Oregon Board of Forestry

Wednesday and Thursday, September 4-5, 2024
Public Meeting Agenda

Revised
8/20/24

Public Meeting Information

The meeting will be open to the public, allowing for both in-person and virtual attendance. An opportunity for the public to provide live testimony will be available. Instructions for sign-up can be found on our website: https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx. Submit written testimony prior to the meeting, or up to two weeks after the meeting day by emailing to the following address: boardofforerestry@odf.oregon.gov. Submissions should include meeting date and agenda item number/topic header with the written submission.

In-Person Location:
Oregon Department of Forestry
2600 State St., Tillamook Room
Salem, OR 97310

Virtual Meeting Link:
https://www.youtube.com/c/OregonDepartmentofForestry

September 4, 2024 Agenda

Consent Agenda

A. Certified Burn Manager and Prescribed Fire Liability Fund Rulemaking	*Tim Holschbach, Ryan Miller*
B. Wildfire Prevention Rulemaking	*Tim Holschbach, Ryan Miller*
C. Regional Forest Practices Committee Appointments and Reappointments	*Kyle Abraham*
D. Annual Performance Progress Report 2024	*Sabrina Perez*
E. Urban and Community Forestry Program Update	*Scott Altenhoff, Hilary Olivos-Rood, Evan Elderbrock*
F. Department of Forestry Demographics	*Amy Pena*

Action and Information

8:45 am	**1. State Forester and Board Members Comments** Welcome and opening comments from the agency director and members of the board. This is an information item.	*State Forester Mukumoto, Chair Kelly*
9:00 am	**2. Public Forum – Day 1** Sign-up instructions for providing public comment are posted on the Board's meeting webpage. Comments are limited to two minutes or less. Forum is reserved for remarks on information items and topics off the agenda. Comment times may be reduced at the discretion of the Board Chair. This is an information item.	*Members of the Public*
9:30 am	**3. Fire Season Update** The Department will provide a briefing on the coordination and status reports for fire season 2024. This is an information item.	*Chris Cline, Ron Graham*
10:30 am	**4. Department Financial Report for June, July, August 2024** A presentation will be provided to offer the board an overview of how this season's wildfires have impacted the agency's cash flow. This report will include the financial and budgetary status of the Department as well as other ancillary topics as appropriate. This is an information item.	*James Short*

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11:00 am	**5. Vision for Oregon's Forests** The Department will provide the final draft of the Vision for Oregon's Forests, as provided by the Forestry Program for Oregon Subcommittee. Seeking board decision on accepting the Vision for Oregon's Forests as presented. This is a decision item.	*Joy Krawczyk*
12:00 pm	**LUNCH**	
1:00 pm	**6. *Wildfire Hazard Map Rulemaking** The Department will provide a review of the public comments received for rulemaking and present the final rules for Board approval. This is a decision item, the public comment period has closed.	*Chris Cline, Tim Holschbach*
2:15 pm	**7. *Adoption of Post-Disturbance Harvest Rules** The Department will present information on the Private Forest Accord Post Disturbance Harvest rulemaking process, report on the hearing, and collective public comment. The Department will seek approval from the Board to adopt the final proposed revisions to the forest practice rules. This is a decision item, the public comment period has closed.	*Josh Barnard, Nicole Stapp*
2:45 pm	**BREAK**	
3:00 pm	**8. Legislative Report on Private Forest Accord Implementation** Senate Bill 1501 (2022) requires the Board to submit annual progress reports regarding the implementation of the Private Forest Accord to the legislative committees related to forestry. This agenda item seeks board approval to submit the statutorily required report. This is a decision item.	*Josh Barnard, Nicole Stapp*
3:30 pm	**9. 2024 Climate Smart Award Recognition** The Department will recognize the recipients of the first ODF Climate Smart Forestry Award. This is an information item.	*Josh Barnard, Christine Buhl*
4:00 pm	**10. Service Award for Former Board of Forestry Members** The Department will recognize the service of former Board of Forestry Members, Karla Chambers and Chandra Ferrari.	*State Forester Mukumoto, Chair Kelly*
4:30 pm	**Adjourn Day 1**	

September 5, 2024 Agenda

Action and Information

8:30 am	**11. Public Meeting opening Comments** Welcome and opening comments for day 2 from the agency director and members of the board. This is an information item.	*State Forester Mukumoto, Chair Kelly*
8:45 am	**12. Public Forum – Day 2** Sign-up instructions for providing public comment are posted on the Board's meeting webpage. Comments are limited to two minutes or less. Forum is reserved for remarks on information items and topics off the agenda. Comment times may be reduced at the discretion of the Board Chair. This is an information item.	*Members of the Public*

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9:15 am	**13. Monitoring Unit Annual Update** The department will provide an update of the Monitoring Unit's work, including the 2023-2024 reforestation study, development of the long-term compliance monitoring program, and continuous TMDL/MOU coordination with ODEQ staff. This is an information item.	*Josh Barnard, Adam Coble, Sarah Siefken, Rebecca McCoun*
10:00 am	**14. Forest Health Unit Annual Update** The department will provide an overview of the Forest Health program, an update on the aerial survey program and other monitoring projects, impacts of abiotic stress events (heatwave, drought, storm damage, climate change), and a brief update on current outbreaks. This is an information item.	*Josh Barnard, Adam Coble, Christine Buhl, Sean McKenzie, Wyatt Williams*
11:00 am	**BREAK**	
11:15 am	**15. Committee for Family Forestlands (CFF) Annual Report** The committee will present its annual report and seek Board of Forestry approval. This is a decision item.	*Wendy Gerlach, CFF Chair*
12:00 pm	**LUNCH**	
1:00 pm	**16. *Western Oregon State Forests Management Plan Implementation Scenarios** The Department will lead a facilitated discussion between the Board of Forestry and the Forest Trust Land Advisory Committee to develop the key concepts for implementation scenarios of the draft Western Oregon State Forests Management Plan. This is a work session.	*Mike Wilson, Tyson Wepprich, Tessa Riley*
4:00 pm	**17. Closing Comments** State Forester and the Board to provide closing comments and mop-up. This is an information item.	*State Forester Mukumoto, Chair Kelly*
4:30	**Adjourn**	

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

PUBLIC TESTIMONY: The Board of Forestry places great value on information received from the public. The Board will only hold public testimony at the meeting for decision items. The Board accepts written comments on all agenda items except consent agenda and Work Session items [see explanation below]. Those wishing to testify or present information to the Board are encouraged to:

- Provide written summaries of lengthy, detailed information.
- Remember that the value of your comments is in the substance, not length.
- For coordinated comments to the Board, endorse rather than repeat the testimony of others.
- To ensure the Board will have an opportunity to review and consider your testimony before the meeting, please send comments no later than 72 hours before the meeting date. If submitted after this window of time the testimony will be entered into the public record but may not be viewed by the Board until after the meeting.

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- To provide oral comments at an in-person meeting, register in advance using the information in the meeting agenda and sign in at the information table in the meeting room when you arrive. For virtual meetings, follow the signup instructions provided in the meeting agenda.
- Commenters have two to three minutes to make their comments. Comment on decision items is limited to 30 minutes per decision item.

Written comments for public testimony provide a valuable reference and may be submitted before, during, or up to two weeks after the meeting for consideration by the Board. Send to boardofforestry@odf.oregon.gov. All comments to the Board will become part of the official record of the meeting and made available to the public on the Board's webpage.

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

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

BOARD WORK PLANS: Board of Forestry (Board) Work Plans result from the board's identification of priority issues. Each item represents the commitment of time by the Board of Forestry and Department of Forestry staff that needs to be fully understood and appropriately planned. Board Work Plans form the basis for establishing Board of Forestry meeting agendas. The latest versions of these plans can be found on the Board's website at: https://www.oregon.gov/odf/Board/Pages/AboutBOF.aspx

GENERAL INFORMATION: For regularly scheduled meetings, the Board's agenda is posted on the web at https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx two weeks before the meeting date. During that time, circumstances may dictate a revision to the agenda, either in the sequence of items to be addressed or in the time of day the item is to be presented. The Board will make every attempt to follow its published schedule and requests your indulgence when that is not possible.

If you are experiencing technical issues or require accommodations, email boardofforestry@odf.oregon.gov or contact the Board Support Office at (503) 302-6344.

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

STAFF REPORT

Agenda Item No.:	Consent Item (A)
Work Plan:	Fire Protection
Topic:	Certified Burn Manager and Prescribed Fire Liability Fund
Presentation Title:	Proposed Rulemaking
Date of Presentation:	September 5, 2024
Contact Information:	Chris Cline, (Interim) Chief – Fire Protection 541-505-4521, Christopher.L.Cline@odf.oregon.gov Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, Tim.J.Holschbach@odf.Oregon.gov

SUMMARY

The purpose of this agenda item is to seek the Board of Forestry (Board) adoption of the proposed administrative rules regarding amending the administrative rules of the Certified Burn Manager Program and promulgate administrative rules for the Prescribed Fire Liability Pilot Program in Oregon Administrative Rule 629-042.

CONTEXT

Senate Bill 80 expanded the applicable lands that Certified Burn Managers could be utilized, from originally lands designated as forestland under ORS 526.005(6) to all lands within a forest protection district. This expansion of program scope, as well as technical adjustments identified with practitioners, training providers, and the Certified Burn Manager Advisory committee are included.

Draft rules for the Prescribe Fire Liability Pilot Program were collaboratively developed, as directed by the legislation, utilizing a rules advisory committee, an internal workgroup, DCBS and various other resources.

Draft rules were submitted to the Secretary of State and public hearings were held following the June Board meeting. The public comment period opened July 1 and closed August 15, 2024. No comments were received on the proposed administrative rules.

BACKGROUND

The Governor's Council on Wildfire Response offered 37 recommendations to improve Oregon's wildfire protection system. Many of the recommendations required legislative action to be carried out.

Senate Bill 762 captured many of the recommendations of the Governor's Council on Wildfire Response, providing legislative direction to the Board of Forestry regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the Department to review and clarify the enforcement of rules pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon.

Furthermore, Senate Bill 80 in the 2023 Legislative session modified the Certified Burn Manager program, and also directed the Oregon Department of Forestry to establish, in coordination with the Department of Consumer and Business Services (DCBS), a

Prescribed Fire Liability Pilot Program. House Bill 4016 in the 2024 Legislative session provided additional clarification as to the Prescribed Fire Liability program details.

ANALYSIS

Certified Burn Manager Program

This section is intended to provide a basis for the amended and proposed, and were based on the use of objective, scientific, quantifiable data as the cornerstone of the recommendation and decision-making.

629-042-1005 - Definitions

This rule change is intended to align with the change of geographic scope change, and also clarify the purpose of the certification book, and alignment of the definition of prescribed burning with OAR 629-042-2005.

629-042-1030 – Tests

This rule change is intended to streamline the appeals process for a failed exam to align with the Administrative Procedures Act requirements.

629-042-1050 – Limitation on the use of Certified Burn Managers

This rule change is intended to account for the increased geographic scope of the Certified Burn Manager program.

629-042-1065 – Training Providers

This rule change is intended to clarify the duality of requirements, of teaching adults and practical experience in the subject matter.

Prescribed Fire Liability Pilot Program

629-042-2000 -- Purpose

The purpose of OAR 629-042-2005 to 629-042-2040 is to set forth the standards, requirements, and procedures by which the Prescribed Fire Liability Program pilot program will be operated, pursuant to Chapter 611, Oregon Laws, Sections 14 through 17.

629-042-2010 - Definitions

The definitions proposed for this rule division are to provide clarification and context that was not clear in the law. Many of the proposed definitions provide clarification for terminology for implementation of the Prescribed Fire Liability Pilot Program.

629-042-2020 - Enrollment

This rule is intended to clarify the Prescribed Fire Liability Pilot Program enrollment requirements and parameters.

629-042-2030 - Damages

This rule is intended to clarify what damages may be considered eligible or ineligible with the program.

629-042-2040 – Claim Eligibility Requirements

The intent of this rule is to establish and clarify the claim eligibility requirements.

629-042-2050 – Claim Considerations
This rule is intended to clarify what claims may be considered for reimbursement purposes.

629-042-2060 – Incident Report Requirements
This rule is intended to establish what is required within the Incident Report.
Describe the alternatives considered and the rationale for the chosen recommendation.

The Hearing Officer's Report, Attachment 1, summarizes the public hearing process. Based on questions the Department received pertaining to the proposed rules, clarifying edits were made to the final rule set.

RECOMMENDATION
The Board directs the Department to proceed with the promulgation of the proposed rules and rules changes in September 2024, as written in the draft rule language for Chapter 629, Division 42.

NEXT STEPS
- Pending the Board of Forestry's direction, the Department submits the rule package to the Secretary of State and Legislative Counsel for filing.
- The Department is anticipating an October program launch date for the Prescribe Fire Liability and a similar timeline as the effective date for the Certified Burn Manager rules updates.

RULE REVIEW TIMELINE
June 06, 2024 – Department presents proposed rules to the Board to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State. Notify legislators and interested parties.

July 2024 – Conduct public hearings.

September 04, 2024 – Department submits final rule draft with public comments to Board for consideration and approval.

September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date October 1, 2024.

ATTACHMENTS
(1) Hearing Officer's Report
(2) Certified Burn Manager administrative rules
(3) Proposed Prescribed Fire Liability Pilot Program administrative rules

Date: August 16, 2024

To: Oregon Board of Forestry

From: Nicole Stapp, Forest Resources Division Policy Advisor

Subject: Public Comment on Prescribed Fire Liability Pilot Program & Certified Burn Manager Rulemaking

Background: At the June 6th, 2024 Board of Forestry meeting, the Board directed the Department to move forward with the public hearing process to amend rules related to the Certified Burn Manager Program and promulgate rules for the Prescribed Fire Liability Pilot Program which will apply statewide. The Department filed the required Notice of Proposed Rulemaking and held a public comment period from July 1st to August 15th at 5 PM.

Hearing Information

Hearing Date & Time: July 30, 2024 @ 10:00 AM.
Hearing Location: Virtual Zoom meeting

Hearing Officer: Nicole Stapp

The Public Hearing on Prescribed Fire Liability Fund and Certified Burn Manager was formally convened at 10:00 AM. The information session began at 10:02 AM. At 10:15 AM a general introduction to the hearing process and instructions were given. At 10:17 AM the formal hearing began and at 10:21 AM the hearing concluded. The meeting was closed at 10:27 AM.

Summary of Oral Comments

A member of the media had background questions related to the Prescribed Fire Liability Program but stated that he did not wish to submit oral comment on the rule. A participant joining the hearing late, clarified that he was virtually attending to observe but did not wish to provide testimony. No public comment was received during the hearing.

Summary of Written Comments

No written comments were received in the manner indicated on the Notice of Proposed Rulemaking.

CERTIFIED BURN MANAGER ADMINISTRATIVE RULES

629-042-1005

Definitions

(1) The definitions set forth in ORS 526.005, ORS 477.001, and OAR 629-041-0005 shall apply to OAR Chapter 629, Division 042.

(2) The following words and phrases, when used in OAR Chapter 629, Division 042, shall mean the following:

(a) "Accreditation" means approval from the Forester to conduct and document training required by OAR 629-042-1065.

(b) "Certificate" means a Certified Burn Manager certificate issued by the Oregon Department of Forestry pursuant to ORS 526.360(3) and OAR 629-042-1015.

(c) “Certification period" means a period of five years, beginning on the date a certificate is issued.

(d) "Certified Burn Manager" means an individual who has a current and valid certificate.

(e) "Committee" means the Certified Burn Manager Advisory Committee.

(f) “Dangerous or adverse situation" means conditions that are a significant deviation from a prescribed burn plan and resulting or has the potential to result in negative consequences, as determined by the professional judgement of the Forester or a Certified Burn Manager.

(g) "Field certification book" means a publication provided by the Forester in which successful operational field training required by OAR 629-042-1025(2) is documented.

(h) "Forester" means the State Forester or authorized representative.

(i) “Prescribed Fire” or “Prescribed burning” means the planned application and confinement of fire to wildland fuels as defined in OAR 629-044-1005(k) on lands selected in advance of that application.

(j) “Prescribed burn plan” is a plan prepared to conduct a prescribed burn, in accordance with OAR 629-042-1040(1).

(k) “Successfully completed" and "successful performance" means completion of a training requirement of OAR 629-042-1025, or a test required by OAR 629-042-1030, and which has been properly documented.

(l) "Training provider" means a certified instructor who is accredited to conduct and/or document training required by OAR 629-042-1065.

629-042-1020

Certified Burn Manager certification requirements. Application procedures.

Individuals applying for a Certified Burn Manager certificate shall provide to the State Forester's Representative:

(1) A properly completed field certification book showing that the applicant has satisfactorily completed all training required by OAR 629-042-1025 and all tests required by OAR 629-042-1030; and

(2) All fees required by OAR 629-042-1070.

629-042-1025

Certified Burn Manager certification requirements. Training.

(1) The Forester shall provide a field certification book. An applicant for a certificate must complete a field certification book prior to applying for an initial certificate, or applying for a new certificate if the applicant was issued a certificate which was not renewed pursuant to OAR 629-042-1015(7):

(a) Prior to receiving a field certification book, an individual shall submit documentation to the Forester of successful completion of:

(A) Educational training that is provided by an approved training provider or the Forester; and

(B) A test in accordance with OAR 629-042-1030 with a passing score.

(b) An applicant will not receive credit for educational training that was completed more than three years prior to the applicant's request for a field certification book. The Forester may waive this three-year limitation if the individual is applying for historical recognition.

(2) After verification of documentation required under 629-042-1025(1), the Forester shall issue the applicant a field certification book.

(a) The field certification book shall consist of field training that the applicant must complete, including:

(A) General proficiencies;

(B) Pile burning proficiencies; and

(C) Broadcast burning proficiencies.

(b) To apply for a certificate to conduct pile burns, field training described in Sections 2(a)(A) and 2(a)(B) of this rule must be completed.

(c) To apply for a certificate to conduct pile burns and broadcast burns, all the field training described in the field certification book must be verified of completion with a signature by a Certified Burn Manager, by the Forester, or by a training provider in a field certification book.

(d) The field certification book will be valid for three years after the date of issuance by the Forester.

(e) The Forester will not accept documentation of field training which was completed more than three years prior to the date of application for a certificate. The Forester may waive this three-year limitation if the individual is applying for historical recognition.

(3) The Forester may consider educational and field training requirements completed prior to January 1, 2023 through historical recognition. In lieu of the initial training requirements of (1) and (2) above, an individual may submit to the Forester:
(a) A copy of a Prescribed Fire Burn Boss Type 2 Task Book which is complete. The Task Book shall indicate successful performance in the planning and implementation of prescribed fire; or
(b) Documentation that the individual holds a valid Certified Burn Manager certification in a state with comparable requirements to the State of Oregon; or
(c) Such evidence of experience as the Forester determines is equivalent to the initial training requirements of (1) and (2) above. The testing requirements of OAR 629-042-1030 shall still be required.
(4) An individual shall complete the following actions, prior to applying for a renewal of their certificate:
(a) An individual shall successfully complete sixteen hours of continuing education within the certification period. The continuing education must be related to prescribed burning and approved in advance by the Forester.
(A) The Forester may approve training presented in a classroom format, a conference format, a correspondence course format, or in another format the Forester determines is acceptable.
(B) The Forester will not accept educational training which was completed more than five years prior to the applicant's date of application for renewal of a certificate.
(b) An individual shall supervise one prescribed burn and participate in two additional prescribed burns during their certification period and prior to applying for a renewal.

629-042-1030

Certified Burn Manager certification requirements. Tests.

(1) The Forester:
(a) Shall provide for the development and administration of all tests required by this rule;
(b) Shall establish a passing score for all tests required by this rule;
(c) May not administer the same test to an individual more frequently than once every 30 calendar days; and
(d) May not prohibit the use of written reference material by individuals taking tests.
(2) Individuals taking tests required by this rule:
(a) Shall display an approved government issued picture identification to the Forester or authorized Training Provider, prior to taking a test; and
(b) Shall comply with all test taking requirements established by the Forester or authorized Training Provider.

(3) Individuals shall successfully pass a test prior to requesting a field certification book from the Forester.
(4) An individual who was unsuccessful in passing the test may appeal in accordance with ORS 183.484.

629-042-1035

Certified Burn Manager certificate investigation and revocation procedures

(1) The Forester may investigate any reported or observed dangerous or adverse situations for which a Certified Burn Manager has been alleged to be responsible.
(a) Upon the receipt of an allegation under this rule, the Forester may:
(A) Investigate and prepare a written report; or
(B) Direct that a certified wildfire investigator to investigate, prepare a written report and forward it to the Forester for review and approval.
(b) Upon receipt of the written report required in (1)(a) above, the Forester shall determine as to whether the Certified Burn Manager was responsible for the reported dangerous or adverse situation.
(c) If the Forester determines that the Certified Burn Manager was responsible for a dangerous or adverse situation, the Forester shall determine as to whether the actions of the Certified Burn Manager constitute grounds to revoke the certification of the Certified Burn Manager.
(2) The Forester may revoke a certificate if:
(a) A Certified Burn Manager has submitted false information pertaining to any aspect of the Burn Manager program, such as, but not limited to, the entry of false information into a field certification book submitted to the Forester pursuant to OAR 629-042-1020;
(b) A Certified Burn Manager has been found to have violated ORS 477.515, 477.625, 477.720, 477.740, or OAR 629-043-0026(4);
(c) A Certified Burn Manager fails to comply with the required actions and activities set forth in OAR 629-042-1040; or
(d) A Certified Burn Manager terminated their responsibility for supervision of a prescribed burn in violation of OAR 629-042-1045(2).
(3) The Forester shall provide written notice to the Certified Burn Manager of the intent to revoke a certificate. The Forester may not revoke the certificate until after 30 calendar days from the date of notice.
(4) Certificate revocation review and appeals procedures.
(a) A Certified Burn Manager may request that the Certified Burn Manager Advisory Committee review a decision to revoke a certificate, by submitting a request within 30 calendar days after service of the written notice required by subsection (3) of this rule. Service is completed at the earlier of actual notice or

depositing a properly addressed written notice in first class mail or sending an email to an address established by the Certified Burn Manager.
(b) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.
(c) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.
(d) The Forester or the Certified Burn Manager whose certificate has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
(e) Any final resolution by the Board of the matter raised under section (4)(d) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.
(5) An individual who has had their certification revoked is ineligible to apply for another certification for a period of 3 years from the date of revocation unless waived by the committee.

629-042-1050

Limitations on the use of Certified Burn Managers

A Certified Burn Manager shall only supervise:
(1) Prescribed burning activities as identified within an approved prescribed burn plan;
(2) Prescribed burning for which they are certified to conduct; and
(3) Prescribed burning conducted within a forest protection district, as identified in OAR 629-041-0500 to 629-041-0575.

629-042-1065

Training Provider Accreditation, Suspension, and Revocation

(1) A training provider shall obtain accreditation from the Forester prior to conducting or documenting training required by OAR 629-042-1025.
(2) To request accreditation, prospective training providers shall make application to the Forester and sign an accreditation agreement.
(3) Training providers will not be considered accredited until the Forester reviews and approves their application.
(4) Applications shall include, but will not be limited to:
(a) A list of the specific training, either initial, renewal, or both to be provided or documented; and

(b) Evidence the person has had at least two years of experience in teaching adults and also two years of experience as a practitioner of the specific training to be provided or documented.
(5) Accreditation agreements shall include, but will not be limited to:
(a) A requirement to provide training using only curricula or course manuals approved by the Forester;
(b) A requirement to send all training completion records to the Forester within the period of time required by the Forester;
(c) A requirement to maintain training completion records for a minimum of six years;
(d) A requirement to document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 only for which they are accredited and for which they have personal knowledge that the person has properly completed the task being documented; and
(e) A requirement that no entry of false information be made into a field certification book to be submitted to the Forester.
(6) Temporary Suspension of documentation authority.
(a) The Forester may immediately suspend the documentation authority of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement. A training provider may appeal the temporary suspension of documentation authority is the same manner as section 7(c) of this rule.
(b) Within 30 calendar days of suspending the documentation authority of a training provider, the Forester must either initiate action to revoke the accreditation of the training provider or restore the documentation authority of the training provider.
(7) Revocation of accreditation
(a) The Forester may revoke the accreditation of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement.
(b) The Forester shall provide written notice to the training provider of the intent to revoke an accreditation. The Forester may not revoke an accreditation until after 30 calendar days from the date of notice.
(c) Accreditation revocation review and appeals procedures:
(A) A training provider may request that the Certified Burn Manager Advisory Committee review a decision to revoke an accreditation, by submitting a request within 30 calendar days after service of the written notice required by subsection (b) above. Service is completed at the earlier of actual notice, or depositing a properly addressed written notice in first class mail, or sending an email to an address established by the training provider,

(B) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.
(C) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.
(D) The Forester or the training provider whose accreditation has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
(E) Any final resolution by the Board of the matter raised under section (7)(c) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.
(8) Nothing in these rules creates a right for review of revocation of training provider accreditation for employees of the Oregon Department of Forestry.

629-042-2000
Purpose

The purpose of OAR 629-042-2000 to 629-042-2060 is to set forth the standards, requirements, and procedures by which the Prescribed Fire Liability Pilot Program will be operated, pursuant to Sections 14 – 17, chapter 611, Oregon Laws 2023.

629-042-2010
Definitions

(1) "Claimant" means:
(a) Any party that has incurred economic or property damages as described in ORS 477.089(2); or
(b) The State Forester or forest protective association that has borne recoverable suppression expenses as described in ORS 477.068, and subject to the provisions of ORS 477.120.
(2) "Fund" means the Prescribed Fire Claims Fund established by Section 15, chapter 611, Oregon Laws 2023.
(3) "Prescribed Fire" or "Prescribed burning" means the planned application and confinement of fire to wildland fuels as defined in OAR 629-044-1005(k) on lands selected in advance of that application.

629-042-2020
Enrollment

(1) Prior to burning, the entity conducting the burning must enroll the Prescribed Fire or Cultural Burn to reserve liability coverage on the Oregon Prescribed Fire Liability website.

(2) Enrollment does not guarantee fund availability.
(3) Enrollment may be limited based on fund availability.
(4) The enrollment period begins on July 1 of each year and ends on June 30 of the following year. If a project is not completed during the enrollment period, the entity conducting the burning must re-enroll the project as a new project on or after July 1 to be considered eligible for reimbursement.
(5) The entity conducting the burning must update the status of the burn as "completed" on the Prescribed Fire Liability website no later than 7 calendar days after completion.

629-042-2030
Damages

(1) Damages eligible for a claim include:
(a) Economic and property damage that occurs outside of a planned burn unit;
(b) Property (real and personal) damage, personal injury and death;
(c) Smoke damage to real property, other than to agricultural or natural resources, and losses, physical injury, or death resulting from vehicle accidents solely caused by smoke; and
(d) Recoverable suppression expenses incurred by the State Forester or forest protective association as described in ORS 477.068, and subject to the provisions in ORS 477.120.
(2) Damages ineligible for a claim include:
(a) Smoke damage to agricultural crops or natural resources;
(b) Claims for damages within the planned burn unit for trees, carbon stocks or other assets; or
(c) Damages resulting from a Prescribed Fire or Cultural Burn activities not enrolled prior to burning.

629-042-2040
Claim Eligibility Requirements

(1) To be eligible for reimbursement, a claim must meet the following conditions:
(a) The Prescribed Fire or Cultural Burn was enrolled on the Oregon Prescribed Fire Liability website prior to burning.
(b) The claim was submitted within 14 days of discovery of damage.
(c) Discovery of damage must occur within the burn period for which the Prescribed Fire or Cultural Burn was enrolled, or within 45 days of burning; whichever is greater.
(d) The claim was submitted by an eligible Claimant.

629-042-2050
Claim Considerations

(1) Claims must be submitted in the manner indicated on the Oregon Prescribed Fire Liability website.
(2) A claim may be denied if it does not meet the criteria in these rules, or Chapter 611, Oregon Laws 2023.
(3) Claims that have been denied may be resubmitted with corrected information provided it is still within the original 14-day submission deadline.
(4) Claims submitted after the 14-day deadline may not be considered for reimbursement.

629-042-2060
Incident Report Requirements

(1) The Oregon Department of Forestry must complete an Incident Report.
(2) To be eligible to for reimbursement, the Incident Report must indicate that:
(a) The incident was not a result of willful, malicious, or negligence in the origin or subsequent spread;

(b) All necessary and appropriate burn plans, permits, and provisions were in place;

(c) The Prescribed Fire or Cultural Burn complied with any requirements under a burn plan or permit; and

(d) The damages resulted from a fire that was:

1. A prescribed fire conducted or supervised by the State Forester, a forest protective association or a rangeland protection association pursuant to ORS 477.315 to 477.325.
2. A prescribed fire in a forest protection district, as described in ORS 477.205 to 477.281, that is conducted or supervised by a Certified Burn Manager pursuant to ORS 526.360.
3. A cultural burn conducted or supervised by a cultural fire practitioner.

STAFF REPORT

Agenda Item No.:	Consent Item B
Work Plan:	Fire Protection
Topic:	Advancing Wildfire Prevention
Presentation Title:	Draft Administrative Rules for Advancement of Wildfire Prevention
Date of Presentation:	Sept 4, 2024
Contact Information:	Tim Holschbach, Deputy Chief of Policy & Planning-Fire Protection 503-480-9756 Tim.J.Holschbach@odf.oregon.gov Levi Hopkins, Prevention and Policy Manager-Fire Protection 503-949-3572, Levi.A.Hopkins@odf.oregon.gov

SUMMARY

The purpose of this agenda item is to seek the Board of Forestry (Board) adoption of the proposed administrative rules regarding Division 43 Fire Prevention, Division 47 Enforcement Policy, and Division 25 State Park and Recreation Areas. This is a decision item.

BACKGROUND

The Protection Division is tasked with implementing the policy defined in ORS 47.005(1), "The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon." This is completed through the appointments of District Fire Wardens, appointed by the State Forester, and additional fire wardens as needed, appointed by the District Fire Wardens.

477.365(1) Describes the duties and powers of wardens, of which is (a) "Take proper steps for the prevention and extinguishment of fires within the locations in which they exercise their functions."

ORS 526.041 states, "the forester, under the general supervision of the State Board of Forestry, shall: (5) Take action authorized by law to prevent and extinguish forest, brush, and grass fires."

OAR 629-047-0020 is the General Enforcement Policy for the Department and is described as, "The policy of the Oregon Department of Forestry to gain compliance with the fire prevention requirements of ORS Chapter 477 first through education and cooperation, and second through enforcement. Authorized fire wardens are to educate forest users on the need for the fire prevention requirements and to cooperate with the users in formulating solutions to compliance problems within the realm of these requirements."

The Department's measurement of success for the prevention of human caused wildfires is through key performance measure #12, which is the number of Oregon residents per human-caused wildfires. This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases.

CONTEXT

Human activities continue to be the leading cause of wildfires in Oregon, on average, accounting for over 70% of wildfire ignitions on ODF protected lands. The top three human activities that

cause fires are debris burning, equipment use/vehicles, and campfires. Debris burning is regulated through its own statute and requires a burn permit during fire season, but a permit may be required at any time of year if conditions warrant. Many other human activities are regulated under ORS 477.535, which vary in each forest protection district depending on the fire danger conditions at any given time.

Forest operations account for less than 5% of all human-caused fires and are regulated through separate wildfire protection statutes and associated administrative rules.

To meet the statutory requirements and the key performance measures, the Department focuses on public engagement activities for educating the public such as city and county events, fairs, the Smokey Bear Prevention program for elementary students, the Firewise USA program, social and traditional outlets, media, and collaborating with other partners such as Keep Oregon Green and the Department of the State Fire Marshall.

At the June 2024 Board Meeting, the Department presented administrative rule modifications to enhance the wildfire prevention standards on Department protected lands, with a recommendation to conduct public hearings on the proposed administrative rule modifications.

ANALYSIS

Public Restrictions

Debris burning continues to be the leading cause of human-caused wildfires each year in Oregon. Continued education and cooperation have been the primary tools to gain compliance and unfortunately, we continue to get the same outcome.

ODF is leading the way through the development of a statewide Smart APP and website that aims to reduce public confusion on outdoor debris burning, training, and allowability, with the intent to ultimately reduce the number of fires that result from debris burning.

Along with the increase in education and information efforts, the proposed rule modifications strengthening our enforcement rules will allow for better tracking of existing violators. Burning without a permit will result in an automatic fire prevention citation, along with all violations that occur during extreme fire danger.

The current definition of an “Authorized Fire Warden” limits the Department’s ability to fully perform wildfire investigation duties under the duties and powers of a fire warden, in certain instances. Most of the Department’s investigations are completed by our Class A and Class B Fire Wardens. These individuals are primarily Forest Officers and Stewardship Foresters who are also tasked with fire suppression, fire prevention, enforcement, and performing industrial fire inspections. By expanding the definition, it will allow additional trained staff, not classified as a Class A or B Fire Warden, to serve solely as Wildfire Investigators if they are willing and able to do so. This definition change would immediately result in an increase of wildfire investigation capacity within the Department, expediting the completing of open incidents.

The Department’s current basic enforcement policy only requires the tracking of violations that occur in each district and for 36 months. Therefore, an individual can be in violation of the same offense in different forest protection districts several times within a 36-month period, before ever receiving a fire prevention citation, unless offending within the same district twice over that

period. In addition, the current rule language restricts a fire prevention citation to be issued if an individual is in violation of the SAME violation of ORS 477. This limits the ability to determine if someone is a frequent violator in multiple Districts and limits the ability to gather data on the demographics of violators, which hinders the ability to determine corrective prevention messaging. It is recommended to include the addition of requiring an automatic fire prevention citation during times of violations that occur during extreme fire danger, which can limit the threat of wildfires during critical periods of heightened wildfire danger.

Currently, for a fire prevention citation to be issued for burning without a permit, there must be a need for suppression assistance from a fire agency and/or escape and cross a property line (unless it is not the first offense, which results to an automatic fire prevention citation). If one of these does not occur, then a fire prevention warning is issued. By removing these limitations, it will strengthen the Department's enforcement ability and encourage the public to check before they burn. It is recommended to remove these limitations.

Industrial Restrictions

ODF maintains a standing Industrial Fire Prevention Rules Review Committee, comprised of landowners, operators, affiliated organizations and ODF protection and field staff. This committee made recommendations for administrative rule updates in 2017. The committee continues to review industrial fire prevention rules annually, if not more often, to ensure rules are clear and meet the statutory effect.

Part of the 2017 administrative rule review provided additional clarification on water delivery to a fire start. The resulting change requiring water to be delivered within 10-minutes, however it did not consider eastern Oregon landscapes and the challenges of meeting the intent of the rule. The recommended additional language requiring the "combination of water supply, pump and hose or equipment capable of constructing fireline to effectively attack a fire start" will resolve the issue.

Current rule language requires a 3-hour fire watch to occur after power-driven machinery has shut down for the day on an industrial operation, unless waived or reduced in a written order if conditions warrant. As shown in attachment (7), between the years of 2013 to 2022 a total of 152 fires occurred when a fire watch was required. 85% of these fires were discovered within the first 60 minutes of ignition time, 3% were discovered between 1-2 hours after ignition time, 5% were discovered between 2-3 hours after ignition time, with the remaining 7% were discovered after 3 hours of ignition time. The data supports the fact that most fires that are a result of an operation occur either while the operation is active or within the first 60 minutes of the conclusion of operational activity for the day. The proposed changes still give the landowner the ability to require additional fire watch hours but limit the forester to only requiring up to two hours of fire watch. The additional proposed changes remove duplication in rule for the forester to have the ability to reduce or waive any requirement with a written order.

State Forests

The current rule language only restricts the use of fireworks and similar items within designated recreation areas and during a regulated use closure. The use of fireworks and other devices that have the potential to ignite wildfires continue to pose a threat throughout all of Oregon State Forests and not only during a regulated use closure or during fire season.

The recommended rule changes will strengthen the restrictions of the use of fireworks and similar items and will help prevent human caused fires in Oregon State Forests and reduce the threat of harming other visitors or forest resources.

PUBLIC COMMENT AND HEARING
The Hearing Officer's Report, Attachment 1, summarizes the public hearing process. Based on questions the Department received pertaining to the proposed rules, clarifying edits were made to the final rule set.

RECOMMENDATION
The Board directs the Department to proceed with the promulgation of the proposed rules and rules changes in September 2024, as written in the draft rule language for Chapter 629, Division 25, 43, and 47.

NEXT STEPS
- Pending the Board of Forestry's direction, the Department submits the rule package to the Secretary of State and Legislative Counsel for filing.

TIMELINE

June 6, 2024 – Department presents proposed rules to Board to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State.

July 2024 – Department conducts public hearings.

September 4, 2024 – Department submits final rule draft with public comments to the Board for final considerations and approval.

September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing.

January 1, 2025 – Rules effective.

ATTACHMENTS

(1) Hearing Officer's Report
(2) Oregon Administrative Rule Division 43- Prevention
(3) Oregon Administrative Rule Division 47- Enforcement
(4) Oregon Administrative Rule Division 25- Forest Park and Recreation Areas

Date: August 2, 2024
To: Oregon Board of Forestry

From: Nicole Stapp, Forest Resources Division Policy Advisor

Subject: Public Comment on Wildfire Prevention, Enforcement, and Restriction Rulemaking

Background: At the June 6th, 2024 Board of Forestry meeting, the Board directed the State Forester to begin the rulemaking process to amend rules related to wildfire prevention, enforcement and restrictions which will apply statewide. Therefore, the Department filed the required Notice of Proposed Rulemaking and held a public comment period from July 1st to August 1st at 5 PM.

Hearing Information

Hearing Date & Time: July 30, 2024 @ 3:00 PM.
Hearing Location: Virtual Zoom Meeting
Hearing Officer: Nicole Stapp

The Public Hearing on the Wildfire Hazard Map & Procedural Rules was formally convened at 3:00 p.m. virtually. An informational session began at 3:02 p.m. along with a general introduction to the hearing process and instructions. At 3:12 p.m. the formal hearing began and at 3:15 p.m. the hearing concluded, and the meeting was adjourned.

Summary of Oral Comments

No public comments were received during the hearing.

