

Board of Forestry Meeting Minutes

July 23, 2015

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Items listed in order heard.

Complete [audio recordings](#) from the meeting and [attachments](#) listed below are available on the web at www.oregonforestry.gov

- 1) Handout, 2015-17 Legislatively Adopted Budget, Nancy Hirsch, Agenda Item 1
- 2) Public Comment, Meg Eastman Thompson, Agenda Item 1A
- 3) Presentation, Riparian Rule: Analyses and Considerations for Board Decisions, Agenda Item 2
- 4) Presentation, Richard Whitman, Address Water Quality Standards, Agenda Item 2
- 5) Advisory Committee Comment, Mike Barnes, NW RFPC, Agenda Item 2
- 6) Advisory Committee Comment, Report from NW and SW RFPC, Agenda Item 2
- 7) Public Comment, Rex Storm, Associated Oregon Loggers, Agenda Item 2
- 8) Public Comment, Dick Courter, Oregon Small Woodlands Association, Agenda Item 2
- 9) Public Comment, Dr. George Ice, Agenda Item 2
- 10) Public Comment, Seth Barnes, Oregon Forest Industries Council, Agenda Item 2
- 11) Public Comment, Ted Lorensen, Oregon Forest Industries Council, Agenda Item 2
- 12) Public Comment, Heath Curtiss, Oregon Forest Industries Council, Agenda Item 2
- 13) Public Comment, Allan Foutch, Agenda Item 2
- 14) Public Comment, Jim James, Oregon Small Woodlands Association, Agenda Item 2
- 15) Public Comment, Roger Beyer, Oregon Small Woodlands Association, Agenda Item 2
- 16) Public Comment, Michael Newton, Agenda Item 2
- 17) Public Comment, Greg Peterson, Agenda Item 2
- 18) Public Comment, Dave Schmidt, Agenda Item 2
- 19) Public Comment, Don Kessi, Agenda Item 2
- 20) Public Comment, Andy Petersen, Agenda Item 2
- 21) Public Comment, Dale A. Cuyler, Oregon Small Woodlands Association, SW RFPC, Agenda Item 2
- 22) Public Comment, Scott Hayes, Oregon Small Woodlands Association, Oregon Tree Farm, Agenda Item 2

- 23) Public Comment, Rick Barnes, Oregon Small Woodlands Association, Agenda Item 2
- 24) Public Comment, Scott Hanson, Oregon Small Woodlands Association, Agenda Item 2
- 25) Public Comment, Candace Bonner, Agenda Item 2
- 26) Public Comment, Peter Leinenbach, Environmental Protection Agency, Agenda Item 2
- 27) Public Comment, Dean Finnerty, Trout Unlimited, Agenda Item 2
- 28) Public Comment, Mary Scurlock, Oregon Stream Protection Coalition, Agenda Item 2
- 29) Public Comment, David Hunnicutt, Oregonians in Action, Agenda Item 2
- 30) Public Comment, Bob Van Dyk, Wild Salmon Center, Agenda Item 2
- 31) Public Comment, Chris Vertopoulos, Northwest Guides and Anglers Association, Agenda Item 2
- 32) Public Comment, Bob Rees, Association of Northwest Steelheaders, Agenda Item 2
- 33) Public Comment, Liz Hamilton, Northwest Sportfishing Industry Association, Agenda Item 2
- 34) Handout, Elliott Discussion Handout (July 2015), John Potter, DSL, Agenda Item 3
- 35) Handout, Paul Barnum Remarks to the Oregon Board of Forestry, Paul Barnum, OFRI, Agenda Item 4
- 36) Handout, USGS Oregon Daily Streamflow Conditions Map, Richard Whitman, Agenda Item 2
- 37) Public Comments Submitted Prior to the Meeting, Susan Watkins, Committee for Family Forestlands, Agenda Item 2
- 38) Public Comments Submitted Prior to the Meeting, Jerome Rosa, Oregon Cattlemen's Association, Agenda Item 2
- 39) Public Comments Submitted Prior to the Meeting, Mike Newton, Agenda Item 2
- 40) Public Comments Submitted Prior to the Meeting, Bob Main, Coos County Board of Commissioners, Agenda Item 2
- 41) Public Comments Submitted Prior to the Meeting, Christine Golightly, Columbia River Inter-Tribal Fish Commission, Agenda Item 2
- 42) Public Comments Submitted Prior to the Meeting, Form Letter, Protect Family Forest Landowners, Various Authors, Agenda Item 2
- 43) Public Comments Submitted Prior to the Meeting, Form Letter, Protect Oregon's Waterways, Various Authors, Agenda Item 2
- 44) Public Comments Submitted Prior to the Meeting, Various Authors, Agenda Item 2

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on July 23, 2015 at the State Forester's Headquarters Office, 2600 State St. Salem, Oregon 97310.

