

# DRAFT Board of Forestry Meeting Minutes

November 5, 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](http://www.oregonforestry.gov)

- 1) Handout, Summary of Proposed Changes for Division 25 Rules, Consent Agenda Item D
- 2) Public Comment, John Lindsey, Agenda Item 1A
- 3) Public Comment, Nicole Williams, Agenda Item 1A
- 4) Presentation, ODF Fire Protection 2015 Fire Season Briefing, Agenda Item 3
- 5) Public Comment, Greg Peterson, Agenda Item 3
- 6) Public Comment, Mike Newton, Agenda Item 3
- 7) Public Comment, Scott Hansen, Oregon Small Woodlands Association, Agenda Item 3
- 8) Public Comment, Jim James, Oregon Small Woodlands Association, Agenda Item 3
- 9) Public Comment, Rex Storm, Associated Oregon Loggers, Agenda Item 3
- 10) Public Comment, Candace Bonner, Agenda Item 3
- 11) Public Comment, Mary Scurlock, Oregon Stream Protection Coalition, Agenda Item 3
- 12) Public Comment, Joyce Sherman, Agenda Item 3
- 13) Public Comment, Chris Smith, Oregon Chapter Sierra Club, Agenda Item 3
- 14) Public Comment, Mike Barnes, Regional Forest Practices Committee, Agenda Item 3
- 15) Public Comment, Brian Shlaefli, Regional Forest Practices Committee, Agenda Item 3
- 16) Public Comment, Ed Weber, Committee for Family Forestlands, Agenda Item 3
- 17) Public Comment, Clair Klock, Agenda Item 3
- 18) Handout, Board of Forestry Riparian Rule Subcommittee September 25, 2015 Meeting Minutes, Agenda Item 3
- 19) Handout, Riparian Rule Subcommittee Package #1: Minimize Temperature Concern Revised, Agenda Item 3
- 20) Handout, Riparian Rule Subcommittee Package #2: Protecting Cold Water and Achieving Desired Future Riparian Condition, Agenda Item 3
- 21) Handout, Geographic Extent, Agenda Item 3
- 22) Handout, Alternate Prescription Table, Agenda Item 3
- 23) Presentation, Barred Owl Removal Experiment, Agenda Item 6
- 24) Presentation, Barred Owl Removal Study Safe Harbor Agreement Western Lane District, Agenda Item 6
- 25) Public Comment, Dallas Boge, Forest Grove Rural Fire Protection District, Agenda Item 4
- 26) Public Comment, Seth Barnes, Oregon Forest and Industries Council, Agenda Item 4

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on November 5, 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 – (18 minutes – 8 MB)

Chair Imeson questioned the Board on their approval of the Consent Agenda. Motion to approve made by Mike Rose and seconded by Gary Springer.

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, Consent Agenda Items A-D were approved.

A. SEPTEMBER 9, 2015 MEETING MINUTES

Approval of Board Meeting Minutes

**The Board approved the September 9, 2015 Meeting Minutes.**

B. 2015-17 BOARD OF FORESTRY WORK PLAN ITEMS

Provided the Board with a set of priority issues for the Board of Forestry Work Plans.

**The Board approved the list of priority Board work plan items provided in [Consent Agenda Item B Attachment 1](#).**

C. REQUEST BOARD APPROVAL TO PROMULGATE OARS FOR FIREFIGHTER LEGAL DEFENSE

Requests approval from the Board for convening a workgroup to develop draft administrative rules. The rules will address the processes to be used in the event the State Forester invokes ORS 477.128 allowing payment of costs to defend against criminal charges that might be brought against an employee for actions taken in the course of suppressing a wildfire.

**The Board approved convening a workgroup to develop draft administrative rules dealing with administration of ORS 477.128.**

D. FOREST RECREATION RULEMAKING

Provided the Board with the proposed draft Oregon Administrative Rules (OAR) found in Division 25 and requested approval to initiate the formal rulemaking process.

**The Board directed the Department to begin the rulemaking process and return in January with a progress update.**

## **ACTION AND INFORMATION:**

### 1. **STATE FORESTER AND BOARD MEMBER COMMENTS**

Chair Imeson provided an overview of the agenda for the day's meeting with some notes on how the public comment portions of the meeting would be conducted.

State Forester Decker provided introductory comments with highlights including:

- an overview of the agenda, noting that the day's meeting will look directly into three of the four business areas for the Department of Forestry;
- acknowledgment and thanks to all who had a hand in the meeting preparation;
- an overview of the Board planning retreat that was held in mid-October and the events that have taken place since, including the national meeting of the U.S. Forest Service National Forest Stewardship Program, a legislative tour attended with Board Member Nils Christoffersen in the northeast corner of Oregon, and a legislative visit to the Grizzly Bear Fire where they heard from the Willowa Whitman Forest Collaborative about the State's role in helping the Collaborative;
- the Fire Program Review discussed at the Board retreat has gotten started;
- hosting a national meeting and field tour of the Tillamook State Forest for the Forest History Society;
- and preparation for the upcoming three day legislative sessions.

Board Member Gary Springer spoke about his trip to Hood River for the Eastern Oregon Regional Forest Practices Committee meeting and Operator of the Year field tour, highlighting discussions around reforestation difficulties and the possibility that these issues may end up before the Board.

