. Annual Regeneration Harvest and Partial Cut Acreage Ranges” has been updated to show the acreage and volume ranges anticipated for each fiscal year covered under this IP. Annual Operations Plans will be developed for FY22 and FY23 with comment periods available.

***“Provide more detailed information in the revised IP about pre- and post-fire forest conditions and special forest resources in order to plan for post-fire restoration and recovery.”***

More detail has been added to the IP regarding burn severity (including definitions) for current condition, desired future condition, RMAs, aquatic and terrestrial anchors, and provincial circles around northern spotted owl activity centers. The percentage of post-fire harvest, the amounts of planting, aerial seeding and natural regeneration and legacy retention strategies have been added.

***“Recognize in the revised IP the importance of biological legacies in planning salvage logging operations and the post-fire restoration and recovery process....”***

As mentioned above, a subsection pertaining to retained legacy structures during harvest has been added to the IP. Retained legacy structure quality and configuration will vary from unit-to-unit based on the site characteristics. Within post-fire regeneration harvests, live green trees (defined as trees with at least 10-30% live crown remaining at the time of harvest planning) and any remnant old growth trees within the timber sale perimeter will be retained where operationally possible and safe to do so. If adequate numbers of live green trees are not available, snags will be substituted at an average rate of 2.5 snags per acre at a minimum to achieve overall results for wildlife, habitat, and forest diversity goals. Approximately 18% of the burned stands shall receive a post-fire harvest. Some of the highest severity burn within the 16,600 burned acres is located within young stands. These young stands will be replanted over several years as the necessary seedlings become available. Other moderate to high severity burn areas will be aerially seeded or will be reforested naturally. A list of restoration activities under the new wildlife subsection has been included in the IP to address this ODFW comment.

***“The Department recommends that best management practices (BMPs) related to roads in the revised IP specify that new, replacement stream-crossing structures will be consistent with Oregon fish passage laws (Oregon Revised Statute [ORS] 509.580 to 509.910). The Draft IP indicated that many culverts need to be maintained or replaced. However, the Department could not determine whether these culverts were located on fish-bearing (Type F) streams. Each crossing of a stream containing, or historically containing, native migratory fish could trigger Oregon fish passage laws that require Department coordination and approval.”***

Details have been added to the “Roads” section to show the number of fish stream culverts, non-fish stream culverts and ditch relief culverts that need to be replaced. Currently, no fish stream culverts have been identified for replacement, however, if any are identified in the future, the district will collaborate with ODFW on the design of the replacement structure. All stream culvert replacements will be designed to pass a 100 year flow and will follow instream work guidelines.

***“The Department recommends developing a comprehensive invasive species detection and control strategy in the revised IP that utilizes the full range of tools, such as herbicides and biological agents, to eradicate and/or manage invasive plant species.”***

An invasive plants section has been added to the IP to describe management and prevention strategies.



***“Include more detail in the revised IP about monitoring that increases coordination with state agencies and other partners.”***

Additional detail has been added in the Monitoring and Adaptive Management section. Outreach to topical experts, other agencies, and landowners to engage in research or monitoring activities (e.g. bark beetles, water quality, erosion, etc.) on a broader scale where there are implications across landownership and management strategies will be explored and pursued where feasible. ODF is applying for additional funding associated with the recovery effort to acquire data that can be used to better discern pre- and post-fire conditions.

### **Oregon Department of Transportation – Archaeologists**

Archaeologists from the Oregon Department of Transportation (ODOT) have reviewed the burned area for potential impacts to cultural resources. ODOT’s review of historic maps and other information indicates there was human activity near some of our planned operations that could have led to the presence of cultural artifacts today. Areas where cultural resources may be present will receive further review and avoidance measures where appropriate. Consultation with the State Historic Preservation Office or a qualified archaeologist shall occur if any cultural or archaeological resources are inadvertently discovered on State Forest lands during the course of management activities.

### **Oregon Department of Environmental Quality (DEQ)**

The following comments were received from DEQ:

We appreciate that DEQ provided several wording/language/grammar edits. These suggested edits have been made throughout the document and will not be documented here.

***“Suggest following Table 2 with an additional table. This table could use the same format and same first two columns. It would then give the pre-fire stand condition on the burned acres using the same format as the unburned acres in Table 2. It would also be good to include columns on how much of the landscape designated for Desired Future Conditions of Layered and Old Forest Structure burned and at what severity.”***

Several new tables and figures have been added to the IP to show the information requested. This information is now in Tables 4-8 and Figures 2 and 3.