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

Board Members Present:

Sybil Ackerman-Munson
Nils Christoffersen
Cindy Deacon Williams

Tom Imeson
Tom Insko
Mike Rose

Gary Springer

Absent:

CONSENT AGENDA:

[Listen to audio](#) MP3 – (16 minutes –7 MB)

Chair Imeson made announcements regarding the scheduling of the day, including:

-public comment will be taken on Agenda Item 2 on riparian rules;

-there will be two executive sessions, one at the lunch break, pursuant to ORS192.660(2)(h) and ORS192.660(2)(f), the purpose of those sessions will be to confer with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed as well as to discuss attorney/client privileged communication.

Chair Imeson questioned the Board on their approval of the Consent Agenda. Motion to approve by Mike Rose.

Voting in favor: Nils Christoffersen, Tom Insko, Gary Springer, Sybil Ackerman-Munson, Cindy Deacon Williams, Mike Rose, and Tom Imeson, against: none. With Board consensus, Items A and B were approved.

A. JUNE 3 MEETING MINUTES

Approval of Board Meeting Minutes

The Board approved the June 3, 2015 Meeting Minutes.

B. REQUEST FOR FORMATION OF WAGONTIRE RANGELAND PROTECTION ASSOCIATION

Seeking Board approval to proceed with bringing the Wagontire area, in western Harney County, into the Oregon Protection System.

The Board approved the inclusion of rangeland in portions of western Harney County into a rangeland protection association and directed the Department to assist with the formation of the Wagontire Protection Association, pursuant to ORS 477.320.

ACTION AND INFORMATION:

1. STATE FORESTER AND BOARD MEMBER COMMENTS

State Forester Decker provided introductory comments noting:

-to accommodate all attending the meeting, two overflow rooms were put in place with live video and audio streaming of the meeting.

-the Board met last on June 3 and since then the major themes have been focused on the end of the legislative session and the biennium budget,

-Sabrina Perez is on a temporary assignment as a Policy and Business Analyst in the Administrative Services Division and Tara Sell will be supporting the Board in her absence.

-spent some time in Ireland and Nancy Hirsch, Deputy State Forester, filled in as Acting State Forester in his absence. Nancy will provide a between meetings update.

Deputy State Forester Nancy Hirsch provided an update on the following:

- the new budget and policy for the biennium that came out of the legislative session ([Attachment 1](#)). Legislature approved a \$330 million budget and a \$600 million general fund was provided by legislature to the Emergency Board for fire season and severity resources as well as anticipated insurance premium costs; budget highlights include the ability to continue to provide the current level of service, carry over grant funding to purchase the final tract of the Gilchrist, funding to expand the Federal Forest Health Program, additional capacity for Rangeland Association Protection Associations, funding to implement enhancements to the Forest Reactivity Electronic Recording and Notification System (FERNS) for Private Forests, and additional funds to the Agency Administration program to ensure professional technical positions are classified correctly. Overall very successful.

-items that were not funded were State Forest Division recreation, research and monitoring, the South Fork camp; and the restoration of the State Forester's office building. Would anticipate conversations to continue as the Department moves forward.

-policy bills include the passage of House Bill 2453 for State Forests, giving the Department authority to permit commercial events or gatherings of more than 50 people for more than four hours. Also for State Forests the Log Sort Sell Bill – Senate Bill 248 – passed, which effectively unbundles log sales from project work. House Bill 2501 passed and impacts the Protection Division, requiring that the Department include documentation on losses to private property greater than 1000 acres when reporting on statistics and severity resources. The passing of House Bill 3549 yields new tools to manage the operation of pesticides and reinstates 60 foot buffers for aerial application around homes and schools. Finally, House Bill 2588 would have instituted a \$10-per-thousand tax on harvested timber and created a new fund dedicated to large fire costs, but the Bill came out of House Revenue and died in Ways and Means.

-recognized Administrative Services Division Chief Satish Upadhyay for his careful handling of the Department's budget and Chad Davis for helping as legislative liaison; thank you to the executive team and all who have a hand in policies and budgets.

-fire season update – report provided by Travis Medema and Doug Grafe. The 2015 wildfire threat is elevated due to drought, with 23 counties in which the Governor has declared drought. Fire potential indices are at an historic extreme, particularly in northwest Oregon. We are currently at 185% in terms of the number of fires compared to the ten year average and acres burned to date are at 125% of the ten year average at about 8,500 acres burned. Two fires make up a majority of those acres – only fires with an ODF Incident Management Team currently deployed – and those are the Sugar Loaf and Corner Creek Fires in eastern Oregon. Large fire costs to date are about \$4 million and it is expected that that number will rise with the remainder of fire season. July 20 saw a severity type 2 helicopter crash. Fortunately, the pilot was unharmed but the helicopter was a complete loss.

-thank you to Andy White who filled in behind Nancy as Acting Deputy State Forester as she filled in behind State Forester Decker during his time off.