#### 1A. **PUBLIC COMMENTS**

[Listen to audio](#) MP3 (18 minutes – 8 MB)

John Lindsey, Linn County Commissioner, provided public testimony and written comments ([Attachment 2](#)) regarding the forest management plans and the history of trust forests in Linn County, as well as a concern that the current forest management plan being discussed is not 70/30 but rather 50/50.

Tom Bender provided public testimony and written comment ([Attachment 35](#)) regarding the issue of Greatest Permanent Value and long rotations dealing with the Northwest State Forest Plans.

Nicole Williams, Clatsop Care Health District, provided public testimony and written comments ([Attachment 3](#)) summarizing the business operations of Clatsop Care and how the timber revenues contribute to the ability to provide services in their facilities, encouraging the Board to approach the Northwest State Forest Management Plan not only with equity for timber harvests and conservation but with an aim to ensure that programs such as Clatsop Care continue to receive much needed dollars from timber harvests.

### 2. **FIRE SEASON 2015 UPDATE**

Protection Work Plan – Protection Ongoing Issues

[Listen to audio](#) MP3 (19 minutes – 9 MB)

Doug Grafe, Protection Division Chief, referenced a presentation ([Attachment 4](#)) to provide an overview of the 2015 fire season with highlights including the complexity and challenges of the fire season, comparison of 2015 fire season statistics to ten year averages, and a discussion of the increase in human caused fires.

Mr. Grafe then discussed the financials from the 2015 fire season with a summary of the various costs associated with fire. He also highlighted the legislative request for 2015 fire season support and next steps.

Mr. Grafe provided a summary of the 2015 Fire Program Review and the three main objectives: sustainable fire funding, sustainable fire organization, exploring policy options to mitigate increasingly complex wildfire conditions in Oregon, the development of the charter and membership, and next steps including four meetings scheduled to conclude in June of 2016.

Mr. Grafe acknowledged and thanked all of the employees, families, landowners, stakeholders, and partners that contributed to the 2015 fire suppression effort, stressing the impact that fighting fire has on communities and individuals.

Board Member Tom Insko acknowledged the team and leadership that contributed to the fire suppression effort and recognized what communities do post-fire to rebuild.

Chair Imeson stressed how important it is to look at the future of fire funding and organization and expressed appreciation for the effort that has been launched looking at sustainable large fire funding.

### **Information only.**

#### 3. **FOREST PRACTICES ACT (FPA) RIPARIAN RULES REVIEW**

Private Forests Work Plan – Water Quality Protection

[Listen to audio](#) Part 1 of 6 MP3 (103 minutes – 47 MB)

Chair Imeson provided background on the riparian rule review process to date including an overview of the Riparian Rule Subcommittee meeting, thanking Board members Gary Springer and Sybil Ackerman-Munson for their efforts in creating the prescription packages that were brought to the subcommittee. He then reviewed the goal of the Board to decide on rule changes to meet the protecting cold water standard (PCW) to the maximum extent practicable (MEP) with the least burdensome prescriptions through three primary decisions: 1) which prescriptions, if any, to move into rule language, 2) the geographic extent to which these prescriptions apply, both geographic regions and stream extent, and 3) whether the rules are regulatory and/or voluntary; in addition, the Board must decide on the remaining statutory findings under ORS 527.724 which are restrictions on practices that directly relate to and substantially advance the objective, must choose the least burdensome alternative, and resource benefits achieved by the rule must be proportional to the harm caused by forest practices.

Chair Imeson then outlined the timeline for the riparian rule review agenda item at the day's meeting and introduced State Forester Decker.

State Forester Decker recognized the significant amount of work that has been done by everyone that has worked on the riparian rule review topic, highlighting the work put in by the Board as members

of a voluntary citizen Board and the weight that they carry with them. He acknowledged that there will be disappointment no matter what decision is made and it is appropriate for a Board to be struggling with a decision of this weight, highlighting that the Board members have a lot of respect for one another and that they will vote today is not a failure but a recognition of perspective of values.

State Forester Decker then provided a brief history of the riparian rule review process and reiterated that there is no right answer but rather a range of risk and uncertainty and the charge of the Board is to find the balance point on that curve of risk and uncertainty, summarizing the public policy framework that the leading use on private forest land is the continuous harvesting of tree species and the regulatory framework has to allow landowners to make investments in their lands going forward. He stated the collective goal for the day of moving forward a package that can receive the greatest support from the Board and outlined the next steps of the process.

Chair Imeson announced that the Board would now hear public comment.

Greg Peterson, Oregon Small Woodlands Association, provided public testimony and written comments ([Attachment 5](#)) providing the Board with nine major limitations in the data that shed significant doubt on the Ripstream model and its conclusions.

Michael Newton, Oregon Small Woodlands Association, provided public testimony and written comments ([Attachment 6](#)) expressing concerns that the data provided by the Ripstream study is confounding, stating that Ripstream has not provided credible evidence of buffer design changes needed to meet PCW standards, recommending that ODF start on some studies that would evaluate future choices.

Scott Hanson, Oregon Small Woodlands Association, provided public testimony and written comments ([Attachment 7](#)) focusing on three output values from the ODF decision matrix spreadsheet distributed to the Board on July 23, 2015 and expressing support for the Regional Forest Practices Committee option.