***“Suggest further breaking out the factors in the 3rd row of Table 3: non-forest, HLHL/operability, low volume/value. In addition, it is unclear what low volume means: low pre-fire tree density, low burn severity so little salvage volume available...”***

Table 3 was part of the initial assessment and removed from the IP. Tables and narrative were included to talk about some of these topics. Tables 3, 4, and 9 discuss burn severity by age class and forest stand type and the reforestation section discusses areas that will be aerially seeded and naturally regenerated.

***“Aerial seeding and natural regeneration are proposed for areas where access is difficult or hazard trees are a safety problem. How will reforestation success of seeding and natural regeneration be monitored and evaluated? What planting densities and patterns are to be used? That is, will there be standard 10ftx10ft spacing in all replanting, or will structural diversity be implemented based on landscape goals? Will replanting/seeding efforts, and evaluation of the success of replanting and seeding, take climate variations into account, given that seedling establishment and survival will be higher in wet years and lower in dry years?”***

Success of natural regeneration and various active reforestation techniques, including variable planting density, aerial seeding and interplanting in stands with a significant standing dead tree component, in both upland and riparian areas will be monitored. Monitoring plans and strategies are currently being developed, so specifics on how this will be evaluated are not available at this time. Roughly, the plan is to set up monitoring plots to look at germination of seedlings and competing vegetation in stands that have different reforestation treatments (as well as differing components of live trees, snags, downed wood). At this point the plan is to compare aerial seeding, natural regeneration, and hand planting in selected stands. Species mix that germinates, tree density, and percent cover of other vegetation may be key variables that will be measured. There will be reforestation plans for each individual post-fire harvest unit. Planting spacing will depend on specific site conditions of each unit, desired future stand conditions and seedling availability.

***“Reforestation section: There is not a clear picture of what pre-commercial thinning + replanting and other practices consist of in terms of tree retention and post-planting density. Given that more east wind and drought-driven fires are likely, and that high-density stands with vertical and horizontal fuel continuity tend to burn at higher intensity, how will reforestation approaches meet the need for fire-resilient future stands? How does disturbance-resilient stand structure fit into Greatest Permanent Value?”***

Information has been added to the reforestation section regarding pre-commercial thinning (PCT) and replanting. PCT is an important density management practice in young, dense stands. PCT generally occurs in stands between 13 and 17 years old and removes small or defective trees, in order to provide more water, light, and nutrients to increase the growth of the healthy residual trees. In addition, PCT delays the canopy from closing, thus preserving the growth of herbaceous vegetation required by big game; and provides an opportunity to maintain species diversity in the plantation through tree selection. Individual Reforestation Plans will be developed for harvest units. These plans will take into consideration elevation, aspect, root disease, desired future stand conditions, and describe site preparation, species, stock type and tree spacing tailored to each unit.

***“Roads: The numbers in Table 5 for culverts needing replacement or maintenance seems low given the total number inspected. It is likely that many culverts suffered unseen fire damage (e.g. heat changes to polymer chemistry in plastic culverts) that will weaken the structure invisibly and lead to early failure. Suggest adding more detail on how inspections will continue into the future to address ongoing culvert failures and blockages due to sediment and debris.”***

Roads will be monitored and evaluated closely during the fire restoration and recovery process to ensure safe travel routes to facilitate current and future management goals in efficient manner while minimizing impacts to natural resources and waters of the state. This monitoring includes, but is not limited to, monitoring culvert conditions, road surface wear, development of ruts or potholes, or road runoff and implementing wet weather hauling restrictions (629-6250700).

***“Recreation: Interpretive/educational information should include the benefits of fire and fire legacies as mentioned above, describing why these legacies are retained in recreation areas. Educating the public about these legacies also creates an opportunity to educate on public responsibility for water quality (e.g., "Stay on the trail because.... We kept those dead trees by the creek because...").”***

The REI program is building an education and interpretation program framework focused on the role of fire on the landscape and relationships with active forest management. Elements of this program will position the State Forest Division to successfully tell the story of the Labor Day Fires

of 2020 well into the future. The REI Program has already begun working with State and Federal partners on topline visitor use messaging across the larger landscape to help manage visitors' expectations and understanding of a very changed forest setting.