1A. PUBLIC COMMENTS

[Listen to audio](#) MP3 (7 minutes – 3 MB)

Meg Thompson, Oceanside Water Protection Committee, provided public testimony and written comments ([Attachment 2](#)) addressing the efforts being made to protect drinking watersheds, highlighting steps being taken by EQC Commissioner Ed Armstrong and DEQ Director Dick Pedersen. Ms. Thompson reiterated the goal of having full protection for drinking water and asked for full support from the Board of Forestry for this project, including assisting with the acquisition of surface drinking watersheds for public and/or conservancy management, providing Bull Run type protections for all surface drinking watersheds, and implementing a moratorium on high risk activities in surface drinking watersheds.

2. DEVELOPING RIPARIAN RULE PRESCRIPTIONS

Private Forests Work Plan – Water Quality Protection

[Listen to audio](#) Part 1 of 6 MP3 (60 minutes – 27 MB)

Chair Imeson asked that everyone be aware that 30 people are signed up to provide public comment and in order to accommodate everyone the time will be strictly limited to three minutes per person. He also reminded the Board that there is time scheduled on the agenda after lunch for Board discussion.

Private Forests Division Chief Peter Daugherty joined Jeremy Groom, Monitoring Coordinator, and Terry Frueh, Monitoring Specialist, in a presentation ([Attachment 3](#)) on Riparian Rule: Analyses and Considerations for Board Decisions providing an overview on context and background, as well as analysis on additions to the decision matrix, considerations for Board decisions and policy analysis framework, riparian prescription packages, and recommendations.

Jeremy Groom, Monitoring Coordinator, reviewed the results of the Board's request to fill in values for south sided buffers and fish response for the various prescriptions in the decision matrix.

Terry Frueh, Monitoring Specialist, reviewed technical data related to land and timber values of additional encumbered acres and the impact for different ownerships for various prescriptions in the decision matrix across geographic regions in western Oregon.

Private Forests Division Chief Peter Daugherty and Jeremy Groom, Monitoring Coordinator, joined to review additional analysis on:

- marginal temperature change as additional buffer width is added to the prescriptions. The Board asked for clarification on the Marginal Curves chart in the presentation;
- RipStream results and how they compare to other scientific studies;
- the effectiveness of shade on the north side of streams. The Board asked for clarification on whether an attempt was made to integrate the north sided buffer analysis with previous analysis on south sided buffers;
- economic extent, referred to current 1994 rules approach to fish bearing streams;
- the appropriateness of extrapolating degradation findings to regions outside the coastal region;
- and

- the upstream extent of protections for salmon, steelhead, and bull trout streams (SSBT). The Board asked for clarification on when data was gathered in relation to harvest. In addition, the Board confirmed understanding of simulation of FPA standards.

Private Forests Division Chief Peter Daugherty presented Board considerations and policy framework, reminding the Board that deliberations of these decisions occurs under ORS 527.714 and of the factors to consider under ORS 527.765. The core decision of the Board is related to the responsibility to meet the Protecting Cold Water Criterion to the maximum extent practicable; however, Board members have expressed a desire to take a broader perspective with key recurring themes including a consideration of the desired future condition of riparian stands and the potential for unintended consequences. Mr. Daugherty reviewed overall policy goals and desired future conditions for fish bearing streams, as well as a list of potential unintended consequences that have emerged through prior Board discussions, including but not limited to, economic impacts, active management, large wood placement, how it relates to CZARA, data extrapolation, and complex and layered scientific assumptions.

Private Forests Division Chief Peter Daugherty presented a conceptual framework to pull all of the information, data, and prescriptions together. The Board asked for clarification regarding the changes to small temperature performance data if trees were left well distributed throughout the entire RMA.

Mr. Daugherty then discussed the likelihood of meeting desired future conditions in a timely manner as related to various prescriptions. In addition, he reviewed geographic extent policy considerations, noting that there is insufficient science to support Board decisions, highlighting that there are many options to consider, discussing CZARA impacts, and reviewing data on upstream extent.

Mr. Daugherty presented three prescription packages as examples of how the conceptual framework tables can be used together. These prescriptions are meant to facilitate Board discussion and demonstrate how to use the tables. The Board clarified the amount of total land as compared to the amount of land being encumbered by prescription packages.

Board Member Gary Springer observed that the three packages look more similar than different, and when speaking with foresters about how each prescription would be implemented and the response of roping off certain areas and ceasing active management was consistent among landowners.

The Division recommended that the Board take the tools provided and put together a prescription package that meets the Protecting Cold Water criteria to the maximum extent practicable, adding more than one prescription to give landowners flexibility, if possible.

The Board acknowledged the hard work of the Staff and appreciates the helpful information provided. The Board reiterated that the package presented by Staff is interpreted as a framework and not restricting decisions that can be made by the Board.

[Listen to audio](#) Part 2 of 6 (52 minutes, 24 MB)

Chair Imeson called for comments from Richard Whitman, Natural Resources Advisor to the Governor.