Jim James, Oregon Small Woodlands Association, provided public testimony and written comments ([Attachment 8](#)) regarding the potential economic impact to landowners, expressing concern that the data on temperature increase as it goes downstream is inaccurate, and encouraging the Board to take all factors of what is practicable and not practicable into account, including the economics, as they make their decision. Board Member Sybil Ackerman-Munson reiterated that the option she put forward does provide special exemptions for small woodland owners.

Rex Storm, Associated Oregon Loggers, provided public testimony and written comments ([Attachment 9](#)) urging the Board to adopt subcommittee Package #2 and reject subcommittee Package #1 and other options, stating that Package #2 would best achieve improved riparian conditions through strong future stewardship and there is no middle ground position between Packages #1 and #2.

Dallas Boge requested to testify during the forest management plan agenda item 6.

Clair Kloch provided public testimony and written comments ([Attachment 17](#)) stating that the new riparian rules should be a variable cut prescription that is most likely to achieve EPA standards and maintained that secondary streams should also be afforded protection, encouraging the Board to establish this protection for the good of the people.

Phil Adams, Roseburg Forest Products, provided public testimony encouraging the Board to recognize that private landowners such as Roseburg Forest Products have been engaged in this process

since the beginning, investing in the best science, and encouraging the continuation of a slow and deliberative process but stating that if a decision must be made today then supporting Package #2.

Wayne Giesy provided public comment representing the landowners, specifically the small landowners, and recommending that before a decision is made it is determined by experts whether or not an expansion of the riparian area is really needed, providing personal examples of the difficulty for small landowners to make ends meet.

Tom Wolfe, Trout Unlimited, provided public testimony voicing preference for Package #1 while expressing that there are many things to be considered in Package #2, encouraging the Board to look at what is best for the fish when considering this decision but also to provide for the needs of the logging industry.

Christina McNitt, Oregon Forest Industries Council, provided public testimony on behalf of Oregon's large timber landowners, highlighting that the Board has a lot of discretion in making this decision, summarizing past testimony demonstrating the effectiveness of the current Forest Practices Act, expressing strong disagreement with the idea that practicable means feasible, and encouraging the Board to choose a moderate approach to rule revisions.

Joan Zuber provided public testimony regarding the need for mandatory regulations for streamside buffers with easements for small woodland owners and encouraging the Board to take into consideration the changes that have occurred to climate and the environment over the past thirty years.

Appollonia Goeckner, Center for Sustainable Economy, provided public testimony supporting Package #1 while encouraging the Board to use the best available science and to take into consideration important factors like climate change and the economic impact of riparian areas when making their decision on riparian rules, which must be enforceable.

Candace Bonner provided public testimony and written comments ([Attachment 10](#)) urging the Board to immediately put a temporary rule in place for 90 foot buffers on salmon, steelhead, and bull trout (SSBT) streams until permanent rules can be established and supporting Package #1 as it comes closer to protecting streams from warming due to timber harvest.

Bob Van Dyk, Wild Salmon Center, provided public testimony thanking the Board and staff for their work on the riparian rule issue and encouraging the Board to pick a more conservation oriented proposal that looks more like Package #1 with consideration for equitable impact to landowners and expressing interest in a more facilitated process going forward that allows for policy stakeholders to enter a conversation that is incremental, adaptive, and science based on the front end.

Jason Gonzalez, Oregon Wild, provided public testimony encouraging the Board to follow the law as well as the science and adopt the strongest possible protections so the PCW can be met to the maximum extent.

Alan Henning, Environmental Protection Agency, provided public testimony regarding the need for greater protections for all fish bearing streams in Oregon, as well as a review of the packages presented to the Board, agreeing with the geographic extent of Package #1 but expressing concern that the 1,000 foot upstream extent will not be sufficient, and commenting on Package #2 not covering the needs for CZARA by not including the Siskiyous, expressing concern about the lack of upstream extent in Package #2, and concerns that the streamside buffer widths in Package #2 would not be sufficient to meet the PCW.

Mary Scurlock, Oregon Stream Protection Coalition, provided public testimony and written comments ([Attachment 11](#)) reminding the Board that the Oregon Stream Protection Coalition has recommended 100 foot buffers and of the two packages presented Package #1 is the only option to meet the PCW, summarizing the reasons that Package #2 fails to meet the protecting cold water criterion such as lack of upstream extent, and encouraging the Board to make a decision for the public of Oregon rather than a particular interest group, industry, or profession.

Bob Ries, Association of Northwest Steelheaders and Northwest Guides and Anglers Association, provided public testimony summarizing statistics on the decline of fish populations over the past year and urging the Board to adopt a minimum 100 foot buffer but to use Package #1 temporarily to test its effectiveness; reminding the Board of the fishing industry also affected by the decision before them, stating support for special consideration for small landowners with significant financial burden while asking for equal consideration for those that operate as professional fishing guides in Oregon.

Joyce Sherman, Northwest Steelheaders, provided public testimony and written comments ([Attachment 12](#)) regarding the need for 100 foot buffers on small and medium Type F streams in order to provide cooler water downstream and supporting Package #1.

Heath Curtiss, Oregon Forest Industries Council, provided public testimony summarizing the efforts made by OFIC to make a sincere argument throughout the riparian rule review process to date and echoing the sentiments made previously by the president of OFIC.

Susan Watkins provided public testimony regarding the outcome of applying the standards set forth in the PCW and the examples set by other states, stating that the best option is to keep forests as forests, discussing the two options before the Board and the importance of engaging the small landowners and the opportunity this provides to work with landowners to create better forests.