***“Harvesting: Will any salvaged wood be used on-site for erosion remediation or donated to off-site stream enhancement projects? Will natural regeneration/aerial seeding include some unsalvaged high- and moderate-severity burn sites because they are unsuitable for harvest and/or can be retained in burned condition to increase landscape-level stand diversity?”***

Opportunistic large wood placement in conjunction with post-fire operations will be done where feasible and in collaboration with ODFW as well as targeted instream restoration in conjunction with ODFW & local Watershed Councils in identified high priority watersheds. Of the 16,600 acres burned, a small percentage (18%) may be harvested to facilitate replanting. Green trees, down wood, and snags, where safety allows, will be retained within these areas. Some of the highest severity burn within the 16,600 acres is located within young stands. These young stands will be replanted over several years as the necessary seedlings become available. Other moderate to high severity burn areas will be aerially seeded or will be reforested naturally. Snags of varying size and decay class outside of the harvest areas will persist on the landscape for an unknown period of time before becoming down wood. These strategies, along with the unburned and low severity burn areas within the fire perimeter, will provide a variety of stand ages and conditions within the fire perimeter and across the Santiam State Forest.

***“Aquatic Habitat Restoration: Suggest retaining wood on hillslopes, high landslide hazard locations, colluvial hollows, and small non-fish-bearing streams beyond the Appendix J prescriptions in the FMP. These locations are key to delivery of wood (short- and long-term) to streams and for retention and sorting of sediment. Downed wood slows erosion on hillslopes and creates "safe sites" for vegetation establishment on steep slopes. Wood in colluvial hollows and steep small non-fish streams creates log steps that retain sediment and reduce the erosive force of water. When slope failures occur, wood might deliver to fish-bearing streams and create fish habitat while retaining gravel and cobbles.”***

All post-fire harvest operations will continue to use the FMP RMA buffers as a minimum starting point. Stream buffers will exceed standards in the FMP in many locations and promote important stream processes such as reducing stream temperature and promoting development and recruitment of large wood to the stream network. As riparian areas are posted in the field, there will be wide buffers on fish bearing streams and streams will be buffered high up into the stream network. This will include debris-flow prone channels and high landslide hazard locations that are likely to deliver to a fish stream. Larger buffers will be utilized on many post-fire harvests based on site specific conditions and in collaboration with ODFW and DEQ.

***“Monitoring and Adaptive Management: Suggest monitoring for hillslope and riparian erosion, sediment delivery, riparian shade, and/or water quality in a way that will allow reasoned inferences about BMP effectiveness.”***

New adaptive management plans will be developed as part of the long-term recovery and restoration planning effort for the Santiam State Forest. Recovery and restoration plans will require an adaptive management approach founded on data-driven decision points and associated thresholds for changes in management approach or prescription. As the recovery and restoration plan is developed, specific monitoring protocols will be developed to identify adaptive management thresholds and aid in forest recovery process in areas where post-fire harvest, novel reforestation, or restoration projects have been implemented. Outreach to topical experts, other agencies, and landowners to engage in research

or monitoring activities (e.g., bark beetles, water quality, erosion, etc.) on a broader scale where there are implications across landownership and management strategies will be explored and pursued where feasible.

***“Maps: Suggest making the fill in the fire perimeter shapefile more transparent so the underlying information is clearer.”***

This has been done along with adding a Burn Severity Map. Please see the updated maps in the Map Section.

# Appendix B

## ***Public Involvement and Summary of Changes***

Major modifications to district Implementation Plans require a 30-day comment period, which opened on November 23, 2020. The public was notified via a statewide news release and subsequent media coverage, as well as emails to citizens and stakeholders on ODF’s mailing lists, the ODF website, and posts on ODF’s Facebook and Twitter platforms. Public comment was accepted through a virtual public forum held on December 8, 2020 as well as options to provide input via the ODF website, email, or letter. The Division gave a presentation to the Marion County Commission and have extended offers to the Linn and Clackamas county commissions. A 12-day extension was granted to allow additional time to review and provide comment.

The purpose of the Public Comment Period was to provide an opportunity for the public to review the revised Implementation Plan, ask questions, make recommendations and offer comments. As a public agency, ODF strives to operate in the best interest of Oregonians. We provide opportunities for public participation to assist us in securing the greatest permanent value from state forests for all Oregonians.