Summary of Written Comments

No written comments were received in the manner indicated on the Notice of Proposed Rulemaking.

Division 43

Fire Prevention

629-043-0020
Water Supply and Equipment for Fire Suppression

(4) Within an operation area, except as required by ORS 477.615 or 477.660, only one water supply will be required to comply with sections (1), (2) or both of this rule, so long as access and communications are such that the combination of water supply, pump and hose can timely and effectively attack a fire start. Taking more than ten minutes to effectively attack a fire start may not be considered timely.

(5) Notwithstanding the requirements under section (4) of this rule, the deployment of equipment capable of constructing fire line to effectively attack a fire start until a water supply, pump and hose arrives is deemed compliant with the intent of section (4).

629-043-0030
Fire Watch Service

(1) Pursuant to ORS 477.665, during fire season inside or within one-eighth of one mile of a forest protection district, operators must comply with the following fire watch requirements. A person performing fire watch service must:

(a) Constantly observe the operation area during any breaks in operation activity and for a period of time designated by the forester, through a written order, not to exceed 2 hours after the power-driven machinery used by the operator has been shut down for the day.

Division 47

Enforcement Policy

629-047-0010
Definitions

(a) "Authorized Fire Warden" means a person who has been designated, a Fire Warden — Class A, Fire Warden — Class B, or a Fire Warden-Wildfire Investigator by the forester.

629-047-0040
Basic Enforcement Action

(1) When a violation is determined to exist, an authorized fire warden shall:

(a) Issue either a Fire Prevention Citation or a Fire Prevention Warning to the violator in accordance with ORS Chapter 477 and OAR 629-047-0040 to 629-047-0280.

(A) A Fire Prevention Citation shall be issued if:

(i) A violator has been issued a Fire Prevention Citation or a Fire Prevention Warning for any violation of ORS 477, in any district in the previous 60 months; or

(ii) The enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Citation; or

(iii) The alleged violation occurred at a time and in an area that fire danger was declared to be Extreme.

629-047-0100
Enforcement Policy for ORS 477.515, OAR 629-043-0041 and 629-043-0043 — Burning Permits

A Fire Prevention Citation shall be issued for all violations.

629-025-0040

General Forest Recreation Rules and Public Conduct

(1) Sanitation.

(a) On all State Forest Land, a Person may not in any manner, unless otherwise authorized, cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive matter or any abandoned property or material to be placed or left on State Forest Land. A Person may not:

(A) Dispose of any cans, bottles and garbage except in designated places or receptacles;

(B) Drain sewage or petroleum products or dump refuse or waste other than grey water except in places or receptacles provided for that purpose;

(C) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(D) Pollute or contaminate water supplies or water used for human consumption;

(E) Use a refuse container or disposal facility for any purpose other than for which it is supplied; or

(F) Remove items from containers designated for recyclables, garbage, sewage or waste without authorization from the Forester.

(b) A Person may not wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump or other body of water on State Forest Land.

(c) A Person may not deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste must be disposed of by burying to a depth of a least six inches.

(d) Where toilet or sewage facilities are provided, a Person may not dispose of human waste except in those facilities.

(2) Occupancy and Use.

(a) On State Forest Land, a Person may not:

(A) Camp longer than 14 days out of any 35-day period; or

(B) Camp more than a total of 42 days during a consecutive 12 month period; or

(C) Camp longer than the period of time specifically authorized or established by the Forester in writing; or

(D) Camp within 25 horizontal feet of the high water mark of any body of water or in other areas posted closed to Camping by the Department; or

(E) Leave personal property unattended longer than 48 hours on State Forest Land or 24 hours in a Designated Recreation Area; or

(F) Leave personal property or possessions overnight in a Day Use Area without prior written permission from the Forester. Unattended personal property is considered Camping for the purposes of determining the length of stay at a given site. Personal property left unattended longer than 48 hours on State Forest Land or more than 24 hours in a Designated Recreation Area without permission of the Forester may be removed by the Department.

(b) The Forester may establish camping stay limits that are shorter in order to address public safety concerns, or protect and conserve forest resources.

(3) Property and Resources. On all State Forest Land, unless under contract with the Forester, a Person may not:

(a) Deface, disturb, remove or destroy any public property, structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(b) Deface, remove or destroy plants or their parts, soil, rocks, or minerals, or cave resources.

(4) Animals.

(a) A horse or other animal may not be hitched or confined in a manner that may cause damage to any tree, shrub, improvement, or structure.

(b) The Forester may undertake any measures deemed necessary (including removal of the animal from State Forest Land or requiring the animal be kept under physical control) to protect forest resources or improvements and to prevent interference by the animal with the safety, comfort, and well-being of others, including Department of Forestry employees and its contractors.

(c) A Person may not bring an animal other than a dog or cat - or in designated areas, llamas, alpacas, mules, horses, donkeys, or goats - onto State Forest Land.

(5) Construction of Trails and Shelters. On State Forest Land, a Person may not modify, construct, or cause to be constructed any trail, shelter, building, or other facility or improvement without written permission of the Forester.

(6) Firewood Collection.

(a) A Person Camping may collect and possess up to one quarter of a cord of firewood for their personal use while Camping on State Forest Land except where otherwise prohibited in these Division rules.

(b) A Person may not remove from State Forest Land firewood which has been collected for use while Camping on State Forest Land without a valid firewood permit except as allowed by ORS 164.813.

(c) Firewood must be collected only from dead and down material that is 12 inches or less in diameter at its largest point. No standing trees, living or dead, may be felled for conversion into firewood.

(7) Campfires.

(a) Fires must be confined to camp stoves or fire grates or other fireproof structures provided by the Department for such purposes. Such structures must be less than four feet in diameter or four feet in length.

(b) All flammable material must be cleared for a distance of five feet around and 10 feet above any fire grate or other fireproof structure used to contain a campfire.

(c) A fire may not be left unattended and every fire must be extinguished before its user leaves the site.

(8) Traffic Rules.

(a) When operating a Vehicle on State Forest Lands, a Person may not violate the basic speed rule or exceed posted speed limits, willfully endanger Persons or property, or act in a reckless, careless, or negligent manner.

(b) A Person may not obstruct or hinder the flow of traffic on a Forest Road.

(c) A Person may not operate a Vehicle on State Forest Road in violation of Oregon traffic laws.

(d) A Person may not block, obstruct or interfere with vehicular or pedestrian traffic on a Forest Road, parking area, trail, walkway, pathway or common area. The Department may tow a vehicle at the owner's expense if the Vehicle is left unattended for more than 24 hours or is parked in a fire lane, roadway, campsite, entry way, driveway, closed area or other location in a manner that threatens the resource, impedes operations of a Designated Recreation Area, public safety, forest practices as defined under ORS 527.620, or any combination thereof.

(9) Target Shooting.

(a) A Person may not:

(A) Place targets on live trees or shoot live trees for any purpose;

(B) Shoot across or along any road or trail;

(C) Shoot carelessly, recklessly, or without regard for the safety of any Person, or in a manner that endangers, or is likely to endanger, any Person or property;

(D) Shoot glass of any kind;

(E) Shoot appliances, furniture, or other materials determined by Department personnel or a law enforcement officer to be garbage;

(F) Shoot targets other than non-exploding targets commercially manufactured for the specific purpose of target shooting, except for paper targets privately manufactured by the Person or persons engaging in target shooting; or

(G) Engage in target shooting or other shooting related activity at times between one half-hour after sunset until one half-hour before sunrise.

(H) Shoot into a stream, waterfall, pond, lake, or other body of water.

(b) A Person engaged in target shooting must:

(A) Remove from State Forest Land all shell casings, targets, and other debris resulting from the target shooting activity; and

(B) Use an appropriately sized, non-flammable, natural backstop or a commercially-manufactured bullet recovery system of sufficient size to capture all projectiles.

(10) Concessions. A Person may not:

(a) Operate a concession on State Forest Land, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without written permission of the Forester;

(b) Advertise any goods or services by any means whatsoever.

(11) General Conduct. A Person may not:

(a) Use a metal detector or similar device on State Forest Land without written permission of the Forester;

(b) Obstruct, harass or interfere with any Department personnel or volunteer, or any peace officer in the performance of their duties;

(c) Enter or occupy any building, facility or portion of a Designated Recreation Area or Designated Trail that has been closed to public access;

(d) Occupy or interfere with access to a structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility;

(e) Engage in fighting or promoting, instigating or encouraging fighting or similar violent conduct which may threaten the physical well-being of a Person;

(f) Engage in activities or conduct which creates a public nuisance or hazard; or

(g) Engage in public indecency as defined in ORS 163.465.

(h) Excessive noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument, including, but not limited to: audio-visual equipment, televisions, radios or stereos, amplifiers, or chainsaws in such a manner that is disturbing to another Person.

(i) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, sky lanterns, or other similar product, which could ignite a fire, without written permission of the Forester.

(12) On State Forest Land, a Person must use hay, straw, and other livestock forage that is certified by The Oregon Department of Agriculture to be weed-free according to North American Weed Management Association standards. A database of certified growers in Oregon may be obtained through The Oregon Department of Agriculture Weed Free Forage Program.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0050

Designated Recreation Areas

(1) State Forest Land designated by the Forester as "Designated Recreation Areas" may include, but are not limited to, Campgrounds, Camping Areas, Day Use Areas, trailheads, staging areas, and boat launch sites. Maps showing the Designated Recreation Areas must be kept on file at the Forester's office and the applicable District office, and must be available for public inspection during normal business hours.

(2) General Forest Recreation Rules as outlined in OAR 629-025-0040 apply to Designated Recreation Areas. In addition to those rules, the following rules apply:

(3) Occupancy and Use:

(a) At areas where Camping is permitted a Person may not camp longer than 14 days out of any 28 day period at a Designated Recreation Area.

(b) A Person must be 18 years of age or older to reserve and register for campsites in Designated Recreation Areas.

(4) Firewood: A Person may not collect firewood within the boundaries of any Designated Recreation Area.

(5) Firearms, Weapons, and Explosives: Within a Designated Recreation Area a Person may not:

(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal without first obtaining permission from the Forester;

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring any Person, bird, or animal; or

(6) Forest Resources and Improvements: A Person may not mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a Designated Recreation Area.

(7) Parking: Automobiles, trailers, or other Motor Vehicles must be parked only in designated parking areas.

(8) Animals:

(a) Any dog, cat, horse, or other animal brought into or kept on State Forest Land must be kept under control at all times.

(b) An animal owner is responsible for the disposal of the animal's waste within Designated Recreation Areas.

(9) Offensive Behavior: A Person may not use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures, or engage in demonstrations, disturbances, or riotous behavior in any Designated Recreation Area.

(10) Excessive Noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument in such a manner that is disturbing to another Person.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

STAFF REPORT

Agenda Item No:	C
Work Plan Title:	Forest Resources Division
Topic:	Annual topic, Regional Forest Practices Committee
Presentation Title:	Regional Forest Practices Committee Appointments and Reappointments
Date of Presentation:	September 4, 2024
Contact Information:	Kyle Abraham, Deputy Chief – Forest Practices & Monitoring, Forest Resources Division

SUMMARY

The purpose of this agenda item is to recommend the appointment of new members and the re-appointment of existing members to the Regional Forest Practice Committees.

CONTEXT

ORS 527.650 requires the Board of Forestry to establish a forest practice committee for each forest region. Each committee shall consist of nine members, a majority of whom must reside in the region. Members of each committee shall be qualified by education or experience in natural resource management, and not less than two-thirds of the members of each committee shall be private landowners, private timber owners, or authorized representatives of such landowners or timber owners who regularly engage in operations.

ORS 527.660 states "[E]ach forest practice committee shall review proposed forest practice rules in order to assist the board in developing rules appropriate to the forest conditions within its region." Regional committees have provided a forum for the public; at each meeting members of the public may participate and offer information and suggestions. The Forest Resources Division Deputy Chief serves as the secretary for all three regional committees.

BACKGROUND

Committee member appointments occur annually in September. The committee positions have staggered terms, and each year one-third of the committee members' terms end. This approach ensures the continuity of committee work.

The department contacted committee members whose terms expire in 2024 about their interest in continued service. To fill pending resignations and existing vacancies, the department and committee chairs searched for qualified nominees with diverse backgrounds. The department also sent a public news release to generate additional interest in serving in this voluntary role. Attachment 1 details the biographies of all new and reappointing members. Attachment 2 details the full roster for each committee.

The following recommendation shows current vacancies, recommended member reappointments and new appointments, and term expiration dates. The term expirations maintain the staggered term approach.

RECOMMENDATION

The department recommends the Board make the following reappointments and new appointments:

Northwest Oregon Region:	Term Expiration (September)
Aaron Zweber (r)	2027
Craig Richards (n)	2027
Dave Wells (p, n)	2027
Southwest Oregon Region:	
Steve Swanson (n)	2026
Kale Woosley (n)	2027
VACANT	2027
VACANT	2027
Eastern Oregon Region:	
Bob Messinger (Chair) (r)	2027
Elwayne Henderson (r)	2027
Paul Oester (p, r)	2027
VACANT	2025

(r) Reappointment
(n) New Appointment
(p) Public Member

ATTACHMENTS

(1) Biographies for appointments
(2) Committee rosters

BIOGRAPHIES FOR REGIONAL FOREST PRACTICE COMMITTEE APPOINTMENTS
September 2024

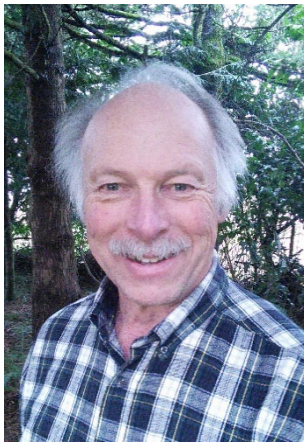
.NORTHWEST OREGON REGION

Biography for Aaron Zweber

Aaron Zweber is a Forester for Hampton Lumber where his primary duties include road construction and maintenance administration, Right of Way logging, and harvest unit design and layout. He began his career with Weyerhaeuser where he worked on the Coos Bay tree farm and then on the St. Helens tree farm as a Forest Engineering Specialist. Aaron has a B.S. in Forest Operations Management from Oregon State University.

Biography for Craig Richards

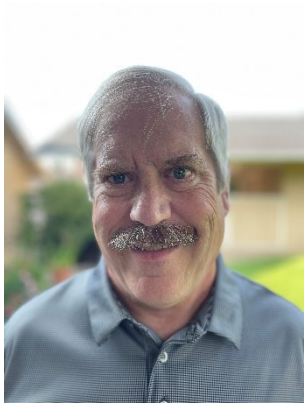
Craig Richards is a procurement manager for NWH. His career includes experience in various roles such as Forest Technician and Service Forester for Professional Reforestation of Oregon, Inc., Silviculture Technician for Menasha Corporation, Forest Technician and Cruiser for Stuntzner Engineering, and CEO and Forester for Pro Forestry Consulting, LLC. Craig has an associate degree in Forest Technology from Southwestern Oregon Community College. Since 1998, he has been active with the Oregon Society of American Foresters-Coos Chapter in various capacities and positions.



Biography for Dave Wells

Dave has worked in the forests of the Pacific Northwest for over 40 years. His experience includes a 40-year career with Oregon Department of Forestry where he prepared and administered timber sales in compliance with State Forest Management Plans and the Oregon Forest Practices Act. He then opened Oregon Natural Forestry, LLC where he has spent the last six years providing forestry services to non-industrial forest landowners in Northwest Oregon. He has a Bachelor of Science in Forestry from University of Washington and is an adjunct instructor at Tillamook Bay Community College. He is a Board Member of the Oregon Tree Farm System, Associate Director of the Tillamook Soil and Water Conservation District, Past Chair (2022) of the Oregon Society of American Foresters (SAF), and member of the Tillamook Working Lands and Waters Cooperative and Oregon Small Woodland Association.

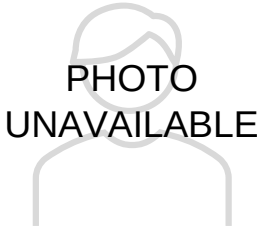
SOUTHWEST OREGON REGION



Biography for Steve Swanson

Steve Swanson is the Southern Oregon Region Engineer for Weyerhaeuser Company in Eugene, Oregon. He holds a Bachelor of Science in Forest Engineering from Oregon State University. After graduation started his career at International Paper in Veneta/Vaughn. Steve went on to work in an area engineering role with Weyerhaeuser and for 31 years was responsible for planning, scheduling, management, and layout of field engineering activities associated with timber harvest, road construction, and road maintenance. Steve is a professional licensed engineer and has extensive experience implementing the Oregon Forest Practices Act, interpreting federal easement agreements, and mentoring and onboarding early career engineers. In 2023 he was promoted to Region Engineer. He serves on the Oregon State University Forest Engineering Department Academic Advisory Committee and volunteers for Forests Today and Forever.

Biography for Kale Woosley



Kale is a forester for Chinook Forest Management and has been a forester in Southern Oregon for the past 7 years. He is an OSU Forest Management graduate.

BIOGRAPHIES FOR REGIONAL FOREST PRACTICE COMMITTEE APPOINTMENTS
September 2024

EASTERN OREGON REGION

Biography for Bob Messinger, Chair

Bob Messinger is a private forest consultant. He is experienced in management of large tracts of private timberlands, sustainable forestry audits under the Sustainable Forestry Initiative and Forest Stewardship Council standards, and long-term land-use planning processes. He has an M.S. in Forest Management from University of Christchurch and a B.S. in Forest Management from Utah State University.

Biography for Elwayne Henderson

Elwayne Henderson is a farmer and forestland owner who has been active within the forest industry for over 60 years. He is part owner of Henderson Logging & Construction and owns storage units as well as a log sort yard.

Biography for Paul Oester

Paul Oester worked as a Forestry Extension Agent for the OSU Forestry and Natural Resources Extension program for over 30 years until his retirement in 2017. In his career, he delivered educational programs for woodland owners, loggers, natural resource professionals, youth, and the public. He also provided local management direction for management of the Oberteuffer Research and Education Forest (113 acres) with input from OSU's College of Forestry Research Forests staff. He has an M.S. in Forest Entomology with a minor in Silviculture from Oregon State University and a B.S. in Forest Management from Oregon State University. He has been a member of Society of American Foresters since 1977 and is a lifetime member of the Association of Natural Resources Extension Professionals.

CURRENT REGIONAL FOREST PRACTICE COMMITTEE MEMBERSHIP
September 2024

NORTHWEST OREGON REGION

Member Name	Current Term Began	Current Term Expires	Recommended Expiration
Mike Barnes (Chair)	09/2022	09/2025	
Tally Patton (p)	09/2022	09/2025	
Candace Bonner	09/2022	09/2025	
Randy Silbernagel (p)	09/2023	09/2026	
Jill Bell	09/2023	09/2026	
Eric Kranzush	09/2023	09/2026	
Aaron Zweber (r)	**09/2022**	**09/2024**	**09/2027**
Craig Richards (n)		**09/2024**	**09/2027**
Dave Wells (p, n)		**09/2024**	**09/2027**

SOUTHWEST OREGON REGION

Member Name	Current Term Began	Current Term Expires	Recommended Expiration
Dana Kjos (Chair)	09/2023	09/2026	
Darin McMichael	09/2023	09/2026	
Steve Swanson (n)		**09/2026**	**09/2026**
Kale Woosley (n)		**09/2024**	**09/2027**
[VACANT]		**09/2024**	**09/2027**
[VACANT]		**09/2024**	**09/2027**
Chris Arnold	09/2022	09/2025	
Garrett Kleiner	09/2022	09/2025	
Michael Scott	09/2022	09/2025	

EASTERN OREGON REGION

Member Name	Current Term Began	Current Term Expires	Recommended Expiration
Bob Messinger (Chair) (r)	**09/2021**	**09/2024**	**09/2027**
Elwayne Henderson (r)	**09/2021**	**09/2024**	**09/2027**
Paul Oester (p, r)	**09/2023**	**09/2024**	**09/2027**
Paul Jones	09/2022	09/2025	
Bobby Douglas	09/2022	09/2025	
[VACANT]		09/2025	
Chris Johnson	09/2023	09/2026	
Todd Kurtz	09/2023	09/2026	
Jeremy Grose	09/2023	09/2026	

(r) Reappointment
(n) New Appointment
(p) Public Member

Agenda Item No.:	D
Work Plan:	Administrative
Topic:	Key Performance Measures
Presentation Title:	Annual Performance Progress Report 2024
Date of Presentation:	September 4, 2024
Contact Information:	Sabrina Perez, Senior Strategy Manager (503) 945-7311, sabrina.perez@odf.oregon.gov

SUMMARY

The purpose of this agenda item is to provide the Board of Forestry with the Department of Forestry's (ODF) Annual Performance Progress Report for 2024 based on the agency's legislatively approved biennial key performance measures.

CONTEXT

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

RECOMMENDATION

This is an informational item.

NEXT STEPS

ODF's Annual Performance Progress Report will be submitted to LFO and CFO before the October 1, 2024, due date. If modifications to the performance measures are desired, the biennial budgeting process requires agencies to be prepared to work with LFO and CFO budget analysts on proposed changes in even years with collaborative discussions in late winter 2026 and completed change requests submitted by the end of April 2026.

ATTACHMENT

(1) Oregon Department of Forestry, Annual Performance Progress Report, Reporting Year 2024

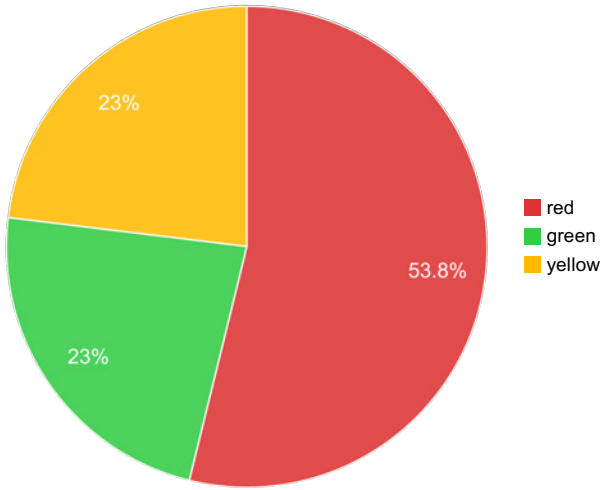
Department of Forestry

Annual Performance Progress Report

Reporting Year 2024

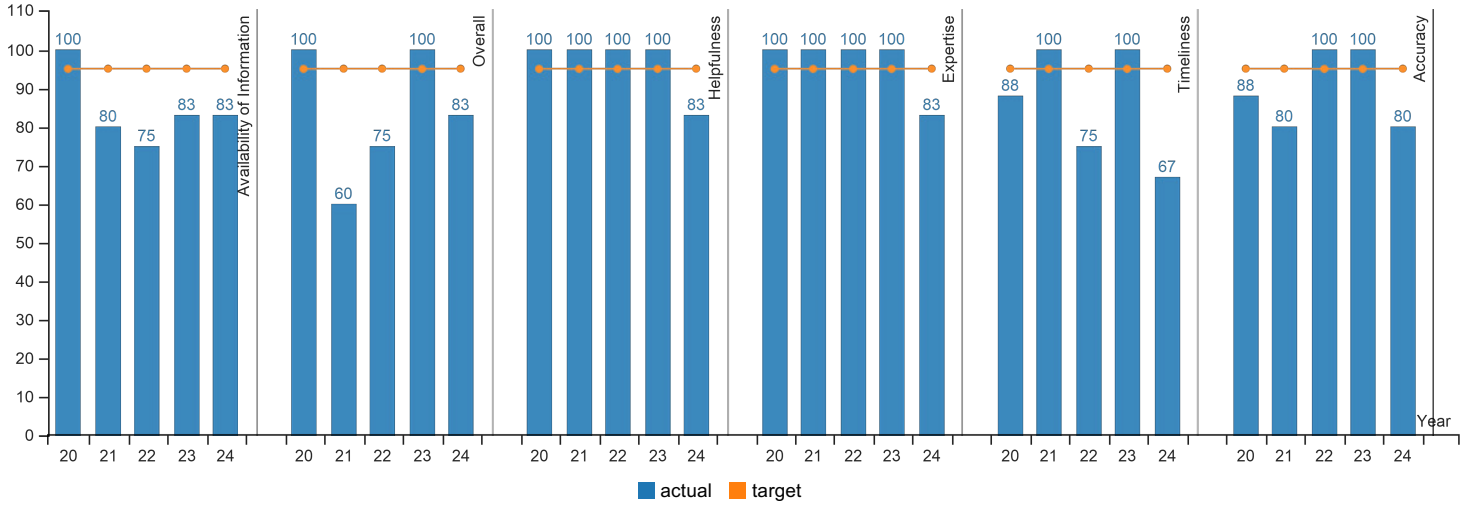
Published: 8/2/2024 4:55:41 PM

KPM #	Approved Key Performance Measures (KPMs)
1	CUSTOMER SERVICE TO COUNTY 'GOVERNMENTS AND FOREST LANDOWNERS - Percent of Oregon's forested counties and forest protective associations rating that ODF programs collectively provide "good" or "excellent" customer service: overall, timeliness, accuracy, helpfulness, expertise, availability of information.
2	BOARD OF FORESTRY PERFORMANCE - Percent of total best practices met by the Board of Forestry.
3	FOREST PRACTICES ACT COMPLIANCE - Percent of forest operations that are in compliance with the Forest Practices Act
4	URBAN AND COMMUNITY FOREST MANAGEMENT - Percent of Oregon cities actively managing their urban and community forest resources.
5	STATE FORESTS TOTAL REVENUE - Percent increase in total revenue produced by State Forests
6	AIR QUALITY PROTECTION - Total number of smoke intrusions into designated areas per total number of units burned.
7	PERCENTAGE OF PRIVATE FORESTLAND MANAGED AT OR ABOVE FOREST PRACTICES ACT STANDARDS. - Percentage of industrial private forestlands managed under an approved certification system, stewardship agreement, or other approved management plan including wildlife habitat conservation and management plans
8	FOREST STREAM WATER QUALITY - Percent of monitored stream sites associated predominately with forestland with significantly increasing trends in water quality.
9	VOLUNTARY PUBLIC AND PRIVATE INVESTMENTS MADE TO CREATE HEALTHY FORESTS - Cumulative public and private forest landowner investments made in voluntary projects for the Oregon Plan for Salmon and Watersheds or for the Oregon Conservation Strategy.
10	STATE FORESTS NORTH COAST HABITAT - Complex forest structure as a percent of the State Forests landscape.
11	FIRE SUPPRESSION EFFECTIVENESS - Percent of wildland forest fires under ODF jurisdiction controlled at 10 acres or less.
12	PREVENTION OF HUMAN-CAUSED WILDLAND FOREST FIRES - Number of Oregon residents per human-caused wildland forest fires. (population expressed in thousands of residents) This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases. An upward trend indicates a positive result.
13	DAMAGE TO OREGON FORESTS FROM INSECTS, DISEASES, AND OTHER AGENTS - Percent of forest lands without significant damage mortality as assessed by aerial surveys.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	23.08%	23.08%	53.85%

KPM #1	CUSTOMER SERVICE TO COUNTY 'GOVERNMENTS AND FOREST LANDOWNERS - Percent of Oregon's forested counties and forest protective associations rating that ODF programs collectively provide "good" or "excellent" customer service: overall, timeliness, accuracy, helpfulness, expertise, availability of information.
	Data Collection Period: Jan 01 - Dec 31



Report Year	2020	2021	2022	2023	2024
Availability of Information					
Actual	100%	80%	75%	83%	83%
Target	95%	95%	95%	95%	95%
Overall					
Actual	100%	60%	75%	100%	83%
Target	95%	95%	95%	95%	95%
Helpfulness					
Actual	100%	100%	100%	100%	83%
Target	95%	95%	95%	95%	95%
Expertise					
Actual	100%	100%	100%	100%	83%
Target	95%	95%	95%	95%	95%
Timeliness					
Actual	88%	100%	75%	100%	67%
Target	95%	95%	95%	95%	95%
Accuracy					
Actual	88%	80%	100%	100%	80%
Target	95%	95%	95%	95%	95%

How Are We Doing

The Department of Forestry strives to exceed expectations in service to Oregon's forested counties and forest protective associations. Results from this year's survey indicate that while Department employees have demonstrated local success in building strong relationships within our communities and providing service to Oregonians, the complex sociopolitical, multi-jurisdictional landscape, and challenging regulatory environment continues to challenge our ability to meet expectations in service to all.

Factors Affecting Results

The department’s mission is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon’s forests to enhance environmental, economic, and community sustainability. One of the agency’s core values is excellent, efficient, and effective service.

Sentiments shared this year indicated that our employees are knowledgeable, responsive, and helpful in providing timely information, even amongst challenging wildfire seasons and changes in regulation implementation; our fire response was characterized as excellent, attuned to local conditions in the communities served, and professional in our partnerships; employees are knowledgeable in their respective fields and the department operations as a whole; and our field staff are consistently available to exchange information, data, and policy recommendations.

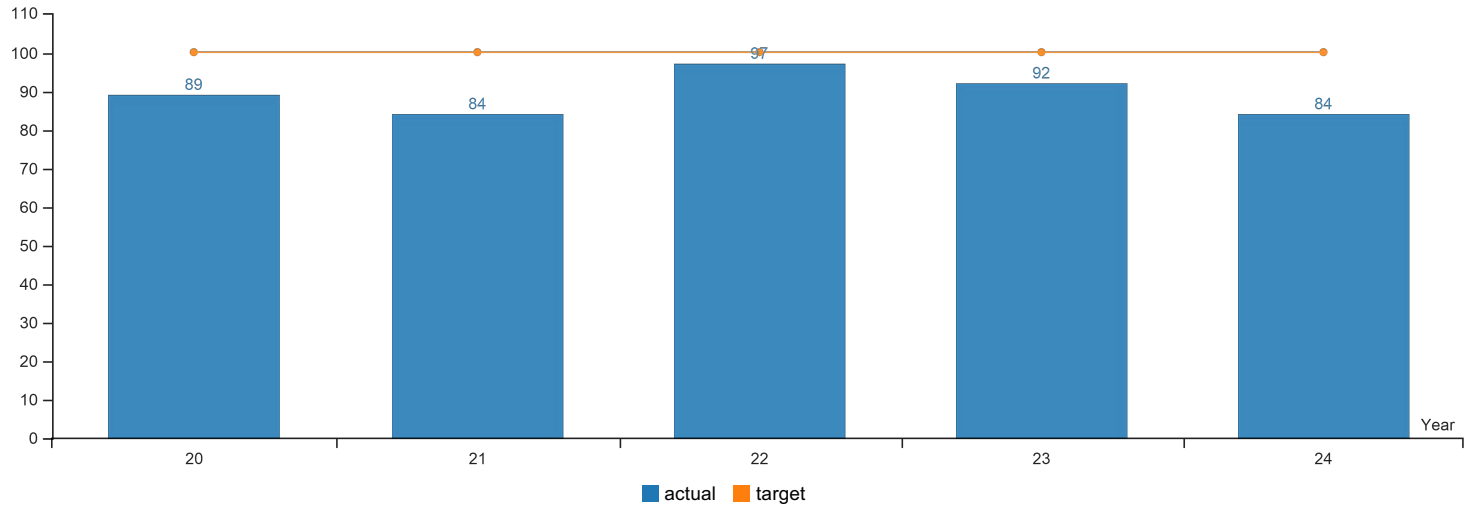
The positive results of this performance measure directly correlate to the investments made between Department staff and county commissioners, county officials, forest protective associations and forest landowners to build effective working relationships across all jurisdictions and forestry programs.

Less desirable results were also indicated within this year’s performance evaluation; however, there were no additional comments or feedback on those ratings to reflect upon opportunities for improvement. Local knowledge of known issues indicates a challenging regulatory environment may have been a contributing factor and reflected upon as a perceived level of service within the multi-jurisdictional landscape.

Maintaining balance across these sociopolitical factors is complex and the tensions embedded within this landscape will continue to be reflected in the evaluation of this performance measure. The Department of Forestry will continue to strive to exceed expectations in service to Oregon's forested counties and forest protective associations.

KPM #2	BOARD OF FORESTRY PERFORMANCE - Percent of total best practices met by the Board of Forestry.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Oregon Board of Forestry Governance					
Actual	89%	84%	97%	92%	84%
Target	100%	100%	100%	100%	100%

How Are We Doing

The Board of Forestry concluded the annual board governance performance evaluation with common agreement in meeting 84 percent of the standard best-practices criteria. Results of the evaluation suggest that current board members see the board functioning in a less than satisfactory manner across the majority of best practices in governance. The Board was unable to meet their performance measure target of 100 percent for the 2023 evaluation period, reported in 2024.

Factors Affecting Results

Three of the seven board members serving in the 2023 calendar period completed the evaluation. This is a shift from the prior five years where one or two board members did not participate annually in the evaluation, and the last year where all seven board members completed theirs. Two of the seven board members serving in 2023 also resigned from their seats this reporting year with the Senate confirming two newly appointed board members shortly after. A full membership of the Board reviewed a summary of the collective results from the three participating board members at the June 2024 board meeting, approving completion of the evaluation with common agreement in reaching 84 percent of their best practices in governance as compared to the prior year's evaluation of 92 percent.

The Board found common agreement in meeting best practices of governance, consistent with past evaluations related to:

- defined performance expectations for the State Forester and recent evaluation,
- review of the agency's annual key performance measures, biennial budget, key financial information and audit findings as they are released,
- agency adherence to accounting rules and financial controls,
- board members responsibly serving as public representatives, attending appropriate training and technical information sessions, utilizing outreach and engagement of stakeholders and special interest committees.

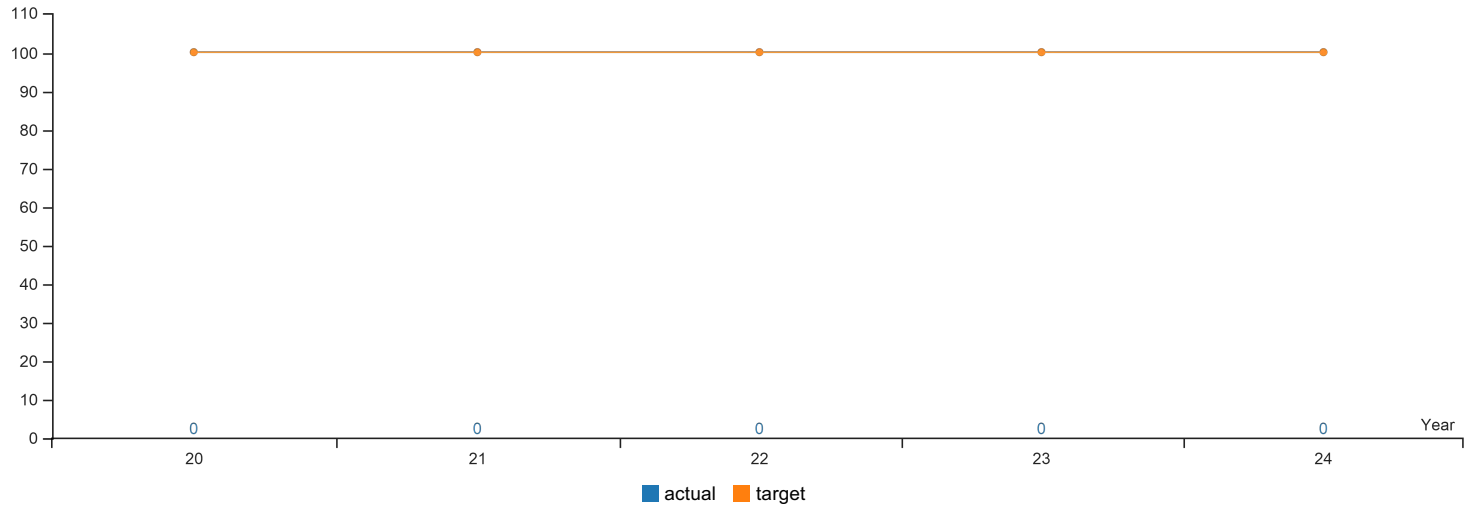
However, further improvement in board governance best practices is desired by participating board members related to:

- completion of the Board's strategic plan with current agency mission, high-level goals, and defined strategic initiatives and priorities,
- appropriate involvement in review of the agency's key policy communications,
- increasing involvement in the Private Forests Accord policy-making activities,
- aligning the agency's policy option packages with their mission and goals through the biennial budgeting process,
- accounting and briefing on Human Resources trends and issues, with considerable improvement desired relevant to Diversity, Equity, and Inclusion (DEI),
- engaging in collaborative coordination and efficient work where responsibilities and interests overlap with other state and federal agencies and tribal nations, and
- implementing adaptive management effectively to ensure best practices are utilized beyond the planning and evaluation cycles.

Reflections from the participating board members indicate polarization and challenges associated with controversial forest policy issues, interference from within the Executive Branch, and operating without a completed strategic plan and shared vision to guide decision-making, as factors affecting the Board's collective results in this performance measure.

KPM #3	FOREST PRACTICES ACT COMPLIANCE - Percent of forest operations that are in compliance with the Forest Practices Act
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Percent of Operations in Compliance with Oregon's Forest Practices Act					
Actual					
Target	100%	100%	100%	100%	100%

How Are We Doing

The Oregon Forest Practices Act (FPA) outlines standards of practice for forest operations on non-federal and non-tribal lands in Oregon. The FPA is administered by the Oregon Department of Forestry's (ODF) Forest Resources Division. Within the Forest Resources Division, the Monitoring Unit is tasked with developing studies to evaluate landowner compliance with the FPA rules at a state-wide scale.

The ODF Monitoring Unit contracted Mount Hood Environmental (MHE) to develop a statistical study design and complete data analysis for two ODF Compliance Monitoring efforts: 1) Reforestation study and, 2) Long-Term Compliance Monitoring study.

Using lessons learned from a pilot reforestation study, MHE developed a protocol for the 2023-2024 Reforestation study. The study focused on evaluating OAR 629-610-0040(4), a rule which requires landowners to have established a free-to-grow stand of trees by the end of six years after harvesting that meet or exceed the minimum stocking levels required by OAR 629-010-0020. A total of 65 sites were surveyed with 8 sites surveyed twice for quality control. Reforestation compliance results will be included in future KPM reporting.