Bill Kluting, Carver's Industrial Council, provided public testimony arguing that the current Forest Practices Act is effective, referencing past policy changes that were not effective, and cautioning the Board to not let the influence of urban Oregon from harming rural Oregon and encouraging the Board to continue with the current plan.

Greg Haller, Pacific Rivers, provided public testimony regarding the inability of the two proposals before the Board to meet the requirements of the Forest Practices Act to establish riparian protections that promote and maintain shade conditions that ensure, to the maximum extent practicable, the attainment of important water quality criterion established to meet the Federal Clean Water Act, and stating that only buffers of at least 100 feet will meet the criterion one hundred percent of the time.

Liz Hamilton, Northwest Sport Fishing Industry Association, provided public testimony reminding the Board that in addition to landowners there are 11,000 men and women in Oregon in the sport fishing industry that are also affected by the decision before the Board and supporting Package #1 with considerations for landowners that are unduly affected by the regulations.

Chris Smith, Oregon Chapter Sierra Club, provided public testimony and written comments ([Attachment 13](#)) urging the Board to update the Forest Practices Rules by adopting the strongest viable stream protection rules and do more than just the minimum needed to scrape by, recommending 120 foot buffers on fish bearing streams.

Chair Imeson thanked all who provided public testimony and introduced the Northwest and Southern Oregon Regional Forest Practices Committees (RFPC) Chairs Mike Barnes and Brian Schlaefli, as well as the Committee for Family Forestlands (CFF) Chair, Ed Weber.

Mike Barnes, Northwest Regional Forest Practices Committee Chair, provided testimony and written comments ([Attachment 14](#)) summarizing the history of the RFPC involvement in the riparian rule review process to date and the steps taken by the RFPC to create recommendations for the Board that were presented in June, emphasizing that the majority of the harvest sites in the Ripstream study met the cold water standards and that any changes to the riparian rules should be consistent with the findings.

Brian Schlaefli, Southwest Regional Forest Practices Committee Chair, provided testimony and written comments ([Attachment 15](#)) in support of the recommendations set forth by the RFPC, some elements of which are reflected in Package #2, encouraging due consideration of these recommendations during discussion of the decision before the Board.

Ed Weber, Committee for Family Forestlands Chair, provided testimony and written comments ([Attachment 16](#)) focusing on the goal of the Board to keep small forestlands in forests and the recognition that most small forest landowners take a long-term view of their forest management, summarizing the issues that the CFF asks be considered as the Board decided the riparian rule issue, and recommending the following:

- landowners should be given direction to choose the management option best suited to their particular property and resource, including the voluntary guidelines option;
- the requirements of any new riparian rule for PCW should pertain only to SSBT streams;
- the Board should choose the alternative that is least burdensome to landowners, while still achieving the desired level of protection;
- a viable, robust monitoring regime should be included in a final rule as a method to help understand the effectiveness of the prescriptions; and
- if equity is a consideration, exemptions should be based on the percentage of additional encumbrance regardless of size of property.

Mr. Weber concluded with a statement of support for Package #2 by the CFF.

Board discussion ensued on what organization the Board could work with on the issue of equity for landowners if a package similar to Package #1 were selected with Mr. Weber, expressing that if the opportunities for equity were available to all landowners, not just landowners of a certain amount of land, that he felt confident the Board would be able to find organizations to work with on this issue.

[Listen to Audio](#) Part 2 of 6 MP3 (28 minutes – 13 MB)

Richard Whitman, Natural Resource Advisor to the Governor, provided comments with highlights including the following:

- a recognition of the job done by the Board and Department throughout the riparian rule review process and appreciation for the time and consideration that has been put into this issue;
- three key areas: 1) the question of whether there is a problem, 2) the standard for the Board's decision, specifically the standard of maximum extent practicable, and 3) the broader context of the role of forested lands in terms of all of Oregon's lands and water quality;
- the question of whether there is a problem and an in-depth discussion of water quality across the state, including the ambient water quality problem;
- maximum extent practicable (MEP), stating that it is not necessary to adopt a standard that is met in all cases but that the practice of the agency and the intent of the standard

itself is to adopt prescriptions across the landscape that are adequate and do not impair the ability to hit the standard, and that it is adequate in terms of the legal standard to hit within a confidence range;

- the various aspects of practicability such as industry-wide perspective, industry sector perspective, individual landowner perspective and the impact of potential changes to riparian rules from each of these perspectives, stating that it would be appropriate for the Board to think about the encumbrance on a particular land parcel rather than on an industry-wide scale;
- water quality in the state, focusing on the perception problem and the substantive problem;
- Governor Brown's continued commitment to working with forest landowners to bring incentives to help achieve the desired outcomes; and
- the water quality trading program that the state is actively working on.

Board discussion ensued with questions for Mr. Whitman on whether to consider differentiation between small and medium streams.

[Listen to Audio](#) Part 3 of 6 MP3 (41 minutes – 19 MB)

Peter Daugherty, Private Forests Division Chief, introduced Marganne Allen, Field Support Manager, and referenced a handout ([Attachment 18](#)) to provide an overview of the Riparian Rule Subcommittee process and meeting that took place on September 25, 2015 and summarized the revisions made to the two prescription packages based on suggestions made by the Riparian Rule Subcommittee members at the meeting.