The following is a summary of the changes that have been made to the Santiam State Forest Implementation Plan Revision based on the feedback that was received and new information that we have learned:

- *“Introduction”* added *“Burn Severity Patterns”*, *“Forest Structure”*, *“Post-Fire Forest Structure”*, *“Desired Future Condition Targets and Burn Severity”* subsections along with more information including but not limited to: burned acres by county, burn severity by age class, pre-fire condition of stands burned, burn severity of the mapped landscape design for desired future condition complex stands, landscape level discussion of effects of the fires on the forest.
- Changed the *“Proposed Short Term Recovery”* Section to *“Management Activities”*
  - *“Reforestation”*
    - Added a table to describe the types and amounts of reforestation as well as a better overall description of how reforestation will occur (i.e., species mix, site considerations, desired future condition)
  - *“Roads”*
    - Added additional information on culvert types to be replaced in table
    - Added hazard tree definition and sediment mitigation information
  - *“Recreation”* changed to *“Recreation Education and Interpretation”*
    - Added information on education and interpretation activities
  - *“Harvesting”* changed to *“Harvest Outputs”*
    - Added acre and volume output ranges by Fiscal Year to show how the amounts change between FY21 through FY23

- Added a “*Retained Legacy Structures During Harvesting*” subsection to explain green tree, snag and down wood strategies within post-fire harvests. Added a definition of “green trees” used during the assessment after the fire.
- “*Cultural Resources*.” added information on inadvertent discovery procedure
- “*Aquatics*.” added more information on riparian management strategies.
  - Added information on *Aquatic Anchors* and the burn severity within them
- “*Wildlife*” subsection added. Discusses restoration activities, burn severity of Northern spotted owl provincial circles and Terrestrial Anchor sites.
- “*Soils*” section added with “*Soil Assessment*” and “*Management Actions for Soils*” subsections
- “*Invasive Plants*” section added
- “*Insects and Disease*” section added
- “*Climate Change*” section added
- “*Fire Mitigation*” section added
- “*Collaboration and Partnerships*” section added
- “*Map Section*”: Added a “*District Burn Severity*” map
- “*Appendix A*”: Consultation with Other State Agencies added
- “*Appendix B*”: Public Involvement and Summary of Changes added

### ***Public Comment Summary***

The following is a summary of public comments and responses related to the draft revised Implementation Plan for the ODF North Cascades District.

In all, ODF received 1,155 written comments related to the Santiam Restoration and/or the Implementation Plan revision, including 1,091 from organizational email campaigns. The Oregon Department of Fish and Wildlife and Department of Environmental Quality also submitted comments which are addressed in Appendix A.

#### **Salvage logging**

The bulk of comments received pertained to salvage logging. Themes of comments in support of current or increasing salvage harvesting levels included:

- Numerous comments encouraged capturing value from destroyed trees while they are still merchantable
- Generating revenue to support public services for rural communities impacted by 2020 wildfires and to fund forest restoration.
- Increasing the pace of assessment and amount of salvage logging.
- Retaining carbon in wood products and carbon absorption from young trees
- A number of commenters cited the Tillamook Burn and subsequent recovery as a positive example of active reforestation.

- At the public forum, one participant questioned why ODF considered trees 18-40 years old not to be merchantable.

Themes of comments in opposition to or concerns with salvage logging included:

- Salvage logging disturbs the natural reforestation process, particularly development of early complex seral forests
- Numerous comments referenced climate change as a reason to restrain or avoid salvage harvest, with associated carbon emissions and lost potential for carbon storage in naturally recovering forests, and how these operations interact with Governor Brown’s Executive Order 20-04.
- Concern regarding soil erosion and additional silt in waterways.
- Green trees that survived the fire could be harvested along with dead trees or those unlikely to survive.
- Some expressed opposition to any logging in areas that were considered Older Forest Condition or Layered prior to the fires.

Other comments included:

- Concern that standing dead trees could increase future fire danger. Others contended slash fuel from salvage logging presented a greater future fire danger.
- Preserving water quality was cited both as a reason to replant quickly as well as leaving areas alone for natural reforestation.
- Strong disagreement between environmental and industry groups on how elements of the draft Habitat Conservation Plan should, or should not, be incorporated into the draft Implementation Plan.
- Increased riparian protections beyond the *Northwest Oregon State Forest Management Plan* minimums.
- Requests for on-the-ground access, photos or maps of individual sales, both now and in future Annual Operations Plans.
- Keeping bid prices low and not “playing the market” with salvage sales.
- A request for public and Board of Forestry involvement in dispensation of any revenue surge to the State Forests Division.
- Hunting groups requested that the implementation plan include early seral habitat for game and non-game terrestrial wildlife, including meadows and open/non-closed canopy forest.
- Encouraging ODF to consider interplay between planned green timber sales on state land as well as private salvage logging operations when evaluating impact to waterways.
- One commenter noted the financial health of the State Forests Division and Forest Trust Land counties should not be considered in Santiam restoration plans.
- A request to extend of the public comment period, which was granted.
- One commenter requested that historic or culturally significant sites receive priority in restoration.