ODF is also working with MHE on the development of a Long-Term Compliance Monitoring study that prioritizes the following rule divisions: Division 625 Forest Road Construction and Maintenance rules; Division 630 Harvesting rules for steep slopes; Division 643 Water Protection Rules: Vegetation Along Streams rules. ODF will conduct pilot studies, one for each prioritized rule set. The pilot studies will help the Monitoring Unit identify the most effective and efficient study design and field sampling approach for determining rule compliance rates.

The ODF Monitoring Unit reconvened the Compliance Monitoring Program Committee (CMPC) in 2023. Stakeholders with knowledge of the FPA rules representing varied interests were invited to participate, including industrial and family timberland owners, conservation organizations, and other state agencies such as the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA). The ODF has been convening the CMPC quarterly since February 2023 providing the committee with regular program updates and integrating their valuable feedback. In addition, the CMPC developed a charter that will be reviewed and updated annually at the end of the year.

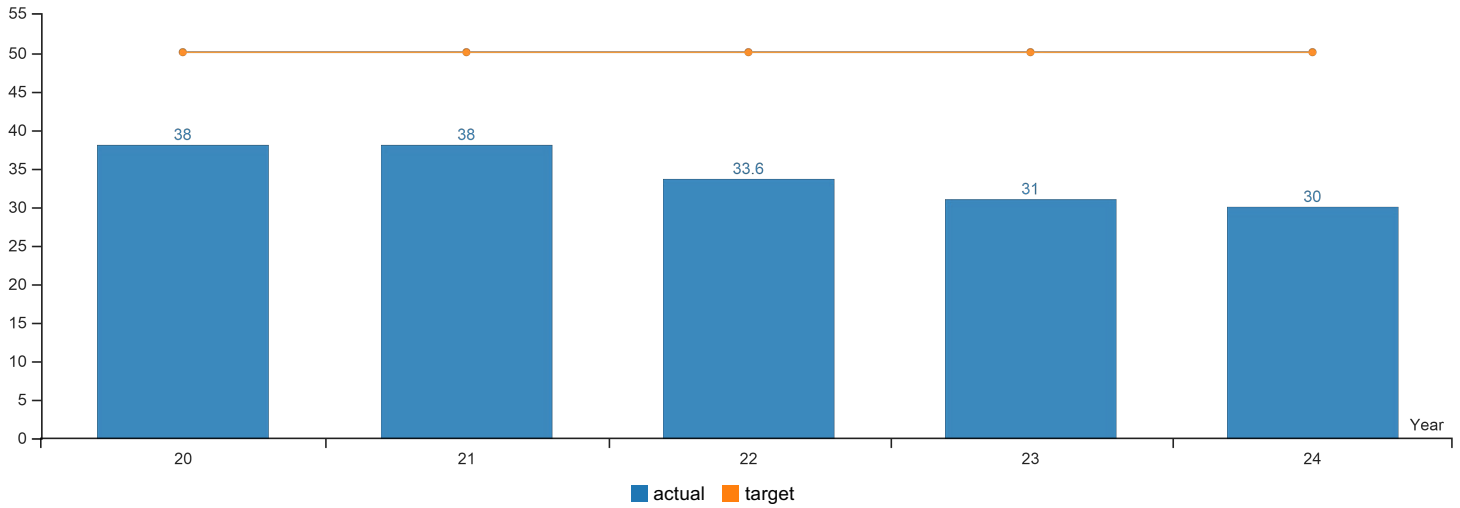
Factors Affecting Results

The 2023-2024 Reforestation compliance monitoring study evaluated stands replanted prior to the passage of the new FPA rules. Under previous rules participation in ODF's compliance monitoring studies was voluntary. Participation refusal and landowner non-response reduced the sample population for the study. The new FPA rules were designed to improve compliance monitoring study designs, making analyses more robust, now that landowners are required to notify of activity completion; and provide ODF access to their sites.

As part of the development of the Long-Term Compliance Monitoring program, ODF staff with assistance from the Compliance Monitoring Program Committee (CMPC), began the process of reviewing the prioritized rule sets to determine the rules most suitable to include in the pilot studies. Ability to measure, time since activity occurred, and feasibility of effort are some of the factors being considered when determining rule inclusion.

KPM #4	URBAN AND COMMUNITY FOREST MANAGEMENT - Percent of Oregon cities actively managing their urban and community forest resources.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Percent of Oregon cities actively managing their urban and community forest resources					
Actual	38%	38%	33.60%	31%	30%
Target	50%	50%	50%	50%	50%

How Are We Doing

The mission of the Urban & Community Forestry (UCF) Program is to help all Oregonians improve their quality of life by promoting community investment in our state's urban forests. UCF Program staff assist communities of all sizes by sharing a wide range of technical, educational, and organizational "Best Management Practices" through onsite visits and training, webinars, newsletters, email, and video conferencing. When funding is available, the UCF Program also provides grants and financial assistance to cities and community groups to help them build organizational capacity and support local UCF planning, maintenance, and training efforts. In 2023, the UCF Program was awarded $26.6 million in Federal Inflation Reduction Act (IRA) funding to design and administer two distinct grant subaward programs for disadvantaged communities throughout the state. One subaward program is intended specifically for the nine Federally Recognized Tribes of Oregon, the second is intended for other qualifying entities, which includes tribal organizations or coalitions, local governmental entities such as cities/counties/special districts, academic institutions, as well as non-profit and community-based organizations. Additionally, as a result of House Bill 3409 which passed last summer, the UCF Program was tasked with assisting the Department of Land Conservation and Development (DLCD) to design and implement a $6.5 million Community Green Infrastructure Grant Program which will also focus on helping overburdened and underserved communities in our state.

KPM #4 tracks the percentage of Oregon cities and county subdivisions that are deemed to be actively managing their urban and community forests, based on their attainment of at least two out of four management criteria. The 4 management criteria that we track are whether cities/communities have (1) trained UF professionals on staff, such as an International Society of Arboriculture-certified arborist or tree worker; (2) a tree ordinance; (3) a tree board or advisory committee; and (4) an inventory-based urban forest management plan. According to the most recent federally reported data, the percentage of cities meeting two or more of these UCF management criteria – indicating they are pro-actively managing their urban forests -- has dropped slightly from 31 percent in 2022 to 30 percent in 2023. From a population perspective, over 2/3 of Oregon residents live in cities and county subdivisions where their urban and community forests are being intentionally planned and managed. According to a report compiled by the Arbor Day Foundation in Oregon for the 2023 calendar year, 57% of our state's residents live in a Tree City USA community, $35,445,203 was spent on urban forestry management, and a total of 82,547 urban trees were planted.

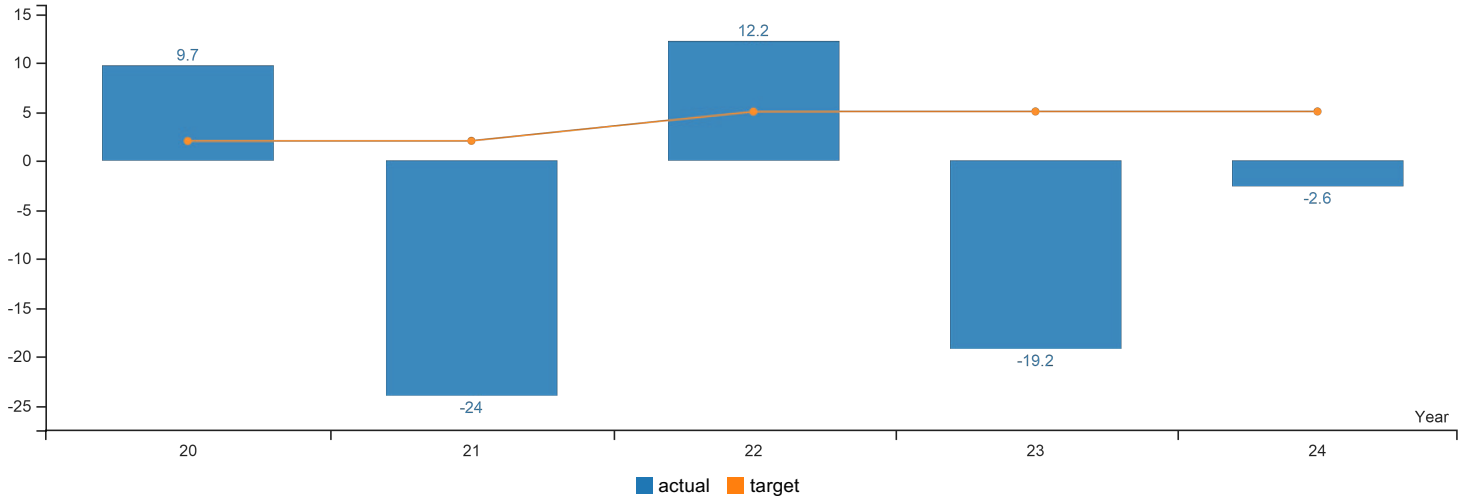
Factors Affecting Results

Over time, we expect to see fluctuations in communities' abilities to meet the four UCF management criteria listed above, based on changing budgets and economic conditions, staffing and volunteer capacity, and community priorities. Although it will take a few years for the full effects of the recent Federal and State investments in UCF to become manifest, we can say with great confidence that these impacts will be significant and long-lasting, especially in those communities that have traditionally been left behind and have experienced an "opportunity gap". Within the next 2 years our UCF team aims to leverage the significant IRA and HB3409 funding to get closer to our statewide target of 50% cities/county subdivision with active UCF management.

2023 was a momentous year for the UCF Program. As a result of the significant influx of Federal and State funding, the UCF team was able to double staffing levels (from 2 FTE to 4 FTE) and provide far greater support to community partners, especially in small, rural communities. In September, two full-time EAB Support Specialists were hired. Since that time, approximately 1/2 of the full UCF team's efforts have been focused on helping to coordinate EAB emergency response and recovery efforts in partnership with our Forest Health team, the Oregon Department of Agriculture, and Oregon State Extension Service. Thus far, these efforts have really paid off. The EAB infestation has been limited to the cities of Forest Grove and Cornelius. In 2023, UCF Program staff provided over 1000 assists to private citizens, schools, colleges, and other public entities throughout the state. In 2024, the program's aim is to double that number.

KPM #5	STATE FORESTS TOTAL REVENUE - Percent increase in total revenue produced by State Forests
	Data Collection Period: Jul 01 - Jun 30

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Percent increase in revenue produced by State Forests compared to the previous year					
Actual	9.70%	-24%	12.20%	-19.20%	-2.60%
Target	2%	2%	5%	5%	5%

How Are We Doing

The FY 2023 data show a 2.6 percent decrease in total revenues from the previous year, down to $95,668,759. The amount of revenue distributed to counties decreased 1 percent from the previous year, $61,816,688 to $61,178,946. This KPM focuses on the percent change in total revenue produced from the sale of timber from State Forests. The Oregon Department of Forestry is committed to sustainable management of these lands. Harvest levels that contribute to the revenue flow for this measure are set annually by the Division at the direction of the State Forester.

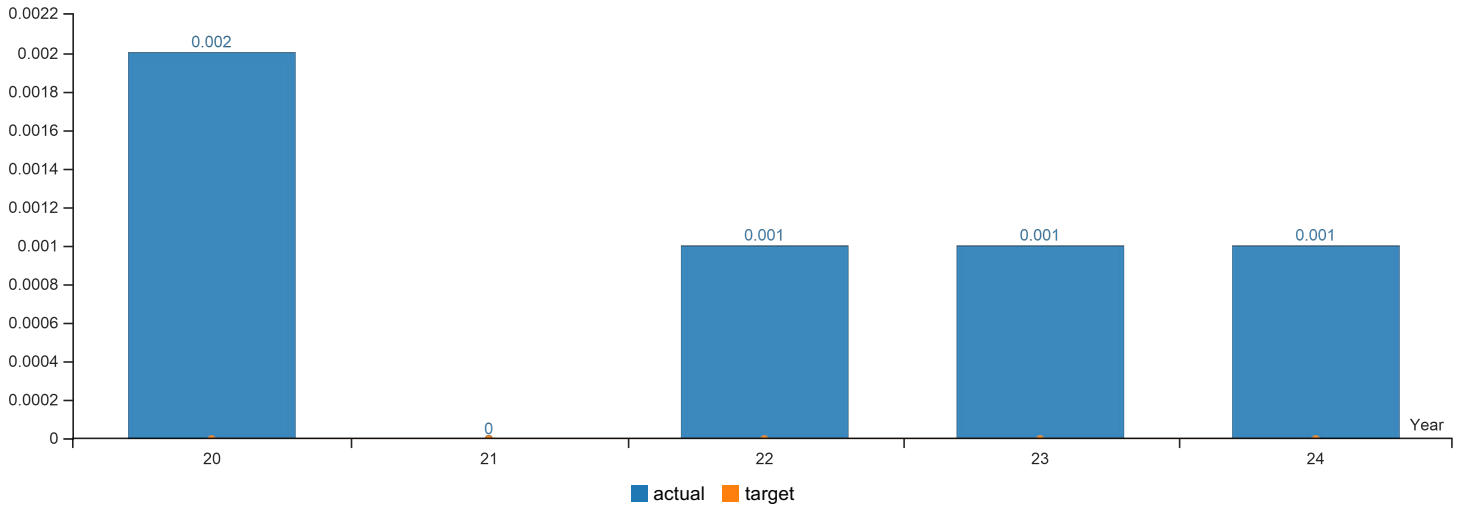
The KPM targets establish an objective for management activities to predictably generate revenue for the State.

Factors Affecting Results

The major factor affecting FY 2023 decrease in timber sale revenue is timing on when revenue is received. Gross timber sale revenue increased 8.3% and volume increased 0.8%. 21% of the volume harvested was completed in the last two months of fiscal year. Payment for harvested volume invoiced in June is not received until July and will be accounted for in FY 2024 for KPM #5.

KPM #6	AIR QUALITY PROTECTION - Total number of smoke intrusions into designated areas per total number of units burned.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = negative result*



Report Year	2020	2021	2022	2023	2024
Total number of smoke intrusions into designated areas per total number of units burned					
Actual	0.002	0	0.001	0.001	0.001
Target	0	0	0	0	0

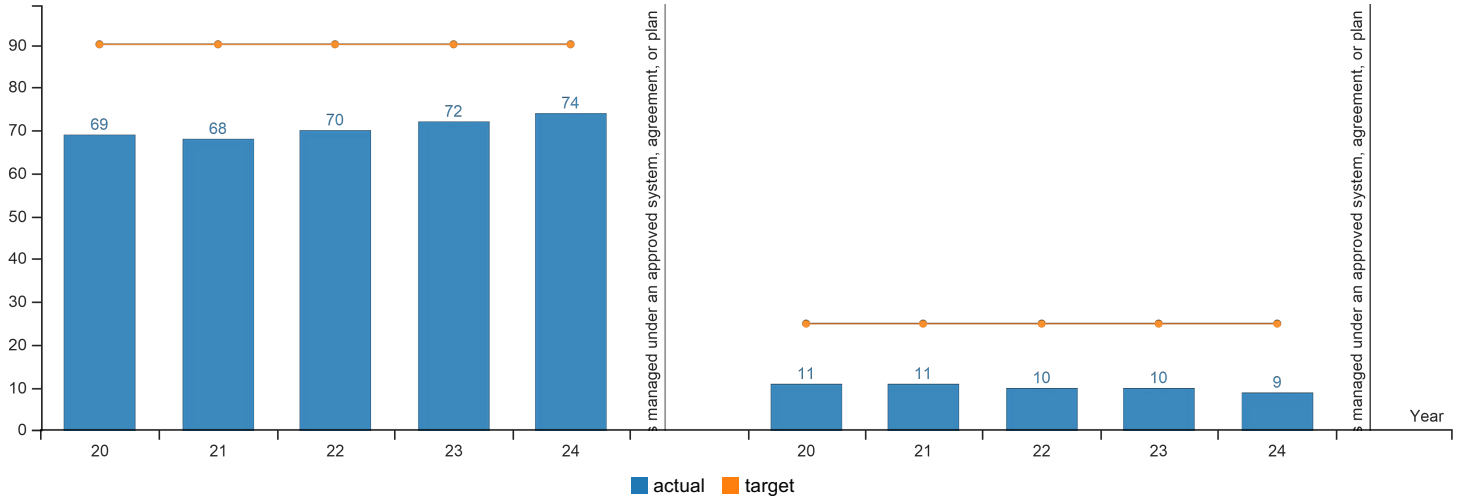
How Are We Doing

The Smoke Management Program is doing an exceptional job of protecting Oregon's air quality while, at the same time, allowing forest landowners to dispose of unwanted accumulations of forest fuel. One intrusion occurred from1580 units burned. The intrusion definition changed in 2019 to allow for some smoke to enter Smoke Sensitive Receptor Areas at a level that remained below 75 percent of the National Ambient Air Quality Standards. This change will allow for the increase in prescribed burning to eventually reduce the size and damage created by catastrophic wildfire.

Factors Affecting Results

In addition to restoration burning, hazard-fuel reduction, weather variations, and economic market conditions can also influence the outcome, by substantially increasing or decreasing the number of units available for burning. In 2023 heightened wildfire risk, due to persistent drought conditions, had a direct effect in reduction of the number of units burned, relative to the long-term average. The smoke intrusion that were recorded in 2023 was a result of burning done in the “Redmond” area, where smoke drained downriver into Redmond.

KPM #7	PERCENTAGE OF PRIVATE FORESTLAND MANAGED AT OR ABOVE FOREST PRACTICES ACT STANDARDS. - Percentage of industrial private forestlands managed under an approved certification system, stewardship agreement, or other approved management plan including wildlife habitat conservation and management plans
	Data Collection Period: Jul 01 - Jun 30



Report Year	2020	2021	2022	2023	2024
a. Percentage of total industrial private forestlands managed under an approved system, agreement, or plan					
Actual	69%	68%	70%	72%	74%
Target	90%	90%	90%	90%	90%
b. Percentage of non-industrial private forestlands managed under an approved system, agreement, or plan					
Actual	11%	11%	10%	10%	9%
Target	25%	25%	25%	25%	25%

How Are We Doing

Key Performance Measure #7 was modified during the 2019 Legislative Session to report as a percentage of forestland compared to previously reporting on acreage. The legislatively approved target for this measure is 90 percent of industrial private forestlands and 25 percent of non-industrial private forestlands managed under an approved system, agreement, or plan.

a. Three certification systems operate in Oregon. The American Tree Farm System (ATFS) provides certification endorsed by the Programme for the Endorsement of Forest Certification schemes (PEFC). The PEFC is an international, independent, non-profit, non-governmental organization, founded in 1999, which promotes sustainably managed forests through independent third-party certification. Forest Stewardship Council (FSC) U.S. provides certification verified by Accreditation Services International, an independent accreditation body offering international, third-party accreditation for voluntary certification schemes. The Sustainable Forestry Initiative (SFI) provides certification endorsed by the PEFC.

The Department of Forestry (ODF) approves and monitors management plans, under the USDA-Forest Service's State and Private Forestry Program and enters into Stewardship Agreements (ORS 541.423) with forestland owners, who agree to manage beyond FPA standards.

Note: To distinguish between industrial and non-industrial acres and to remain consistent with prior years KPM methods, an acreage threshold was applied to distinguish industrial (> 5,000 acres) from non-industrial (< 5,000 acres) forestland owners.

ODF requested information on acres of industrial private forestland certified or approved under each system, and 74 percent (4.8 of the 6.5 million acres) of industrial private forestlands are managed under an approved certification system or stewardship agreement, as summarized below:

- Sustainable Forestry Initiative, Inc. 4,115,020 acres
- American Tree Farm System 533,102 acres
- Forest Stewardship Council U.S. 150,328 acres
- ODF Stewardship Agreements 29,395 acres
- **Total** **4,827,845 acres**

b. ODF requested information on acres of non-industrial private forestland certified or approved under each system and 9 percent (0.3 million of the 3.7 million acres) of non-industrial private forestlands are managed under an approved certification system, stewardship agreement, or forest management plan, as summarized below:

- ODF; USDA-FS Forest Stewardship Plan 108,431 acres
- ODF Stewardship Agreements[1] 2,674 acres
- American Tree Farm System[1] 179,705 acres
- Forest Stewardship Council U.S. 28,634 acres
- **Total** **319,444 acres**

[1] The ODF Stewardship Agreement and American Tree Farm System reported acres are down from last year's reporting. Although the program acres may fluctuate some due to various factors, this overall decline was predictable given the multi-year trend. If the current planning level is to be maintained or increased over the next few years, it will need to be supported either through one-time funding or the leveraging of other federal programs.

Factors Affecting Results

a. Along with forestry-related agencies and organizations, the marketplace encourages forest certification. Forestland owners wanting to sell timber increasingly find that milling facilities are requiring their log supply come from certified forests. This market access requirement is motivating landowners to obtain certification from recognized third-party systems. Industrial forestland owners generally have the capacity to develop procedures to maintain certification.

Domestically and internationally, voluntary forest certification systems are used as a mechanism to recognize forest products originating from lands meeting specific management and harvesting requirements. Certification involves observation of management and harvesting requirements and is validated through third-party review. Costs are incurred by landowners to certify lands. In turn, certified forest products can access certain markets, which are otherwise closed and/or differentiated from uncertified competing goods. Regardless of certification status, all of Oregon's private and state forestlands are subject to the requirements of the Oregon Forest Practices Act and comprehensive land use plans and as such, are held to standards that in many respects are like those of certification systems.

In 2018, Oregon achieved certification with the American Society for Testing and Materials (ASTM) standard on forest certification systems D7612-10 for wood grown and harvested under the Oregon Forest Practices Act and compliance of subject wood to the 2012 and 2015 International Code Council (ICC) International Green Construction Code (IgCC). The recognition from ASTM will provide opportunities for private and state forestlands to access additional markets for their forest products.

In 2019, the KPM was modified to reflect the percentage of industrial and non-industrial acres whose land is under an approved certification or management system. The percentage is based upon the total acres of forestland in either the industrial or non-industrial classification. This revised reporting measure may improve understanding of the overall importance of this measure.

b. Along with forestry-related agencies and organizations, the marketplace encourages forest certification. Forestland owners wanting to sell timber increasingly find that milling facilities are requiring their log supply come from certified forests. This market access requirement is motivating landowners to develop management plans, since forest certification systems require forest management planning.

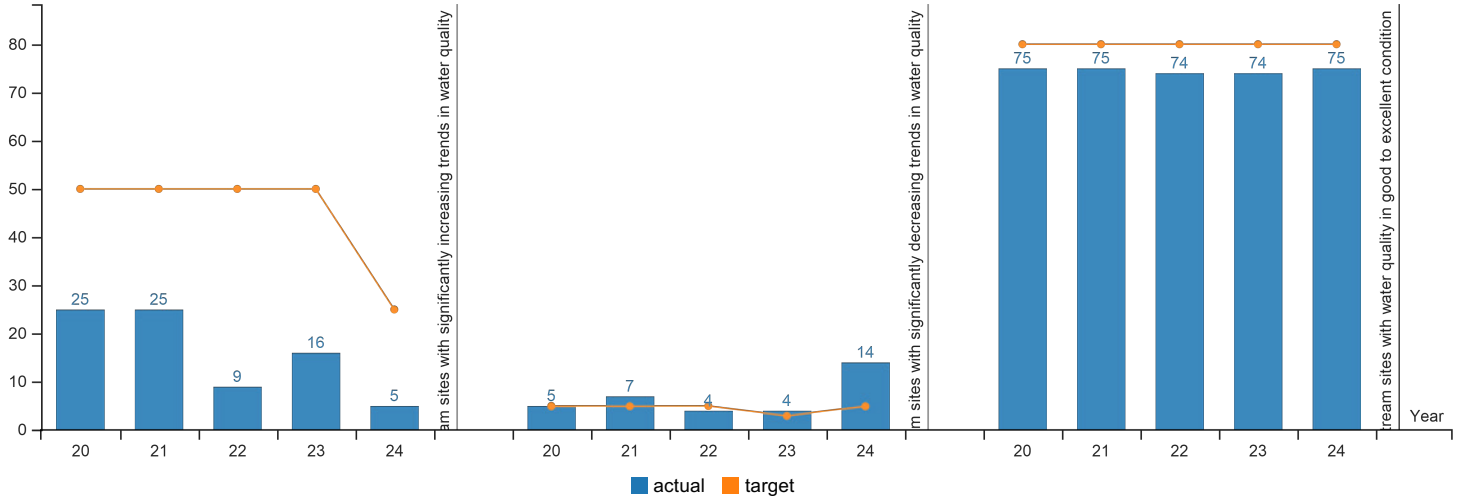
Non-industrial forestland owners often need assistance in developing inventory data and management documentation needed for certification. The cost of certification may represent a barrier for smaller ownerships. Approximately 133 thousand owners hold forestland between 1 and 9 acres in size, accounting for 328,000 acres of forests. Another 27 thousand owners have forestland holdings between 10 and 99 acres in size, accounting for 887,000 acres of family forests. The large number of owners with small holdings creates a significant challenge to achieving certification on all non-industrial forestlands.

To increase certification on non-industrial forestlands, ODF needs to provide additional technical and financial assistance to landowners for development of management plans and procedures. ODF does not receive any state support for this effort and relies solely on federal funding to conduct this work. ODF works with multiple organizations to promote the development of forest management plans and the mutual recognition of approved plans.

In 2019, the KPM was modified to reflect the percentage of industrial and non-industrial acres whose land is under an approved certification or management system. The percentage is based upon the total acres of forestland in either the industrial or non-industrial classification. This revised reporting measure may improve understanding of the overall importance of this measure. NOTE: Collection dates varied for KPM 7 as follows:

- SFI data – Retrieved from SFI website on June 24, 2024
- ATFS data – Provided by Oregon Tree Farm System on June 10, 2024
- FSC data - Provided by FSC on June 26, 2024
- ODF; USDA-FS Forest Stewardship Plan data collected from USDA-FS SMART database on June 24, 2024

KPM #8	FOREST STREAM WATER QUALITY - Percent of monitored stream sites associated predominately with forestland with significantly increasing trends in water quality.
	Data Collection Period: Oct 01 - Sep 30



Report Year	2020	2021	2022	2023	2024
a. Percent of monitored forested stream sites with significantly increasing trends in water quality					
Actual	25%	25%	9%	16%	5%
Target	50%	50%	50%	50%	25%
b. Percent of monitored forested stream sites with significantly decreasing trends in water quality					
Actual	5%	7%	4%	4%	14%
Target	5%	5%	5%	3%	5%
c. Percent of monitored forested stream sites with water quality in good to excellent condition					
Actual	75%	75%	74%	74%	75%
Target	80%	80%	80%	80%	80%

How Are We Doing

a. In 2023, 5% percent of monitored forest stream sites showed increasing trends in water quality. While the percent of forested streams with increasing trends in water quality has remained higher than all other land uses (2% of all land uses show increasing trends in water quality) the target for monitored forest streams was not attained this year. However, most forested stream sites continue to remain in the good to excellent category (75%). The number of streams with good to excellent water quality has remained steady for over the past 7 years. No increasing or decreasing trend was observed on 81 percent of monitored forest stream sites.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2023 data for agricultural lands in Oregon indicate 10 percent of monitored agricultural stream sites with increasing trends in water quality. Statewide data for 2023 for all land uses, including agricultural and forest lands, indicate 7 percent of monitored stream sites with increasing trends in water quality.

b. In 2023 8 monitored sample points (14 percent) showed significantly decreasing trends in water quality. This trend was prevalent on 42% of sites during this reporting period, which is significantly higher than the previous year. This is the first time since 2011 the percentage of declining scores across all parameters has exceeded 40 percent. It is important to note that about half of the ambient

sites statewide, and a large majority (75%) of forest monitoring sites continue to have "good" or "excellent" water quality and that has remained consistent over the last eleven years. No increasing or decreasing trend was observed on 81 percent of monitored forest stream sites.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2023 data for mixed land use in Oregon indicate 5 monitored stream sites showing a decreasing trend in water quality. Statewide, data for 2023 for all land uses, including agricultural and forest lands indicate 38 monitored stream sites (24 percent) with decreasing trends in water quality.

c. In 2023, 75 percent of monitored forest stream sites showed "good" to "excellent" water quality, which is just slightly below the target of 80 percent. Except for the past 6 years, monitored sites on forestland met or exceeded the target (which increased in 2018) every year since 2009 when this measure was established. About half of the ambient sites statewide continue to have "good" to "excellent" water quality and that has remained consistent over the last ten years. 2023 is the second year that none of the monitored sites in forest land use have a status of very poor.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2023 data for agricultural lands in Oregon indicate about 33 percent of monitored agricultural stream sites with water quality in good to excellent condition. Statewide data for 2023 for all land uses, including agricultural and forest lands indicate about 50 percent of monitored stream sites with water quality in good to excellent condition. These comparisons demonstrate that maintaining forestlands in forest use is an effective and efficient way to maintain water quality.

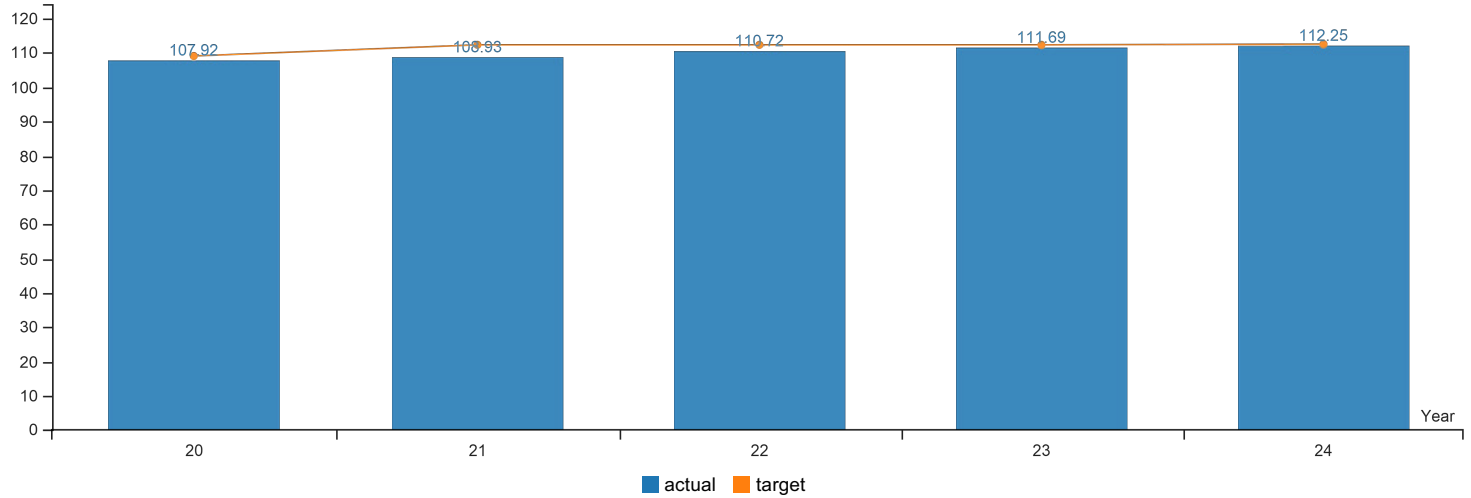
Factors Affecting Results

Additionally, statewide targets were revised in 2019. Where sites show significant improvement that is not affected by point source discharges, such improvements may be attributed to the following: reduced levels of non-point source activity, increased education about water quality impacts, and watershed restoration efforts. Underlying all these factors are stream flow conditions as Oregon transitions between drought and wet years, changes in stream flows may indirectly affect observed water quality. A variety of activities occurring on forestlands, including forest management (timber harvesting and road construction/use), fire suppression, recreation, and livestock grazing may impact soil and water resources. Disturbances that trigger large erosion events can produce important changes in aquatic conditions. These episodic changes are critical in maintaining aquatic habitat over time, even though they may temporarily decrease water quality.

Disclaimer: The OWQI used in this KPM is one of many tools to understand Oregon water quality conditions statewide. The ambient network is not a randomly selected, statistically valid sample of water quality conditions statewide. Sampling sites were selected to reflect the integrated effects of land use and point source discharges upstream of them. The data is representative of just the sampling site and does not represent the water quality conditions of other locations in the same basin or of the whole river (DEQ, 2019).

KPM #9	VOLUNTARY PUBLIC AND PRIVATE INVESTMENTS MADE TO CREATE HEALTHY FORESTS - Cumulative public and private forest landowner investments made in voluntary projects for the Oregon Plan for Salmon and Watersheds or for the Oregon Conservation Strategy.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Private forestland owner investment in Oregon Plan habitat restoration projects - $ in millions					
Actual	$107.92	$108.93	$110.72	$111.69	$112.25
Target	$109.25	$112.50	$112.50	$112.50	$112.72

How Are We Doing

Private forestland owners have made significant investments in improving water quality and fish habitat. Reported cumulative investments for 2023 was $112.25 million compared to a target of $112.72 million. The 2023 accomplishment level represents the fourth year out of seven, that cumulative private investments in Oregon Plan for Salmon and Watersheds (Oregon Plan) did not meet the target. In 2023, private forestland owners invested $0.55 million which continues to show a high level of contribution from private forestland owners to improve water quality and fish habitat through voluntary restoration measures. The Department had expected the rate of expenditures to decline over time as more projects were completed and opportunities for restoration decreased. During 2014-2023 period, restoration activities have increased (compared to the 2004-2013 period) based on the reported average annual contributions of approximately $1.6 million per year for the current period. Currently, data is not available for investments made under the Conservation Strategy (ODFW).

Oregon is unique among western states in its focus on voluntary measures, which work in concert with regulatory approaches to achieve additional habitat protection and restoration.

Voluntary restoration activities by landowners, combined with continued regulatory compliance, provide a foundation for the success of the Oregon Plan in protecting and restoring water quality and fish habitat on forestland. The Oregon Conservation Strategy provides an analogous voluntary framework for restoration of all habitat types. The Conservation Strategy emphasizes proactively conserving declining species and habitats to reduce the possibility of future federal or state listings. The strategy presents issues and opportunities and recommends voluntary actions that will improve the efficiency and effectiveness of conservation in Oregon. The Department revised its stewardship agreement program to improve efficacy of encouraging forestland owners to self-regulate to meet and exceed applicable regulatory requirements and achieve conservation, restoration, and improvement of fish and wildlife habitat and water quality. The Department continues to implement a programmatic Safe Harbor Agreement for Northern Spotted Owls to provide regulatory certainty and encourage voluntary enhancement of owl habitat for landowners who choose to participate. In

2019, the stewardship agreement tool had increased interest and resulted in nearly 32,000 acres enrolled because of a new agreement with one large landowner in Northwest Oregon who focused on aquatic and terrestrial conservation strategies for listed threatened and endangered species.

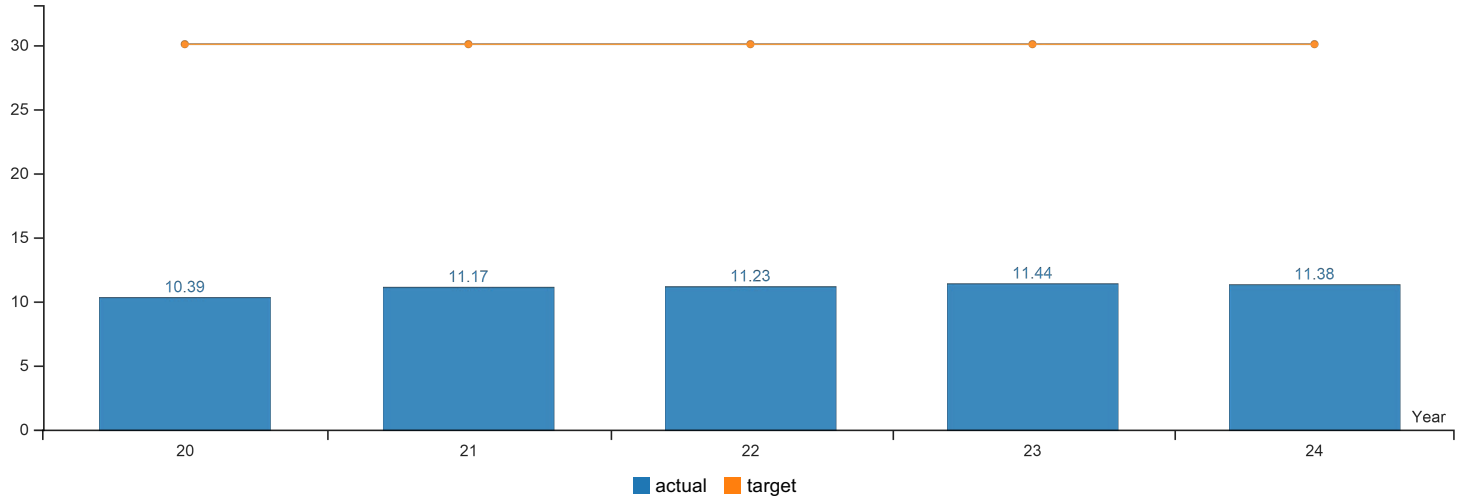
Factors Affecting Results

The Oregon Plan has been successful because of the strong forestland owner community who work with watershed councils, and the Department to achieve restoration and protection goals for natural resources. There continues to be broad support for voluntary measures coupled with regulatory mandates. ODF Stewardship Foresters provide education and technical assistance to landowners in support of restoration activities. With the start of the new decade in 2020, several negative factors created difficulties in implementing projects at the same scale as previous reporting periods. The 2020 Labor Day wildfires that severely impacted private forestland, the global pandemic resulting from COVID-19 resulting in uneven supply chains and demand dynamics, and instances of severe weather events all of which shifted priorities to reforestation and restoration activities. Economic and environmental conditions have stabilized recently and should result again in steady investments and contributions to watershed restoration efforts. At the start of 2024, the Department is implementing a revised regulatory and landowner assistance program that was associated with recent legislation and the adoption of more protective administrative rules for forest operations near streams and other sensitive sites. This legislation will provide additional resources to help implement landowner assistance programs including the Oregon Plan and as of 2024 the Private Forest Accord grant program that is specially aimed at funding and implementing watershed scale restoration projects. The Oregon Plan funding supports coordination with watershed councils and other groups that encourage restoration.