Richard Whitman, Natural Resources Advisor to the Governor, referenced a presentation ([Attachment 4](#)) on Updating Oregon's Forest Practices Rules to Address Water Quality Standards Context for the Board of Forestry providing:

- information on the roles of himself, the Board, the Department, and other agencies in this collective effort;

- an overview of why we are here, specifically the effects of individual operations on stream temperature, overall status of stream temperatures and the cumulative effects of forest operations, and the trend in stream complexity;
- data on the relationship between the Protecting Cold Water and biologically-based criteria, looking at both current temperature criteria and future projections;
- data on limiting factors for fisheries;
- information on relevant context for the Board’s considerations including CZARA, Oregon’s Temperature Standard/EPA-NOAA Section 7 Consultation, Oregon Coast Coho Recovery Plan, Oregon Coast Coho Status Review, and BLM Western Oregon Plan Revision;
- guidance on the meaning of “maximum extent practicable” and how it applies to the Board’s decision;
- reminders of the five factors in ORS 527.765 and factors under 527.714; and
- other aspects the Board may want to consider, such as equity and relief for disproportionate impacts, incentives for operations with written plans, less restrictive prescriptions for operations with written plans that also meet certification standards, scaling prescriptions to whether or to what extent streams are currently meeting criteria, and monitoring.

The Board asked for elaboration on Ballot Measure 49 and how it may apply to the decision before the Board.

Chair Imeson called for comment from the Regional Forest Practices Committees and Committee for Family Forestland.

Brian Schlaefli, Chair of the SW Regional Forest Practice Committee and Mike Barnes, Chair of the NW Regional Forest Practice Committee, jointly presented public testimony and written comments ([Attachment 5](#) and [Attachment 6](#)) regarding the disappointed reaction of the RFPC to the three prescription packages presented in the Riparian Rule Analysis prepared by Department Staff, requesting due consideration by the Board of the prescriptions recommended by RFPC during discussions of a new riparian protection rule, and the importance of monitoring and maintaining a viable volunteer effort.

Susan Watkins, Immediate Past Acting Chair for the Committee for Family Forestland, presented public testimony expressing concern regarding the science behind the proposals presented by Staff and the lack of clarity regarding both the problem and the solution, while encouraging the Board to consider the overall aim of public policy to keep forestland in forests. The CFF chose not to recommend a particular prescription but recommended voluntary measures with robust monitoring, or if strict regulations are necessary, to limit them to salmon/steelhead/bull trout stream reaches in the coast range.

The Board thanked the Committees for the help that they give to the Board. Board Member Gary Springer expressed agreement with the targets of the RFPC in looking at the RipStream study sites with the aim to address the greatest increases in temperature and acknowledged the necessity of putting practices out on the ground to see results.

[Listen to audio](#) Part 3 of 6 (54 minutes, 25 MB)

Chair Imeson called for public comment.

Rex Storm, Associated Oregon Loggers, provided public testimony and written comment ([Attachment 7](#)) urging the Board to approve small rule changes that would best reduce the minor Protecting Cold Water variance while redoubling the long-standing commitment to Forest Practice Rules

and outlining eight factors that illustrate the importance of private cooperative stewardship and the effectiveness of small, targeted rule changes, as detailed in his testimony.

Richard Courter, Board Chair National Woodland Owners Association, provided public testimony and written comment ([Attachment 8](#)) encouraging the Board to use credible science when writing the decision regarding riparian buffers and allowing forest landowners the opportunity to keep working forests as working forests.

Dr. George Ice provided public testimony and written comment ([Attachment 9](#)) expressing concern that results of the RipStream study show changes of limited magnitude, duration, frequency, and extent and presented the following three points with regard to the RipStream results: minimal risk to fish from these temperature changes, unachievable water quality standards, Protecting Cold Water standard does not fit forest management. Dr. Ice recommended that the Board work with the Environmental Quality Commission to make sure the water quality standards, as applied to forestlands, are achievable and realistic and offered two suggestions to address this issue.

Seth Barnes, OFIC, provided public testimony and written comment ([Attachment 10](#)) expressing concern regarding the comparison of neighboring state riparian buffers for timber harvest prepared by the Department, highlighting points that did not receive enough attention in this comparison while urging the Board to keep in mind the large commitments already made by Oregon's landowners regarding the Oregon Forest Practices Act and "the Oregon Way".

Ted Lorensen, OFIC, provided public testimony and written comment ([Attachment 11](#)) expressing concern regarding information presented by the Department on the desired future outcomes for small and medium streams, stating that they are treated differently and that difference should be considered in discussion by the Board.

Heath Curtiss, OFIC, provided public testimony and written comment ([Attachment 12](#)) encouraging a measured and incremental approach to the temperature variances evidenced by RipStream; commending the Department for its work on financial impact analysis while providing examples to support the belief that the true cost is significantly higher than the results demonstrate; and making the point that even when instructed to harvest to the FPA minimums, landowners left significantly more basal area on average. Mr. Curtiss encouraged the Board to be mindful of science and skeptical about the need for change.