Board Member Sybil Ackerman-Munson discussed Package #1 ([Attachment 19](#)) emphasizing that this is not an easy task, reminding the Board that the 90-foot buffer is the best estimate of what meets PCW on average, that PCW is a rational approach to protecting cold water and natural thermal regimes, addressing the concern about PCW and the 0.3 degrees, and discussed the impact of 90-foot buffers on landowners per the analysis done by the Department. Board Member Ackerman-Munson then discussed rationale for Package #1, including:

- maximum extent practicable and the approach put forward in Package #1 is within the bounds of MEP;
- strength of evidence regarding the likely performance of a 90-foot buffer to the variable retention option can work;
- that it seems difficult to distinguish between small and medium streams and should be discussed further;
- the importance of including up-stream extent; and
- proposal in Package #1 meets all of the required regulations that the Board is trying to adhere to for a variety of reasons.

Board discussion ensued regarding Package #1 with clarification from staff on the economics and how the numbers were calculated.

Board Member Gary Springer discussed Package #2 ([Attachment 20](#)) with highlights including:

- a history of his involvement in the riparian rule review process to date, beginning in January of 2012, and how Package #2 derived from work done by the Regional Forest Practices Committee;

- the georegions included in Package #2 and why certain regions were not included;
- a number of options aimed at working for the majority of landowners and the lands they manage, keeping landowners engaged, and keeping the solution proportional to the problem; and
- a desire to keep the committees involved going forward.

Board discussion ensued regarding Package #2 with clarification from Board Member Springer and staff on topics including:

- more specific discussion of the Siskiyou and why it is not included; and
- the differentiation between small and medium streams with clarification from staff on the difference between the two.

Peter Daugherty provided a summary and synthesis of the two packages, referencing a visual comparison ([Attachment 21](#)) of the packages, with highlights including geographic extent, stream extent, no-cut buffer options, and variable retention buffer options.

Board discussion ensued, with clarification from staff, on the following topics:

- how the up-stream extent of 1,000 feet is tied to the PCW in Package #1 and whether this was included in the economic analysis;
- whether or not to include the Siskiyou region;
- the challenges of modeling the impact from up-stream extent and possible alternatives;
- Package #2 maintains current buffer widths required by the Forest Practices Act (FPA);
- a comparison of the variable retention prescriptions in the packages to current FPA requirements; and
- the importance of incentives for active management.

Chair Imeson reminded the Board of past discussion regarding maximum extent practicable (MEP) and the criteria used to help select and design the best package for this rulemaking process, the focus on revising rules to address temperature concerns while also considering desired future condition, proper functioning condition of riparian areas, economic impacts on forest operations and land use decisions, and social and economic equity impacts. All Board members do not have the same view of MEP and that is not necessary, it is a balance of risks and desired outcomes and the determination varies by Board members.

Chair Imeson summarized the two packages as the following:

- Package #1 proposes a low risk approach to PCW exceedances but has a greater economic burden for landowners;
- Package #2 reduces the economic burden for landowners at a greater risk of PCW exceedances; and
- the goal is find an agreement on something that is on track to meet PCW but also in the least burdensome way.

Board Member Gary Springer commented that Package #2 has a greater risk of not hitting PCW at that time of harvest but has been designed for more robust forests in the future.

Board Member Sybil Ackerman-Munson reiterated the desire to take very seriously the disproportionate impacts on smaller landowners or landowners with greater percentages of encumbrance as a part of Package #1.

[Listen to Audio](#) Part 4 of 6 MP3 (52 minutes – 24 MB)

Board Member Nils Christoffersen discussed an alternate prescription ([Attachment 22](#)) with highlights including:

- the internal tension between the desire to make sure the PCW is met and the desire to keep forests as forests;
- the tipping point for an individual landowner of any size and the economic concern;
- riparian buffers matter;
- the uncertainty that still remains with regards to the model limitations, range of risk and uncertainty, and the inability to predict the impact with precision but the need to think of the tradeoff curve in general terms;
- the context really matters for riparian function and water;
- difficult to think about proportionality;
- difference between the geography in the two packages is Siskiyou and posed the question of whether to include with potential lower RMA widths and basal area (BA) targets;
- stream extent and extending up within the immediate harvest unit above the end of mapped SSBT streams along the main stem of fish-bearing streams;
- the importance of having options;
- the adjustment of no-cut buffers and variable retention to 60/80, otherwise very similar to Package #2;
- thinning and north sided buffers;
- the addition of equity considerations based on parcel size and percent encumbered; and
- the encouragement and monitoring of large wood placement.

Board discussion ensued regarding the alternate prescription with clarification from Board Member Christoffersen and staff on the following topics:

- the experimental concepts set forth with regards to south-sided and north-sided buffers;
- financial impacts and likelihood of meeting PCW of 60/80 no-cut buffers;
  - confidence interval for 80 feet still contains 0.3, below 70 the confidence interval does not contain 0.3;
- stream size and the difference between small and medium and the alternative of looking at stream characteristics rather than size
  - Ripstream study is not saying there is no difference between small and medium but rather than no difference was detected,
  - is the important factor that they are small versus medium or are other characteristics of the stream more important,
  - solar radiation is the big dial, other factors such as stream gradient, etc. are related to stream temperature but are not the biggest dial, and
  - contribution of small headwater streams.