The Department is aware that implementation may be occurring, but due to system complexities associated with the designated reporting system, reporting of voluntary restoration projects is not occurring at a high enough percentage or is incomplete to capture a comprehensive view or encourage additional investments by private forestland owners.

KPM #10	STATE FORESTS NORTH COAST HABITAT - Complex forest structure as a percent of the State Forests landscape.
	Data Collection Period: Jul 01 - Jun 30

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Complex structure as a percent of the State Forests landscape					
Actual	10.39%	11.17%	11.23%	11.44%	11.38%
Target	30%	30%	30%	30%	30%

How Are We Doing

The amount of complex structure on State Forests demonstrates a steady or slightly increasing trend since 2018. The decrease from 2017 to 2018 was largely a result of a change in how the amount of complex structure is estimated. When considered by District, the fiscal year 2023 data show that 16.99% of Astoria district, 10.06% of Forest Grove district, and 8.92% of Tillamook district are in complex forest structure.

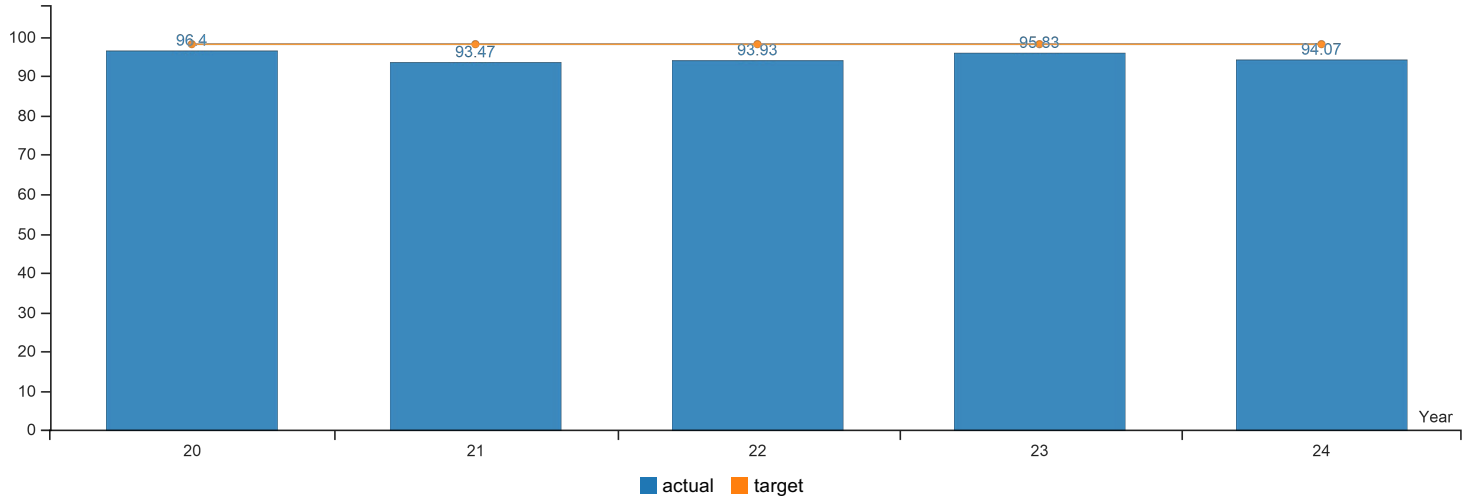
Factors Affecting Results

Complex forest structure develops very slowly, and it is anticipated to take decades to achieve the range of 30 to 50% complex structure now described in the forest management plans. ODF's Stand Level Inventory (SLI) system is not designed to report on year-to-year differences but rather reflect our updated understanding of the landscape.

The year-to-year changes in complex structure are the result of updates to SLI data as well as active management designed to enhance the development of complex forest structure over time.

KPM #11	FIRE SUPPRESSION EFFECTIVENESS - Percent of wildland forest fires under ODF jurisdiction controlled at 10 acres or less.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Percent of wildland forest fires controlled at 10 acres or less					
Actual	96.40%	93.47%	93.93%	95.83%	94.07%
Target	98%	98%	98%	98%	98%

How Are We Doing

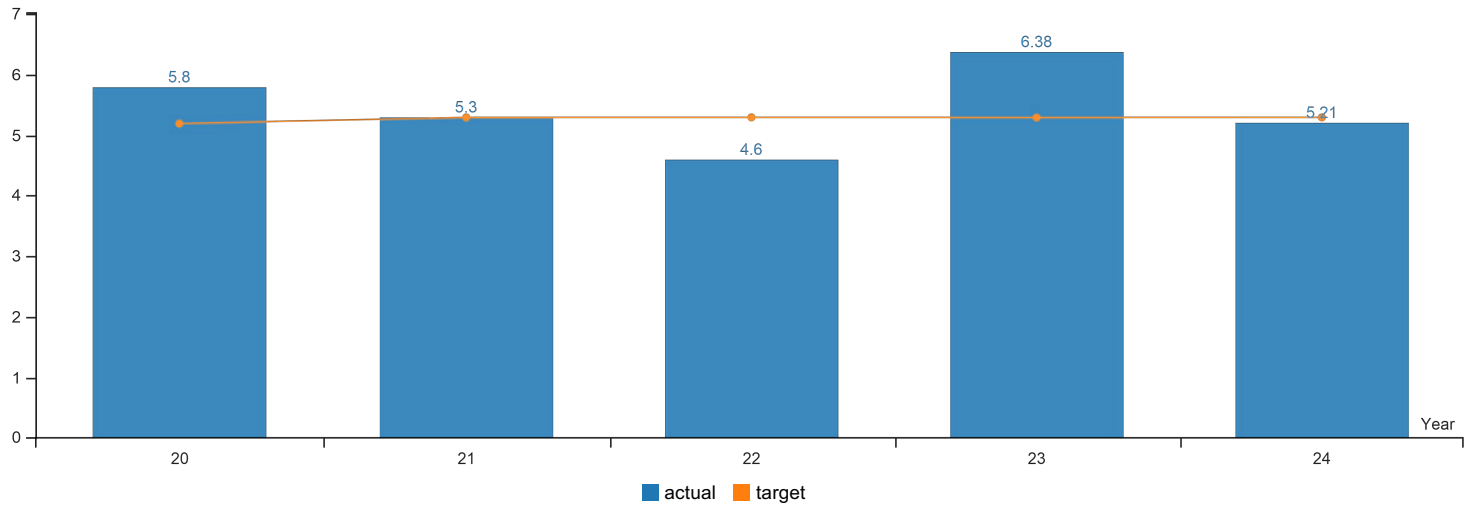
The Department came to less than 4% under the target of suppressing 98 percent of all wildfires at ten acres or less in size for the 2023 fire season. We were 3.93% under target at 94.07%.

Factors Affecting Results

Influencing factors: Fire Season 2023 was characterized by continuing drought and pulses of elevated, record-breaking heat events starting in mid-May through July. At the beginning of the season, central and eastern Oregon were predisposed to severe to exceptional drought. And western Oregon, already abnormally dry especially in the western Cascades foothills, began to experience repeated heat waves which rapidly melted the above-normal snowpack accumulated in winter and which quickly dried vegetation growing vigorously from spring rains. Drought conditions worsened and expanded from the Cascades mountains toward the coast. Daily fuel moistures were already approaching 10-year minimums in early June. By mid-July, single digit humidity afflicted central and eastern Oregon from the Cascades east. By August, the region braced for thunderstorms from the North American Monsoon known to bring lightning and potentially some moisture relief in late summer to the interior west and points north. However, the monsoon rains were forecasted to be below average this season. On Aug 24-25, over 1,000 strikes of lightning lit up Oregon. Except for northeast Oregon, moisture from the thunderstorms was mainly scattered and light. And this season, in an unusually dry landscape inundated by low humidity, heat waves, and winds, the lightning storms produced over 100 fire ignitions in western Oregon, including the Smith River Complex in northern California with its Kelly Fire that burned about 12,529 acres across the state line. Ultimately, however, response to this outbreak of fires is a striking testament to ODF initial attack success: nearly every ignition on ODF-protected lands from this event was extinguished upon discovery and only one complex of fires grew to require an ODF IMT. In all, ODF's initial attack prowess this year still put the agency at less than 1% below our KPM target.

KPM #12	PREVENTION OF HUMAN-CAUSED WILDLAND FOREST FIRES - Number of Oregon residents per human-caused wildland forest fires. (population expressed in thousands of residents) This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases. An upward trend indicates a positive result.
	Data Collection Period: Jan 01 - Dec 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Number of Oregon residents per human-caused wildland fire					
Actual	5.800	5.300	4.600	6.380	5.210
Target	5.200	5.300	5.300	5.300	5.300

How Are We Doing

Key Performance Measure #12 was modified during the 2019 Legislative Session to report as a number of Oregon residents per human-caused wildfire compared to previously reporting the number of human-caused wildfires per 100,000 Oregon residents. With previously set legislative targets reporting on the number of fires, prior year data has been omitted from the report table. Results for the 2024 reporting year are reflected in the following narrative. (population expressed in thousands of residents).

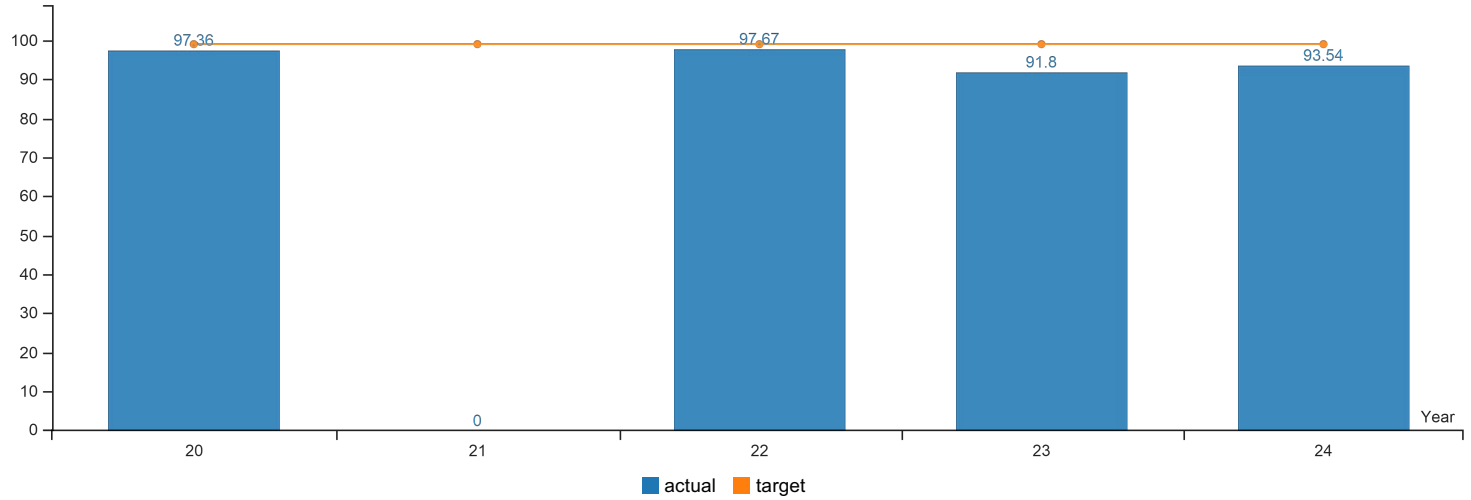
The fire prevention program continues to examine new and effective approaches to prevent human-caused wildland fires. There were 824 human-caused wildland fires in 2023. With Oregon's population in 2023 totaling 4,296,626 the resulting fire prevention rate of 5.21 thousand Oregon residents per human-caused wildland forest fire exceeded the target. The 10-year average of human-caused wildland fires is 777 fires annually on ODF protected lands.

Factors Affecting Results

Steady increase in Oregon's population and the use of forestland for recreation as well as increasing rural residential home sites are key components for these results. Heavily populated areas of the state, where weather and fuel conditions are aided by public activities, such as debris burning, equipment use, and forest recreation, drive the data.

KPM #13	DAMAGE TO OREGON FORESTS FROM INSECTS, DISEASES, AND OTHER AGENTS - Percent of forest lands without significant damage mortality as assessed by aerial surveys.
	Data Collection Period: May 01 - Oct 31

** Upward Trend = positive result*



Report Year	2020	2021	2022	2023	2024
Percent of Oregon forestlands without significant damage from insects, diseases and other agents					
Actual	97.36%		97.67%	91.80%	93.54%
Target	99%	99%	99%	99%	99%

How Are We Doing

The percentage of Oregon forestlands without significant damage from insects, diseases and other agents has held steady the last few years but is again below recent KPM targets. The ongoing, statewide drought will likely make Oregon forestlands more susceptible to biotic stressors. We anticipate that the percentage of Oregon forestlands without significant damage will hold steady or decrease over time as our forestlands continue to be stressed by drought.

In 2023, we completed the entirety of our annual statewide aerial survey despite aircraft and staffing shortages. We conducted ground checks in known problem areas and areas damaged by disturbance events such as recent storms, wildfire and chronic drought. From aerial and ground surveys, we observed that most tree mortality was likely caused by a combination of climate change impacts and secondary attack by bark beetles. We recorded a (~300,000 acre) decrease in total observed mortality from abiotic and biotic factors in 2023 relative to the historical total in 2022. In 2023, we observed that the majority of this mortality (1.1 million acres) occurred in true fir as a result of ongoing hot droughts and unmanaged root disease, followed by opportunistic bark beetle attack.

Invasive species are present across smaller regions of the state but attacking specific species. These invasive exotic species include: spongy moth (not established), emerald ash borer, mediterranean oak borer, and sudden oak death. Cooperative statewide trapping surveys and monitoring for invasive spongy moth (previously gypsy moth) detected seven moths found across Benton, Marion, Washington, and Deschutes counties in 2023. If moths are again found in 2024 trapping efforts, treatment will be applied. Emerald ash borer (EAB) was detected in Oregon in 2022 in Forest Grove. Since then, a multiagency taskforce has applied a ‘slow-the-spread’ strategy which has prevented EAB from spreading beyond Washington County. Mediterranean oak borer was detected in 2019 and was also found killing Oregon white oak in 2022. Since then, a multiagency taskforce has been active in mapping more infestations found in the tri-county area, worked with local governments in applying management strategies, and worked with partners in California to research additional control strategies. Efforts to quarantine and slow the spread of Sudden Oak Death, an exotic disease affecting tanoak, have been ongoing along the southwestern coast of Oregon. In 2023, SOD monitoring included 63 stream bait sites, ground transect surveys covering 210 acres on

private lands, and interpretation of 539,000 acres (842 square miles) of aerial imagery. Trees with the new clonal lineage of Sudden Oak Death (NA2) detected outside Port Orford in 2021 and Humbug Mountain in December 2022 were treated within 300-600 foot buffer zones.

Factors Affecting Results

Over the last decade, an average of over 1 million acres of forest lands have been designated as having been significantly affected by insects, diseases, and other damaging agents during aerial surveys. Thousands more acres are unhealthy and under-producing due to being overstocked, planted with off-site species, exposed to environmental stresses such as drought, and stagnating from the suppression of natural fire cycles. These acres are becoming increasingly susceptible to damage by environmental stressors, insects and diseases. While the statewide aerial survey data provides valuable information about key forest damaging agents, aerial surveys are just an estimate and are not able to evaluate the impact of many forest diseases, nor indicate the current or future risk of forests to damage by environmental stressors, insects and diseases. In Oregon, thousands of acres of forests need active management to reduce the risk of insect outbreaks and catastrophic wildfires to produce resilient and sustainable forests. A century of fire suppression and inconsistent forest management has resulted in thousands of acres of Oregon's forests becoming overstocked and unhealthy. In addition, changing climatic conditions that contribute to drought directly cause damage or increase susceptibility to insects and disease. Thinning stands and prescribed fire to reduce competition, promote tree health and vigor, and increase age and species diversity, have been shown to reduce the risk associated with many damaging insects and diseases – as well as increase resilience to wildfire and climate change. Federal bark beetle mitigation grants, administered by the Department's stewardship foresters, provide cost share funds to landowners to implement activities to improve forest health and increase stand resistance to bark beetles. Federal National Fire Plan funds also provide cost-share to landowners to improve forest health and prevent damage within the wildland-urban interface. Additionally, statewide targets were revised in 2020.

Agenda Item No.:	E
Topic:	Forest Resources Division – Annual Update
Presentation Title:	Urban and Community Forestry Program
Date of Presentation:	September 4, 2024
Contact Information:	Scott Altenhoff, Urban and Community Forestry Program Manager 971-428-7380, scott.r.altenhoff@odf.oregon.gov
Program Information:	ucf.program@odf.oregon.gov; https://www.oregon.gov/odf/forestbenefits/Pages/urbanforests.aspx

SUMMARY

This agenda item is informational and intended to provide a brief overview to the Board of Forestry (Board) about the Department's Urban and Community Forestry (UCF) Program activities and accomplishments since the last report in November 2021.

CONTEXT

The mission of the UCF Program is to advance equity, well-being, and resilience for all people in Oregon by promoting sustainable investment in trees and green infrastructure. As a work unit within the Forest Resources Division, the UCF team is committed to the Collective Impact Model and is using a "whole systems approach" in its work to address the many pressing problems facing the state. This proactive strategy seeks to prevent or cure rather than merely react to problems.

The program is directed by and operates under the authority of ORS 526.505, which states:

> *Trees not only are important to the economic and environmental well-being of Oregon, but also represent a significant component of the quality of life for urban residents. As a matter of policy, it is important to promote and protect the human habitat values that accrue from a healthy urban forest. Therefore, it is declared to be the public policy of the State of Oregon to encourage cities to plant and properly care for trees within the cities' urban growth boundaries and develop management plans to protect and promote urban forests. [1993 c.347 §3]*

Program direction also comes from ORS 526.510, which states:

> ***(1)** The State Forestry Department shall provide technical assistance to cities, counties, other governmental units, nonprofit and civic organizations and other groups interested in planting and caring for trees in communities. Technical assistance may include, but is not limited to, the following areas:*
>
> ***(a)** Establishing and maintaining local urban and community forestry programs;*
>
> ***(b)** Developing local tree management ordinances;*
>
> ***(c)** Developing public information programs to promote awareness of the values and benefits of the urban forest as a resource of the urban community;*
>
> ***(d)** Implementing appropriate tree management and care practices;*

(e) *Performing street tree inventories;* ***and***

(f) *Planning and coordinating local tree planting projects.*

(2) *The department shall make the fullest use of cooperative agreements, projects and resource sharing with local grassroots organizations, community action groups, businesses, local and state agencies, federal agencies, public and private schools, colleges and universities in designing, developing and implementing local programs, plans and activities. [1993 c.347 §4]*

In 2021, the Board adopted the Climate Change and Carbon Plan, which notes that one important goal for addressing climate change and promoting carbon capture is to "*increase the extent and resilience of urban and community forests to maximize the climate mitigation and health benefits of the urban forest canopy*."

Oregon's 20-Year Landscape Resiliency Strategy also articulates *"a shared vision of healthy and resilient forested ecosystems, vibrant local economies, healthy watersheds with functional aquatic habitat, and quality outdoor opportunities for all Oregonians."*

Lastly, the Board and ODF's draft strategic plan, A Vision For Oregon's Forests (June 2024) highlights the need for Climate-smart Forestry and the fact that *"Addressing the management needs related to climate change requires a holistic approach that considers adaptation, mitigation and the social dimension of forestry, which includes community and economic aspects."*

The main takeaway from these ODF plans is that forests, especially urban and community forests, are highly complex social-ecological systems that must be planned and managed accordingly, using adaptive and place-based decision-making, grounded in sound science. Another key takeaway is that "p*eople's actions are critically important to the continued resilience and adaptive capacity of forest ecosystems…"*. Recognizing that a hands-off approach will not work, intentional planning, meaningful engagement, and management are essential.

BACKGROUND AND ANALYSIS

ODF's Urban and Community Forestry (UCF) Program has successfully engaged with Oregon municipalities, universities, nonprofits, and residents for 33 years and counting. The UCF Program specializes in providing technical support, education and outreach, and financial assistance to help communities throughout the state better manage their trees and forests.

In 2023, the US Forest Service (USFS) announced several large Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) funded grant opportunities to enhance forest resilience in the face of climate change and promote equitable access to the benefits provided by trees. The USFS awarded $250 million (M) nationally to state urban and community forestry programs and $1.13 billion in additional funding through a competitive grant process open to all eligible entities. The UCF unit applied for, and was awarded, over $27M in Federal grants through the BIL and IRA. Although a portion of these funds is for ODF staff and contractors to develop, implement, and administer program initiatives, the vast majority will flow directly to disadvantaged communities.

The UCF Program received $26.6M in IRA grant funding to set up two distinct programs. The first grant program devotes $10M specifically to the nine Federally Recognized Tribes in Oregon, and the second grant program opens $12.5M to all eligible entities in the state of Oregon. These grants are intended to foster 1) increased and more equitable access to urban tree canopy, 2) broadened community engagement in urban and community forest planning, tree planting, and management activities, and 3) improved urban and community forest health and resilience. The overarching goal is to promote urban and community forest investment and tree equity for overburdened and underserved communities throughout the state. The primary objectives of these grant programs will be to:

- *Support urban and community forestry assessment, planning, and prioritization;*
- *Support culturally responsive urban and community forestry education, engagement, immersive/experiential outdoor recreation, and community-building initiatives;*
- *Build capacity with collective impact through an interdisciplinary UCF network;*
- *Support urban and community forestry workforce development and diversification;*
- *Significantly expand urban and community forestry tree production, planting, and maintenance; and*
- *Support urban and community forestry monitoring, adaptive management, and lesson sharing.*

Additionally, during the 2023 legislative session the Climate Resilience Package (HB3409) passed. Among other things, this legislation declares a climate emergency and establishes a Community Green Infrastructure Fund, which will be administered by the Department of Land Conservation and Development (DLCD) with input and assistance from ODF's UCF team. HB3409 also directs ODF to stand up a program to provide technical and financial assistance to public bodies, Tribal Governments, watershed councils, and community-based organizations for planning for, responding to, and recovering from damage to habitats and urban trees due to pests, diseases, or other natural or human-created conditions that might lead to loss of tree canopy. Lastly, this legislation directs ODF to acquire and maintain a publicly accessible, online urban tree canopy assessment tool for the entire state. This tool will be essential for understanding the complex relationships between Oregon's urban forest conditions and its sociodemographic situation.

Programmatic updates and noteworthy UCF activities include the following:

1) **Staffing Update:** The UCF Program has historically been a small, two- to three-person team. Thanks to Federal and State investments in urban and community forestry over the past year, the UCF unit now consists of 9 employees allowing for far greater service capacity.

2) **IRA Grant Subaward Programs:** The UCF team has set up a comprehensive grant subaward website, issued two Calls for Proposals (one for the Tribal Governments Subaward Program and one for the All Entities Subaward Program), created an online grant application portal, and hosted several informational webinars about the new programs. UCF staff are actively consulting with prospective grant applicants and have invested quite a bit of time in establishing foundational contracts and agreements with contractors, consultants, and agency partners. The first round of Tribal Government awards will be announced before the end of the

year and the first round of the All Entities awards will be announced in January 2025. This fall, the UCF team will work with a consultant to conduct a comprehensive baseline assessment of current urban forest conditions throughout Oregon. This "state of urban and community forestry" assessment will capture information about the social, ecological, and economic dimensions within the state and will be repeated every two years to track change over time.

3) **HB3409-related Projects:** As directed by the Legislature, the UCF team has been closely collaborating with DLCD staff to help them design and implement the $6.5M Community Green Infrastructure Grant (CGIG) Program. Staff from both departments have been meeting regularly over the past year, and recently executed a formal interagency agreement (IAA) between the two agencies. The UCF Program will share access to its grant management software and application portal with DLCD in order to keep the CGIG administration process as efficient and user-friendly as possible. UCF staff have recently developed a GIS mapping tool and determined a methodology to define green infrastructure improvement zones, as required by HB3409. The UCF team has also been working to execute a contract to develop the statewide urban tree canopy assessment tool mandated by HB3409. The aim is to have an integrated statewide urban tree inventory and canopy assessment tool up and running by the end of the year.

4) **EAB/MOB Support and Coordination:** UCF staff have been key players in the State's response to two destructive forest insects, emerald ash borer (EAB) and Mediterranean oak borer (MOB), closely coordinating with ODF's Forest Health & Monitoring team, ODA, and many local entities throughout Oregon. UCF staff have been helping to lead the charge in strategic communication and outreach for both EAB and MOB, ensuring that local entities are well-connected and well-informed in their responses to these pests.

   Since EAB was first detected in Oregon in 2022, UCF staff have:

   - Played a leading role on the statewide EAB Taskforce and Steering Committee;
   - Helped conduct regular EAB subcommittee meetings among technical and communications experts from Washington County/Portland Metro governments, organizations, and private companies;
   - Delivered dozens of EAB presentations and trainings to various professional audiences and the general public;
   - Developed informational materials including an EAB pocket guide and EAB insecticide factsheet;
   - Distributed thousands of copies of informational materials to local partners; and
   - Worked to develop a new, fully integrated and comprehensive statewide EAB website to be managed and maintained indefinitely by UCF.

5) **Urban Wood and Woody Biomass Utilization:** In light of the climate crisis, the need to sequester carbon wherever possible, and the prospect of many dead and dying trees Oregonians will soon have to contend with as a result of EAB & MOB (and likely other pests & pathogens as well), the UCF team recognizes how important it will be in the years ahead to help advance statewide efforts in urban wood and woody biomass utilization. Currently, the vast majority of

urban trees removed in the state are underutilized resources by being chipped, burned, or landfilled. UCF staff have been partnering with numerous organizations, consultants, institutions, and companies to identify and help implement strategies for improving the environmental, economic, and social performance of Oregon's urban wood and woody biomass supply chain.

In conclusion, the UCF Program is well positioned to effectively tackle pressing challenges facing communities throughout the state.

RECOMMENDATION

This is an information item.

NEXT STEPS

The Department will provide updates on this topic as requested.

STAFF REPORT

Agenda Item No.:	F
Work Plan:	Human Resources
Topic:	Department of Forestry Demographics
Presentation Title:	Data on ODF
Date of Presentation:	09/04/2024
Contact Information:	Amy Pena, DEI Strategic Officer Phone, amy.pena@odf.oregon.gov

Revised on June 14, 2022

SUMMARY

- The purpose of this agenda item is to provide an update to the Board of Forestry of the current demographic data at ODF.
- We ask the board to acknowledge that ODF is working on a more inclusive workforce. Some methods to support this will be through recruitment, updating the agency succession plan, and to review the DEI strategic plan by updating data to current relevant information to measure the agencies needs and to make adjustment to the progress in these goals.

CONTEXT

- Demographic memo provided to the Board to assist in the discussion for areas to develop and improve.
- The Demographic memo provides relevant information for the Board to understand that ODF has diversity within the agency.

RECOMMENDATION

- Information only

NEXT STEPS

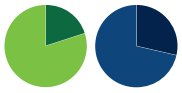
- DEI Strategic Officer will provide quarterly update to the board

ATTACHMENTS

- Data on ODF Demographics

CURRENT ODF DEMOGRAPHICS

Board of Forestry
7 Members
80% White | 20% Minority
5 Males | 2 Females

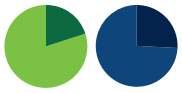


Cabinet
7 Members
71% White | 29% Minority
4 Males | 3 Females

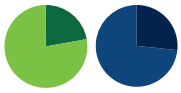
Executive Team
16 Members
69% White | 31% Minority
12 Males | 4 Females

Leadership Team
44 Members
65% White | 35% Minority
29 Males | 14 Females

Demographics June 23'
Total Employees: 1,243
82% White | 18% Minority
920 Males | 323 Females

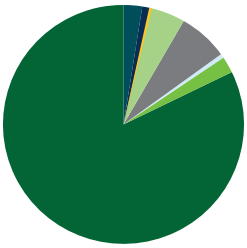


Demographics June 24'
Total Employees: 1,277
81% White | 19% Minority
934 Males | 343 Females



ODF Race and Ethnicity Data as of June 30, 2023

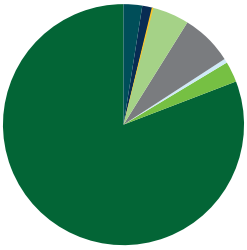
Race/Ethnicity Pie Chart



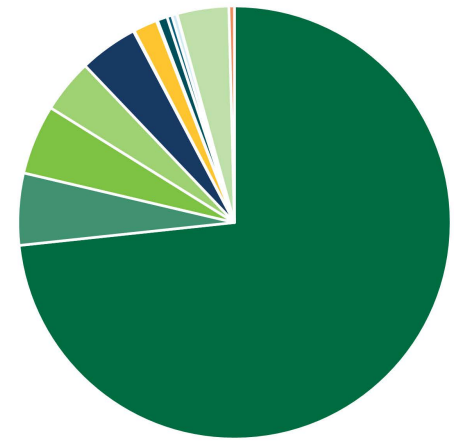
Race/ Ethnicity	Limited Duration (Fixed Term) (Percent & Number)		Off-Season (Seasonal) (Percent & Number)		On-Season (Seasonal) (Percent & Number)		Permanent (Percent & Number)		Temporary (Fixed Term) (Percent & Number)		Total (Percent & Number)	
American Indian or Alaska Native	0.0%	0	0.0%	0	4.6%	22	1.8%	12	0.0%	0	2.7%	34
Asian	0.0%	0	0.0%	0	1.9%	9	0.4%	3	0.0%	0	1.0%	12
Black or African American	0.0%	0	0.0%	0	0.0%	0	0.3%	2	0.0%	0	0.2%	2
Hispanic or Latino	6.3%	2	0.0%	0	5.6%	27	4.1%	28	0.0%	0	4.6%	57
I do not wish to answer	9.4%	3	0.0%	0	10.0%	48	3.5%	24	19.1%	9	6.8%	84
Native Hawaiian or Other Pacific Islander	0.0%	0	0.0%	0	0.8%	4	0.4%	3	0.0%	0	0.6%	7
Two or More Races	6.3%	2	25.0%	1	2.3%	11	1.5%	10	2.1%	1	2.0%	25
White	78.1%	25	75.0%	3	74.7%	357	88.0%	600	78.7%	37	82.2%	1,022
Total	100.0%	32	100.0%	4	100.0%	478	100.0%	682	100.0%	47	100.0%	1,243

ODF Race and Ethnicity Data as of June 30, 2024

Race/Ethnicity Pie Chart



Race/ Ethnicity	Limited Duration (Fixed Term) (Percent & Number)		Off-Season (Seasonal) (Percent & Number)		On-Season (Seasonal) (Percent & Number)		Permanent (Percent & Number)		Temporary (Fixed Term) (Percent & Number)		Total (Percent & Number)	
American Indian or Alaska Native	0.0%	0	0.0%	0	3.8%	19	1.9%	13	2.6%	1	2.6%	33
Asian	0.0%	0	0.0%	0	2.2%	11	0.9%	6	0.0%	0	1.3%	17
Black or African American	0.0%	0	0.0%	0	0.0%	0	0.3%	2	0.0%	0	0.2%	2
Hispanic or Latino	2.7%	1	33.3%	2	5.7%	28	4.4%	31	0.0%	0	4.9%	62
I do not wish to answer	5.4%	2	0.0%	0	8.7%	43	4.0%	28	43.6%	17	7.0%	90
Native Hawaiian or Other Pacific Islander	0.0%	0	0.0%	0	0.6%	3	0.4%	3	2.6%	1	0.5%	7
Two or More Races	5.4%	2	0.0%	0	4.3%	21	1.6%	11	5.1%	2	2.8%	36
White	86.5%	32	66.7%	4	74.7%	369	86.6%	607	46.2%	18	80.7%	1,030
Total	100.0%	37	100.0%	6	100.0%	494	100.0%	701	100.0%	39	100.0%	1,277



Oregon Population Data

Where does Oregon rank in diversity nationally? 30th *(2020 Census)*

What is the diversity breakdown of Oregon?

The racial and ethnic distribution varies by age:
Over 18: **80%** of Adults are White and **10%** are Latina(o)
Under 18: **64%** of Children are White and **22%** are Latina(o)

The 5 Largest Ethnic Groups in Oregon *(Visual at right)*

White (Non-Hispanic) **73.3%** | White (Hispanic) **5.37%** | Two+ (Non-Hispanic) **5.2%**
Asian (Non-Hispanic) **4.38%** | Two+ (Hispanic) **4.01%**

2020 Oregon Workforce

892,656 Females **47.4%** | 991,313 Males **52.6%** | 1,883,969 Total

In 2022, Oregon had a population of 4.23M people with a median age of 39.9 and a median household income of $76,632. Between 2021 and 2022 the population of Oregon grew from 4.21M to 4.23M, a 0.528% increase and its median household income grew from $70,084 to $76,632, a 9.34% increase.

Board of Forestry
Public Meeting

State Forester and Board Member Comments

This item serves as an opportunity for the State Forester to brief the Board of Forestry of the Department or related topics of importance. Individual members of the Board can offer comments for the Chair, Secretary, and Board consideration. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

Board of Forestry
Public Meeting

Public Forum

This item serves as the vehicle for the public to comment on information items or topics, not on the agenda. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

STAFF REPORT

Agenda Item No.:	3
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Fire Season Update
Presentation Title:	2024 Fire Season Update
Date of Presentation:	September 4, 2024
Contact Information:	Chris Cline, (Interim)Chief – Fire Protection Division 541-505-4521, Christopher.L.Cline@odf.oregon.gov

SUMMARY

Oregon revised statutes define the Department's Fire Protection policy, which requires a complete and coordinated system. This system relies on the partnership between the Department and forest landowners with a commitment to ongoing communication and collaboration with many other state and federal agencies. Fire management leaders from the Department will provide a briefing on some of the ongoing coordination and an up-to-date fire season status report during this agenda item.

STAFF REPORT

Agenda Item No:	4
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Department Financial Report for June, July, August 2024
Date of Presentation:	September 4, 2024
Contact Information:	James Short, Department Chief Financial Officer (503) 302-8478, james.short@odf.oregon.gov

SUMMARY AND CONTEXT

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

BACKGROUND AND ANALYSIS

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

This financial report will continue to evolve. As the Department's reporting ability matures and insights into its operational and administrative work improve, this financial report will reflect those improvements. These improvements could include operational or process improvements or introducing new systems and technologies that enhance the Department's administrative capabilities.

NEXT STEPS

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

ATTACHMENTS

1) Department of Forestry Financial Report for June 2024
2) Department of Forestry Financial Report for July 2024
3) Department of Forestry Financial Report for August 2024 (available before meeting)

July 1, 2024

Sen. Elizabeth Steiner, Co-Chair
Rep. Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means
900 Court St. NE, H-178
Salem, OR 97301

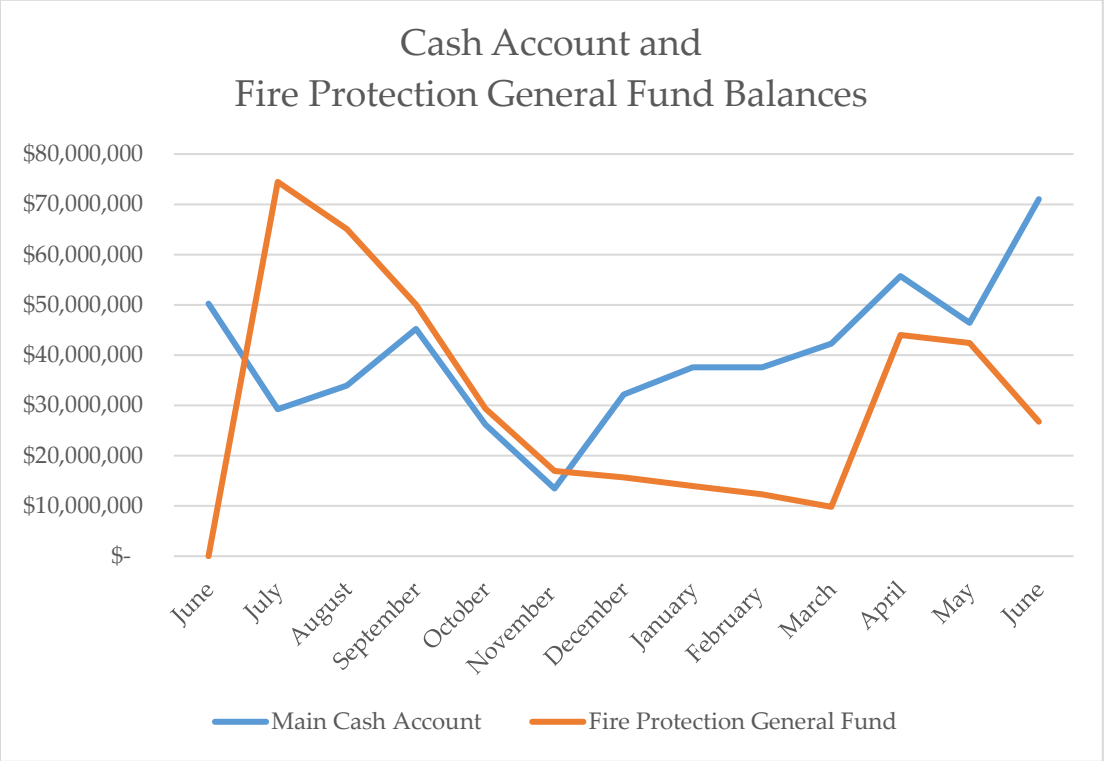
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

Cash and General Fund Balances

As of June 25, ODF's principal cash account balance was $71 million, and the 2023-25 Protection Division General Fund appropriation balance was $26.73 million (Figure 1). Between April and May, there was a increase of 24.58 million to the cash account balance, and the Protection Division General Fund balance had a net decrease of $15.65 million.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of June 24, 2024.



Financial Projections

Net financial activity for May 2024 resulted in a net increase of $15.8 million to the department's end of month cash balance (Table 1). In April, ODF received additional GF funding related to the 2023 fire season. In May, eligible expenditures will be moved to fire protection GF appropriation causing an increase to the end of month cash balance.