Allan Foutch provided public testimony and written comment ([Attachment 13](#)) referencing studies to support the concern that the cold water standard is based on ideological beliefs rather than science, while recommending that the Board strongly consider the prescriptions put forth by RFPC, OFIC, and AOL.

Mary Ann Nash, Oregon Farm Bureau, provided public testimony encouraging the Board to take a more modest approach coupled with long term monitoring and to consider the Oregonians affected when making this decision.

Jim James, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 14](#)) providing an overview of the testimony that will be provided by several Oregon Small Woodlands Association members.

Roger Beyer, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 15](#)) expressing concern about the science used to support the Protecting Cold

Water rule and points to scientific examples that support benefits to fish of timber harvest following the current rules.

Michael Newton provided public testimony and written comment ([Attachment 16](#)) expressing concern about the micromanagement of the issue and cited several resources supporting the adaptability of fish populations over time.

Greg Peterson provided public testimony and written comment ([Attachment 17](#)) expressing concern regarding RipStream model limitations and data abnormalities.

Dave Schmidt, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 18](#)) presenting an economic analysis of the economic cost of encumbering additional stream buffer area to a 90 foot no-cut and encouraging the Board to make a decision based on appropriate science and the costs of beneficial use.

Don Kessi provided public testimony and written comment ([Attachment 19](#)) supporting the Regional Forest Practices Committee prescription and urging the Board to consider if new guidelines are necessary and will be beneficial over time.

Andy Peterson provided public testimony and written comment ([Attachment 20](#)) expressing concern about the economic impact of a 100 foot no-touch buffer, as well as concern regarding the science supporting the harm being done to fish by the current rules.

Dale Cuyler, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 21](#)) in support of the stream buffer prescriptions presented by the Regional Forest Practices Committees.

Scott Hayes, Oregon Tree Farm System, provided public testimony and written comment ([Attachment 22](#)) citing two reports to demonstrate that landowners are leaving significantly more trees than are required by current RMA rules.

Rick Barnes, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 23](#)) expressing concern about the comparison of Oregon rules to those of other states, as well as concern about the model being used for analysis purposes.

Scott Hansen, Oregon Small Woodlands Association, provided public testimony and written comment ([Attachment 24](#)) summarizing the nine points that were made by the various members of OSWA, encouraging the Board to approve a riparian rule that addresses stream temperatures to the maximum extent practicable but does not ask forest landowners to shoulder the cost.

Wayne Giesy provided public testimony asking the Board not to change a system that is already working.

[Listen to audio](#) MP3 (33 minutes – 15 MB)

Candace Bonner provided public testimony and written comment ([Attachment 25](#)) expressing concern that streams be protected for the hottest years as well as the average years and encouraging the Board to select a prescription that will fully protect streams, suggesting that temporary rules be put in place now while waiting for new rules to take effect.

Peter Leinenbach, EPA Region 10 Forest Team, provided public testimony and written comment ([Attachment 26](#)) presenting three points to demonstrate that 90 foot no-cut buffers and an upstream extent of at least 1,000 feet is needed to protect water quality and fish in Oregon and expressing lack of support for south-sided riparian prescriptions.

Dean Finnerty, Trout Unlimited, provided public testimony and written comment ([Attachment 27](#)) citing several benefits of increasing streamside buffers, referencing the emergency closure regulation issued by ODFW that prohibits anglers from fishing after 2:00 p.m. due to increased water temperatures, and encouraging the Board to increase riparian no-touch buffers to 110 feet.

Mary Scurlock, Oregon Stream Protection Coalition, provided public testimony and written comment ([Attachment 28](#)) citing several summary points, including the Board's legal duty to the public and the strong science guiding buffer sizes, supporting increasing buffer sizes to protect streams and fish.

Chris Frissell provided public testimony stating that the Protecting Cold Water standard was created as a response to the warming of streams through human and natural causes, reiterating that the PCW came from scientists, and stating the need to be cautious, remembering that the PCW is a complicated process and many considerations are integrated into the standard.

Bill Kluting, Carpenters' Industrial Council, provided public testimony discussing a 70 foot buffer and the impacts that it would have, including the loss of 143 jobs in rural Oregon, and encouraging the Board to not make changes to the Oregon Forest Practices Act or put undue stress on landowners.

Dave Hunnicutt, Oregonians in Action, provided public testimony and written comment ([Attachment 29](#)) discussing Measure 49 and how it applies to the riparian decision, stating his certainty that Measure 49 applies to these claims.

Bob Van Dyk, Wild Salmon Center, provided public testimony and written comment ([Attachment 30](#)) encouraging 100 foot no-touch buffers for all of Oregon on all fish bearing streams, citing several reasons why this approach is necessary, and stating that certain landowner cases require further attention to ensure equity and prevent undue burdens but that this should not delay rulemaking.

Chris Vertopoulos, Northwest Guides and Anglers Association, provided public testimony and written comment ([Attachment 31](#)) urging the Board to adopt the strongest possible protections for stream buffers on private forest lands, referencing the impact upon the fishing industry due to warm water restrictions.