**Response:** The Implementation Plan revision seeks to balance the agency’s legal obligation to manage state forests for economic, environmental and social values. In order to provide additional information on many of the topics identified above several sections have been added to the IP. This includes “Climate Change”, “Fire Mitigation”, “Wildlife” and “Soils”. Additional information was also added to the “Reforestation, “Harvesting”, “Cultural and Historic Resources” and “Aquatics”

sections.

Initial areas proposed for post-fire harvests represent approximately 18% of acres damaged in the fire, focused on areas of highest public safety concern and avoiding areas of highest environmental concern. Additionally, all non-sold timber sales planned for FY21 prior to the fire have been canceled and the post-fire harvests will be used to achieve the 2012 IP annual harvest objectives. Additional harvests will not be sold until the IP revision is approved.

### Recreation and access

Comments ranged from access concerns to ideas for recreation post-fire and requests for a collaborative effort in restoring some of the damaged recreation areas.

- Access concerns were primarily centered on unburned areas in the Santiam, including residents of the Santiam Canyon who wish to recreate near home. Mental and physical health benefits were cited by several commenters.
- One respondent was concerned about mountain bikers encroaching on equestrian trails.
- One person requested that contract holders for salvage logging sales set aside some logs for public firewood cutting.
- Several commenters encouraged increased mountain biking opportunities and noted potential for economic benefit to nearby communities.
- Public safety along roads and in popular recreation areas was identified as a priority for some commenters.
- Two commenters offered volunteer services to help expedite the re-opening process.

**Response:** Board of Forestry lands by law must provide greatest permanent value (GPV) to the people of Oregon. Public recreation and access is a cornerstone of GPV, but must be balanced with forest health both now and in the future. With the bulk of ODF's sparse recreation staff involved in rapid assessment of impacts to the recreation system, the agency is unable to provide basic protections on unburned areas as well as routine tasks like road repair, trash pickup, etc. that the public expects. This situation resulted in the State Forester exercising his authority under ORS 530.050 to temporarily close the Santiam State Forest to public access. Access will be restored in phases based on public safety and forest health considerations.

The Recreation, Education and Interpretation program has already begun collecting documentation such as visual media on the fire, and educational signage will likely be included as part of the restoration process. Where possible, recreation groups will be consulted and included in the process of restoring areas of particular interest. While the agency cannot currently accommodate large volunteer efforts, all interested in volunteering will be added to a contact list for future volunteer opportunities. Related, the agency is currently expanding its recreation staff to increase volunteer management capacity and enhance partnerships with user groups.

### Forest management

Themes on forest management included:

- Encouraging ODF to thin some forest areas and avoid establishing overstocked, single-species stands.
- Some questioned why ODF was adhering to riparian buffer standards outlined in the *Northwest Oregon Forest Management Plan* rather than the larger buffers within the draft *Western Oregon Habitat Conservation Plan*.



- Consider revisiting whether to leave wider-than-required riparian buffers, instead assessing based on individual site conditions.
- Related, one person expressed concern that proposed Riparian Management Areas under the HCP were designated for natural regeneration rather than replanting, and that this could slow recovery.
- Bark beetle infestation affecting live trees in or near affected areas was cited as a reason to move forward with removing dead trees from the landscape.
- One commenter encouraged ODF to capture site prep costs in salvage logging contracts to ensure equitable distribution of costs between Trust Land counties and the state.
- Across the ideological spectrum, commenters encouraged more monitoring and reporting and more details on stand condition, burn severity, and proposed sales.
- Another asked what metrics ODF was using to determine which trees are likely to survive and thus designated as leave trees.

**Response:** Pre-commercial and commercial thinning operations currently take place as deemed necessary as part of ODF’s routine forest management practices. Two large blocks held up well despite massive wildfire in the immediate area. These were both 60-70 year old stands that ODF had thinned in previous years. This relative success will inform how ODF replants and manages forests in the future.