Table 1 - Financial Projections as of June 24, 2024(in thousands)

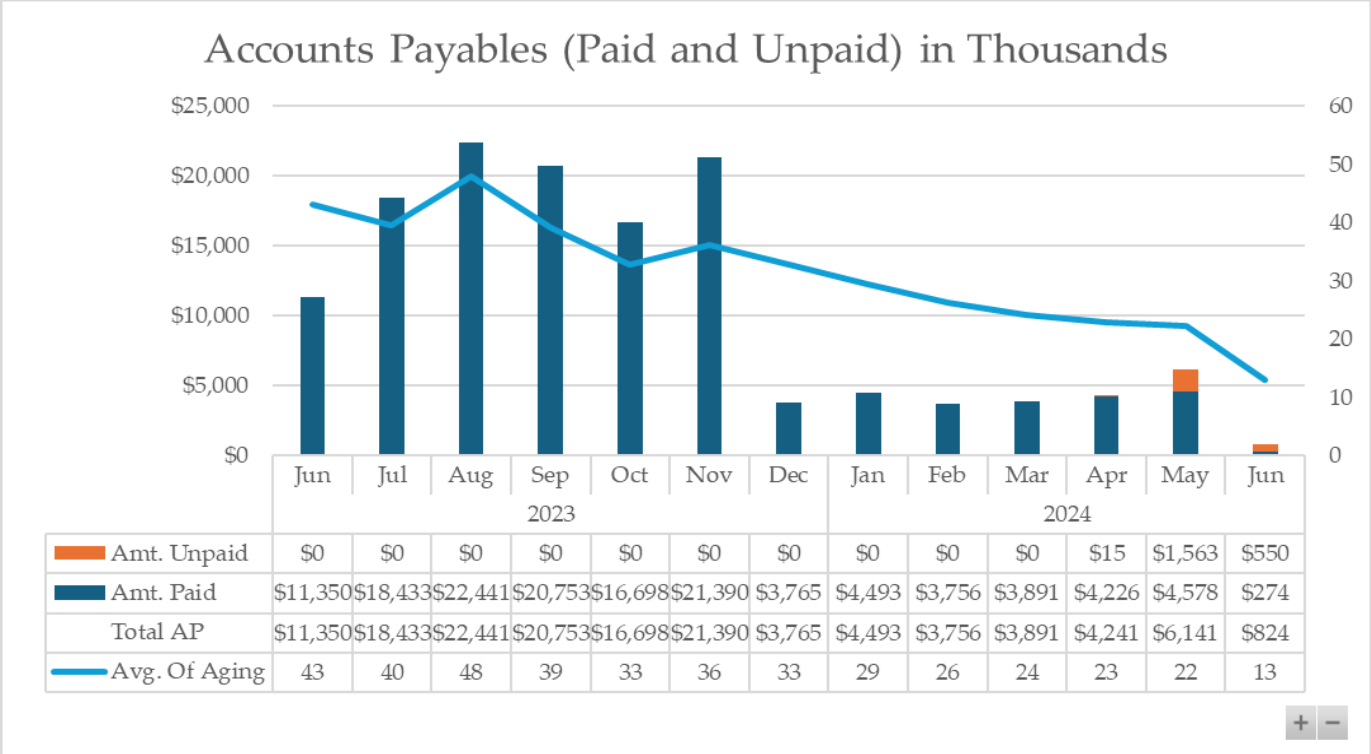
	24-May		24-Jun	24-Jul
	Projection	Actual	Projection	Projection
Total Revenue	$39,312	$31,846	$28,452	$27,854
Total Expenditures	($19,224)	($16,012)	($17,768)	($40,419)
Net Total Exp/Rev	$20,088	$15,834	$10,684	($12,565)
Beginning Cash Balance	$54,992	$54,992	$72,750	$83,434
End of Month Cash Balance*	$75,079	$72,750	$83,434	$70,869
Less: Dedicated Funds	($18,177)	($19,798)	($19,177)	($19,177)
End of Month Main Cash Balance	$56,902	$52,952	$64,257	$51,692
Available GF Appr	$79,034	$82,527	$75,535	$68,543
Available Resources	$135,936	$135,478	$139,792	$120,235

*Includes reconciliation for non-cash revenue and expenditure transactions.

Accounts Payable

Department-wide expenditure activity decreased since the last reporting period (Figure 2), which is consistent with the time of year. As the department prepares for the 2024 fire season, an increase in accounts payable balances is anticipated.

Figure 2 - Accounts Payable as of June 24, 2024



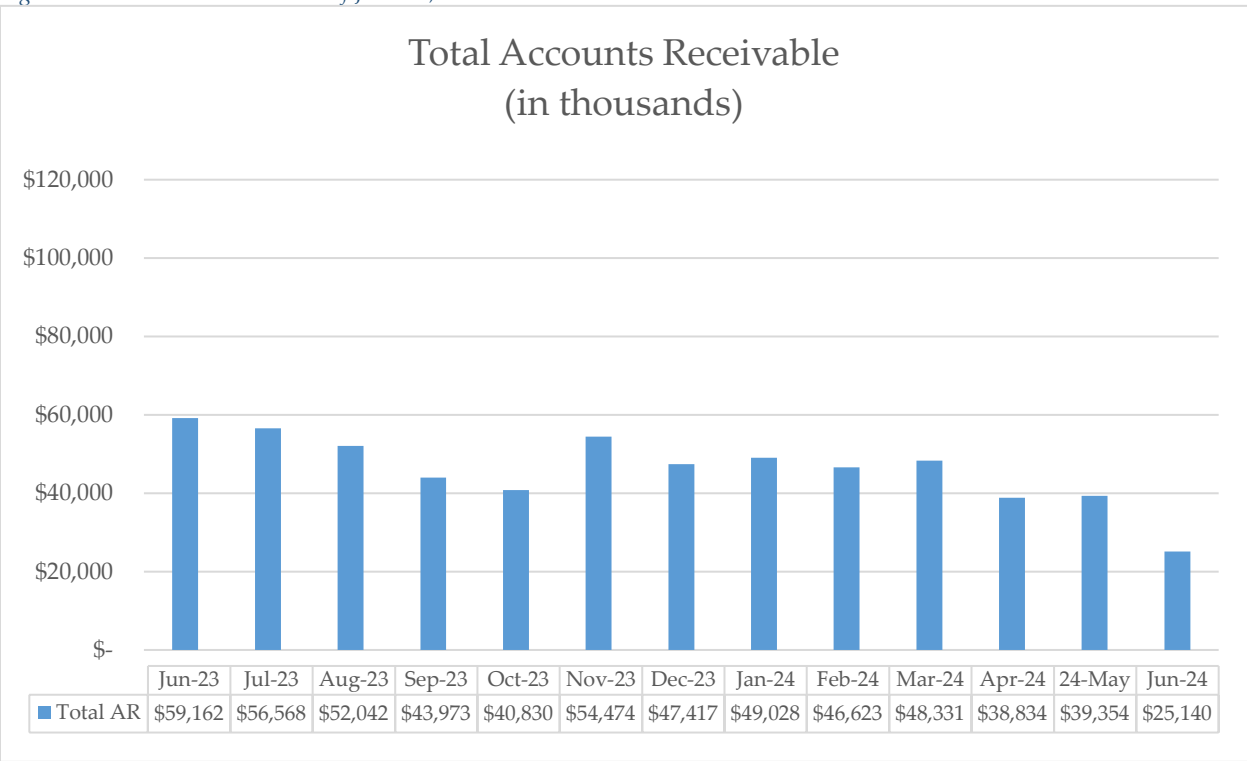
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
	2023							2024					
Amt. Unpaid	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$15	$1,563	$550
Amt. Paid	$11,350	$18,433	$22,441	$20,753	$16,698	$21,390	$3,765	$4,493	$3,756	$3,891	$4,226	$4,578	$274
Total AP	$11,350	$18,433	$22,441	$20,753	$16,698	$21,390	$3,765	$4,493	$3,756	$3,891	$4,241	$6,141	$824
Avg. Of Aging	43	40	48	39	33	36	33	29	26	24	23	22	13

Accounts Receivable

Between May and June, there was a net decrease of $14,213,634 in the total accounts receivable balance (Figure 3).

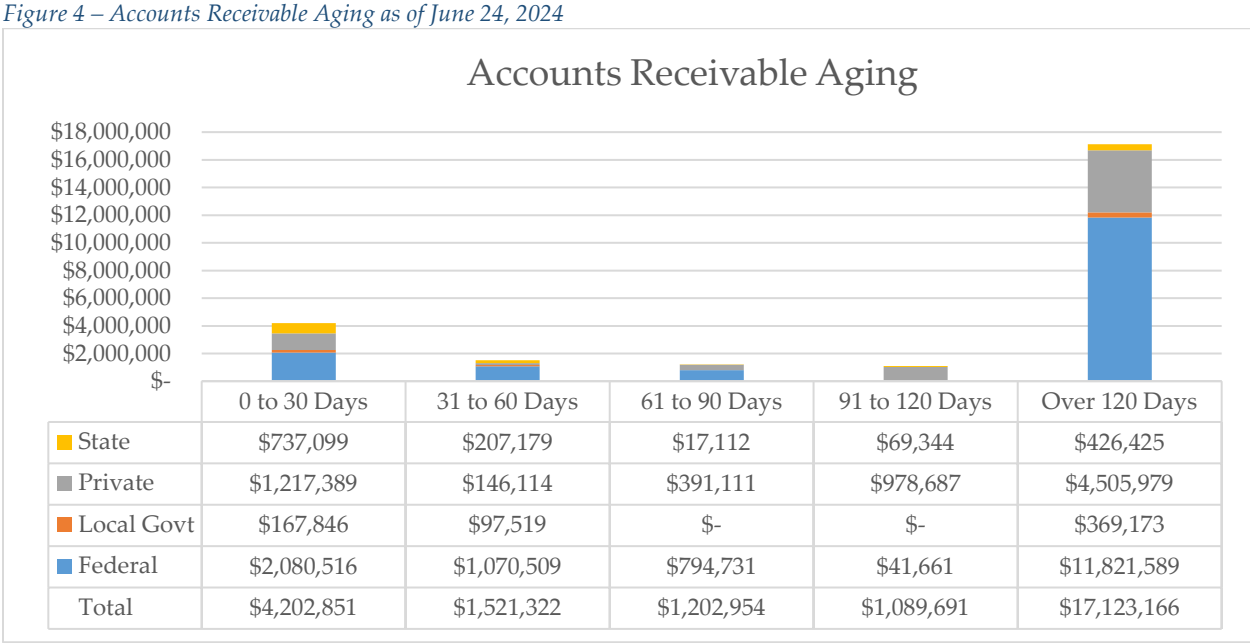
Accounts older than 120 days equate to $17.12 million, or 68.1% of the total balances owed to ODF (Figure 4). Of these accounts, the majority are due from FEMA ($2 million), other federal partners ($9.8 million), and private parties for cost recovery ($4.5 million).

Figure 3 - Accounts Receivable as of June 24, 2024



	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	24-May	Jun-24
Total AR	$59,162	$56,568	$52,042	$43,973	$40,830	$54,474	$47,417	$49,028	$46,623	$48,331	$38,834	$39,354	$25,140

Figure 4 – Accounts Receivable Aging as of June 24, 2024



	0 to 30 Days	31 to 60 Days	61 to 90 Days	91 to 120 Days	Over 120 Days
State	$737,099	$207,179	$17,112	$69,344	$426,425
Private	$1,217,389	$146,114	$391,111	$978,687	$4,505,979
Local Govt	$167,846	$97,519	$-	$-	$369,173
Federal	$2,080,516	$1,070,509	$794,731	$41,661	$11,821,589
Total	$4,202,851	$1,521,322	$1,202,954	$1,089,691	$17,123,166

Fire Costs

Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of June 24, 2024

Fire Protection Large Fire Cost Summary							
Fire Season	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**Total**
Fire Costs	108.12	33.66	139.85	149.18	53.49	92.61	576.91
Currently Invoiced	(0.08)	(0.15)	(5.54)	(3.22)	(4.49)	(1.36)	(14.84)
Outstanding to Invoice	(0.04)	(0.49)	(0.87)	(3.77)	(18.00)	(48.24)	(71.41)

The department recovers some fire costs through two FEMA grant programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via the fire funding framework, cost-share agreements, and cooperative agreements, which are all included in the numbers provided in Table 2.

FEMA-Public Assistance (PA) grants are awarded to the ODEM, who, in turn, passes the funds through to ODF. FEMA-Fire Management Assistance grants (FMAG) are awarded directly to ODF, and the department has immediate access to the funds once obligated.

FEMA grant applications submitted.
As of June 24, 2024, 12 grant applications totaling $2.6 million have been submitted to FEMA, of which $1.47 million are obligated grant applications pending ODEM audit/review and distribution to ODF.

FEMA grant applications not yet submitted.
An additional $4.42 million in estimated FEMA-PA and FMAG grant applications (12) have yet to be submitted to FEMA. This includes estimated fire costs for the 2023 fire season. Nine FEMA-FMAG applications associated with administrative costs ($325,000) cannot be forwarded to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

Three FEMA grant applications ($4.09 million) are associated with estimated suppression costs. They will be submitted to FEMA after completing all cost-share and fire payment reconciliations.

Sincerely,

Cal Mukumoto
Oregon State Forester

c:
Legislative Fiscal Office
Chief Financial Office
Oregon State Treasury
Board of Forestry
Governor's Office

Oregon
Tina Kotek, Governor

Department of Forestry
State Forester's Office
2600 State St
Salem, OR 97310-0340
503-945-7200
www.oregon.gov/ODF

August 1, 2024

Sen. Kate Lieber, Co-Chair
Rep. Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means
900 Court St. NE, H-178
Salem, OR 97301

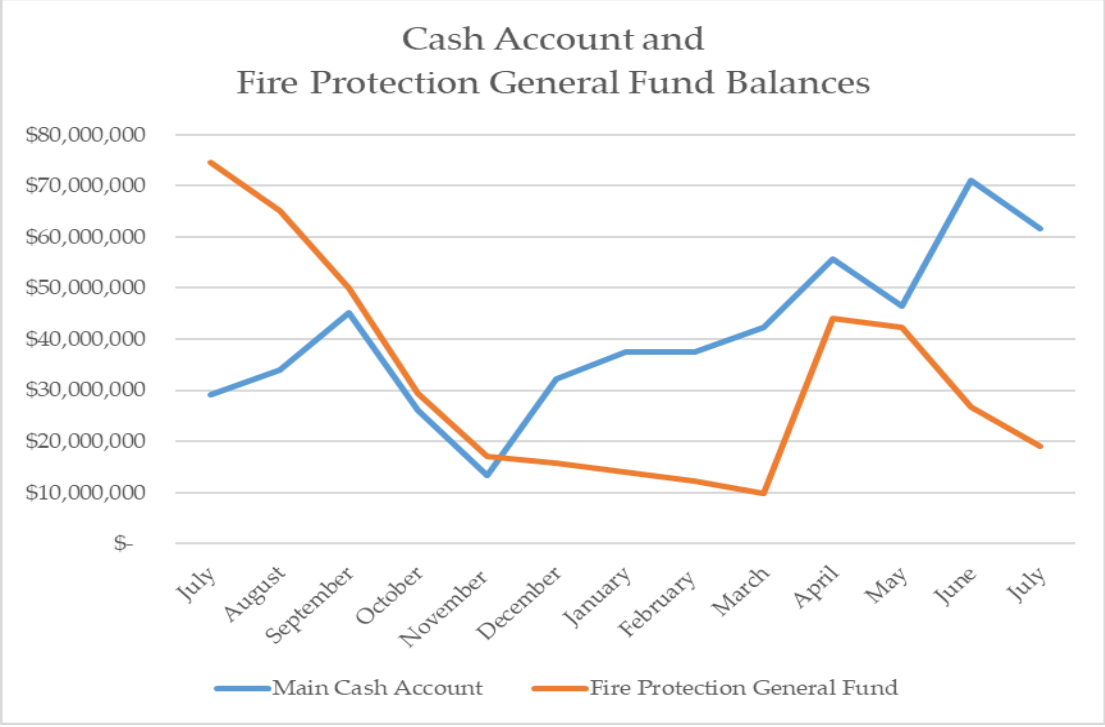
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

Cash and General Fund Balances

As of July 22, ODF's principal cash account balance was $61 million, and the 2023-25 Protection Division General Fund appropriation balance was $19 million (Figure 1). Between June and July, there was a decrease of 9.5 million to the cash account balance, and the Protection Division General Fund balance had a net decrease of $7.7 million.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of July 22, 2024.



Financial Projections

Net financial activity for June 2024 resulted in a net increase of $9.6 million to the department's end of month cash balance (Table 1).

Table 1 - Financial Projections as of July 22, 2024(in thousands)

Table 1 Financials Projections:

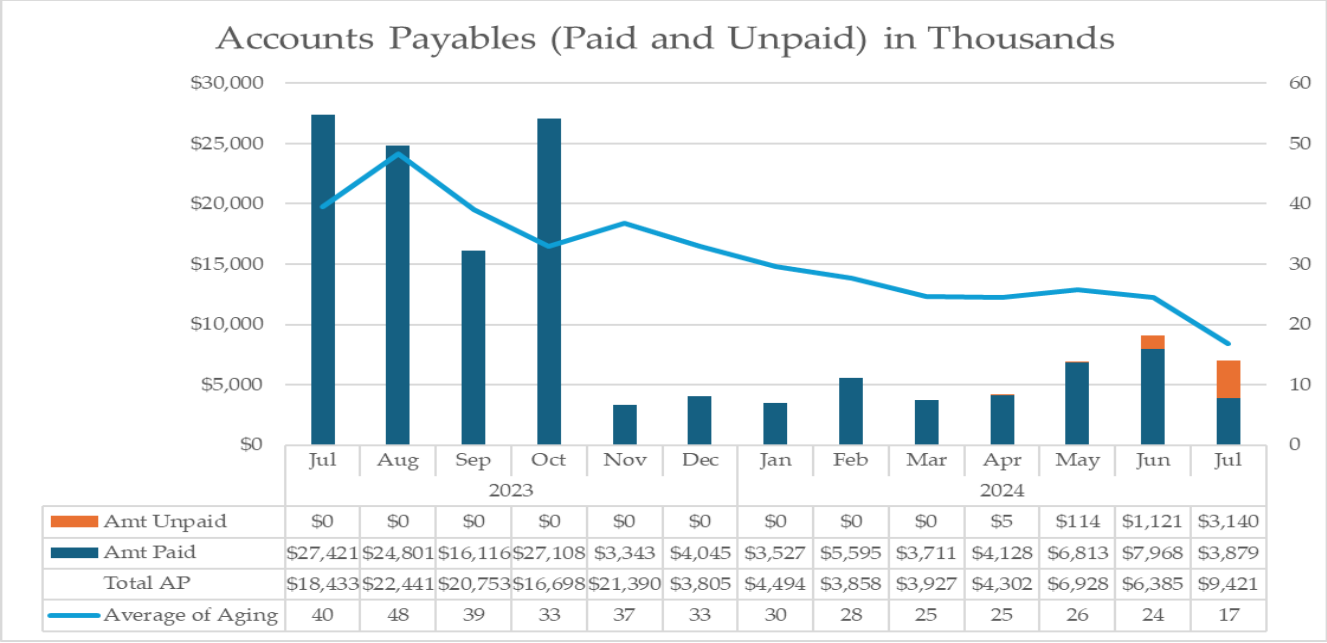
	24-Jun		24-Jul	24-Aug
	Projection	Actual	Projection	Projection
Total Revenue	$28,452	$28,732	$27,854	$27,847
Total Expenditures	($17,768)	($19,090)	($51,442)	($33,062)
Net Total Exp/Rev	$10,684	$9,642	($23,588)	($5,215)
Beginning Cash Balance	$72,750	$72,750	$87,379	$63,791
End of Month Cash Balance*	$83,434	$87,379	$63,791	$58,576
Less: Dedicated Funds	($19,177)	($24,910)	($25,000)	($25,000)
End of Month Main Cash Balance	$64,257	$62,469	$38,791	$33,576
Available GF Appr	$75,535	$76,631	$62,543	$54,193
Available Resources	$139,792	$139,100	$101,334	$87,769

* Includes reconciliation for non-cash revenue and expenditure transactions.

Accounts Payable

Department-wide expenditure activity marginally decreased since the last reporting period (Figure 2), which is consistent with the time of year. As the department prepares for the 2024 fire season, an increase in accounts payable balances is anticipated.

Figure 2 - Accounts Payable as of July 26, 2024



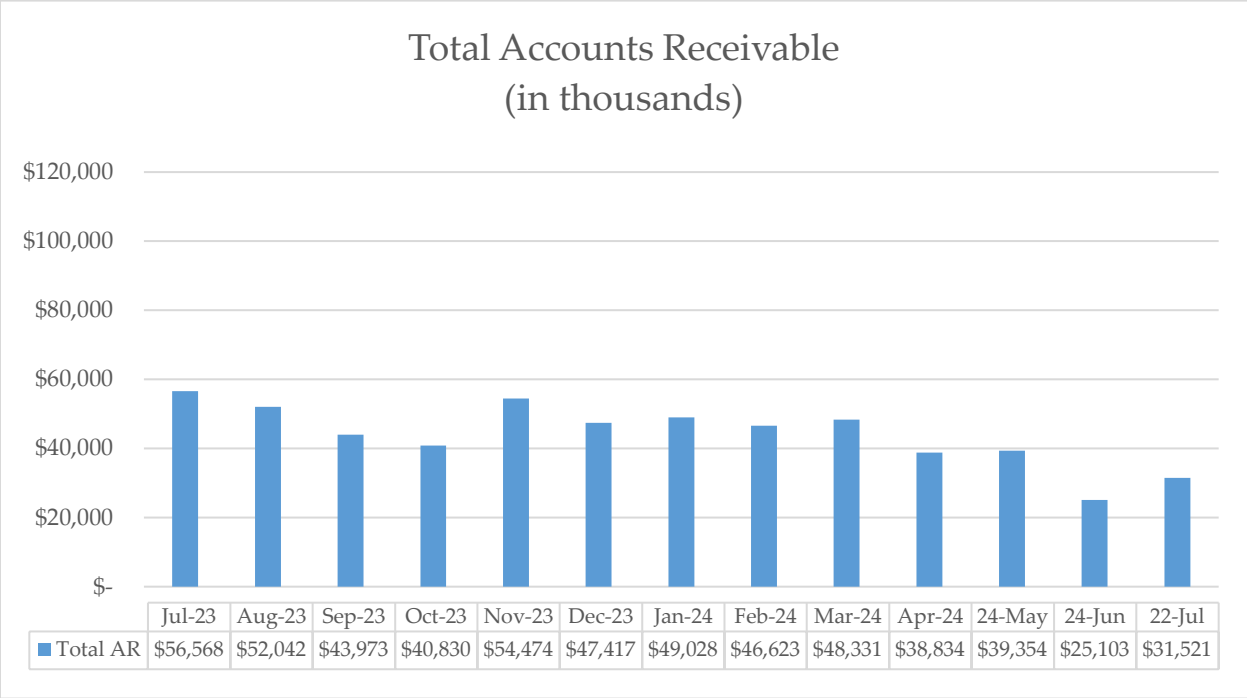
	Jul 2023	Aug	Sep	Oct	Nov	Dec	Jan 2024	Feb	Mar	Apr	May	Jun	Jul
Amt Unpaid	$0	$0	$0	$0	$0	$0	$0	$0	$0	$5	$114	$1,121	$3,140
Amt Paid	$27,421	$24,801	$16,116	$27,108	$3,343	$4,045	$3,527	$5,595	$3,711	$4,128	$6,813	$7,968	$3,879
Total AP	$18,433	$22,441	$20,753	$16,698	$21,390	$3,805	$4,494	$3,858	$3,927	$4,302	$6,928	$6,385	$9,421
Average of Aging	40	48	39	33	37	33	30	28	25	25	26	24	17

Accounts Receivable

Between May and June, there was a net increase of $6,418 in the total accounts receivable balance (Figure 3).

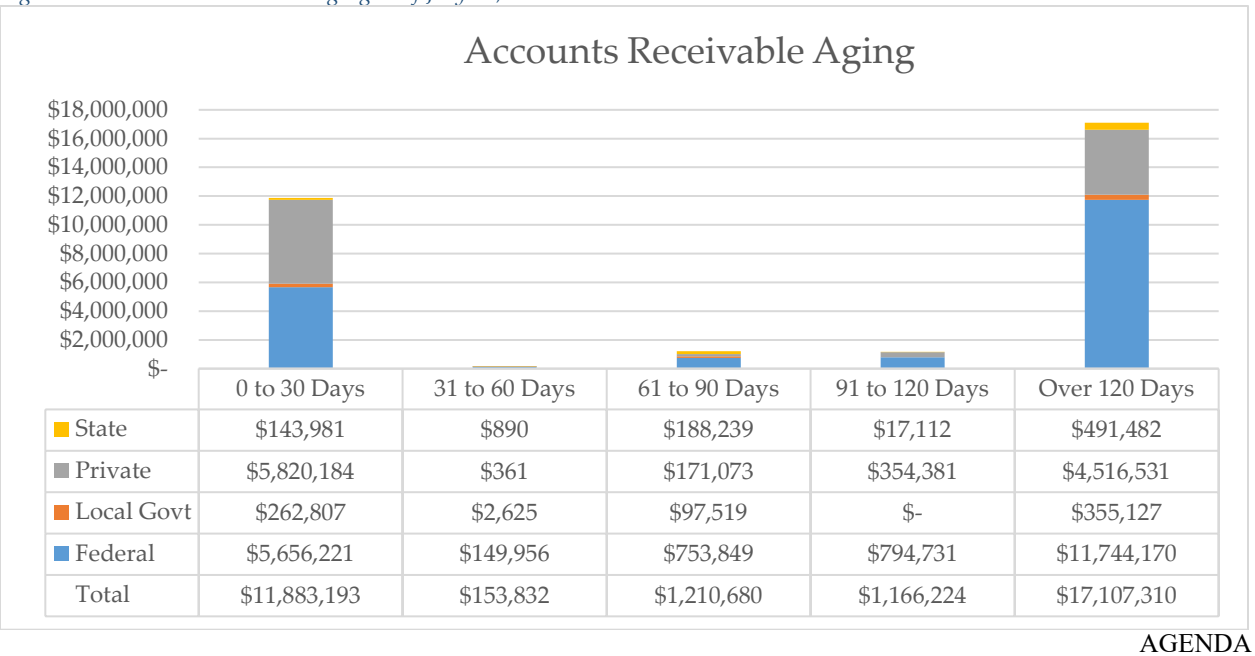
Accounts older than 120 days equate to $17.1 million, or 54.3% of the total balances owed to ODF (Figure 4). Of these accounts, the majority are due from FEMA ($3.5 million), other federal partners ($15.6 million), and private parties for cost recovery ($10.9 million).

Figure 3 - Accounts Receivable as of July 22, 2024



	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	24-May	24-Jun	22-Jul
Total AR	$56,568	$52,042	$43,973	$40,830	$54,474	$47,417	$49,028	$46,623	$48,331	$38,834	$39,354	$25,103	$31,521

Figure 4 – Accounts Receivable Aging as of July 22, 2024



	0 to 30 Days	31 to 60 Days	61 to 90 Days	91 to 120 Days	Over 120 Days
State	$143,981	$890	$188,239	$17,112	$491,482
Private	$5,820,184	$361	$171,073	$354,381	$4,516,531
Local Govt	$262,807	$2,625	$97,519	$-	$355,127
Federal	$5,656,221	$149,956	$753,849	$794,731	$11,744,170
Total	$11,883,193	$153,832	$1,210,680	$1,166,224	$17,107,310

Fire Costs

Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of July 23, 2024

Fire Protection Large Fire Cost Summary							
Fire Season	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**Total**
Fire Costs	108.12	33.66	139.85	149.18	53.49	93.13	577.43
Currently Invoiced	(0.08)	(0.15)	(5.54)	(2.22)	(5.53)	(3.95)	(17.47)
Outstanding to Invoice	(0.04)	(0.49)	(0.87)	(3.77)	(16.93)	(45.38)	(67.48)

The department recovers some fire costs through two FEMA grant programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via the fire funding framework, cost-share agreements, and cooperative agreements, which are all included in the numbers provided in Table 2.

FEMA-Public Assistance (PA) grants are awarded to the ODEM, who, in turn, passes the funds through to ODF. FEMA-Fire Management Assistance grants (FMAG) are awarded directly to ODF, and the department has immediate access to the funds once obligated.

FEMA grant applications submitted.
As of July 24, 2024, 12 grant applications totaling $2.6 million have been submitted to FEMA, of which $1.47 million are obligated grant applications pending ODEM audit/review and distribution to ODF.

FEMA grant applications not yet submitted.
An additional $4.42 million in estimated FEMA-PA and FMAG grant applications (12) have yet to be submitted to FEMA. This includes estimated fire costs for the 2023 fire season. Nine FEMA-FMAG applications associated with administrative costs ($325,000) cannot be forwarded to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

Three FEMA grant applications ($4.09 million) are associated with estimated suppression costs. They will be submitted to FEMA after completing all cost-share and fire payment reconciliations.

Sincerely,

Cal Mukumoto
Oregon State Forester

c:
Legislative Fiscal Office
Chief Financial Office
Oregon State Treasury
Board of Forestry
Governor's Office

STAFF REPORT

Agenda Item No.:	5
Topic:	*Vision for Oregon's Forests*
Date of Presentation:	September 4, 2024
Contact Information:	Joy Krawczyk, Public Affairs Director

SUMMARY

The *Vision for Oregon's Forests* is a joint effort between the Board of Forestry and Department of Forestry. The *Vision* establishes the strategic direction that will guide the policy and operational decisions for the Board of Forestry and department in the coming years and serves as the foundation for continued planning work. It also informs several other key department and board strategies and plans, including:

- Biennial Agency Request Budget
- Affirmative action; diversity, equity & inclusion; and employee engagement action plans
- Oregon's Forest Action Plan
- Agency communications and information technology strategies
- Succession management plan

The Board and Department received thoughtful and detailed input during the May 2024 public comment period. There were several prevailing themes across comments:

- Concerns about generalization in the statement asserting a decline in forest health across forests and ownerships.
- Acknowledgement of the role of the timber industry in the social and economic fabric of forest-adjacent communities/the outsized impact of forest policies on rural communities.
- Implementation of the Private Forests Accord.
- Acknowledgement of the key role small/family forestland owners have in keeping forests as forests.
- Workforce and education gaps.
- Purpose/function of document is unclear.

The subcommittee met for a final time to review the incorporation of these themes into the *Vision for Oregon's Forests,* the final version of which has been provided to Board members with this staff report and posted on the Board's webpage as part of the materials for this meeting.

RECOMMENDATION

The Department recommends the Board adopt the presented version of the *Vision for Oregon's Forests* (Vision for Oregon Forests_Final for adoption) as the vision and strategic direction for the Board and Department.

Some Board members and public commenters have noted the lack of measurable objectives in the *Vision for Oregon's Forests.* Without this component, the *Vision* cannot serve as a functional strategic plan. With the clearer articulation of the purpose of the *Vision*

1. The Department recommends the Board creates a short-term workgroup with Board and Department representation to determine whether it is necessary to establish overarching, observable and measurable outcomes associated with the goals of the *Vision for Oregon's Forests* for use in tracking the Board and Department's alignment with their stated shared vision. The workgroup would bring its recommendation to the full Board at its January 2025 meeting.

NEXT STEPS

With Board adoption, Attachment 1 will undergo design and publishing work, with the final design shared with the Board at the October retreat before being posted to the Board's website. The Department will continue with rollout planning to guide the sharing of the *Vision* with the agency as a whole,

ATTACHMENTS

(1) Final *Vision for Oregon's Forests*
(2) Strategies for Oregon Forests

The Oregon Board of Forestry and

Department of Forestry's shared

Vision for Oregon's Forests

Adopted: DATE

Our shared vision: Complex and resilient forest ecosystems that endure and adapt.

Our shared mission: To protect and promote resilient forests that benefit all Oregonians.

Our shared values

Healthy ecosystems

Healthy, functioning ecosystems provide many benefits to people, including timber, food, clean air and water, recreation, habitat, regional biodiversity, carbon storage, and so much more.

Ecosystems support

People's actions are critically important to the continued resilience and adaptive capacity of forest ecosystems, including habitat protection, wildfire management, seedling selection, cultural and natural resources stewardship, restoration activities, and water and soil protection.

Forestry infrastructure

The forest products sector—including its workforce and infrastructure—plays a vital role in supporting healthy ecosystems and resilient forests and communities.

Climate-smart forestry

Addressing the management needs related to climate change requires a holistic approach that considers adaptation, mitigation and the social dimension of forestry, which includes community and economic aspects.

Relationships

Strong, respectful relationships are the backbone of our organization. Those relationships are built and maintained through transparent, honest, effective communication.

Workforce

Our workforce is our greatest asset. We provide them with a safe, diverse and inclusive workplace that encourages continuous learning and improvement.

Safety

Much of the work we do—including firefighting—is both inherently dangerous and necessary to accomplishing our mission. Therefore, safety of our workforce and the public must be a top priority.

Public service

Through efficient and effective stewardship of natural and public resources, we strive for excellence in our service to the public.

Sound decision making

We empower our workforce to make decisions in the best interest of Oregonians based on science, best practices and lessons learned.

Accountability

We are transparent about our actions and take ownership of the outcomes. We do what we say we're going to do.

Purpose

Forests are an integral part of the social economic and environmental fabric of our state. The benefits we derive from our forests—clean air and water, sustainable forest products, biodiversity, public health and safety, and many more—are all reliant upon a foundation of resilient and healthy forest ecosystems.

The risk of catastrophic disturbances in our forests is increasing, due in part to ever intensifying climate driven stressors—such as insects, storms, heat and wildfire—as well as historic management decisions. This vulnerability requires bold action in our forests to ensure that our forests can continue to provide the many benefits that are essential to a good quality of life in Oregon.

Recognizing the importance and urgency of this work, the Oregon Board of Forestry and Oregon Department of Forestry collaboratively developed this bold, forward looking strategic *Vision for Oregon's Forests* that will best serve Oregon's forests and people into the future. The purpose of this document is to articulate the board and department's shared vision for the future of forestlands across Oregon. This strategic direction will guide the board and department's policy and operational decisions and serve as the foundation for key board and department planning efforts.

Context and Commitments

The board and department recognize that:

Bold, science-based actions are needed to address the composition and structure of the forests in Oregon.

- Policies will be responsive and adaptable to global and local climate change while mitigating threats to ecosystems, human health and safety, and economies.
- Policies will strive for a reciprocal relationship between forests and human cultures representing multiple identities. There is a responsibility to take care of forests so that forests can take care of us.

- Policies will support development of local and regional economies. Diversification and innovation in all aspects of forest management should promote the adaptive capacity of forests.

Oregon's rural, urban and suburban populations have varying social perceptions and expectations about forests and how forests should be managed to benefit humans and other species.

- The vision and goals put forth in this document are applicable statewide. The policies to enact these goals will be applied in a place-based manner at the regional and local level.
- Policies will seek to reflect and integrate the needs of all communities and identities including those which have been, and continue to be, marginalized.
- The board and department will provide clear and accurate information about forests in Oregon and accessible opportunities for all Oregonians to provide meaningful input on policies and decisions.

The state has unique and specific government-to-government relationships with the nine federally recognized Tribes in Oregon.

- Policies will honor government-to-government relationships with Sovereign Nations and meet obligations to protect tribal cultural resources.
- Policies will encourage collaboration with Tribes by pairing western science with indigenous knowledge.

Workforce supply continues to be a challenge, and there is a reduction in the ability of managed forests to cover associated costs in this dynamic state of climate and social change.

- Policies will recognize the changing educational requirements for a trained and skilled workforce that will support the work needed in Oregon.
- Policies will promote educational and employment opportunities that include communities and identities that have been and continue to be excluded from the profession.

The *Vision for Oregon's Forests* is forward looking and aspirational, which means that not all strategies can be immediately implemented with the authorities and resources currently available to the board and department.

- The board and department will work together to identify opportunities and solutions to challenges.
- There is a shared commitment to working within state government budgeting and policy processes to promote and fulfill the needs to implement this vision.

Priority	Goal
Resilient Forests	To reduce the vulnerability of Oregon's forests from a myriad of catastrophic climate driven disturbances, ODF will direct its policy, management and educational actions to enable and promote all forestland managers to make intentional decisions that increase adaptive capacity of forest ecosystems.
Resilient Communities	Policy and management decisions foster healthy relationships between humans and forests, so that forests support resilient human communities through social, economic, and ecological change.
Addressing the Wildfire Crisis	Prevent, suppress and mitigate wildfire to protect communities and expedite forest restoration activities that promote the adaptive capacity of Oregon's forests.
Climate Leadership	The Board and Department will build capacity for climate-smart leadership.
Organizational Excellence	Strengthen trust and confidence in ODF's ability to effectively accomplish its mission and provide excellent service to Oregonians.

Resilient Forests

Goal

To reduce the vulnerability of Oregon's forests from a myriad of catastrophic climate driven disturbances, ODF will direct its policy, management and educational actions to enable and promote all forestland managers to make intentional decisions that increase adaptive capacity of forest ecosystems.

Context

Changes related to climate, social values and economics are resulting in changes to ecosystem functions and ecosystem services provided to our society. Society recognizes the importance of reciprocal relationships between humans and forests; relationships in which humans support forests so that forests can support humans and other species.

The range of components that describe forest complexity, structure and function in each ecoregion in Oregon will be defined at multiple spatial scales (individual forest stand- to landscape-level) and temporal scales (stand initiation to old-growth). Beyond the legal requirements of the Endangered Species Act, the Clean Water Act and the Clean Air Act, and state forest practices act rules, complex, functional forests representing a wide range of seral stages from early successional to old-growth contribute to maintaining populations of native species over space and time in each Oregon forest type. Forest complexity can be enhanced at all stages of stand development using management based on best available science and continuous learning.

Communities in rural, suburban, and urban environments can support forest management if communities can see their values considered and represented in the outcomes of that management, including clean water and air, fish and wildlife habitat, timber for jobs and housing, and recreational opportunities. Complex, functional forest ecosystems in each of Oregon forest types hold the greatest opportunities for providing these values over space and time.