State Forester Decker summarized the information presented to the Board in the two packages and the alternative prescription and posed the question of whether there is a combination of prescriptions

that could be put forward to gain majority support from the Board to go forward or whether to focus in on individual packages and use the components to build a package that will get majority of votes.

Board discussion ensued with clarification from staff on the following topics:

- a lot of information has been brought forward; what one or two areas should be the focus for the discussion;
  - no-cut and variable retention should be focus of discussion;
- the lack of opportunity to discuss the variable elements as a Board and the desire to have that discussion before packaging votes;
- the concern that the meaningful impact of cold water on fish is disproportionate to the potential significant impact of new rules on landowners;
- the benefits of modifications to allow more active management to achieve desired future conditions and how creative can the Board get regarding large wood and desired future conditions outside of the context of PCW;
- the multiple fish species that have seen population declines and are at risk of extinction, habitat characteristics are also in decline
  - in a situation where the fish are being harmed by the uses of the landscape and the improvements that have been demonstrated are inadequate from the perspective of the beneficial use,
  - effects not only the ecology but the industries that rely on the fish
- climate change will continue into the future;
- the smallest rule of thumb from an ecological perspective is 150 foot riparian areas, however, there are unique societal expectations, obligation, etc. to private lands so what is the compromise;
- using the current model, a prescription would require 110-120 foot riparian areas to ensure the PCW is met but that is too close to 150 to be practicable, however, legal obligation is to get within the range to allow for PCW to be met which makes 80 feet the minimum based on the model results;
- focus on variable retention piece and approaches to that where creativity and work on the ground will exist to enable more flexibility on the part of landowners;
  - explanation of how the numbers for the basal area were derived for Packages #1 and #2,
  - the benefits of thinning and well distributed trees throughout the RMA,
- the goal of trying to get the largest majority vote given the importance and uncertainty of the issue and the 80 foot no-cut buffer presented in the alternate prescription are an effort to get to a place of comfort for the majority;
- the point of variable retention is to give landowners flexibility, there is no cookie cutter approach, and the comparison of the basal area numbers in each package;

[Listen to Audio](#) Part 5 of 6 MP3 (55 minutes – 25 MB)

- the impact of the basal area targets going forward 20+ years into the future;
- the concept of adaptive governance and the idea of triggers with obligatory responses and whether this is something that could be used to start with a smaller buffer that would be automatically increased in the future if certain conditions are not met;
- the provision for fifty percent of wildlife trees left in a 20 foot zone adjacent to the RMA creates a larger buffer than the 50/70 buffers presented in Package #2 without having to change the 50/70 foot designation in that package; and

- the perspective of adding the 1,000 foot stream extent to Package #2 and utilizing the suggestion to extend the new standard up into the harvest unit.

Peter Daugherty discussed monitoring and what that will look like moving forward if there is an increase over the current rule, as well as monitoring the implementation of voluntary measures.

Chair Imeson outlined ideas on the best way to move forward and what it would need to look like, how much flexibility Board members have, to come together for something approaching consensus and where to go on the variable retention piece. Board discussion ensued regarding this with clarification on the common ground between the packages that have been reached through prior discussion, specifically the placement of wildlife trees within the RMA as it relates to buffer width.

Board Member Tom Insko moved to adopt Package #2 as described by Board Member Gary Springer with the addition of the upstream reach extent into the harvest unit. Board Member Mike Rose seconded the motion. Board discussion ensued with clarification that the geographic regions affected are those listed in Package #2 and the inclusion of all experimental options from Package #2.

Voting in favor: Mike Rose, Tom Insko, and Gary Springer, against: Sybil Ackerman-Munson, Cindy Williams, Tom Imeson, and Nils Christofferson. Motion does not carry.

Board Member Nils Christoffersen moved to adopt Package #2 with the following modifications:

- upstream reach extent to extend up within the immediate harvest unit above the end of the mapped SSBT streams along the main stem of a fish-bearing stream,
- that the south-sided buffer talks about an option for a 40-foot no-cut north-sided buffer for stream segments with a general valley azimuth within 30 degrees of east-west and south-sided buffers would meet Option A or B, and
- add equity consideration if the rules encumber more than ten percent of the total ownership of any parcel.

Board Member Tom Insko seconded the motion. Board discussion ensued with clarification on the no-cut buffer widths of 50/70 and the ability to thin the 40 foot no-cut in the south-sided buffer option.

Chair Imeson proposed an amendment to the motion put forth by Board Member Nils Christoffersen to change the no-cut buffer widths to 60/80. Board Member Cindy Deacon Williams seconded.

Voting in favor of the amendment: Cindy Deacon Williams, Sybil Ackerman-Munson, Nils Christoffersen, and Tom Imeson, against: Gary Springer, Tom Insko, and Mike Rose. The amendment carries.

Board Member Cindy Deacon Williams proposed a second amendment to change the variable retention to 60/80. Seconded by Board Member Sybil Ackerman-Munson.

Voting in favor of the second amendment: Cindy Deacon Williams, Sybil Ackerman-Munson, Nils Christoffersen, and Tom Imeson, against: Gary Springer, Tom Insko, and Mike Rose. The second amendment carries.