All post-fire harvest operations will continue to use the FMP RMA buffers as a minimum starting point. Stream buffers will exceed standards in the FMP in many locations and promote important stream processes such as reducing stream temperature and promoting development and recruitment of large wood to the stream network. As riparian areas are posted in the field, there will be wide buffers on fish bearing streams and streams will be buffered high up into the stream network. This will include debris-flow prone channels and high landslide hazard locations that are likely to deliver to a fish stream. Larger buffers will be utilized on many post-fire harvests based on site specific conditions and in collaboration with ODFW and DEQ.

A “Retained Legacy Structures During Harvesting” subsection has been added to the IP. This subsection describes the metrics used to determine which trees are designated as green trees to be retained in post-fire regeneration harvests, as well as the configuration of legacy structures and how many snags to leave when green trees are deficient. More details about burn severity on the current stand condition and a new subsection called “Desired Future Condition Targets and Burn Severity” has been added. These sections contain new tables and figures which provide details of burn severity by county, pre-fire current stand condition, age class and desired future condition. More details have been added to the Reforestation subsection to describe the variety of species to be used for reforestation, site specific reforestation plans, and reforestation strategies to be used to restore the areas within the burn.

Climate change, wildfire or mechanical damage, poor site quality or suitability for a tree species can predispose trees to damage caused by insects and disease. Silvicultural decisions that are being utilized to address forest stressors include: planting a variety of species that are appropriate for the site, using wider tree spacing, avoiding planting of host tree species in known root disease pockets, utilizing preventive techniques during operations to prevent the spread of invasive species and removing and processing marketable logs as quickly as possible to avoid defect-causing agents such as wood boring beetles and fungi.

A “Monitoring and Adaptive Management” section has been added to address how monitoring will be used to determine how the forest is responding to post-fire harvest, reforestation, and restoration

activities and to show where management strategies might need to be adjusted. Also, new research might become available that shows alternative treatments to apply in the burned area. Monitoring will be established to better understand the efficacy of reforestation and post-fire harvest activities.

An “Insect and Disease” section was added to the IP to discuss the different silvicultural tools that are being utilized or considered to address forest stressors.

### Replanting

Themes on replanting included:

- Consider fire and disease resistance when choosing species mix
- Active reforestation to avoid competing vegetation overwhelming potential trees, impeding the reforestation process.
- Encouraging little to no active replanting, allowing natural regeneration to take place over time.
- One respondent asked that ODF consider permanent wet and dry meadows as part of its restoration strategy due to benefits to game animals and pollinator insects.
- Another asked that ODF avoid planting grass, and choose clover as an alternative.
- Site-specific planting prescriptions were encouraged.
- One commenter suggested enlisting home-insecure individuals to replant and perform other restoration efforts.

**Response:** The Implementation Plan calls for a site-appropriate mix of active replanting, natural regeneration, and aerial seeding. The amount of each type of reforestation activity has been added to the Reforestation subsection of the IP. ODF’s current reforestation practices incorporate many of the cited concerns regarding site-appropriate and resilient planting practices, and these will be applied during the restoration process. Reforestation on state forests typically incorporates a species mix that is appropriate to the site conditions, including specific location, elevation, aspect, presence of root disease, as well as the desired future stand condition and anticipates drier, hotter future conditions resulting from climate change.

### Roads

Most comments regarding roads were applicable to forest management generally and not specific to post-fire restoration operations. Themes included:

- Impact of roads generally concerning runoff into streams
- One commenter requested that proposed road decommissioning be presented for public comment, noting that roads provide access for recreation as well as forest management.
- Another asked that all roads in older forest areas be abandoned.

**Response:** Roads will be monitored and evaluated closely during the fire restoration and recovery process to ensure safe travel routes to facilitate current and future management goals in efficient manner while minimizing impacts to natural resources and waters of the state. This monitoring includes, but is not limited to, monitoring culvert conditions, road surface wear, development of ruts or potholes, or road runoff and implementing wet weather hauling restrictions (629-6250700). Any proposed road decommissioning will be included within the district’s Annual Operations Plan to allow for partner agency and public comment. An effort to identify strategic hydrologic disconnection to reduce sediment delivery within the burn footprint will begin in early 2021 as part of the long-term recovery and restoration planning effort.