Bob Rees, Association of Northwest Steelheaders, provided public testimony and written comment ([Attachment 32](#)) urging the Board to adopt a minimum of a 100 foot no-touch buffer and a variable retention target consistent with the first package presented by staff, citing the restrictions implemented by ODFW on fishing as a result of warm water temperatures and scientific findings of the benefits to fish of this prescription.

Liz Hamilton, Northwest Sportfishing Industry Association, provided public testimony and written comment ([Attachment 33](#)) emphasizing the severe impact of temperature pollution to the fishing industry, expressing concern that the strongest prescription is only shown to meet the standards about half the time and the lack of a more consistent prescription, and encouraging the Board to increase forest buffers around streams to widths that maximize the ability to attain the Protecting Cold Water Standard.

Clair Kloch provided public testimony urging the Board to adopt the 70 to 75 foot variable retention prescription for both forest health and economics.

[Listen to audio](#) Part 5 of 6 MP3 (56 minutes – 25 MB)

Brian Wagoner, Tualatin Riverkeepers, provided public testimony expressing concern that meeting maximum extent practicable does not mean that the Protecting Clean Water standard does not need to be met, arguing that meeting the PCW standard is the reason we are here and that there are tools other than regulatory tools to meet the standard, and suggests that whatever mechanisms are used, the PCW standard needs to be addressed.

Chair Imeson outlined the plan for the remainder of the afternoon, including deferring Agenda Item 8: Barred Owl Removal.

Chair Imeson looked for a motion to receive the information regarding Barred Owl removal and defer public comment and discussion to a later date in order to allow time in the agenda for discussion on the riparian rule topic.

Board Member Gary Springer motioned to receive the informational report regarding Barred Owl removal.

Board Member Mike Rose seconded the motion.

Voting in favor: Gary Springer, Mike Rose, Tom Insko, Tom Imeson, Cindy Deacon Williams, Sybil Ackerman-Munson, Nils Christoffersen; against: none.

The Board received the informational report regarding Barred Owl removal.

Redirecting back to the riparian rule topic, Chair Imeson opened the floor to Board for questioning following public testimony and Staff presentations, with Staff providing clarification on the following:

- the differences in treatment of small streams;
- the Oregon Department of Fish and Wildlife fishing restriction that was recently implemented and what prompted the restriction, as well as the geographic extent of the restriction;
- the work done on climate change and how this year compares to projected years;
- a high level summary of how our current standards compare to neighboring states, as well as how the proposals presented by Staff compare to neighboring states;
- the balance between what is actually happening on the ground and the minimum requirements that were modeled, for example, more trees being left at harvest than required, and the impact that may have on the effectiveness of new regulations;
- whether or not there is data to determine the effectiveness of regulation being utilized in neighboring states;
- reasons for the regulation being utilized in neighboring states;
- the possibility of obtaining a percentage of landowners that are doing more than the minimum requirements to analyze actual economic impact of potential changes;
- would increasing regulation have the desired impact if people are currently doing more than the minimum requirement and would people continue to do more as requirements increase;
- what types of voluntary practices are taking place by landowners that are not yet regulated and would making these practices regulation eliminate financial incentives for doing them on a voluntary basis; and
- whether there is any data from projects done to put large wood debris back into creeks to see if there have been improvements.

Private Forests Division Chief Peter Daugherty highlighted the following three primary decisions that the Board is being asked to make:

- what prescriptions should move into formal rulemaking,
- what geographic regions would the prescriptions be applied to, and
- the upstream extent of the prescriptions.

The Board asked for clarification on how the salmon, steelhead, and bull trout streams act as a surrogate for the waters protected by the Protecting Cold Water standard, and one member suggested that a third option of streams listed as water quality limited be added to the existing options of SSBT streams and all fish-bearing streams when looking at stream extent. Board discussion ensued regarding this topic, as well as upstream extent and the best method to quantify distance upstream, with Peter Daugherty providing clarification as needed.

Board discussion ensued with comments summarized as follows:

- summary of the prescription created by Board Member Gary Springer;
- the importance of giving due respect to the advisory committees and the recommendation presented by the Regional Forest Practices Committees;
- concern around the real impact of new rules given that people are currently doing more than the minimum required by current rules. It would be ideal to have a better understanding of what is actually happening on the ground;
- caution surrounding no-cut buffers, specifically in preventing needed management;
- desire to make a meaningful improvement and the importance of looking to the future;

[Listen to audio](#) Part 6 of 6 (47 minutes – 22 MB)

Board discussion continued with comments summarized as follows:

- discussion surrounding the work of Paul Anderson, U.S. Forest Service, on riparian thinning in the Siuslaw;
- concern about limiting active management;
- consideration of the geographic region to include, centering on the two options of all of western Oregon except the Siskiyou or all of western Oregon, including the Rogue and Umpqua basins, and should geographic extent be linked to the prescription intensity;
- consideration regarding whether the Board is ready to make a decision today;
- consideration of Measure 49 and the requirement that the Board use temperature as the lens for evaluation in order to stay within the bounds of Measure 49;
- consideration of both regulatory and voluntary approaches;
- sensitivity to equity relief for landowners that will be impacted on a greater scale;
- the challenge of the application of the maximum extent practicable term and what degree of uncertainty is acceptable with regard to reaching the 0.3 target;
- consideration of creating a subcommittee to have a meeting with the goal of narrowing the options to one or two possible prescriptions for the Board to then vote on at a future meeting;
- avoid an adaptive management loop with additional monitoring for future reevaluation, and the need to act;
- acknowledging that a consensus may not be reached but it would be helpful to have one or two clear prescriptions for the Board to vote on; and

- with regards to equity relief, how to balance less restrictive buffer requirements for smaller landowners with meeting PCW.

Chair Imeson created a subcommittee to further refine prescription options and bring one or two packages back to the Board at a future meeting. Chair Imeson named Board Members Sybil Ackerman-Munson, Gary Springer, Nils Christoffersen, and himself to the subcommittee. The principles guiding the subcommittee discussion will be:

- temperature must be the lens used for evaluation due to Ballot Measure 49 concerns;
- role of monitoring to evaluate implementation action;
- must consider regulatory and voluntary approaches;
- notion of equity and relief for non-industrial landowners;
- goal of developing one or two proposals to bring to full Board for decision; and
- developing a discussion guideline for the Board.

Board discussion ensued regarding the timeline of the subcommittee and how it will impact other Board business. Board discussed whether public testimony would be accepted at the subcommittee meeting, referencing the ability to have a workshop without public comment, recognizing that the rulemaking process has an opportunity for public testimony, and acknowledging that written testimony is always accepted and appreciated and the Board greatly values all of the input provided by the public.

The Board formed a subcommittee with the task of creating one or two riparian rule proposals to bring back to the Board at a future meeting for a vote. Named to the subcommittee were Board Members Sybil Ackerman-Munson, Gary Springer, Nils Christoffersen, and Board Chair Tom Imeson.

3. ELLIOTT STATE FOREST UPDATE

State Forests Work Plan – State Forest Management

[Listen to audio](#) MP3 (30 minutes – 14 MB)

Liz Dent, Division Chief for State Forests, provided a brief overview of the context regarding the Elliott State Forest and the ongoing collaboration with the Department of State Lands to determine the best way to move forward with its management, introducing John Potter from DSL to provide an update.

John Potter, Department of State Lands, provided background on the Elliott State Forest and a recap of the process to determine the best way to manage it to date, as well as an update on the most recent steps taken in that process, including:

- the four possible paths presented to the Land Board last December. These four paths are 1) a new manager other than the Department of Forestry, 2) continue to work with the Department of Forestry to pursue a habitat conservation plan, 3) transfer of ownership out of the Common School Fund, and 4) a federal land exchange;
- findings that changing managers and negotiating a habitat conservation plan, while possible, have risks and costs that may outweigh future benefits to the Common School Fund and these ideas would be held until August;
- the decision to delve deeper into the idea of transferring ownership in a manner that would keep the Common School Fund whole and address the public values and concerns regarding the property;

- the plan developed to accomplish these goals that includes three steps: expression of interest, plans submitted, and approval and offer; referenced handout ([Attachment 34](#));
- goals for the outcomes of this plan are to support a local working forest economy and infrastructure, preserve public recreational access, protect key watersheds for Coho spawning, and protect older forest stands.

Mr. Potter provided an idea of what will be brought before the Land Board at the August 13, 2015 meeting. He expressed his gratitude and appreciation for staff in the State Forests Division that he has been working with for the past year.

Board discussion ensued with clarification from John Potter regarding:

- the timeframe for addressing personnel issues that may arise from the Department of Forestry no longer managing the Elliott State Forest;
- the letter of interest sent to the Oregon Board of Forestry and other state agencies, the Bureau of Land Management, and the Forest Service regarding the purchase of the Elliott State Forest;
- the allocation of funds from the sale of the property to the Common School Fund to fulfill the Constitutional requirements;
- the amount of interest from non-profits and private land owners;
- the ability of interested parties to participate in a deal of this size; and
- the fair market value of the property and how that would be appraised.

Information Only.

4. OFRI WOOD PROMOTION AND EDUCATION PROGRAM

Administrative Work Plan – Research Requests and Special Reports

[Listen to audio](#) MP3 (12 minutes – 5 MB)

Paul Barnum, Executive Director of the Oregon Forest Resources Institute, referenced a handout ([Attachment 35](#)) and provided an overview of a new educational program to acquaint Oregonians with the environmental benefits of using wood building products in residential and commercial structures, introducing Timm Lock, Director of Forest Products for OFRI, and highlighting future challenges presented by increasing world population and how wood products can be a valuable resource to face these challenges.