The Board of Forestry believes that all forest owners and stewards have a social responsibility to improve the resilience and adaptive capacity of their lands. The Department of Forestry has the tools to incentivize and support this work.

Resilient Communities

Goal

Policy and management decisions foster healthy relationships between humans and forests, so that forests support resilient human communities through social, economic, and ecological change.

Context

Forests have both direct and indirect effects on quality of life, economic opportunities for communities, and ecological conditions in rural, suburban, and urban areas across the state. Resilience varies regionally and between communities of place and culture. Forests provide a range of benefits to Oregonians and contribute to community resilience. Place-based and scientifically informed management approaches support forests to contribute a full range of benefits to enhance community resilience by meeting their needs.

Priority: Addressing the Wildfire Crisis

Goal

Prevent, suppress and mitigate wildfire to protect communities and expedite forest restoration activities that promote the adaptive capacity of Oregon's forests.

Context

Wildfire has been a force that has helped shape Oregon's forests for millennia. Naturally occurring and prescribed fire, as well as suppression of fire, have played important roles in creating the forests we have today. Across Oregon, fire in forests has always existed in a variety of regimes, from frequent, low intensity fire to stand-replacing events, and mixed severity fires that present a spectrum of disturbance patterns.

Over the past decade, wildfires in Oregon have been trending toward larger, more complex, and more challenging and costly due to climate change and current forest conditions. With more people living in or near forests, there are far more lives, property and infrastructure threatened every year. Beyond immediate physical safety concerns, wildfire and smoke have broader impacts on public health, community wellbeing, local economies and our state's natural resources, including water and air quality.

This plan seeks a balanced approach that recognizes the role of fire suppression in protecting life and property, the role of active management to mitigate risk and control

forest fuels, and the ecological role of fire on the landscape. Place-based solutions based on robust assessments of current conditions and desired outcomes will be essential to promoting forests that are resilient and can continue to provide abundant benefits to Oregonians.

Climate Leadership

Goal

The Board and Department will build capacity for climate-smart leadership.

Context

The Board adopted its Climate Change and Carbon Plan in November 2023, which centered climate-smart forest management to guide activities contributing to adaptation and mitigation, as well as social dimensions of the effects of climate change. Climate-smart forestry is a holistic approach for addressing the management needs related to the existential pressures exerted from climate change.

Organizational Excellence

Goal

Strengthen trust and confidence in ODF's ability to effectively accomplish its mission and provide excellent service to Oregonians.

Context

Oregon state agencies have an obligation to the Oregonians they serve to continually improve business processes to promote organizational efficiency and effectiveness in their delivery of services. Achieving this requires alignment: internally at all levels; with the direction provided by the Board of Forestry, Executive Branch and Legislature; with our partners; and with the public we serve. Organizational excellence requires a well-trained, highly competent and diverse staff of professionals and a culture that values and encourages individual and team learning and continuous improvement.

About Us

Oregon Board of Forestry (est. 1907)

For more than a century, the Board of Forestry and Department of Forestry have been caring for Oregon's forests. The board was established in 1911, along with the positions of state forester and deputy state forester. Together, they were charged with preventing forest fires and coordinating the response when fires did start. This was the start of Oregon's complete and coordinated fire protection system that is still a crucial part of our suppression success today.

Less than a decade after being founded, the Board of Forestry adopted a forest policy for the state that identified the need for increased forest protection, a forest nursery, insect control, and formation of state forests. This policy was the starting point for the broad portfolio of work the board and department are responsible for today.

The Oregon Board of Forestry is a seven-member citizen board appointed by the Governor and confirmed by the state Senate. The board's primary responsibilities are to:

- Supervise all matters of forest policy within Oregon.
- Appoint the State Forester, who also serves as the director of ODF.
- Adopt rules regulating forest practices.
- Provide general supervision of the State Forester's duties in managing ODF.

The board is charged with representing the public interest. No more than three members may receive any significant portion of their income from the forest products industry. At least one member must reside in each of the state's three major forest regions: northern, southern, and eastern. The term of office is four years, and no member may serve more than two consecutive full terms. The State Forester serves as secretary to the board.

Oregon Department of Forestry (est. 1911)

The Department of Forestry's work is truly a team effort. The policy and direction established at the headquarters level guides the work happening in the field statewide. The department's headquarters are in Salem, but much of the on-the-ground work is done by the leadership and staff of ODF's 12 districts with 24 units from Astoria to Wallowa and all the way down to Lakeview and Medford. The dedicated public servants in these offices are the people responsible for fighting fires, assisting landowners and managing our state forestlands every day for their fellow Oregonians. ODF also partners with three forest protective associations as part of the fire protection program.

ODF's Fire Protection Division is the state's largest fire department and protects 16 million acres of private, state, and some federal lands. ODF has been protecting Oregon's forests for 110 years. The department emphasizes preventing human-caused fires, reducing wildfire risks through improved forest health and resiliency, and keeping those fires that do start as small as possible. This approach minimizes resource loss, fire danger and smoke impact to communities, and suppression costs. ODF leads Oregon's complete and coordinated fire protection system. This system relies on partnerships with local, state, tribal, and federal government; the structural fire service; landowners; forest operators; contractors and more.

ODF's Forest Resources Division is responsible for several key areas of operation that contribute to sustainable, healthy forests. The most prominent work they do involves the administration of the Forest Practices Act, which is a cornerstone of natural resource protection in Oregon that encourages sound management of forestlands.

Division staff also:

- Monitor and help preserve forest health across the state,
- Provide technical assistance to landowners, and
- Support local urban and community forestry efforts.

The division also houses the Federal Forest Restoration Program that, along with the Good Neighbor Authority, enables ODF to assist its federal partners in forest restoration and resiliency work on federally managed forestlands. Since the federal government is responsible for so much of Oregon's forests, the condition of these lands has a dramatic effect on the health of the state's total forestland.

ODF's State Forests Division manages more than 760,000 acres of working forests—also known as Board of Forestry lands—to provide social, economic and environmental benefits for Oregonians, which is not an easy task. The way the division's work is funded adds to the complexity. State forestland management is funded by a portion of the revenues received from timber sales on these lands. The majority of the revenue goes to the counties in which the timber sales are located and helps fund essential local services. ODF retains 36.25% of the revenues, which has to support all aspects of state forestland management. Essentially, all recreation and environmental work on state forestlands is paid for by timber sales. The ability to build trails, maintain campgrounds, and improve wildlife habitats are all dependent upon timber being harvested off those same lands.

Strategies for Oregon's Forests

A companion document to the Vision for Oregon's Forests

Resilient Forests

- Promote ecological forestry principles that further forest complexity components, including diversity of regenerated woody and nonwoody species, a wide range of stand densities, extended rotations and increased retention of large legacy structures (live green trees, snags, and downed wood) during harvest activities.
- Engage in the development of safe harbor agreements, habitat conservation plans, and other regulatory compliance mechanisms in collaboration with landowners and state and federal agencies.
- Engage with the Governor's Office and Legislature on potential incentives to encourage implementation of stewardship agreements on private lands.
- Encourage the development of complex, functional forests that sequester and store carbon.
- Promote the Forest Legacy Program and other efforts to protect private forestlands. And the multitude of public benefits they provide, from fragmentation and conversion.
- Engage with partners on place-based plans that seek to balance ecological, economic and social trade-offs to support the resilience, recovery and regeneration of diverse forests in the aftermath of severe disturbance events.
- Adopt new, and revise existing, Oregon Administrative Rules pertaining to harvest and reforestation to incentivize retention and development of forest complexity components.
- Manage ODF's state forestlands to produce a blend of social, economic and environmental benefits to Oregonians, and demonstrate leadership in forest management.
- Increase partnerships and co-stewardship work with tribes, including incorporation of tribal ecological knowledge into ODF forest management activities.
- Increase cross-jurisdictional alignment on management of public forestlands that meets the needs and expectations of Oregonians.
- Promote and support forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in building the workforce needed to build and maintain resilient forests.
- Continue and expand programs focused on small and family forestland owners who play a key role in keeping Oregon's forests as forests.

CALLOUT BOX FOR ECOSYSTEM SERVICES

Forest.*ecosystem services* are the benefits provided by healthy, functioning ecosystems to humans; these services are categorized into the following four groups (Millennium Ecosystem Assessment 2005).

1. **Provisioning services**. Provisioning services are raw resources provided by forest ecosystems including but not limited to: sustainable and predictable supply of timber and special forest products*;* food, energy and mineral sources; and clean air and water.
2. **Regulating services**. A regulating service is the benefit provided by a forest ecosystem's impact on natural processes such as carbon storage, water storage and purification, erosion and flood control and decomposition.
3. **Cultural services**. Cultural services are nonmaterial benefits provided by forest ecosystems such as sustenance; spiritual, recreational, aesthetic, and scientific benefits; and values as numerous and diverse as the people and cultures that use them.
4. **Supporting services**. Supporting services are necessary for the maintenance and support of all other ecosystem services. Forest ecosystems support the *function* of many systems including *nutrient cycling*, soil formation, pollination and seed dispersal, habitat for fish and wildlife and regional *biodiversity*.

Services to ecosystems are the actions taken by humans that support the continued resilience and adaptive capacity of ecosystems.

1. **Protecting Services**. Wildfire management activities, fish and wildlife habitat protection, integrated pest management, riparian and water protection, soil protection, sustainable harvest.
2. **Enhancing services**. Density management, seedling selection, nutrient cycling.
3. **Restoring services**. Post-wildfire restoration activities, fish and wildlife habitat restoration and enhancement, promoting carbon storage.
4. **Supporting services.** Cultural and natural resources stewardship practices, culturally significant vegetative species strategy, native seed sources, recreation management, educational and interpretive opportunities.

CALLOUT BOX FOR SHARED STEWARDSHIP

Urgent land management challenges like extreme wildfires, severe drought, and invasive species do not recognize property lines. Shared stewardship is a collaborative approach to land management that emphasizes partnerships across state, federal, private, and tribal landownerships. Shared stewardship approaches seek to identify joint priorities, explore opportunities, and develop cross-boundary strategies that make an impact on a landscape scale to create more resilient landscapes over time.

In 2019, Oregon's Governor and state and federal officials signed a Memorandum of Understanding (MOU) to document the commitment to work collaboratively to create a shared stewardship approach for implementing land management activities in Oregon. This MOU and the passage of Oregon Senate Bill 762 (2021) led to the development of the 20-year Landscape Resiliency Strategy.

This strategy—developed in collaboration with public and private sector partners—prioritizes restoration actions and geographies for wildfire risk reduction to direct federal, state, and private investments. More information on the strategy the plan for implementing Shared Stewardship in Oregon can be found on the ODF website.

CALLOUT BOX FOR ECOLOGICAL FORESTRY

Ecological forestry incorporates practices in managed forests that differ from those used on many industrial forestlands. These practices are based on conditions that occur following non-human-induced disturbances and are intended to promote a range of values in addition to the production of wood fiber. Ecological forestry promotes diverse forests over a range of spatial and temporal scales and result in a range of future management options. Specifically, ecological forestry focuses on the following characteristics:

1. Maintains an array of ecosystem functions, structures and biota over time and over a range of spatial scales from within stands to landscapes.
2. Emphasizes ecosystem diversity and resilience to reduce risks and provide options in response to ecosystem disturbances and stressors.
3. Provides an increased number of management options needed to achieve an array of values by expanding the range of silvicultural prescriptions that reflect range of sizes, frequencies and intensities of natural disturbances found in each forest type.
4. Values complexity and heterogeneity at multiple spatial and temporal scales.
5. Adjusts management practices through an ecological model that accommodates changing biophysical and social conditions.

Adapted.from.information.provided.by.Franklin?Jerry.F¡?K¡.NormanJohnson?and.Debora.L¡Johnson¡.867❹¡.Ecological. forest.management¡.Waveland.Press¡

Resilient Communities

- Promote access to forests for recreation, culture, education, and appreciation, in ways that are welcoming and inclusive for a wide range of diverse communities. Ensure access respects cultural resource protections, private ownership and natural resources.
- Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities.
- Ensure management of forests contributes to clean water and air.
- Create a culture of shared learning and engagement about forestry with communities that includes culturally specific and appropriate approaches and content.
- Employ shared stewardship to support collaborative management across ownerships, promoting diverse strategies that maintain environmental and economic values.
- Take a place-based approach to supporting resilient communities that recognizes unique characteristics of that place.
- Engage with communities on place-based plans to support community recovery from severe disturbance events.
- Incorporate consideration of the social and economic impacts on forest-adjacent communities into policy and operational decision-making processes.

CALLOUT BOX FOR PLACE BASED

Oregon is home to diverse and varied landscapes, ecosystems, and peoples. Developing natural resource management strategies that maintain environmental, human, and economic health requires consideration of local differences in both human and natural communities. Taking a place-based approach means finding solutions that are uniquely tailored to the geography and relevant human communities for a given locale, while still meeting broader regional, national, or global needs.

Place refers to both the natural-environmental context (a valley, mountain range, region, ecosystem, etc.) and the human context (human cultural history, economics, laws, etc.). Place-based strategies include goals and outcomes that reflect a balance of needs between the environmental and human components of a place. Understanding and achieving this balance can be challenging, but the Board and department are committed to open and equitable processes that attempt to bridge this often-challenging divide. Link analysis of resilience in spatial planning: https://doi.org/10.1007/s12061-022-09449-z

Addressing the Wildfire Crisis

- Development of a stable, equitable, and sustainable funding structure that adequately funds the resources needed to address Oregon's wildfire crisis and recognizes the broad impacts of catastrophic wildfire on public health and safety, community wellbeing, economies and natural resources across Oregon.
- Lead state-level efforts to expand the use of prescribed fire and fully integrate this tool into forest restoration and resiliency and community fire adaption efforts. Learn from tribes and incorporate tribal ecological knowledge into prescribed fire policy and practice.
- Continuously improve upon Oregon's complete and coordinated wildfire protection system to meet the needs of the changing operational environment.
- Increase community education and engagement on wildfire topics, such as wildfire science, Oregon's fire environment, the importance of mitigation, and actions they can take to protect themselves and their communities (prevention, mitigation, preparedness, etc.).
- Prioritize and promote fuels management and forest resiliency work in areas with human life and infrastructure, especially in the wildland-urban interface.
- Advance the implementation of the 20-year Landscape Resiliency Strategy and all-lands shared stewardship across Oregon.
- Promote fire and smoke-adapted communities to mitigate the impacts of climate-induced increases in wildfire severity.
- Promote management activities that provide for safe operations before, during and after wildland fire events.
- Align with the National Cohesive Wildland Fire Management Strategy:
    - Restore and maintain landscapes.
    - Support fire adapted communities.
    - Respond to fire.
- Improve cross-jurisdictional alignment and coordination on preparedness, prevention, mitigation and suppression to provide consistent, quality service to Oregonians.

Climate Leadership

- Implement the adopted *Climate Change and Carbon Plan*.
- Lead efforts for a just and equitable transition to climate-informed silviculture and climate-smart forestry that optimizes climate mitigation and adaptation, while maintaining a sustainable flow of wood products to ensure long-term resource benefits and viability of the forest products industry and flow of long-lived forest products.
- State forests management: Lead by example and demonstrate climate-smart forest management on state forests to achieve adaptation, mitigation, and the achievement of forest resource goals.
- Accelerate the pace, scale, and quality of climate appropriate forest restoration to increase the resilience to increased wildfire, drought, and biotic disturbance severity and incidence. Support implementation of the recommendations of the Governor's Council on Wildfire Response.
- Increase the extent and resilience of urban and community forests to maximize the climate mitigation and health benefits of urban forest canopy.
- Facilitate the reforestation of areas burned by wildfire and encourage afforestation of low-productivity lands that are understocked or not in forest use.
- Support a strong, but flexible, land use planning system as a cornerstone of maintaining Oregon's forests on private lands.
- Create and maintain a research and monitoring program to track the status and trends of ecological, economic, and social indicators and the effects of climate change and to track progress related to this plan.

CALLOUT BOX FOR CLIMATE-SMART FORESTRY

Climate-smart forestry is a holistic approach for addressing the management needs related to the existential pressures exerted from climate change. Recent impacts go beyond the biotic aspects of the forest and include social dimensions including economics and state financial obligations. Abiotic and biotic forces are driving a divergence of existing ecosystems and the future environment.

The Oregon Department of Forestry and the Oregon Board of Forestry have accepted a definition of climate-smart forestry that includes three legs: adaptation, mitigation, and the social dimension (including communities and economic aspects), and following this will help the board and department align with each other and with the State's federal counterparts which have been directed to center climate-smart agriculture and forestry in their own work and processes.

Adaptation policy can help forests adapt towards more resilient landscapes through human intervention. Examples include changing forest structure, management approaches, and incentivizing efforts to incorporate climate change into management decisions. Adaptation tools can help forest landowners and managers assess their vulnerability to climate change. Mitigation policy and activities contribute to reducing temperatures through the removal of carbon dioxide from the atmosphere. Natural climate solutions like forests, agricultural lands, and blue carbon offer options to increase this mitigation through biologic sequestration. Policy approaches and levers that can be utilized include incentivizing practices to increase stored carbon in the forests, reducing emissions from forest activities (e.g., limiting slash burning and increasing alternative slash use), among others. Social license considers the impacts of adaptation and mitigation action on people, personal and community health, and community and rural economies. Utilizing climate smart forestry to create healthy, resilient forests that also provide ecosystem and economic benefits can help lift disadvantaged, underserved, natural resource dependent, and those living with intergenerational poverty.

Organizational Excellence

- Engage with legislators and Executive Branch leadership to promote awareness and understanding of the agency's challenges, opportunities and complexities.
- Build an agency governance structure that ensures consistent, optimized and efficient implementation of all agency functions.
- Create and maintain strategic and operational plans that support accomplishment of the goals in this document.
- Foster a culture of continuous improvement and innovation to increase efficiency and effectiveness.
- Engage and collaborate regularly with the nine federally recognized Tribes in Oregon.
- Collaborate and coordinate with partners to identify and pursue opportunities and leverage efficiencies to accomplish individual and shared goals and objectives.
- Increase transparency into key areas of interest including agency performance, enforcement activities, and financial condition.
- Expand ODF's education, information, outreach and engagement efforts to increase awareness and understanding of all that the agency does and the variety of ways in which it impacts Oregonians.
- Continue to build a diverse workforce where employees understand and value their role in the agency's mission.
- Encourage a culture of learning by providing development opportunities and supporting professional growth.
- Incorporate diversity, equity and inclusion into all aspects of ODF's business and operations.

CALLOUT BOX FOR DIVERSITY, EQUITY & INCLUSION

The Oregon Department of Forestry and the Oregon Board of Forestry are committed to a vision for Oregon's forests that benefits all Oregonians across all identities, backgrounds, and experiences. The board and department are committed to integrating diversity, equity, and inclusion, as defined below, across the agency's operations and spheres of influence. Collectively, we aspire to create a culture of inclusivity for our employees and the communities we serve.

Definitions extracted from C.

Diversity: Honoring and including people of different backgrounds, identities, and experiences collectively and as individuals. It emphasizes the need for sharing power and increasing representation of communities that are systemically underrepresented and under-resourced.

These differences are strengths that maximize the state's competitive advantage through innovation, effectiveness, and adaptability.

Equity: Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Inclusion: A state of belonging when persons of different backgrounds, experiences, and identities are valued, integrated, and welcomed equitably as decision-makers, collaborators, and colleagues. Ultimately, inclusion is the environment that organizations create to allow these differences to thrive.

CALLOUT BOX FOR TRIBAL RELATIONS

There are nine federally recognized Indian Tribes in Oregon. These Tribes existed prior to the foundation of the United States of America and retain a unique legal status and provide a historic context to Oregon's natural resources. The board and department are committed to communicating, engaging, and partnering with the Tribes at a government-to-government level. This means acknowledging Tribal governments as sovereign nations that have rights of self-determination. The nine federally recognized Tribes of Oregon have lived, worked, and played in Oregon since time immemorial, and partnering in natural resource stewardship is imperative given the challenges we face together, and the millennia of knowledge Tribes bring to ecosystem management in the Pacific Northwest. The department's intent is to promote and strengthen inter-government relations, resolve potential concerns, and enhance the exchange of information, ideas, and resources for the greater good of all Oregonians.

Agenda Item No.:	6
Work Plan:	Fire Protection
Topic:	Wildfire Hazard Map and Procedural Rules
Presentation Title:	Overview of proposed rules
Date of Presentation:	June 6, 2024
Contact Information:	Chris Cline, (Interim) Chief – Fire Protection 541-505-4521 Christopher.L.Cline@odf.oregon.gov Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, Tim.J.Holschbach@odf.Oregon.gov

SUMMARY

The purpose of this agenda item is to seek the Board of Forestry (Board) adoption of the proposed administrative rule modifications to the Department's Procedural rules, Division 01, and Wildfire Hazard Map administrative rules, Division 44. This is a decision item.

BACKGROUND

Following the 2013-2015 fire seasons, two parallel review processes were initiated, the Secretary of State Audit and the Fire Program Review. Both efforts are aligned to help continue a highly functioning wildfire protection system for Oregon into the future. The Oregon Department of Forestry (Department) has fully embraced the findings and recommendations from both final reports. The 2017-2018 fire seasons experience reinforced the need for the agency to continue efforts on these recommendations. Additionally, the Governor issued Executive Order 19-01 creating the Governor's Council on Wildfire Response.

The Secretary of State Performance Audit offered a third-party review of the Department's ability to sustain its multiple missions, as increased demand to support the fire protection effort has been required from the entire agency.

The Fire Protection Review Committee was coordinated with all agency partners through a transparent process including legislators, governor's office, forest landowners, and cooperators to reach for continuous improvement in Oregon's complete and coordinated fire protection system.

The Governor's Council on Wildfire Response offered 37 recommendations to improve Oregon's wildfire protection system. Many of the recommendations required legislative action to be carried out.

Senate Bill (SB) 762 captured many of the recommendations of the Governor's Council on Wildfire Response, providing legislative direction to the Board regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the Department to

review and clarify the enforcement of rules pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon.

CONTEXT

The original wildfire risk map was launched in July of 2022, meeting the statutory deadline. In August, it was taken down to undergo revisions. The Department and Oregon State University received substantial feedback from the public and appeals of risk classifications. Responses were analyzed to identify themes and trends. Items that were immediately addressed were fuel components of hay and pasturelands that were showing as elevated, as well as identifying avenues to address irrigated agricultural.

Furthermore, Senate Bill 80 in the 2023 Legislative session modified the framework of the wildfire risk map in the following ways:

- Established the intent of the map;
  - Educate Oregon residents and property owners about the residents' and property owners' wildfire exposure by providing transparent and science-based information;
  - Assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations; and
  - Identify where defensible space standards and home hardening codes will apply.
- Renamed the wildfire "risk" map to wildfire "hazard" map;
- Modified 5 risk classes to 3 hazard classes;
- Modified the appeals process from a Department determined process to a contest case hearing;
- Modified the notification requirements, to only those property owners within the wildland-urban interface and designated as high hazard; and
- Required the Department to meet with county commissioners and staff in 8 meetings throughout the state.

The Department, along with Oregon State University, Oregon State Fire Marshal, Building Codes Division, and the Department of Financial Regulations, met with county commissioners and staff of all 36 counties throughout September and October 2023.

Following those meetings, the Department assembled a Rules Advisory Committee to assist with determining how to best consider irrigated agricultural lands. This group was composed primarily of county personnel and commissioners, as well as the Oregon Farm Bureau and the Oregon Cattleman's Association.

At the June 2024 Board Meeting, the Department presented administrative rule modifications to both the Department's procedural rules and the wildfire hazard map, with a recommendation to conduct public hearings on the proposed administrative rule modifications. The Board also requested more information of how the modifier regarding irrigated agriculture would be applied (Attachment 4).

Over the month of June, the Department, with agency partners, held 6 town hall meetings to meet with the public and talk about changes to the hazard map, answer questions regarding all of the wildfire programs created through Senate Bill 762, receive feedback, and to provide information before the public comment periods started. These town halls were conducted to facilitate small discussions with the public. Locations included Redmond, La Grande, Medford, Grants Pass, Klamath Falls, and The Dalles. These locations encompass over 90% of the tax lots in high hazard areas and within the Wildland-Urban Interface.

The Department initiated the public hearing process with the Secretary of State July 1, with a 45-day comment period on the proposed rules. The Department held three virtual public hearings as well during this period. A summary of the comments received is in the Hearing Officer's report, Attachment 1.

Additionally, Senate Bill 80 required an opportunity for the public to comment on the draft map. This was conducted between July 18 and August 18. The Department issued releases announcing the comment period, which were picked up by 32 local media outlets between July 18 and August 10. The Department received approximately 2000 comments, across a blend of subjects, summarized below.

- Insurance – 37% of commenters reference insurance impacts, either non-renewals or higher rates, or that insurance companies needed to be more regulated.
- Firewise community – 18% referred to being in a Firewise community and a desire to receive credit for that and a lower hazard rating.
- Defensible Space/Building Codes – 18% commented on the impact of new codes, or currently in compliance with the proposed codes and wanting a lower hazard rating.
- Irrigation – 17% of commenters referenced irrigation as a means to lower hazard whether for agricultural or ranching purposes, or home systems. Many stated that the presence of water should reduce the hazard to low.
- Home values – 11% claimed that the map with result in a decline in home values.
- Federal Land Management – 10% referred to federal land management as an issue.

All comments received that pertained to the map or referenced a specific property were referred to OSU for review. Comments that were received that did not pertain to the hazard map, such as insurance, building code, defensible space and such, were referred to the respective agencies for review.

OAR 629-044-1021 allows for the Department and OSU to review and refine the hazard ratings as necessary to ensure accuracy.

The publication of the hazard map does not automatically trigger any instant regulations. Both the draft defensible space code and the draft building code have to be adopted by rule. The draft building code has a 6 month phase in after adoption, which will not take place until after the appeal process is complete. The defensible space code is being implemented in an education posture.

ANALYSIS

A significant portion of the proposed modifications are directly related to the passage of Senate Bill 80. Based on the comments and questions received, the following edits have been made to the rule sets presented in June.

629-001-0010
Edits were made to align this rule with the Department of Justice Model Rules regarding the agency representative program.

Alternates considered – modifying the rule to allow for electronic transmittal and verify entities that are till in business.

629-001-0015
Edit was made to remove a process that was no longer statutorily supported.

629-001-0020
Edit was made to remove a process that was no longer statutorily supported.

629-044-1026
Alternates considered – At the June Board meeting, several comments were provided that a 3 of 5-year standard would be more sufficient than the 1 of 5-year standard presented in the draft rules. The Board had substantial discussion following the comments presented.

Comments received from the public were supportive of the 1 of 5-year standard. There were no comments in support of a more restrictive standard.

RECOMMENDATION

The Board directs the Department to proceed with the promulgation of the proposed rules and rules changes in September 2024, as presented in the draft rule language for Chapter 629, Division 01 and Division 44.

NEXT STEPS

Pending the Board of Forestry's direction, the Department submits the rule package to the Secretary of State and Legislative Counsel for filing.

RULE REVIEW TIMELINE

- June 6, 2024 – ODF presents proposed rules to BOF to seek permission to conduct public hearings.
- June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State. Notify legislators and interested parties.
- July 2024 – Conduct public hearings.

- September 4, 2024 – ODF submits the final rule draft language with public comments to BOF for final consideration and approval.
- September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date September 30, 2024.

ATTACHMENTS

1. Hearing Officer Report
2. Division 001 administrative rules
3. Division 044 administrative rules
4. OSU Irrigated Agricultural: Summary of Data and Methods
5. Written comments

Presiding Officer's Report to the Board of Forestry
RE: Administrative Rulemaking Hearing

Date: August 18, 2024
To: Oregon Board of Forestry
From: Tim Holschbach
Subject: Wildfire Hazard Map & Procedural Rules Hearing

Hearing Dates: July 30, 31, and August 1,2024
Hearing Locations: Virtual Zoom Meetings
Title of Proposed Rule: Wildfire Hazard Mapping & Procedural Rules

This report contains summaries of the public hearings and oral comments.

Wildfire Hazard Map & Procedural Rules Hearing, July 31, 2024, at 10:00 AM

The public hearing on the Wildfire Hazard Map & Procedural Rules was formally convened at 10:00 AM. An information session began at 10:02 AM along with a general introduction to the hearing process and instructions. At 10:19 AM the formal hearing began and at 10:47 AM the hearing concluded, and the meeting was adjourned.

Summary of Oral Comments – July 31, 2024, 10:00 AM

Sheila Dooley- Speaking as a citizen. Sheila commented that it appears that the map is not accurate in some places. Sheila stated that there are areas in the Mozier area where she lives that are designated as moderate in the middle of a high-risk area. This area is not in the WUI but stated that she does not understand why her two tax lots would be designated as moderate. Sheila also commented that in the rules it refers to Firewise as an action plan and Sheila feels that this should be promoted so that neighbors can help each other with defensible space work. Currently there is the Microwave fire in the Mozier area and previously there was the Mozier Creek fire where firefighters were busy protecting houses and structures instead of putting the fire out.

Jan C.- Jan commented that when looking at his neighborhood on the map, he noticed quite a few issues with layers of burn probability and fire intensity. Jan noted that irrigated agriculture, pastures and hay fields were supposed to be reduced. Jan noticed when looking at the map that there are many fields that are completely irrigated and are yet still designated as high in some spots, anywhere from 25-50%. These are orchards, hemp fields, pastures, hay lands, etc. This puts the layers into question. Same issue with fire intensity. There are blocks in the middle of Oaks Savannah that all of a sudden have an area that is 12 ft or greater flame length. These are, in his opinion, very uniform areas and feels this doesn't fit. When checking the footprint of his house and landscape, Jan also checked other areas that matched his footprint. The only difference that he could come up with was tax lot size. Jan can't dilute out anything that is determined to be higher burn probability. Someone on 2 to 5 acres with the same footprint averaged out

over tax lot. Jan is surrounded by irrigated pasture and hay land and is rated high whereas others with bigger tax lots are lower. Jan questions the final outcome.
Jan added a comment stating that when reviewing the first map in 2020, it wasn't a fine enough analysis to meet what was going on the ground and feels that this current map is a better effort however, there is still some fine tuning that needs to be done along with ground truthing.

Cathy Smith- Cathy is a manager of a large homeowner's association down south of Sunriver and comments on behalf of her community. Cathy commented that the community is a new development with man-made lakes and the area has been cleared of fuels. The community is showing high hazard for one half and moderate hazard for the other half with a few random high hazard properties in the middle of the moderate zone. She is concerned that the map is not accurate and would like to have someone with feet on the ground to take a look at these places. She also questioned what the process is to present an appeal.

Eric Krueger- Representative for Rocky Point Fire & EMS currently working under a CWDG grant. Eric commented that there are a lot of concerns with the new map. Echoing what others have said, he feels that there are a lot of inconsistencies. Eric commented that they are going out and putting boots on the ground with the grant that they were provided. He has been a federal firefighter for 32 years, understands fire behavior modeling, and would like a little more transparency on what was done. Was under the understanding that local fire experts were used and was never contacted nor was Rocky Point or any of the fed agencies contacted. Is unclear on who the local fire experts were that were used. Eric would gladly volunteer to sit in on any boot on the grounds assessments if any were done. He feels that there are certainly some mistakes. There are some moderate ratings and then two or three properties mixed in there that are either low or high and none of them are correct according to my assessments. Eric would also like a little more clarification on the appeals process as his community is going to have a lot of appeals. Eric lives in Klamath Falls and where he lives came in as high and will be appealing his own property as well as a few of his neighbors. Eric commented that from the first map that came out, he can see the effort was better but feels that without putting boots on the ground and going out to talk to people, walking around properties, the map can't be very accurate. He knows that would cost more money and that there probably aren't enough people that can d it but suggests reaching out to the public to find folks like himself that are retired and would be willing to act as a local fire expert that experience fighting fire in the wildland urban interface that can give more accurate readings.

Pat Wickwire- Pat would like clarification on the difference between he appeals process and comments. Pat commented that she has been doing fuel reduction for 30 years and worked for the Forest Service. Pat had the Firewise group out helping her on her property and was told that there were no problems protecting the area. ¾ of the property is irrigated pasture land. Pat would like to start the process for an appeal and wants more understanding of the process.

Gene Rogers- Gene spent 34 years as a federal wildland specialist since 1969. Gene authored and revised the original Klamath County CWPP. Gene was involved in parcel service through Klamath County starting in 2006 and got up to around 14 to 15,000 individual parcels with full assessment. Gene commented that he bought his two lots that he is on right now 20 years ago and the first thing he did was clear them and continues to maintain them. Klamath County fire district 1 fuels trailer made a second visit to his place this season and was taken away yesterday full of material. Gene understands the problem with fringe properties. He is adjacent to a parcel that's owned by the city of Klamath Falls, 544 acres that is mostly forested. Gene has accomplished treatment on about 150 of those acres. Gene commented that when you pull up the map and look at his parcel and then look at his neighbor's parcel and see the satellite imagery that the trees are thinned, and the fuels are removed. Gene is rated high, and the neighbors are rated moderate and haven't raked a leaf. Gene stated that the parcels on the fringe are going to be the majority of the angst in and feedback from the public.

Marilyn Ronfeld- Marilyn commented that information was given that the map would be updated. Marilyn has irrigated lands and does not understand why her land is still showing high risk even though the parcel is irrigated.

Stephen Sabel- Stephen wanted to comment that he reiterates many of the comments that are being heard during this hearing which is that many people are interested in knowing how to appeal and will all be issuing appeals. Stephen stated that he feels this looks arbitrary and feels that so many have a distrust in the organization and the way the government is handling this and has handled it, along with the way that fire is controlled which is the worst part of it. Stephen stated that these problems have been man created by not actually managing the forests correctly and now the residents are having to suffer. Stephen commented that he is looking forward to appealing and wants to be on record that he and his neighbors around him are getting ready to appeal and wants these comments to be put into a report for record.

Bryan Baumgartner- Bryan comments today in regard to the draft 2024 Wildfire Hazard mapping for irrigated lands. Bryan resides in Jackson and has been in agriculture for 40+ years and has served in the fire service for 34+ years both including urban, suburban, rural, and wildland. Currently serves on the Roque River Valley irrigation board for 15+ years and is also a current member of the Oregon Water resources. Recently attended the Rules Advisory Committee meeting that reviewed the irrigated lands to reassess the impacts on wildfire and how those lands should be classified. Bryan submitted verbal and written comments during that process and appreciated the opportunity. I do agree with the additional adjustments to the hazard map modifying the irrigated lands fuel model, reductions, and classification and he also believes they should be classified as low. Bryan has reviewed different irrigated land parcels within Jackson County through the ODF Wildfire Risk Explorer which have some irrigated land parcels classified as moderate and some as high. Bryan believes the mapping program needs additional modifications based on the adjustments process in the rules advisory committee which was to classify these irrigated lands as low. In addition, Bryan would like to clarify that he does support the irrigated lands being identified as a key to risk mitigation. Irrigated

lands should not be rated as a wildfire hazard. Bryan does support the 1 in 5 years review and update to the wildfire hazard map for irrigated lands. Bryan also notes in the rule making committee meeting that there was discussion many times to complete this review more often than 1 in 5 years. The majority of the committee did agree that it would be appropriate for 1 in 5 but also would like to point out that this remains consistent with he states water use law requirements within the state of Oregon. In closing, Bryan would like to thank the Oregon Department of Forestry Board along with the Rules Advisory Committee participants for reviewing and modifying the Wildfire hazard map to better represent on the ground needs and impacts.

Steve Ronfield- Steve comments in regard to the Santiam fire that burned in 2020. Looking at that area, part of the parcels are listed on the map as moderate and that fire burned over 400,000 acres and destroyed over 1500 structures, killed 5 people and has a moderate designation. In Eastern Oregon gets basically a high hazard and Steve doubts that there's been 1500 structures lost in Eastern Oregon in the last 30 to 40 years.

There were no additional comments. The hearing was adjourned.

Wildfire Hazard Map & Procedural Rules Hearing, July 31, 2024, at 2:00 PM.

The public hearing on the Wildfire Hazard Map & Procedural Rules was formally convened at 2:00 PM. An information session began at 2:02 PM along with a general introduction to the hearing process and instructions. At 2:36 PM the formal hearing began and at 2:58 PM the hearing concluded, and the meeting was adjourned.

Summary of Oral Comments – July 31, 2024, 2:00 PM

Scott- Scott stated that he is high risk in WUI and has not yet received a packet for appeals and questions when the packet will be sent out and how long will the appeals process go on for. Realizes that questions can't be answered at this time.

Eric Krueger- Representing Rocky point Fire and EMS making a comment for record on the map. Eric suggests utilizing other tools that are out there for on the ground assessments. Eric doesn't feel that there were enough on the ground assessments which is why we are seeing discrepancies from the map before and now. There are many properties that have been mislabeled and misread. One example is the Oregon State Fire Marshals Office has an assessment program with an incentive to get 250.00 if you ask for an assessment and do some clearing. Why can't OSU utilize some of those assessments assuming they were done by someone who knows what they are doing and incorporate that into the map.

Joseph Rice- Joseph commented that he is grom Grants Pass and has lived in the area since 2003. In looking at the map, his property is shown to have a high hazard rating. He has concerns with Insurance companies that are not supposed to take action but states that this is not true as his neighbor directly across the street has had their insurance renewal denied because of this hazard map. Joseph states that insurance companies absolutely are

using it as an assessment tool for insuring properties. Joseph lives in a heavily irrigated area that has always been considered a green zone. His next-door neighbor is an ODF crew boss, and they have never seen a threat of wildfire. Jospeh commented that he believes the map is incorrect, very sloppy, and there should be some mechanism for them to have a ground assessment done. Joseph stated that his wife is a 30-year wildland firefighter on the aviation side for the forest service and BLM. The properties on hos street are very well mitigated and appears that the fire map was painted with a broad brush and there were not surveys done on the ground. Joseph commented that the classification of his street and neighborhood is inaccurate and that will have an impact on them in a variety of ways. Joseph restated that his comment is that the map is sloppy and there needs to be actual ground surveys done or have a mechanism that allows homeowners to request ground service in a reevaluation of the assessment.