Board Member Cindy Deacon Williams proposed an amendment to incorporate a trigger into the rule that if seven years' worth of monitoring does not confirm that the protecting cold water goal is met

on average across the landscape that the no-cut and variable retention buffers automatically switch to 80 feet. Board Member Sybil Ackerman-Munson seconded. Board discussion ensued around the logistics of adding this amendment and what it would look like. Board Member Cindy Deacon Williams withdrew her amendment.

Board Member Cindy Deacon Williams proposed an amendment to include the Siskiyou to the regions covered by the prescriptions with the same widths but with basal area targets that reflect the different site potential within the region. Board Member Sybil Ackerman-Munson seconded.

Voting in favor of the third amendment: Sybil Ackerman-Munson and Cindy Deacon Williams, against: Tom Insko, Tom Imeson, Nils Christoffersen, Gary Springer, and Mike Rose. The third amendment does not carry.

Board discussion ensued with clarification from staff on the basal area requirements and the inclusion of wildlife trees set forth in the proposal before the Board.

Board Member Nils Christoffersen proposed an amendment to make basal area targets for smalls at 80 square feet per acre and for mediums at 100 square feet per acre.

Voting in favor of the fourth amendment: Sybil Ackerman-Munson, Cindy Deacon Williams, Nils Christoffersen, and Tom Imeson, against: Gary Springer, Mike Rose, and Tom Insko. The fourth amendment carries.

Peter Daugherty summarized the motion now before the Board with the inclusion of the three amendments as the following:

- Package #2 with the geographic regions unchanged;
- Stream extent: SSBT plus extending up within the immediate harvest unit above the end of mapped SSBT streams along the main stem of a fish-bearing stream;
- Regulatory no-cut with a 60/80 foot widths and up to 50% of the required wildlife trees can be counted in the RMA;
- Variable retention: Regulatory with a 60/80 foot width with basal area targets of 80 feet squared per acre and 100 feet squared per acre in the RMA and everything else well distributed and 50% of required wildlife trees can be double counted in the RMA;
- Experimental options for 40 foot no-cut north sided buffers for stream segments with a general valley azimuth within 30 degrees of east-west and south sided buffers would meet Options A or B, and
- equity based on greater than or equal to ten percent encumbrance of ownership by parcel.

[Listen to Audio](#) Part 6 of 6 MP3 (13 minutes – 6 MB)

Mr. Daugherty clarified what is meant by the north sided option as the option for 40 foot no-cut north sided buffers for stream segments with a general valley azimuth within 30 degrees of east-west and the south sided buffers would meet Options A or B, as well as clarification that for the no-cut and variable retention the voluntary part of leaving wildlife trees adjacent to the RMA has been dropped and replaced with up to 50% of the required wildlife trees can be double counted in the RMA and variable retention requires trees well distributed throughout the RMA as required in Package #2, and equity is based on greater than or equal to 10 percent encumbrance by parcel with a default of 50/70 feet respectively. Board discussion ensued with clarification from staff that hardwoods are counted as equal to conifers in Package #2 and there is nothing specific in Package #2 about large wood.

Chair Imeson outlined the agenda for the remainder of the Board meeting, removing the Elliott State Forest issue and stating that the Barred Owl Issue would be after the conclusion of this agenda item.

Chair Imeson called for a vote on the motion before the Board.

Voting in favor: Sybil Ackerman-Munson, Nils Christoffersen, Cindy Deacon Williams, and Tom Imeson, against: Tom Insko, Mike Rose, and Gary Springer. Motion carries.

Peter Daugherty presented the Board with language for the two findings to be made as well as language with a statement about the adopted package that it ensures that to the maximum extent practicable forest operations meet the water quality commissions protecting cold water criteria considering the available science and factors including but not limited to beneficial uses of waters potentially impacted, the effects of past forest practices on beneficial uses of water, appropriate practices employed by other forest managers, technical, economic and institutional feasibility, and natural variations in geomorphology and hydrology. The language for the findings says the Board finds that the restrictions on practices in the adopted package are to prevent harm to the resource (water quality), directly relate to, and substantially advance the rule objective and the second finding says the Board finds that the adopted package represents the least burdensome alternative and resource benefits achieved by the package are proportional to the harm caused by the forest practices.

Board discussion ensued regarding the language for the advisory committee and how to avoid putting people on the advisory committee that want to make changes to the adopted package.

Board Member Gary Springer moved to approve the language. Motion seconded by Board Member Mike Rose.

Voting in favor: Gary Springer, Tom Insko, Tom Imeson, Nils Christoffersen, Cindy Deacon Williams, and Sybil Ackerman-Munson, against: none. Motion carries.

**The Board decided on the following set of prescription components that meet the PCW criterion to the maximum extent practicable, consistent with the ORS 527.765 factors and required ORS 527.714 findings:**

- **Package #2 with the geographic regions unchanged;**
- **Stream extent: SSBT plus extending up within the immediate harvest unit above the end of mapped SSBT streams along the main stem of a fish-bearing stream;**
- **Regulatory no-cut with a 60/80 foot widths and up to 50% of the required wildlife trees can be counted in the RMA;**
- **Variable retention: Regulatory with a 60/80 foot width with basal area targets of 80 feet squared per acre and 100 feet squared per acre in the RMA and everything else well distributed and 50% of required wildlife trees can be double counted in the RMA;**
- **Experimental options for 40 foot no-cut north sided buffers for stream segments with a general valley azimuth within 30 degrees of east-west and south sided buffers would meet Options A or B, and**
- **equity based on greater than or equal to ten percent encumbrance of ownership by parcel.**