## Wildlife

Themes on wildlife included:

- A number of commenters requested more details and/or avoiding any salvage harvests within Northern Spotted Owl circles impacted by the fire.
- Positive effects for certain wildlife in burned areas.
- One respondent noted the draft Implementation Plan refers to consulting with ODFW on aquatic wildlife matters, and noted the same consultation should take place regarding terrestrial wildlife habitat restoration.
- Ospreys were cited by two commenters as a priority.

**Response:** Additional information about Northern Spotted Owl have been added to the new “Wildlife” section. Osprey will be protected under the Oregon Forest Practices Act. ODF will coordinate and collaborate with ODFW on both terrestrial and aquatic topics. This coordination is also highlighted in the new Collaboration and Partnership section of the IP.

## Funding and reimbursement

- One respondent were interested in how the restoration process will be funded, and what priorities could be offset as a result.
- Another respondent said the federal government should pay for all of ODF’s restoration costs because the U.S. Forest Service managed the Beachie Creek Fire, which in turn caused most of the damage to the Santiam State Forest.

**Response:** Post-fire harvests will pay for some of the restoration investments. The longer-term restoration plan will have its own associated budget, but it is not yet known how this will affect other division priorities, or if other funding will be made available through legislative action or other means. Some damages from the fire may be reimbursable through the Federal Emergency Management Agency, and ODF is actively pursuing this avenue of potential funding. Other potential sources of federal funding could come from grants or Congressional action.

## Fire prevention

- One person stated that motorized vehicles should be banned from state forests due to fire risk, and that all powerlines should be buried or made stormproof.

**Response:** Motorized recreation is a popular activity on state forests, and the OHV program is partially funded by registration fees. During regulated use closure of fire season, off-road motorized vehicles must carry a 2.5 pound or larger fire extinguisher while on designated trails or unimproved roads while on the Santiam State Forest. Hours for motorized recreation is limited during High Fire Danger and is prohibited during extreme fire danger (Provisions under ORS 477.535 to 477.550). ODF does not have the authority to regulate public utilities, including power line placement.

Agenda Item No.:	7
Work Plan:	Climate Change Work Plan
Topic:	OGWC Goal update
Presentation Title:	Oregon Global Warming Commission Goal Setting Update
Date of Presentation:	March 3, 2021
Contact Information:	Catherine Macdonald, Oregon Global Warming Commission 503-802-8100, <a href="mailto:cmacdonald@tnc.org">cmacdonald@tnc.org</a> Danny Norlander, ODF 503-945-7395, <a href="mailto:danny.norlander@oregon.gov">danny.norlander@oregon.gov</a>

## **SUMMARY**

In Executive Order 20-04, the Oregon Global Warming Commission is directed to work with various State agencies, including the Department of Forestry, on setting goals related to natural and working lands. This agenda item provides Catherine Macdonald, Oregon Global Warming Commission Chair, an opportunity to present the process on the goal-setting work and an update on progress towards the June 30th, 2021 deadline.

## **CONTEXT**

The Department is one of the agencies identified to contribute to the Oregon Global Warming Commission's goal-setting task. Proposed goals recommended by the OGWC may have future statewide policy impacts on the natural and working lands agencies. The State Forester also sits on the Commission as an agency representative and non-voting member.

## **BACKGROUND AND ANALYSIS**

Governor Brown signed Executive Order 20-04 on climate change in March of 2020. The order directs the Department to complete several tasks. These tasks included providing a report to the Governor's office, participating in a workgroup focused on climate-impacted communities, and engaging with the Oregon Global Warming Commission on goal setting in natural working lands.

The Global Warming Commission is collaborating with natural and working lands-associated agencies in identifying areas of inventory improvement and prioritization of work that would be beneficial in quantifying the emissions and sequestration from natural and working lands in Oregon. This work also includes the utilization of a survey questionnaire for the public input process to see where there is interest and what incentives would be preferable to implement greenhouse gas (GHG) reduction practices.

The proposed goals set by the Global Warming Commission will inform the Governor Office and policymakers as they look to the natural and working lands incorporation with Oregon's climate change policies. Much of ODF's work on forest carbon accounting will play a key role in the inventory and data utilized in the goal-setting process.

## **NEXT STEPS**

- The Department will continue to participate and cooperate with the Oregon Global Warming Commission on setting natural working lands goals.

## **ATTACHMENTS**

None

**Board Closing Comments and Meeting Wrap Up**