Steve Ronfeld- Steve stated that yesterday the map did not show him in the urban interface and today it does. This is a concern to him that it would change overnight. Secondly, is the irrigation issue. Steve stated that he has been irrigating for 35 years and has some green foliage that is taller than the deer that graze in it and is concerned that he does not fall under an irrigation exemption. Lastly. Steve commented that he would like the Oregon Department of Forestry to go to Salem and inform our elected politicians that landowners in Oregon do not want or need a wildfire hazard map. The state and federal agencies need to properly manage the resources in Oregon to which they are responsible for. When the land is properly managed as it was years ago, we no longer have catastrophic fire events. We know that there are different fire zones in Oregon. Theres the coast range, the cascades, and there's the high desert. There are different areas in the state that have different capabilities and fire issues, but he doesn't think we need a map to figure that out. The money that is being spent on this whole process could be used as education for landowners throughout the state teaching them how to safely live in the landscape and that would be beneficial to the state. Steve feels that this map is a governmental landgrab tool.

Bob Hart- Bob Hart, Roque River resident, made several comments and is submitting a written summary of his comments.

Pat Wickwire- Resident of Hood River County. Pat commented that the assessments of high and moderate risk are very inaccurate. There should be on the ground reviews. There are some neighbors that are high risk, and they have no trees while there are other neighbors interspersed that maybe have done an appeal and are moderate risk. Pat commented that insurance companies are using the risk map in one way or another. The insurance she was using dropped her and have decided not to insure personal properties anymore because they don't want to have to go through any loss. Pat has talked to many people who are assessed high risk, and they have trouble getting insurance coverage or they want something like $20000.00 a year. Pat also commented that the irrigation properties on the map that Tim showed hardly show any of Hood River County and there is a lot of irrigation done there. Pat wants that area to be reappraised. Pat stated that she would also write out her comments to send in and say thank you for allowing her to comment.

Virginia- Resident of Josephine County. Virginia commented that if she is going to be classified as a high hazard then there should be a way to mitigate that individually and individual properties should be looked at. Virginia states if she does all the right things and manages her property and its all green and gorgeous and she is still at high risk then there's not really much motivation on the homeowners to go through all of the expenses and efforts of doing these things if there's no benefit or way of getting out of the risk factors. Virginia also commented that she thinks public lands should go first and manage their own land. She is surrounded by BLM which is not maintained in any way, shape, or form. They may not have a structure in the middle, but it is putting all of their properties at risk by being a jungle. There is no logging and there is no forest management anymore, which she thinks is a large part of the explosion of the fire issues that we've had in the last 10 or 20 years. If the Government would manage their own property first, then we would all be at lower risk. The homeowner should be looked at on an individual basis and not strictly on geographical areas that they can't control. This is putting an undue burden on homeowners and especially seniors. Virginia closes by stating that she would like to see the whole structure of the map and doesn't see any benefit of it in the first place.

Wildfire Hazard Map & Procedural Rules Hearing, August 1, 2024, at 6:00 PM.

The public hearing on the Wildfire Hazard Map & Procedural Rules was formally convened at 6:00 PM. An information session began at 6:02 PM along with a general introduction to the hearing process and instructions. At 6:22 PM the formal hearing began and at 6:45 PM the hearing concluded, and the meeting was adjourned.

Summary of Oral Comments – August 1, 2024, 6:00 PM

Mike & Hilda- Hilda commented that people got the letters originally and right now the only information that's being reached out is the news articles. Feels like a lot of people don't know this is happening until October. There is this comment period where people can comment and there is also the Rules Advisory Committee with 19 people but feels there should have been more interaction with the public. Doesn't feel anyone in her neighborhood knows about this because they don't read the newspaper. Hilda posed the question if this had been promoted in any way. Hilda understood that questions cannot be answered during the comment period of the hearing and proceeded to her next comment. Hilda also does not feel that there are enough boots on the ground. She could not believe that her property was in the 9%. She lives on a proper block with at least a dozen houses. People walk to school from her neighborhood. She does not live in a rural area at all. Hilda is aware that there is an appeal process but feels that everything is being rushed. Michael commented next that it is very sad that ODF is being used in a political way. Michael loves ODF and the firefighters. People are already losing their insurance. Michael has already had to move insurance companies from the first fire map. Michael proposes that the map go away and then ODF get the resources that is needed to fight the fires. Concerned that this will cause people to lose their homes and the Government will

be able to dictate how homeowners use their land and finds that extremely sad and proposes the map just go away completely.

Mike and Hilda commented a second time stating they are in a neighborhood that is just two blocks away from the city, so if they walk two blocks down, all of sudden they are in a moderate zone which doesn't make sense. So many people are going to be so messed up by this. It would be great to be able to see the maps that ODF and BLM are working so hard on through OSU, to see where the funds and prescriptions can be followed, and a diagnosis made to take care of the situation. This is setting up a bankruptcy situation and it's unfair and shouldn't be done to people. They are really concerned. They have great respect for ODF and the firefighters, but they don't think people realize that once these codes and regulations are in effect, they will never go away again. Going back to the concept of community engagement and getting people involved, when there was an open house a couple months ago, there was a 10-to-15-minute discussion, but nobody was talking to them, they were instructing as to how things were to going to go and wasn't allowed to speak up. Community engagement is a very important aspect of this.

Gordon and Olga Nielsen- Gordon commented that he agrees with Mike and Hilda that there wasn't enough notice, and it hasn't been properly handled. Gordon has insurance concerns and states that there are places in California where insurance has tripled because of the same sort of thing that we are doing now. Gordons commented that the biggest question they have, and they are aware that questions can't be answered but he hopes for some sort of a response from somebody. Gordon asks why was this not a referendum for the public who are the ones to vote on this and states that's they are not given enough time to do anything and that is the problem. Another question Gordon asks is who paid for the study to be done by Oregon State University, which he graduated from and believes is a very good university. This is going to put them in a position where a lot of people are going to have to pay much higher insurance rates. Insurance companies pulled out of California because of the wildfires. Gordon feels this is being put on the taxpayer. Gordan and Olga just moved to Grants Pass from Brookings Oregon and is in an area that is listed as a high hazard. The areas of low hazard are in the big cities. The population of Oregon in 2024 is 4.1 million and high of the people are in moderate to high. This really puts a burden on the taxpayer. Gordon was upset about it the first time they got a notice and is still upset this time. They are to the point of moving to Idaho.

Gordon made a second comment stating that this is highly discriminatory and needs to go to the public to be voted on. This is being pushed through, there hasn't been enough notice, and there are going to be a lot of people upset about this when they find out about it later. Insurance rates will go up. It will double or triple and people will not be able to afford their homes. Olga stated that this map is not scientific. Gordon feels that this the state is trying to push people into the cities.

KWH- Goes by pen name of KWH. Commented that he does not support the wildfire map as it is targeting the rural areas and raising insurance rates 3 to 4 times. Heard from a news station that local fire experts were not consulted. Not impressed with ODF. States that he found out that ODF is doing prescribed burns and a couple of them got out of

control and have burned down people's houses. An ODF burn officer was arrested for that. Asks if anyone would like to join him with banning ODF from conducting prescribed burns. KWH gave his phone number for people to call if anyone wanted to join him in this petition. Feels this is not natural as we had one of the wettest winters this year and doesn't believe in climate change. KWH commented that the UN is basically pushing this to ODF. New Mexico sued for starting a fire that got out of control. States that ODF is exempt from the rules as a federal agency. Wants ODF abolished. Doesn't believe in lightning strikes starting fires. Why is ODF always on the scene first. References Applegate and suspicions. Asks for others to join him with petition.
KWH also stated that he agrees that this should be put up to the people to vote. Doesn't want to give money to ODF if ODF is following UN policies.

Bob Hart- Bob commented that he looks at the number of participants in all three of the meetings that have occurred for this and there are less than 100 people and that includes staff and people from the media. So, the actual public that is involved is less than what he would think was appropriate for this kind of a program. The notification requirement in 629044 says that it has to give people an opportunity to appeal but it doesn't say that's all that occurs after all of the comment periods are all done. Bob commented that he thinks there would be a better response to really know what the public is thinking if the letters go out first and another opportunity for a comment period before it gets finalized and the only recourse is an appeal.

Marian Szewc- Marian commented that what she noticed about the map is that it doesn't seem scientific to her. Specifically for the Grants Pass area. It looks like the border ran along the city in the urban growth boundary. Specifically in a neighborhood that she is aware of, on the same street is red for the highest hazard and on the same street across the street it is purple. The difference is one house is county and the house in the lower hazard zone is city. Marian finds that very odd, not very scientific and its concerning because in the literature that she has looked at, it looks like if you want to appeal, there has already been a decision that that process is going to be difficult with not a lot of flexibility or understanding in getting variances to the hazard map. Marian feels that it is almost like a there's this painted brush for city and county and homeowners have to prove that they are not in a hazard zone of red. This will not only raise everyone's insurance rate, but it will also make it almost impossible to sell your home or be able to buy a home because they will either cancel you or won't be able to get insurance for a buyer. People won't be able to afford their insurance or mortgage payment anymore and will start to see bankruptcies. Marian opposes this map in its entirety. Marian grew up in Oregon and has never seen so many fires as in the last 10 years. When she was young, they didn't have these fires. Marian commented that there's a better answer than painting all the county red and making homeowners prove they are not in a hazard zone. This is bigger than a map. This is about homeownership and being able to live in a county and that is a threat with this map and that is very clear when you look at it.

Val- Val tried to make a comment but was experiencing issues with her sound. Information was given out on how she could send in a written comment.

Summary of Written Comments

The comment period was open from July 1, 2024, through August 15, 2024. The Department received 87 written comments, which are attached to this report.

Comment Analysis
Re: Wildfire Hazard Map & Procedural Rules

112 people provided comment on the proposed administrative rules regarding the Wildfire Hazard Map & Procedural modifications through the formal administrative rule hearing process, 87 comments being written and 25 comments presented orally. 24 comments about the map were received after the comment period deadline, with only 1 pertaining to the draft administrative rules. Nearly all comments were opposed to the current and the proposed rule modifications.

In the text below, the hearing officer has provided summary of the comments received regarding the rules presented before the Board of Forestry.

629-001-0000
Comments were provided regarding the removal of the specified list of entities to be mailed rulemaking notifications.

Department response: Since the drafting of this rule in 2007, provisions have changed in the Administrative Procedures Act. Agencies are required to maintain a list of interested parties, commonly known as a listserv. This facilitates electronic transmittal of rule noticing. Many of the entities in this rule are also no longer in business.

Additional to the listserv requirement, the Department issues press releases regarding any rulemaking processes being undertaken.

629-044-1026
The irrigation rule proposed was largely supported when commented on specifically. Support for aligning the modifier frequency with current water right laws was specifically mentioned.

IrrMapper – The use of IrrMapper as the data source was commented on as well, with recommendations to consider local water district sources for data.

Department response: Multiple data sources exist regarding irrigation data; however, few are at a statewide scope. IrrMapper fits the necessity for a statewide consistent dataset that aligns with the statewide scope of the hazard map.

Additional comments were received outside of the scope of the proposed rules, consisting of mitigation credit, federal land management, government overreach, insurance, property values, buying and selling of homes, development concerns, and statewide removal of local adoption of higher standards.

629-001-0000

Administrative Rule Notification

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

1. In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.
2. By mailing a copy of the notice to persons on the Forester's mailing list established pursuant to ORS 183.335(8)(c), at least 28 days prior to the effective date.

629-001-0003

Definitions

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

1. "Board" means the State Board of Forestry.
2. "State Forester" means the State Forester or the duly authorized representative of the State Forester.

629-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective January 1, 2024 are hereby adopted as the rules of procedures of the Board of Forestry and the State Forester.

629-001-0010

Agency Representation by Officer or Employee

1. Subject to the approval of the Attorney General, an officer or employee of this agency is authorized to appear on behalf of the agency in the following types of hearings conducted by this agency:
    a. Hearings arising out of any finding or proposed order of the State Forester issued under ORS 527.610 to 527.798, 527.992; and
    b. Hearings arising out of any finding or proposed order of the State Forester issued under ORS 477.490.
2. The agency representative may not make legal argument on behalf of the agency.
    a. "Legal argument" includes arguments on:
        A. The jurisdiction of the agency to hear the contested case;
        B. The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and
        C. The application of court precedent to the facts of the particular contested case proceeding.

b. "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:
    A. The application of the statutes or rules to the facts in the contested case;
    B. Comparison of prior actions of the agency in handling similar situations;
    C. The literal meaning of the statutes or rules directly applicable to the issues in the contested case;
    D. The admissibility of evidence; or
    E. The correctness of procedures being followed in the contested case hearing.

629-001-0015

Rules of Procedure for Contested Cases; Applicability

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

1. Appeal of civil penalties assessed under ORS 527.687;
2. Appeal of "any finding or order" under ORS 527.610 through 527.770 and 527.992;
3. Hearings requested by persons adversely affected or aggrieved by an operation requiring a written plan under ORS 527.700(3) through (9);
4. Appeal of temporary orders to cease further activity under ORS 527.680(3) and 527.680(4);
5. Appeal of repair orders issued under ORS 527.680(2)(b) and 527.690(1);
6. Appeal of orders prohibiting new operations under ORS 527.680(5);
7. Review of State Forester's proposal to conduct repair work at state expense under ORS 527.690(2);
8. Appeals of decisions on land exchanges under OAR 629-033-0055; and
9. Appeals of all property assignments on the wildfire hazard map, including high hazard zones as provided under ORS 477.490(7)(d).

629-001-0020

Requesting Hearings

1. All requests for hearing shall be made in writing, within the time period provided by statute or rule.
2. All requests shall specifically state the issues to be addressed and the relief sought.
3. Requests for hearing involving civil penalties shall comply with OAR 629-670-0310.
4. Requests for hearing involving a finding or order of the State Forester issued under ORS 527.610 to 527.770 shall comply with OAR 629-672-0200.
5. Requests for hearing by persons adversely affected or aggrieved by an operation approved under ORS 527.670(3) shall comply with OAR 629-672-0210.
6. Requests for hearing involving land exchanges shall comply with OAR 629-033-0055.
7. Requests for hearing involving the wildfire hazard map shall comply with OAR 629-044-1041.

629-001-0025

Conduct of Hearings

1. Unless otherwise provided by law or order of the board or State Forester in a specific case, contested case hearings will be conducted by an administrative law judge, who shall prepare a proposed order for consideration by the board or State Forester.
2. Unaccepted proposals of settlement shall be privileged and shall not be admissible as evidence in the proceeding.
3. In civil penalty proceedings, conferences and hearings shall held at locations which are within the forest practices region of the person being assessed the penalty, unless otherwise agreed to by the State Forester and parties.
4. The issues for hearing shall be limited to those raised by the parties or by the State Forester in a request for hearing or other pre-hearing filings.
5. Timing of hearings and orders are stated as follows, unless all parties agree to an extension of the time limits:
    a. For appeals from orders of the State Forester under ORS 527.700(1), hearings shall be commenced within 14 days after receipt of the request for hearing, and a final order shall be issued within 28 days of the request for hearing.
    b. For appeals by persons adversely affected or aggrieved by an operation under ORS 527.700(3), hearings shall be commenced within 21 calendar days after receipt of the request for hearing. The board's comments shall be issued within 45 days after the request for hearing was filed.
    c. For appeals by persons adversely affected or aggrieved by a proposed or amended stewardship agreement, hearings shall be commenced within 45 calendar days after receipt of the request for hearing. A final order shall be issued within 45 calendar days of the concluded hearing.
    d. Hearings on notices of civil penalty under ORS 527.687 shall not be held less than 45 days from the date of service of the notice of penalty. The hearing shall be held not more than 180 days following issuance of the notice.
6. In order to comply with statutory timelines, the administrative law judge may establish time limits different from those under OAR 137-003-0580 for making and responding to motions for ruling on legal issues. The administrative law judge shall not consider a motion for ruling on a legal issue if the agency requests that the case proceed to a hearing on that issue.

629-001-0030

Transmittal of Questions to the Agency

1. Questions transmitted to the agency, as provided for in OAR 137-003-0635 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
2. Response may be made by the State Forester or the State Forester's delegate.

629-001-0035

Immediate Review by Agency

1. Matters referred to the agency for immediate review, as provided for in OAR 137-003-0640 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
2. Rulings on requests for immediate review may be made by the State Forester or the State Forester's delegate.

629-001-0040

Exceptions to Proposed Orders

1. In all cases in which the administrative law judge is to issue a proposed order, exceptions by a party or the agency must be filed in the manner and time specified by the administrative law judge, making allowance for any statutory timeline applicable to the proceeding. If no time is specified, exceptions must be filed with the administrative law judge within seven days after the proposed order is issued.
2. The exceptions shall:
    a. be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:
        A. A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence on the record;
        B. A necessary legal conclusion is omitted or is contrary to law or the board's policy; or
        C. Prejudicial procedural error occurred;
    b. and be numbered and shall specify the disputed finding, opinions, or conclusions. The nature of the suggested error shall be specified and the alternative or corrective language provided.
3. A proposed order will become a final order if no exceptions are filed within the time specified, unless the agency notifies the parties and the administrative law judge that the agency will issue the final order. All proposed orders shall include a statement to this effect.

629-001-0045

Final Orders in Contested Cases

1. Following hearing, the administrative law judge will prepare the record and proposed order for filing with the board as expeditiously as possible. In the case of hearings related to orders of the State Forester pursuant to ORS 527.700, the record and proposed order shall be filed with the board within five working days of the close of hearing unless an extension has been agreed to by the parties and State Forester. Except as provided in section (2) of this rule, no less than a majority of the board shall then review and consider the proposed order and record, hold a meeting or telephone conference, and take final action as provided for in this rule.
2. If upon a determination by the board chairperson, the board cannot complete a final order within applicable statutory time limits, the chairperson may delegate authority to issue a final order to the administrative law judge.

3. After reviewing and considering the proposed order and record, the board may do any of the following:
    a. Schedule written or oral argument from the State Forester and any party that filed exceptions to the proposed order. The board chairperson shall determine whether oral argument, written argument, or both will be permitted after consulting with the board members.
        A. Oral argument shall be allowed only if the board determines it is necessary or appropriate to assist in the proper disposition of the case, and shall be:
            i. Limited to matters raised in written exceptions; and
            ii. Conducted under such time limits as the board chairperson determines are appropriate.
        B. The board chairperson shall notify the agency and parties of the form of argument, if any, to be allowed.
    b. Remand the matter to the administrative law judge for further hearing on such issues as the board specifies, and to prepare a revised proposed order as appropriate, under OAR 137-003-0655(2).
    c. Enter a final order adopting the recommendation of the administrative law judge.
    d. Enter an amended proposed order or final order that modifies or rejects the recommendation of the administrative law judge. If the board decides to modify or reject the proposed order, the board must comply with OAR 137-003-0655 and 137-003-0665.

    Final orders regarding the wildfire hazard map will be issued in accordance with OAR 629-044-1041.

629-001-0050

Reconsideration and Rehearing

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

629-001-0055

Delegation of Authority to State Forester

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

1. Execute any written order, on behalf of the board, which has been consented to in writing by the person or persons adversely affected by the order;
2. Prepare and execute written orders, on behalf of the board, implementing any action taken by the board on any matter;
3. Prepare and execute orders, on behalf of the board, upon default where:

a. The adversely affected party or parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or
b. Having requested a hearing, the adversely affected person or persons have failed to appear at the hearing.

4. Prepare and execute written orders related to OAR 629-044-1041.

629-001-0057

Delegation of Authority to State Forester — Responding to Claims under ORS 195.305

1. This rule delegates to the State Forester certain duties and responsibilities to carry out the authorities of the Board of Forestry and the Department in responding to claims under ORS 195.305. This rule further provides for review and modification by the Board of Forestry of certain actions taken by the State Forester pursuant to this delegation of authority.
2. The State Forester is vested by the Board of Forestry with authority to respond to claims under ORS 195.305 by:
    a. Reviewing claims;
    b. Denying claims;
    c. Recommending approval of claims by modifying, removing, or not applying the statute(s) or rule(s) that are the basis of the claim; or
    d. Recommending payment of claims. These actions shall be done in compliance with Department of Administrative Services administrative rules relating to ORS 195.305.
3. The State Forester shall submit to the Board any recommendation made under paragraph (2)(c) or (d) of this rule. The Board may accept or modify the State Forester's recommendation.
4. The State Forester shall establish procedures to provide notice of any action on a claim under ORS 195.305 as required by Department of Administrative Services administrative rules relating to ORS 195.305.
5. Actions by the Board of Forestry or State Forester on claims under this rule are actions under ORS 195.305, and are not orders under ORS 527.700.

DIVISION 44

Wildland-Urban Interface and Wildfire Hazard Mapping

629-044-1000

Purpose

(1) The purpose of OAR 629-044-1000 to 629-044-1040 is to implement the provisions of ORS 477.027 and ORS 477.490.

(2) The purpose of OAR 629-044-1010 to 629-044-1015 is to establish criteria by which the wildland-urban interface shall be identified and classified pursuant to ORS 477.027

(3) The purpose of OAR 629-044-1020 to 629-044-1026 is to set forth the criteria by which a wildfire hazard map must be developed and maintained pursuant to ORS 477.490.

(4) The purpose of OAR 629-044-1030 is to set forth the process for notification to property owners pursuant to ORS 477.490.

(5) The purpose of OAR 629-044-1035 is to set forth the process of integrating public input into the wildfire hazard map pursuant to ORS 477.490.

(6) The purpose of OAR 629-044-1040 is to set forth the process of how a property owner or local government may appeal the assignment of wildfire hazard pursuant to ORS 477.490.

629-044-1005

Definitions

(1) The definitions set forth in ORS 477.001, shall apply.

(2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1040, shall mean the following:

(a) “Geographical area” means an area of land with similar characteristics that can be considered as a "unit" for the purposes of classification of the wildland-urban interface.

(b) “Intermingles with wildland or vegetative fuels” means a minimum of 50% coverage of wildland or vegetative fuels.

(c) “Meets with wildland or vegetative fuels” means located within a 1.5-mile buffer from the edge of an area greater than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels.

(d) “Occluded geographical area” means an area with a minimum of one structure or other human development per 40-acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels

(e) “Other human development” means essential facilities, special occupancy structures, or hazardous facilities as defined in ORS 455.447 that support community functions, public communication, energy, or transportation.

(f) "Structure" means any building that is at least 400 square feet.

(g) “Unincorporated community” has the meaning provided in OAR Chapter 660, Division 22.

(h) “Urban growth boundary” has the meaning provided in OAR Chapter 660, Division 15.

(i) “Vegetative fuels” means plants that constitute a wildfire hazard.

(j) “Wildland fuels” means natural vegetation that occurs in an area where development is essentially non-existent, including grasslands, brushlands, rangelands, woodlands, timberlands, or wilderness. Wildland fuels are a type of vegetative fuels.

(k) "Wildfire Hazard" is a numerical value describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation, as modeled for a given pixel.

(l) “Wildland-Urban Interface” means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

629-044-1011

Wildland-Urban Interface Identification Criteria

(1) The Wildland-Urban Interface is a geographic area comprised of tax lots, or portions of tax lots that includes:

(a) an average density of one structure or other human development per 40 acres and either:

(A) meets with wildland or vegetative fuels; or

(B) intermingles with wildland or vegetative fuels; or

(C) is an occluded geographical area.

(2) The Wildland-Urban Interface also includes:

(a) lands identified within an urban growth boundary or unincorporated community boundary by local comprehensive plans that meet the criteria in (1)(a); or

(b) a planned development, within the urban growth boundary or unincorporated communities, that is not identified in 1(a) but that is approved for development that meets the criteria in 1(a).

(3) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.

(4) Each tax lot in the State of Oregon shall be assigned a wildfire hazard zone in accordance with 629-044-1021.

629-044-1016

Periodic Wildland-Urban Interface Lands Identification and Classification

Tax lots wholly or partially identified as within the Wildland-Urban Interface shall be reviewed in conjunction with updates to the wildfire hazard map in accordance with OAR 629-044-1026.

629-044-1021

Wildfire Hazard Rating

1. Wildfire hazard zones are established as follows:
    a. Low Wildfire Hazard. A hazard value less than 0.001911.
    b. Moderate Wildfire Hazard. A value between 0.001911 to 0.137872.
    c. High Wildfire Hazard. A value greater than 0.137872.
2. It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (1) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, consistent with peer reviewed methods, modifications may be made to the hazard rating as necessary to ensure accuracy.

3. Each wildfire hazard zone assignment shall be based on the average pixel-level wildfire hazard values within each tax lot.
4. Each wildfire hazard zone shall consist of a value range. The value ranges that correlate to a given wildfire hazard zone shall be determined using a statistically objective methodology.

629-045-1026

Wildfire Hazard Map

1. Oregon State University shall develop and maintain the Wildfire Hazard Map in a publicly accessible format. The map shall be developed:
    a. using current, peer reviewed data sets when calculating wildfire hazard;
    b. calculating wildfire hazard as a combined value incorporating annual burn probability and wildfire intensity;
    c. and utilize the most representative fuel characteristics practical;
    d. to include a layer that geospatially displays the locations of socially and economically vulnerable communities; and
    e. to include adjustments for irrigated agricultural, in locations identified as irrigated at least one of five years within the most recent IrrMapper dataset, prior to updates in accordance with Section 2 of this rule.
2. Oregon State University shall update the map and other publicly available web-based tools, in consultation with the State Forester and other agency partners, within 12 months after updates to the most current wildfire risk assessment data sets are available.

629-044-1031

Notification

1. The State Forester shall provide written notice to the owners of properties designated as high hazard zone within the Wildland-Urban Interface.
2. The written notice shall be sent to the property owner address included in the county assessor records.
3. The written notice shall include:
    a. the wildfire hazard zone assignment;
    b. where a map of the property can be found in the publicly accessible mapping portal;
    c. information regarding what the wildfire hazard assignment means for the property owner;
    d. information regarding available wildfire related resources and programs; and
    e. information about how a property owner may appeal the assignment of wildfire hazard zone.
4. Prior to the effective date of updates to the Wildfire Hazard Map, the Department shall hold regional public meetings.
5. The Department shall provide a notice of the times and places of all statewide and regional meetings, and the other ways by which comments may be submitted, using a variety of notice methods designed to reach diverse audiences, both statewide and within each region.
6. The Department, in consultation with Oregon State University, shall present anticipated changes to the Wildland-Urban Interface boundary and Wildfire Hazard Zone assignments at a county scale.
7. The meeting shall allocate time to receive input from any interested persons relating to the proposed wildfire hazard zone assignments.
8. The Department shall establish and publicize a place where electronic and written comment may be received.

9. Following the public meeting the Department, in consultation with Oregon State University, may make changes in the proposed wildfire hazard zone assignments, hold additional meetings, and thereafter shall make final wildfire hazard zone assignments.

629-044-1036

Locally Developed Wildfire Plans

1. The following types of locally developed wildfire plans may be integrated into the wildfire hazard mapping portal if the local jurisdiction chooses.
    a. Community Wildfire Protection Plans developed under the Healthy Forests Restoration Act;
    b. Natural Hazard Mitigation Plans developed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or
    c. Firewise USA Action Plans developed under the Firewise USA Program administered by the National Fire Protection Association.
2. Information in the types of locally developed wildfire plans identified in subsections (1)(a) thru (c) above, may complement, but does not supplant or supersede the Wildfire Hazard Map.

629-044-1041

Appeal of Wildfire Hazard Assignment

1. Any affected property owner or local governments may appeal the assignment of properties to the wildfire hazard zones. All appeals of the assignment shall be referred for a contested case hearing in accordance with ORS Chapter 183, OAR 629-001-0003 to OAR 629-001-0055, and this rule. The Administrative Law Judge assigned the matter shall be authorized to issue a Proposed Order. The State Forester shall issue the Final Order.
2. The notification described under OAR 629-044-1031 shall serve as a Notice of Proposed Agency Action for property owners in the high hazard zone and also within the Wildland-Urban Interface. The posting of the hazard map on the Oregon Explorer Map Viewer website shall serve as the agency's Notice of Proposed Agency Action for all other property owners who have a right to appeal under ORS 477.490.
3. An affected property owner may appeal the assignment of a wildfire hazard zone to property by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later:
    a. The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or
    b. The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the affected property owner.
4. A local government may appeal the assignment of a wildfire hazard zone by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later:
    a. The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or
    b. The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the local government.
5. The written hearing request must specifically state:
    a. the issues to be addressed;
    b. The criteria of the hazard map being contested; and
    c. the relief sought.
    d. Additionally, the appeal must include the following contact information for referral:

(A) Property owner name;
(B) Mailing address;
(C) Property address and tax lot number; and
(D) Phone number

This specific response is required based on the agency's determination that, due to the complexity of the program and category of cases involved, a more specific response is warranted. The requester may amend their response, except when doing so would be unduly prejudicial. Failure to raise an issue as provided in this rule shall constitute a waiver of the opportunity to raise the issue in a contested hearing.

6. Upon receipt of a written request for hearing under this section, the Department may contact the property owner or local government to seek additional information and attempt to informally resolve the appeal.
7. The Department shall provide information to the public describing changes to the map that result from appeals. The information shall be posted on the Department's public website.
8. The State Forester will issue a Final Order resolving appeals under this section, based on the record established through the contested case hearing. The Forester's Final Order is subject to appeal as prescribed by ORS 183.482.

Representing Irrigated Agriculture in Oregon's Wildfire Hazard Map: Summary of Data and Methods

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Prepared for: Board of Forestry
Prepared on: August 8, 2024

Background

In the wake of the initial wildfire hazard map release in 2022, many individuals reached out to ODF and OSU expressing concern that hazard reduction benefits of irrigation was not represented in the map. In the 2022 version of the map, irrigation status was not accounted for in hazard calculations and some irrigated fields in fire prone regions were classified as high or extreme risk. Many individuals felt that irrigated crop fields represent a persistent fire deterrent and therefore that characteristic ought to be reflected in the hazard map.

There is little scientific research that specifically address how often, where, and to what degree irrigated crop fields reduce wildfire hazard. However, looking at more than thirty years of spatial fire records does indicate that when wildfires encounter irrigated cropland, irrigated fields mostly deter fire spread. This follows the intuitive understanding that many individuals expressed in their appeals and public comments: irrigation increases fuel moisture which makes the vegetation less susceptible to igniting and burning. In doing so, irrigated fields likely slow or stop fire spread, and give operators a safe place to control the fire. However, they do not impede ember transmission or fires burning in unirrigated portions of the property, including fence lines or ditches that often have accumulated vegetation.

In continued discussions with stakeholders and relevant experts[3] on this subject, OSU identified three questions that needed to be answered:

1. **Does irrigation represent a persistent characteristic of the vegetation such that reliably reduces hazard?** This question is relevant because Senate Bill 762 directs OSU to consider only climate, weather, topography and vegetation when calculating hazard. If irrigation is a human risk mitigating action, then it does not fit the four criteria and cannot be considered. If, however, irrigation represents a persistent characteristic of the vegetation, then it can be accounted for in hazard calculations.
2. **What land use type is considered for irrigation status under this rule?** This question is relevant because landowners irrigate for different reasons (e.g., agriculture, defensible

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[3] Included county commissioners, county planners, ranchers and farmers, water resource managers, and wildland fire science professionals.

space, landscape maintenance, etc.) and the quality of data characterizing irrigation use varies across irrigation types.

3. **If irrigation is determined to be a persistent characteristic of the vegetation, then how do we determine which lands are considered irrigated?** This question is relevant because the irrigated status of any land can vary from year to year, or even throughout a single fire season, because of land tenure, farming practices, water rights, and environmental factors (e.g., drought). If irrigation is going to be included in hazard calculations, it is our belief we need to be reasonably certain that the specific location will actually be irrigated at the time a fire occurs, which is highly uncertain.

Regarding question number two above, after reviewing available spatial data, OSU determined that there was adequate spatial data to identify where and how often agricultural fields are irrigated. OSU had much lower confidence in the quality of available spatial data pertaining to non-agricultural irrigation uses. Accordingly, in the spring of 2024, the Oregon Dept. of Forestry convened a Rulemaking Advisory Committee (RAC) to evaluate questions one and three above within the context of agricultural irrigation only.

The remainder of this memo summarizes existing data available to identify irrigated agricultural areas and how that data can be used to account for irrigated agricultural land in hazard calculations.

Available Science

As with the rest of the hazard and wildland-urban interface (WUI) mapping, data used to identify irrigated agricultural areas needs to be (1) readily available statewide and (2) created with a peer-reviewed scientific method. There are two datasets that meet these requirements.

1. IrrMapper[4] estimates the distribution of irrigation for every year from 1986 to 2021 across all croplands in Oregon. This dataset references 134 different inputs to evaluate existing landcover and determine in each year whether it is irrigated or not, and if its irrigated, whether it represents agricultural land use or non-agricultural uses. The annual evaluation is made at a 30-meter resolution. We consider it the best available science for identifying irrigated croplands, particularly at a statewide scale.

2. In 2022 the Oregon Water Resources Department, with the Desert Research Institute, created a spatial dataset representing the maximum extent of irrigated agricultural lands from 1985 – 2020. They compiled USDA Common Land Unit data, various satellite imagery and hand-drawn fields to create the most comprehensive map of agricultural fields in Oregon.

[4] Ketchum, D.; Jencso, K.; Maneta, M.P.; Melton, F.; Jones, M.O.; Huntington, J. IrrMapper: A Machine Learning Approach for High Resolution Mapping of Irrigated Agriculture Across the Western U.S., Remote Sens. 2020, 12, 2328.

Oregon State University

How Data Can be Used to Inform Hazard Calculations

When combined, IrrMapper and the OWRD Field Boundaries data can be used to identify areas irrigated at a minimum annual frequency (Table 1) and filtered so that only agricultural irrigation is included. Then, we reduce burn probability and fire intensity – the two components of wildfire hazard – for all areas that meet the minimum irrigation frequency before calculating wildfire hazard. The result is reduced wildfire hazard in the fields or portions of fields that verifiably meet or exceed the irrigation frequency threshold[5].

Table 1. Summary of total acres statewide that meet a range of irrigation frequency thresholds and the resulting impact on the number of tax lots statewide that meet the criteria for regulation (i.e. both high hazard and in the wildland-urban interface (WUI)). Columns B and C represent the extent of Oregon classified as irrigated for any use (B) and irrigated specifically for agriculture (C). While column E represents the number of properties that could be affected by regulation immediately under each irrigation frequency criteria, column D illustrates the number of tax lots whose hazard class is lowered by the irrigated agriculture adjustment and therefore, absent other constraints, could develop the property without meeting defensible space or fire hardening standards and codes.

(A) Irrigation Frequency Criteria	(B) Total Acres Which Meet Irrigation Frequency Criteria	(C) Acres Identified as Agriculture and Which Meet Irrigation Frequency Criteria	(D) Total # Parcels in High Hazard	(E) # Parcels in both High Hazard and WUI
Irrigated ≥ 1 of 5 years	3,103,791	2,721,916	159,314	100,284
Irrigated ≥ 2 of 5 years	2,809,347	2,512,023	159,962	100,774
Irrigated ≥ 3 of 5 years	2,529,511	2,287,902	160,473	101,149
Irrigated ≥ 4 of 5 years	2,225,920	2,030,532	160,931	101,512
Irrigated ≥ 5 of 5 years	1,714,688	1,580,454	161,710	102,181
No Irrigation Adjustment	--	--	184,322	104,521

Proposed Rule Language and Potential Impacts

Based on available data, the proposed rule is meant to establish a confidence threshold so we are reasonably confident that locations identified as irrigated agriculture in the map will be irrigated in any given year and therefore the hazard mitigation associated with irrigated agriculture will be present in any given year.

[5] Adjustments and calculations are made for individual pixels (30-meter resolution). Within any property, hazard is only adjusted in the pixels identified as irrigated and may or may not change the property-level hazard classification depending on the total proportion of irrigated pixels within the property and the magnitude of hazard in non-irrigated portions of the property.

After discussion, the RAC recommended that all fields irrigated at least one of the last five years be classified as irrigated (a persistent vegetation characteristic that reduces property hazard level) and subject to the adjustments described in the previous section. The recommendation was used to develop draft wildfire hazard maps and draft property-level wildfire hazard classifications that were shared with the public on July 18, 2024.

If adopted, an immediate impact of the proposed rule would be 4,237 fewer properties that meet the criteria for new defensible space and structure hardening codes (i.e. High hazard and in the WUI; Table 1 Column E). In the long term, 25,008 tax lots[6] which would have been high hazard without an irrigated agriculture adjustment will be downgraded to low or moderate and could, absent other constraints[7], be developed without meeting defensible space and fire hardening standards (Table 1 Column D).

Conclusion

Although research regarding the effect of irrigated agriculture on wildfire hazard is very limited, there is adequate data on which to base a decision to account for irrigation when calculating wildfire hazard. IrrMapper is a peer-reviewed data source that can be used with confidence to identify which parts of Oregon have been irrigated in any given year and, when combined with OWRD Field Boundaries, to specifically identify the location and extent of irrigated agriculture in each year. Still, uncertainty remains as to whether a specific field will be irrigated in any given year because of land management practices, water rights, and environmental factors. Setting a minimum irrigation frequency threshold in administrative rule is a way to establish a minimum confidence level that the vegetation will be irrigated and therefore that a reduced hazard value is accurate and appropriate.

[6] Calculated by subtracting 159,314 from 184,322 to represent the number of tax lots that are low or moderate hazard because of the irrigated agriculture adjustment but would otherwise be high hazard.
[7] All 25,008 properties are not equally developable and other factors will influence how many of these properties could be developed without meeting defensible space and structure hardening requirements. For instance, whether the property is within an urban growth boundary, or the zoning associated with the property.

Agenda Item 6, Attachment 5 Link:

oregon.gov/odf/board/bof/20240904-bof-item-6-attach-5.pdf

The Department received 87 written comments in response to the Wildfire Hazard Map and Procedural Rulemaking.

Please see the link above to view all submitted written comments in detail.