**The Board also approved the language provided by staff for the two findings to be made as well as language for a statement about the adopted package that it ensures that to the maximum extent practicable that forest operations meet the water quality commissions protecting cold water criteria considering the available science and factors including but not limited to beneficial uses of waters potentially impacted, the effects of past forest practices on beneficial uses of water, appropriate practices employed by other forest managers, technical, economic and institutional feasibility, and natural variations in geomorphology and hydrology**

6. **STATE FORESTS PARTICIPATION IN U.S. FISH AND WILDLIFE SERVICE BARRED OWL REMOVAL PROJECT AND POSSIBLE SAFE HARBOR AGREEMENT**

State Forests Work Plan – State Forest Management

[Listen to audio](#) MP3 (28 minutes – 13 MB)

Liz Dent, State Forests Division Chief, provided an overview of the agenda item and introduced Mike Wilson, State Forests, Betsy Glenn and Paul Henson, U.S. Fish and Wildlife Service.

Betsy Glenn, Spotted Owl Biologist U.S. Fish and Wildlife Service, referencing a presentation ([Attachment 23](#)), provided the historic and current condition of the spotted and barred owls, recognized the barred owl threat to spotted owls, provided an overview of the process used to develop the experiment, and relayed the progress made to date.

Board member discussion ensued with clarification from Ms. Glenn on the stakeholder group and the process taken to arrive at the agreement to move forward with the experimental removal.

Mike Wilson, referencing a presentation ([Attachment 24](#)), provided details on what a safe harbor agreement is in general, as well as an overview of the current safe harbor process to date and next steps.

Paul Henson, State Supervisor for U.S. Fish and Wildlife Service in Oregon, thanked the Oregon Department of Forestry and several timber companies for their cooperation and help in working with U.S. Fish and Wildlife on this issue.

Board discussion ensued with clarification from staff on the timeframe of the experiment and the benefits during that timeframe, whether the spotted owls are adapting to other habitats, and preliminary results from the two years of removal on the Hoopa Reservation.

**Information only.**

4. **ALTERNATIVE FOREST MANAGEMENT PLAN UPDATE**

State Forests – State Forests Management

[Listen to audio](#) MP3 (37 minutes – 17 MB)

Chair Imeson provided an overview of the history of the Alternative Forest Management Plan (FMP) Subcommittee activity to date.

Liz Dent, State Forests Division Chief, introduced Brian Pew, State Forests Deputy Division Chief, and provided an overview of the alternative forest management plan project, noting that the FMP

Subcommittee meeting on October 19, 2015 was a milestone for the project, finding that there is a need to broaden the evaluation of the question at hand. Ms. Dent commented that the Department is still in the process of developing a timeline for the additional work that will need to be done in response to the request to take a more broad approach, noting that it is important that the time be taken to do the work carefully and accurately in order to have the best possible information for the policy decision.

Ms. Dent also discussed the pace of the project and the challenge of the project crossing three fire seasons, as well as the need to be conscientious of the 2020 timeframe and the development of contingency plans should the revised forest management plan not be available for that timeframe.

Board discussion ensued with clarification from staff on the following:

- the timeline for the subcommittee meetings going forward;
- counting the stream buffers towards the 30 percent in the modeling and the desire to have a map that does not include the stream buffers in the 30 percent;
- thinking about the locations within each district that could also comply with a habitat conservation plan (HCP);
- the development and modeling of a three zone approach; and
- the option to model what the federal agencies are asking for in an HCP for the exploration of an HCP alternative.

Tim Josi, Forest Trustlands Advisory Committee Chair, provided comments with highlights including a call to get the modeling right, specifically growth yields, concern with regards to the decision to explore a third path for the 18 percent, and the desire for the Department to adhere to the 70/30 compromise.

Board discussion ensued regarding the third zone that is being looked at and the reasoning that more nuanced modeling is being done.

Chair Imeson called for public comment.

Dallas Boge, Forest Grove Rural Fire Protection District, provided public testimony and written comments ([Attachment 25](#)) emphasizing the importance of timber revenue to his district operations and requested that the Board formulate the management plan under consideration to keep at least 70 percent of the land in timber production.

Seth Barnes, Oregon Forest Industries Council, provided public testimony and written comments ([Attachment 26](#)) regarding determining the baseline information needed to discuss management options for the forest, the ability of the Technical Expert Review Group (TERG) to improve the accuracy of the model, the need for the foundation of the model to be without bias, and urging the Board to correct the model based on the recommendations of the TERG in order to get an accurate idea of the 70/30 approach.

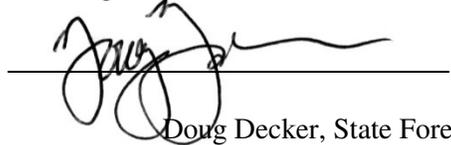
Board discussion ensued with clarification from staff on the role of the TERG and the findings they brought before the subcommittee regarding the modeling, the concept of doing a parallel process to work with the current data as well as work on new options, the reflection that the original scientific review panel predicted that the 70/30 approach would not produce the desired yields, and a reminder that the model results are draft preliminary results, not final, and they still need a lot of refinement.

**Information only.**

With no further business before the Board, Chair Imeson adjourned the public meeting at 5:15 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

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