Timm Lock, Director of Forest Products for OFRI, introduced himself and gave a brief overview of his background and enthusiasm for the wood products education program.

State Forester Decker and the Board thanked Paul Barnum and OFRI for their leadership role in advocating for wood products, expressing excitement about the new wood products education program and the opportunity it brings.

State Forester Decker informed the Board that Deputy State Forester Nancy Hirsch will take over as the OFRI liaison since Dan Postrel has retired.

Information Only.

5. COMMITTEE FOR FAMILY FORESTLANDS ANNUAL REPORT

Private Forests Work Plan – Research Requests and Special Reports

[Listen to audio](#) MP3 (12 minutes – 6 MB)

Lena Tucker, Deputy Chief for the Private Forests Division, introduced Susan Watkins, who is serving as Vice Chair officially for the Committee for Family Forestlands and has been in an Acting Chair role for the CFF for the last year, thanking Susan for her dedication and service.

Susan Watkins, Committee for Family Forestlands Immediate Past Acting Chair, referenced the full report provided to the Board for the CFF ([Committee for Family Forestlands Annual Report](#)), highlighting projects regarding taxation for small forest owners, the Ritter Private Lands Collaborative, advocating for small landowners regarding water quality issues, and encouraging the Board to continue to refer to the Committee for Family Forestlands for future projects. Ms. Watkins added updates to the letter provided to the Board, specifically membership changes, and thanked the Board for soliciting the help of the Committee, reiterating a standing invitation to attend Committee meetings.

State Forester Decker presented Susan Watkins with a plaque on behalf of the Board, the Department, and the Private Forests Division to commemorate her years of service to the Committee for Family Forestlands.

Information Only.

6. 2015 FIRE SEASON UPDATE

Protection Work Plan – Protection Ongoing Topics

Agenda item addressed during Agenda Item 1 by Deputy State Forester Nancy Hirsch.

Information Only.

7. OAR ADOPTION – CENTRAL OREGON DISTRICT BOUNDARY CHANGE

Protection Work Plan – Protection Ongoing Topics

[Listen to audio](#) MP3 (6 minutes – 3 MB)

Travis Medema, Acting Division Chief for Fire Protection, provided a brief overview of the process regarding the draft rule and introduced George Ponte, Central Oregon District Forester.

George Ponte, Central Oregon District Forester, reviewed the request to make changes to the Central Oregon District Boundaries and the reasons those boundary changes are needed, and gave a summary of the results from the public information hearings regarding the proposed rule changes.

Board Member Gary Springer motioned for the Board to direct the State Forest to adopt the proposed district boundary changes and finalize the rulemaking process to amend OAR 629-041-0515, the boundary description of the Central Oregon Forest Protection District Boundary.

Board Member Mike Rose seconded the motion.

Voting in favor: Gary Springer, Mike Rose, Tom Insko, Sybil Ackerman-Munson, Cindy Deacon Williams, Nils Christoffersen, Tom Imeson; against: none.

With an affirming vote of consensus, Chair Imeson ordered:

The Board approved the proposed district boundary changes and finalized the rulemaking process to amend OAR 629-041-0515, the boundary description of the Central Oregon Forest Protection District Boundary.

8. **BARRED OWL REMOVAL**

State Forests Work Plan – State Forest Management

[Listen to audio](#) Part 5 of 6 MP3 (56 minutes – 25 MB)

Chair Imeson looked for a motion to receive the information regarding Barred Owl removal and defer public comment and discussion to a later date in order to allow time in the agenda for discussion on the riparian rule topic.

Board Member Gary Springer motioned to receive the informational report regarding Barred Owl removal.

Board Member Mike Rose seconded the motion.

Voting in favor: Gary Springer, Mike Rose, Tom Insko, Tom Imeson, Cindy Deacon Williams, Sybil Ackerman-Munson, Nils Christoffersen; against: none.

With an affirming vote of consensus, Chair Imeson ordered:

The Board received the informational report regarding Barred Owl removal.

9. **EXECUTIVE SESSION**

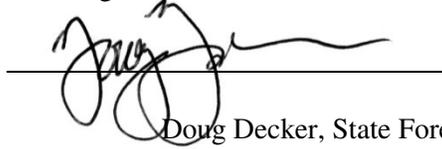
Administrative Work Plan – Executive Sessions

Chair Imeson announced at the start of the meeting that the Executive Session may be conducted during the lunch break and that the Board would enter Executive Session for the purpose of conferring with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h) as well as to discuss an attorney-client privileged communication pursuant to ORS 192.660 (2)(f), that no decision would be made in Executive Session, and that representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as announced.

With no further business before the Board, Chair Imeson adjourned the public meeting at 4:53 p.m.

Respectfully submitted,

/s/ Doug Decker

A handwritten signature in black ink, appearing to read 'Doug Decker', is written over a solid horizontal line. The signature is stylized and cursive.

Doug Decker, State Forester and
Secretary to the Board

TS