STAFF REPORT

Agenda Item No.:	7
Work Plan:	Forest Resources Division
Topic:	Implementing Legislative Direction
Presentation Title:	Adoption of Post-disturbance Harvest Rules
Date of Presentation:	September 4, 2024
Contact Information:	Josh Barnard, Division Chief, Forest Resources Division, ODF, josh.w.barnard@odf.oregon.gov

SUMMARY

In January 2023, the Board initiated post-disturbance harvest rulemaking as directed by Senate Bill 1501 (2022) and in February 2024 directed the Oregon Department of Forestry (Department) to file a Notice of Proposed Rulemaking. This agenda item requests the Board adopt proposed post-disturbance harvest rules.

CONTEXT

In 2020, conservation and forest industry groups offered to revise the Forest Practices Act (FPA) and forest practice rules through a memorandum of understanding to include mediated discussions, known as the Private Forest Accord (PFA). Later that year, the Legislature passed SB 1602 which set helicopter pesticide application requirements and required the Governor to facilitate mediated sessions between conservation and forest industry groups. As a product of this collaborative process, the 2022 PFA Report was drafted and released by an author group comprised of representatives from those discussions. During the 2022 Legislative Session, SB 1501 and SB 1502 passed making substantial changes to the FPA and requiring the Board to incorporate the recommendations of the PFA Report into the forest practice rules through the adoption of a single rule package to support the development of the PFA habitat conservation plan (HCP). In addition, the SB 1501 (2022) prescribed two additional rulemaking efforts regarding tethered logging and post-disturbance harvest.

BACKGROUND

The Board must complete post-disturbance harvest rulemaking no later than November 30, 2025. The provisions of the Post-Disturbance Harvest Rules will be included in the PFA HCP along with the rest of the forest practice rules where they will be evaluated as a package by the federal services. Oregon Revised Statute (ORS) 527.710 grants the Board authority to adopt forest practice rules and ORS 527.714 establishes the procedures the Board must follow when adopting such rules. At the January 4, 2023, board meeting, the Board directed the Department to initiate rulemaking on post-disturbance harvest activities and to complete an analysis of the factors in ORS 527.714. As a result, and consistent with the PFA Report, the Department began a literature review and the drafting of Oregon Administrative Rules (OARs) to provide the Board with the information needed to satisfy the FPA rulemaking procedure.

At the February 23, 2024, special board meeting, the Department presented the "Literature Review: Post-Disturbance Harvest" and the "Post-Disturbance Harvest Draft Rules" to the Board for consideration as well as an overview of the rulemaking procedure. At this meeting, the Board made the following determinations:

- Proposed OAR 629-643-0000 is an ORS 527.714 Type 1(c) rule, and the proposed changes only make minor adjustments to rules already adopted.
- Proposed OAR 629-643-0300 is an ORS 527.714 Type 1(c) rule that would change the standards for forest practices.

- Relative to OAR 629-643-0300;
  - There is monitoring or research evidence that documents that degradation of resources maintained under ORS 527.710(2) or (3) is likely if forest practices continue under existing rule.
  - The proposed rule reflects available scientific information and, as appropriate, the results of relevant monitoring and adequate field evaluation at representative locations in Oregon.
  - The objectives of the proposed rule are clearly defined, and the restrictions placed on forest practices are to prevent harm or provide benefit to the protected resource and are directly related to the objective of the proposed rule and materially advance its purpose.
  - The availability, effectiveness and feasibility of alternatives to the proposed rule, including non-regulatory alternatives were considered, and the alternative chosen is the least burdensome to landowners and timber owners in the aggregate while still achieving the desired level of protection.

The Board also directed the Department to complete and make available an economic analysis that satisfies the requirements of ORS 527.714(8) and file a Notice of Proposed Rulemaking.

ANALYSIS

Since the February 2024 direction from the Board, the Department has been actively engaged in rulemaking efforts with key activities captured below.

- Prepared and posted the Analysis of the Estimated Economic Impact of Proposed OAR 629-643-0300.
- Filed a Notice of Proposed Rulemaking, completed notifications and conducted a rules hearing.
- Engaged in intentional communication efforts with a variety of stakeholders including but not limited to other government entities impacted by forest operations, Regional Forest Practice Committees, the Committee for Family Forestlands, department field staff, and the public.
- Reviewed and considered twenty-two (22) written and eleven (11) oral public comments received in response to the Notice of Proposed Rulemaking which are summarized in Attachment 2.

RECOMMENDATION

After review and consideration of public comment and in consideration of legislative direction and PFA Author intent, the Department recommends the Board adopt the "Post-Disturbance Harvest Rules" as they are presented in Attachment 1.

NEXT STEPS

If the Board adopts the recommendation, the Department will file the rule action with the Secretary of State's Office.

ATTACHMENTS

1) Post-Disturbance Harvest Rules
2) Public Comment on Draft Post-Disturbance Harvest Rules

Post-Disturbance Harvest Oregon Administrative Rules (OARs)

(as they will appear once adopted)

OAR 629-643-0000: Vegetation Retention Goals for Streams; Desired Future Conditions

(1) The purpose of this rule is to describe the vegetation retention measures for streams, the measures' purposes, and how the measures shall be implemented. The vegetation retention requirements for streams, as described in OAR 629-643-0100 through 629-643-0500, are designed to produce desired future conditions for the wide range of stand types, channel conditions, and disturbance regimes that exist in Oregon's forestlands.

(2) The desired future condition for streamside areas that require forested buffers is to grow and retain vegetation so that, over time, average conditions across the landscape become similar to the conditions of mature streamside stands. Oregon has a tremendous diversity of forest tree species and stand density along waters of the state. The age of mature streamside stands varies by tree species. Mature stands generally occur between 80 and 200 years of stand age. Hardwood stands and some conifer stands may become mature at an earlier age. Mature forests provide ample shade over the channel, an abundance of large wood in the channel, channel-influencing root masses along the edge of the high-water level, and regular inputs of nutrients through litter fall. Mature forests are generally composed of multi-aged trees of appropriate and varied density, native tree species well suited to the site, a mature understory, snags, and downed wood.

(3) For the forests specified in (2) above, the rule standards for desired future conditions and located in Western Oregon or the inner zone in Eastern Oregon can be developed by using normal conifer yield tables for the average upland stand consistent with the geographic region to estimate the conifer basal area for average unmanaged mature streamside stands (at age 120). For site specific vegetation retention prescriptions basal area targets, see the table in OAR 629-643-0400. These rule standards provide guidance for operators to implement site specific alternate plans to develop site specific vegetation prescriptions, described in OAR 629-643-0400.

(4) The desired future condition for streamside areas that do not require tree retention areas, as defined in OAR 629-643-0130, is to have sufficient streamside vegetation to support the functions and processes important to downstream fish use waters and domestic water use, and to provide habitat for amphibians and other wildlife across the landscape. Such functions and processes include but are not limited to:
   (a) Maintaining downstream cool water temperature and other water quality parameters;
   (b) Influencing sediment production;
   (c) Stabilizing banks; and
   (d) Contributing nutrients and organic matter.

(5) In many cases, the operator may achieve the desired future condition for streams by applying the standard vegetation retention and small forestland owner minimum option prescriptions as described in OAR 629-643-0100, 629-643-0105, 629-643-0120, 629-643-0125, 629-643-0130, 629-643-0135, 629-643-0141, 629-643-0142, 629-643-0143, and 629-643-0145. In other cases, the existing streamside vegetation may not be able to develop into the desired future condition in a timely manner. In these cases, the operator may apply an alternative vegetation retention prescription as described in OAR 629-643-0300 or develop a site-specific vegetation retention prescription as described in OAR 629-643-0400. For the purposes of these water protection rules, "in a timely manner" means that the trees within the riparian management area will substantially move towards the desired future condition more quickly than if the trees are left untreated.

OAR 629-643-0300: Alternative Vegetation Retention Prescriptions

(1) The purpose of this rule is to prescribe an alternative vegetation retention prescription for harvest units experiencing stand level mortality. This alternative prescription is intended to contribute to desired future conditions, provide tree retention, woody debris, bank stability and result in the re-establishment of live trees.

(2) For the purposes of this rule only, “stand level mortality” means a riparian management area or harvest unit with 50% or more dying or recently dead trees due to a catastrophic event such as wildfire, wind, ice, insect or disease damage.

(3) For the purposes of this rule only, “soil disturbance” means soil has been moved in a manner that alters water drainage patterns so that a new channel is formed within which water flows or is confined and has potential to move loosened or exposed soil or debris toward the stream.

(4) For harvest units in Western Oregon the operator may:

(a) For Type F and Type SSBT stream riparian management areas experiencing stand level mortality, harvest dying or recently dead trees outside 75 feet slope distance from the edge of the active channel or the channel migration zone (CMZ).

(A) The operator shall apply an ELZ at a distance of 75 feet from the edge of the active channel or the channel migration zone (CMZ) to the outer edge of the riparian management area.

i. Soil disturbance from cabled logs shall not exceed 20 percent of the total area of the ELZ.

ii. Soil disturbance from ground-based equipment shall not exceed 10 percent of the total area of the ELZ. Operators shall take corrective action(s) for soil disturbance from ground-based equipment. Corrective action(s) shall be designed to replace the equivalent of lost functions and be consistent with Forest Practices Technical Guidance.

(B) To encourage hardwood sprouting, the operator shall not apply chemicals within 75 feet slope distance from the edge of the active channel or the channel migration zone (CMZ) unless needed to address invasive species or noxious weed infestations and shall apply chemicals using targeted ground-based application. Chemical application in the remainder of the riparian management area is to be minimized to the greatest extent possible.

(C) To encourage less dense spacing, the operator may apply the minimum stocking standard described below rather than the productivity-based stocking standards described in OAR 629-610-0020(4) within the riparian management area.

i. 130 free to grow seedlings per acre; or

ii. 75 free to grow saplings and poles per acre; or

iii. 50 square feet of basal area per acre of free to grow trees 11-inches DBH and larger; or

iv. An equivalent combination of seedlings, saplings and poles, and larger trees as calculated in OAR 629-610-0020(7).

(b) For small Type Np stream riparian management areas experiencing stand level mortality, harvest dying or recently dead trees within the riparian management area. The operator shall apply an R-ELZ from the edge of the active channel in any area where tree removal occurs consistent with OAR 629-630-0700(6) and OAR 629-630-0800(8).

(c) For units experiencing stand level mortality that contain slope retention areas identified under OAR 629-630-0910(3), harvest dying or recently dead trees in the slope retention areas, if the slope retention area is not directly adjacent to designated debris flow traversal areas or Type F stream, Type SSBT stream, large or medium type Np stream riparian management areas. If the harvest unit contains one or more designated sediment source areas adjacent to a riparian management area or designated debris flow traversal area, the operator shall retain all trees in at least one of the slope retention areas.

(5) For harvest units containing Terminal Type Np stream riparian management areas experiencing stand level mortality in Eastern Oregon, the operator may harvest dying or recently dead trees within the outer zone of the riparian management area.

(6) The State Forester shall exempt small forestland owner harvest units experiencing stand level mortality from the watershed cap described in OAR 629-643-0140.

(7) Except as explicitly stated in this rule, all other forest practice rules apply.

Public Comment on Draft Post-Disturbance Harvest Rules

The Department of Forestry (ODF) would like to clarify the following items for the Board of Forestry and the public in response to public comments received:

Legislative Direction & Private Forest Accord (PFA) Intent

Legislative direction regarding this rulemaking is in section 6 of Senate Bill 1501 (2022) which directs the Board to complete the rulemaking under specific procedures and sets the scope as "...the post-disturbance harvest of trees that, but for the disturbance, would not be harvested under rules adopted, amended or repealed as part of the rule package described in section 2...". In other words, rules adopted as part of this rulemaking must be about the harvest of trees that cannot be harvested under the forest practice rules that were adopted consistent with the PFA Report. This means these rules would inherently conflict with the provisions of the PFA Report, but not the PFA Report itself as section 1.4.5 of the report states the board should complete post-disturbance harvest rulemaking and outlines what the authors anticipated as part of the process. This rulemaking effort has been conducted consistent with legislative direction, section 1.4.5 of the PFA Report, ORS 527.714, and the Administrative Procedures Act.

Purpose of the Rule & Applicability

The purpose of proposed Oregon Administrative Rule (OAR) 629-643-0300, as stated in the proposed rule, is "to prescribe an alternative vegetation retention prescription for harvest units experiencing stand level mortality. This alternative prescription is intended to contribute to desired future conditions, provide tree retention, woody debris, bank stability and result in the re-establishment of live trees.". Operators can apply the alternative vegetation retention prescription if the designated riparian management area (RMA) or harvest unit is experiencing stand level mortality as defined by the rule. While it's intended to contribute to desired future conditions, it is not intended to be a path to achieving desired future conditions more quickly and this is not the threshold an operator must meet to apply the prescription. Similarly to the standard practice and small forestland owner minimum option, proposed OAR 629-643-0300 applies to operations as defined in the forest practice rules which involve commercial activities, meaning restoration activities that are not an operation are not impacted by this proposed rule.

Opportunities for Site-Specific Prescriptions

The proposed rule contains region specific provisions and section 7 of the rule states all other forest practice rules apply. If the stand level mortality definition is met the operator may apply the prescription as written or apply another prescription such as the standard practice, a small forestland owner minimum option, or pursue a Plan for Alternate Practice (PFAP) under OAR 629-643-0400 (Site Specific Vegetation Retention Prescriptions for Streams and RMAs) or 629-605-0500 (Modifications of Requirements for Forest Health and Public Safety).

Chemical Application Provisions

The proposed restriction on chemical application is only in Western Oregon and would only apply when an operator chooses to use the alternative vegetation retention prescription to harvest dying or recently dead trees in a Type F or Type SSBT stream RMA. It does not prohibit the use of chemicals to address invasive species or noxious weeds through targeted ground-based application which could include the use of a backpack sprayer.

Version of Rules in the Notice of Proposed Rulemaking

The Post-Disturbance Harvest Draft Rules document presented to the Board in February shows proposed OAR 629-643-0300 as a "(Clean copy-replaces existing rule entirely)". ODF filed the Notice of Proposed Rulemaking consistent with the draft rules document received by the Board.

Summary of Public Comment

Summaries are based solely on information submitted and are intended to accurately represent written and verbal comments; however, they may not contain the full submission. Text outside of quotes was prepared by staff while information inside quotation marks is directly from written comment. Comments are in alphabetical order with comments by governmental entities last.

Allen Hallmark
"I am quite concerned that the compromises made to write the new PFA rules for PDL have rendered them ineffective in protecting the forest, stream, and fishery values the rules are supposed to protect. Please add my comments to the list of those who are urging that post-fire or other severe disturbance logging should adhere to the same setbacks from streams and other bodies of water as required for normal logging operations. It makes no sense to waive those rules for post-disturbance logging. So, I am asking that you revisit these rules and amend them to provide much more protection for soil and streams by increasing the size of protected riparian zones."

Associated Oregon Loggers
"Associated Oregon Loggers appreciates the draft post-disturbance harvest rules' recognition of the unique knowledge and judgment that our members bring to their work as the "competent persons" required by OR-OSHA. The continued support ODF has showed in these rules acknowledging the discretion of these skilled professionals to manage such dangers appropriately is encouraging. We also wanted to stress the importance in updating any technical guidance and definitions of dying or recently dead trees with professional foresters and those competent persons making up the operating community."

Collins
Collins agrees with most of the rulemaking but did share considerations regarding herbicides. "We do want to share that in our extensive reforestation efforts the most critical component to the success of post-disturbance reforestation is the use of herbicide to suspend competing vegetation during conifer establishment. Seed supply is at critically low levels, particularly in Eastern Oregon. As we adapt to drier conditions each seedling planted needs to be given every opportunity to thrive, which means eliminating competition for water upon planting. The current recommendation of non-spraying within such a large buffer will translate into landowners excluding these areas from conifer establishment following catastrophic events, and therefore reducing landscape forest restoration efforts. We ask that you will reconsider the large buffer zone for herbicide use."

Dan Newton
States that the Oregon Small Woodlands Association (OSWA) does not oppose the Oregon Forest Industries Council (OFIC) position on post-disturbance rules related to industrial forestlands but that they do support an alternate plan that allows salvage and restoration of devastated riparian areas. He questions why the ODF literature review did not include studies related to food for fish. "Regarding the current proposal, I support the increased flexibility to remove dead trees from non-fish streams and large fish streams, but I have the following concerns: The current proposal limits the harvest of any dead trees less than 75' from fish streams, thus prohibiting salvage from small fish or medium fish streams for landowners using the SFO option. These two classifications represent most of the network of fish-bearing streams. Even without future economic incentive to restore conifers in RMAs, some of our landowners would like to restore native conifers next to streams to provide a source of large wood in the future. In summary, I support the idea of removing dead trees and restoring riparian areas damaged by catastrophic disturbance, but this proposal should also allow removal of dead trees from small and medium fish streams for small landowners (along with potential wood placement), as well as to stay with current rules for backpack applications to control competing vegetation."

David & Mary Ann Bugni
"In summary, the socioeconomic differences between industrial forestland owners and SFOs, the varying degrees and types of natural disturbances that may arise, their relative infrequency (as compared to normal business as usual harvesting), and the varying conditions under which they may occur dictate that SFOs require a more

performance-based alternate plan procedure that recognizes such realities and that can be implemented on a case-by-case basis. Allow SFOs greater flexibility to remove some dead trees from within the RMA for all sizes of fish streams, which could provide some funds to the SFO for establishing (or reestablishing) conifers along streams, post-planting maintenance of these seedlings (e.g. mechanical and/or chemical control of competing vegetation) until they are free to grow, and placing of some of the dead, large wood into streams with large equipment. Such smart policies will be a win-win for the SFO, for the state's implementation of related policy regarding the PFA, and the environment."

David Wells
"Current rule language allows for Alternative Vegetation Management prescriptions along streams that incur catastrophic events resulting in substantial tree mortality. The proposed change and I quote "For harvest units in Western Oregon the operator may, for Type F and Type SSBT stream riparian management areas, experiencing stand level mortality harvest dying or recently dead trees outside 75 feet slope distance from the edge of the active channel or the channel migration zone." This rote distance disregards the importance of bringing forest management opportunities closer to the stream as is currently the case. It is also interesting that the use of herbicides is also prohibited within 75 feet of the stream. The given reason for this is to encourage hardwood sprouting. My understanding of one of the goals of the PFA is to encourage large conifers adjacent to streams for the benefits that they provide. The re-sprouting of hardwoods could delay the establishment of the longer-lived conifer trees, as part of the desired future condition along streams. The sooner that the DFC could be established seems like the better. The current rules are adaptive and allow a variety of solutions to be worked on between the Oregon Department of Forestry Stewardship Forester and landowner. A word that I hear more and more often is the word curiosity. Setting rote distances along streams in these exceptional catastrophic events takes some of that curiosity away about what can be done to restore a functioning riparian management area. I ask that the current rules are continued and that the proposed rules not adopted."

Giustina Land & Timber Co.
"We recognize this rule-making package as a settled negotiation between environmental and forest sector "authors". While the Board of Forestry has elected to proceed with public rule-making and accept public comment, we remain supportive of the rule package as negotiated and do not suggest any change. Further, we encourage the Board to adopt the rule package as initially presented, with no changes. We believe this rule-package supports the development of a robust HCP, necessary to provide regulatory protections for both listed species and forest landowners."

Gordon Culbertson on behalf of the Oregon Small Woodlands Association (OSWA)
States that OSWA does not oppose the OFIC position on post-disturbance rules related to industrial forestlands and supports elements of the proposed rules that allow for harvesting of dead, down and dying trees in non-fish buffers and supports the use of herbicides to control noxious weeds or invasive plant species using ground application methods. "Ken Nygren testified on behalf of OSWA during the February comment period. Mr. Nygren referenced and noted OSWA support for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners (SFO) in situations such as the January 2024 ice storm that severely impacted the Southern Willamette Valley. This alternative prescription is noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024. Unbeknownst to and without consultation of OSWA members this language has been stripped from the post-disturbance rules dated March 27, 2024. This is unacceptable to our members as it eliminates options for critical practices supporting forest health and post catastrophe restoration on small woodland parcels. SFO (non-industrial) issues of concern differ in some cases than those of industrial forests. SFO families have unique goals for their property and the post-disturbance rules as proposed do not adequately protect SFO interests and values. Post disturbance rules as proposed discourage SFO stewardship of multiple resources. Following a catastrophic event such as wildfire, ice storm or windstorm the proposed rules inhibit the SFO from post disaster restoration efforts near fish streams. The rules as proposed will prohibit the landowner from treating large swaths of dead, dying or down trees on their property. This will exacerbate wildfire hazard and encourage insect infestation in adjacent forests and place nearby homes in jeopardy. Adaptive management practices are in order that will encourage

collaborative solutions for post-disturbance situations. SFO families need an alternate plan procedure approved in the spirit of existing alternative vegetation retention prescriptions. We suggest rules adopted include options for alternate plans that recognizing stand condition, basal area, desired future stand conditions and historic land use considerations."

Greg Peterson
Details firsthand experience managing his property through multiple disturbances and states that small forestland owners are at a significant disadvantage compared to large landowners. "In the proposed alternative plan, shade was listed as the primary reason for not managing competing vegetation and that fast-growing hardwood would provide shade. While hardwoods will come in, brush and invasive species/noxious weed will also gain a foothold and soon become a seedbed, with very few conifers able to grow without suppressing competing vegetation. Post-disturbance mitigation is very expensive. SFOs have significantly higher unit costs and different priorities than large landowners, and thus need adaptive alternative practices that allow the harvest of marketable down and dead trees within RMAs, to offset other restoration costs. SFO landowners also need to be able to backpack spray to control noxious weeds and invasive species. Without herbicides, disturbed areas will eventual become a mix of brush, invasive species, and noxious weeds. There should not be additional restrictions on backpack spraying, which is an essential reforestation tool. SFOs need procedures that encourage alternate vegetation retention prescriptions that recognizes stand condition, basal area, desired future conditions, and historic land use. P.S. There was a SFO restoration option noted under 629-643-0300 in the Jan 2024 publication of the Forest Practices Administrative Rules and the Oregon Forest Practices Act. Oregon Small Woodlands Association (OSWA) was not consulted on why such credible procedures for SFO alternative practices were unexpectedly stripped from the 3-27-24 Post-disturbance rules. This is an unacceptable shortcut of PFA procedures."

Kate McMichael
Details firsthand experience of managing through multiple disturbance events and ongoing fears related wildfire risks. States she does not speak for OSWA, but as an OSWA member is unopposed to the post-disturbance salvage provisions regarding industrial forests, however she is concerned for family forests with greater proportions of riparian areas. "The current post-disturbance rules for alternative practice seem to take the realities of SFOs into consideration far more than the proposed changes. Stripping away reasonable provisions for crafting an alternative practice solution to restore disturbance-devastated riparian areas—with a stewardship forester, on a place-based, case-by-case basis—and replacing it with a one-size-fits-all prescription seems utterly counterproductive. These rules seem to actually undermine the work of riparian restoration rather than support it."

Mark Vroman
"Rulemaking package as presented should be adopted. The package as presented represents a solid collaborative effort in rule making from all parties concerned."

Nancy Hathaway
Details firsthand experience managing lands after a disturbance and the related challenges and an observation from Italy. “An alternative vegetation retention prescription for small landowners would be a step in the right direction in terms of fairness and equity in the market. Prior rules allowed thinning which would help alleviate the cost of clean-up and replanting. We need an alternative plan that will be less burdensome to SFOs and provide an incentive to restore the damaged riparian forest. We own the land but the state is now controlling the trees on our land. So where is our incentive to replant trees for the state? Without spraying, planting seedlings in RMAs is just providing deer and elk nourishment. I ask you to consider this in your rule-making. “Letting Nature take its course” is akin to mismanagement and speaks to ignorance of real life situations, a position often taken by folks who have never worked in a real forest."

Oregon Forest Industries Council (OFIC)
OFIC stated rules regarding salvage harvest are critical for the protection and recovery of important resources following devastating natural disasters. They support the rules as drafted and request the Board adopt them and urged ODF and the Board to finalize the rulemaking process prior to the conclusion of the 2024 wildfire season.

Verbal comments state PFAPs are an option and the concerns expressed by small woodland owners who testified are heard however PFAPs are the avenue and folks are just not understanding. OFIC urges adoption and encourages ODF to have a conversation with small woodland owners.

Oregon Small Woodlands Association (OSWA)
"Our organization is deeply concerned about the proposed limitations and negative impacts on forest restoration activities in the new Post Disturbance Harvest rules. The Oregon Small Woodlands Association is not opposed to the position on the Post Disturbance Harvest rules offered by the state's large timberland owners applied to industrial timberlands. As proposed, near streams, the new Post Disturbance Harvest rules will clearly and significantly reduce Oregon's Small Forestland Owners ability to respond with restoration efforts to improve forest health. Recovering family picnic sites, camping spots, and recreational access is also important to us. This may require removal of hazard trees for safety, salvage of timber, removing invasives, and reduction of fire hazards. Before adopting the new Post Disturbance Harvest rules, the Oregon Small Woodlands Association urges ODF to consider the plight of our members and Small Forestland Owners all over the state who are facing the negative impacts - right now - with recent wildfires and ice storms. The Oregon Small Woodlands Association also requests that ODF consider the families who will face the next post disturbance scenario on their own properties, and what outcomes we want to see in the long run. ODF must reduce the negative impacts of the proposed Post Disturbance Harvest rules on Small Forestland Owners."

Oregon Wild
Intended to attend the rules hearing as an observer, however shared Oregon Wild was a signatory to the PFA and supports the draft rules as presented.

Paul Harlan on behalf of the NE Oregon OSWA Chapter
States OSWA does not oppose the OFIC position on post-disturbance rules related to industrial forestlands and supports elements of the proposed rules that allow for harvesting of dead, down and dying trees in non-fish buffers and supports the use of herbicides to control noxious weeds or invasive plant species using ground application methods. "Ken Nygren testified on behalf of OSWA and its members during the February comment period. Mr. Nygren referenced and noted OSWA support for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners (SFO). This alternative prescription is noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024. This language has been dropped from the post-disturbance rules dated March 27, 2024. This is unacceptable to our NE OSWA members as it eliminates options for critical practices supporting forest health and post catastrophe restoration on small woodland parcels. Having the flexibility to operate with the 'alternative vegetation retention 1' option allows these owners on a site by site application have a higher degree of success in reestablishing conifer trees plus also providing a running start at getting shade started on these non-fish bearing stretches of water. Removing the language that was in the alternative prescription as noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024 takes away our members abilities to creatively help restore the catastrophic disturbances that our east side members are at risk for. We ask that the January, 2024 language for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners be restored in the regulations."

Requested not to be identified.
"We need to be retaining more snags and other standing and downed wood in riparian areas. This will help with erosion control and improve water quality by lowering terbitity. We also need to cease herbicide use, allowing for deciduous and other hardwood trees to grow in riparian areas to provide shade quickly post disturbance and cool water temperatures to protect salmon and drinking water. Standing and downed dead wood provides great habitat and good carbon storage even post disturbance."

Southern Oregon Climate Action Now
"We understand that the Private Forest Accord (PFA) was developed as a compromise between the conservation organizations focused on promoting healthy forests that can serve Oregonians in a muti-faceted manner, and an

industry which, time and again, argues that the only value in our forests is measured in terms of the profits to be made from harvesting the timber. The compromise that is the PFA should not be circumvented under the stealth guise that post-disturbance logging is different from regular logging. We know that our streams and rivers need to be protected from encroachment by logging and by the imposition of logging on steep slopes. We also know that the recovery of disturbed forests requires a light and sensitive hand, not the bludgeoning of logging equipment that compacts soils and promotes soil erosion. For these reasons, we urge that the Post-disturbance Logging Rules parallel exactly the logging rules developed in association with the Private Forest Accord and be no less stringent."

Wild Salmon Center
Wild Salmon Center highlighted excerpts from the ODF literature review and stated that they support the Boards' degradation finding, concluding that the post-disturbance harvest rules are a compromise and effort to retain core protections. Additional verbal comments suggest draft rules reflect the PFA commitments and Senate Bill 1501 requirements, and the accelerated timeline is for inclusion in the habitat conservation plan. Asked that ODF move forward with adoption of the rules as written. Stated understanding that PFAPs would be allowed under these rules allowing flexibility particularly for restoration as it relates to concerns expressed by others at the rules hearing and encouraged ODF to clarify.

Comment by Governmental Entities

Baker County (submitted by Commissioner Christina Witham)
Baker County disagrees with the determination that degradation of resources is likely to occur if forest practices continue under the existing rule "but realizes the current lack of proper management must improve and that counties must have more coordination, collaboration and cooperation in current practices at the state level. To leave excess fuels along streams after a catastrophic event increases the possibility of fire along streams that are heavy in fuels resulting in contaminated water, unprotected streams and costly filtration systems for watersheds. Because these rules will apply to forestlands "owned by state, county, city or private individuals or entities", this ruling will have an economic impact although your statement is that the "impact is uncertain". The current rule and any future rules should be determined based on specific locations, climates, terrain, etc., because we know that the forests of the west are not the same and never should be compared to the forests of Eastern Oregon, a broad brushstroke ruling across Oregon will not work, it is not sustainable, it will be costly and detrimental to healthy streams and the health of our communities. Baker County objects to this rule change and encourages a wider consensus for feedback from the public, industry and landowners, not from "344 individuals" who responded to the ODF solicitation."

Oregon Department of Environmental Quality (DEQ)
DEQ expressed appreciation of ODF staff's scientific efforts and inclusion of other state agencies and interested parties related to the rule. DEQ agrees that the current rule is not protective of water quality and aquatic ecosystems and is likely to result in degradation and failure to meet desired future conditions. They state the proposed rule is a substantive and important improvement in water quality protection. DEQ has concerns about the adequacy of the proposed rule and feels these interventions are unlikely to reach desired future conditions sooner. They explain their comments are based on a review and analysis and they describe their methods and findings. "We only considered the question of whether the proposed post-disturbance riparian rules are less likely to achieve water quality goals than the standard riparian prescriptions in Division 643. The concern DEQ has with the Type F/SSBT provision is not in the overall design of the rule, which we support, but in the specific no-harvest width. Proposed Type F/SSBT rule would likely cause additional anthropogenic warming in fish-bearing streams beyond the natural disturbance in excess of TMDL load allocations for at least four years, relative to default RMA requirements. With regard to the PCW criterion of +0.3°C cumulatively, exceedance is possible but less certain for single harvests, but we recommend considering this at the watershed scale. The proposal to allow planting at a lower density in the managed portions of F/SSBT RMAs and the restrictions on herbicide use are ecologically beneficial and should allow development of stands with species and structural diversity and with greater ecological resiliency when compared to stands planted at higher densities with one or two conifer tree species. Proposed Type F/SSBT rule would cause a small decrease in large wood recruitment relative to default RMA requirements. Anthropogenic riparian erosion and sediment transport in addition to that generated by the natural disturbance is unlikely to be significantly different

than the default RMA requirements except in extreme cases (steep slopes and high soil burn severity). Proposed Type Np rules would likely cause additional anthropogenic warming in both the Np stream itself and downstream fish-bearing streams beyond the natural disturbance itself, in excess of the PCW criterion and TMDL load allocations relative to default RMA requirements. Proposed Type Np would eliminate post-disturbance large wood recruitment from riparian no-harvest zones that would otherwise be present with consequent negative effects for aquatic and riparian habitat and downstream water quality. Anthropogenic riparian erosion and sediment generation and transport, in addition to that generated by the natural disturbance, is likely to be significantly higher than the default RMA requirements, especially in extreme cases (steep side slopes and high soil burn severity), with negative implications for aquatic life and drinking water provision. Elimination of wood retention on otherwise protected Sediment Source Areas (landslide- prone slopes) would likely increase failure probability, reduce habitat creation benefits of landslides and debris flows, and contribute to downstream water quality degradation with negative implications for aquatic life and drinking water provision, relative to the default landslide-prone area requirements. Alternative Rule Approaches Leave all riparian management areas (RMAs) and Sediment Source Areas (steep slopes; SSAs) protected as they are in the regular forest practice rules. Leave all RMAs and protected SSAs as no-harvest zones except those with densities greater than 300-500 trees per acre, using thinning, erosion reduction practices, and replanting as needed to aid recovery. Suggested density targets are 80-150 trees per acre with no-harvest zones on all streams (e.g. 35-50ft on Np, 75-90ft on F/SSBT). Use the proposed post-disturbance riparian rule structure, adjusting no-harvest widths to be lower risk (e.g. 90ft on F/SSBT, 50ft on small Np). Remove the provision for harvest on otherwise protected SSAs."

Oregon Department of Fish and Wildlife (ODFW)

ODFW supports the purpose of the proposed post-disturbance harvest rule and the proposed increases in buffer and tree retention requirements in comparison to current rule, especially for live green trees. ODFW believes that the protection of Type N streams is essential given the important role they play as habitat for a variety of species, especially Type Np streams and their associated buffers (RH max) in the proposed post-disturbance harvest rules. ODFW believes that the protective RH max buffer along the Type Np streams is indispensable to achieving desired future conditions for streamside areas and is the first line of defense to ameliorate impacts further upstream and contributes habitat structure and function to fish-bearing (including SSBT) streams directly downstream. ODFW recommends that the proposed post-disturbance harvest rule include a no-harvest buffer in the RH max for small Type Np streams in western Oregon. ODFW recommends, that at a minimum, a protection standard be applied to the small Type Np RH max that is in alignment and consistent with the same thresholds established for other stream type classification RMAs. ODFW encourages leaving burned wood on the landscape as much as possible, particularly in riparian areas to ensure long term benefits are realized.

U.S. Environmental Protection Agency Region 10

EPA is concerned that existing and proposed OAR 629-643-0300 are inconsistent with the PFA Report and legislative direction, that ODF has not provided evidence the proposed rule would achieve desired future conditions more quickly than standard options and stated their understanding is that OAR 629-643-0300 can be applied when it would achieve desired future conditions more quickly than the standard option. Based on this understanding, they state ODF should take the following actions; reconsider repealing the existing alternative vegetation retention prescription rule or provide further evidence to support the proposed rule revisions, identify conditions in which the alternative vegetation retention prescription would achieve desired future conditions more quickly than the standard options and articulate how they will work with landowners to verify the alternative vegetation retention prescription is applicable.

STAFF REPORT

Agenda Item No.:	8
Work Plan:	Forest Resources Division
Topic:	Implementing Legislative Direction
Presentation Title:	Legislative Report on Private Forest Accord Implementation
Date of Presentation:	September 4, 2024
Contact Information:	Josh Barnard, Division Chief, Forest Resources Division, ODF, josh.w.barnard@odf.oregon.gov

SUMMARY

Senate Bill 1501 (2022) requires the Board to submit annual progress reports regarding the implementation of the Private Forest Accord to the legislative committees related to forestry. This agenda item seeks board approval to submit the report included as Attachment 1 as the statutorily required report.

BACKGROUND

In 2020, conservation and forest industry groups offered to revise the Forest Practices Act (FPA) and the forest practice rules through a memorandum of understanding to include mediated discussions, known as the Private Forest Accord (PFA). Later that year, the Legislature passed SB 1602 which set helicopter pesticide application requirements and required the Governor to facilitate mediated sessions between conservation and forest industry groups. As a product of this collaborative process, the 2022 PFA Report was drafted and released by an author group comprised of representatives from those discussions. During the 2022 Legislative Session, SB 1501 and SB 1502 passed making substantial changes to the FPA and requiring the Board to incorporate the recommendations of the PFA Report into the forest practice rules through the adoption of a single rule package to support the development of a habitat conservation plan and prescribed two additional rulemaking efforts.

RECOMMENDATION

The Department recommends the Board direct staff to submit the report in Attachment 1 to the relevant legislative committees in the manner prescribed by law.

ATTACHMENTS

1) Private Forest Accord Implementation: 2023 Progress Report

Private Forest Accord Implementation: 2023 Progress Report

Background

In February 2020, conservation and forest industry groups offered to revise the Forest Practices Act (FPA) and forest practice rules through a memorandum of understanding known as the Private Forest Accord (PFA). In June 2020, the Legislature adopted Senate Bill (SB) 1602 which increased helicopter spray buffers; directed rulemaking for salmon, steelhead, and bull trout streams in the Siskiyou Region; and set communication laws for spraying pesticides by helicopter. The bill set the accord timeline and led to mediated sessions between representatives of the forest industry and representatives of environmental interest resulting in the PFA Report.

In March 2022, the Legislature adopted the PFA Report recommendations through SBs 1501 and 1502, and House Bill 4055. SB 1501 (2022) amongst other things, made substantial changes to the FPA, required the recommendations of the PFA Report be incorporated into the forest practice rules, requires the pursuit of incidental take permits (ITPs) through a habitat conservation plan (HCP) and requires the Board of Forestry (BOF) to undertake rulemaking related to tethered logging and post-disturbance harvest.

Additionally, SB 1501 (2022) requires the BOF to submit annual progress reports regarding PFA implementation to the legislative committees related to forestry. This report captures the BOF's implementation obligations, the status of each, and any related 2023 activities.

Implementation Activities

Statutory Requirement	Status	Deadline	2023 Activities
Adopt a single rule package consistent with the PFA Report	Complete	11/30/2022	
First appoint Adaptive Management Program Committee members	Complete	11/30/2022	
Submit a proposed draft HCP	Complete	12/31/2022	
Report implementation progress to legislative committees	Complete	Annually	A report was submitted on 2022 activities in April 2023.
If needed, make minor amendments to single rule package	Complete	7/1/2023	Revised rules were adopted on June 7th, 2023.
Appoint the first voting members of the Independent Research and Science Team	Complete	Not Specified	The first members were appointed on June 7th, 2023.
Complete post-disturbance harvest rulemaking	Started	11/30/2025	Rulemaking was initiated on January 4th, 2023.
Initiate tethered logging rulemaking	Not Started	3/17/2025	
Report to the legislative committees whether ITPs were issued by 12/31/2027 & if a petition was received from a PFA Report author	Not Started	2/1/2028 or earlier	

For more information contact: Nicole Stapp, Forest Resources Division Policy Advisor or Derrick Wheeler, ODF Legislative Coordinator.

STAFF REPORT

Agenda Item No.:	9
Work Plan:	Forest Resources Division
Topic:	Ceremonial Events and Recognition
Presentation Title:	2024 Climate Smart Forestry Award recognition
Date of Presentation:	September 04, 2024
Contact Information:	Christine Buhl, Entomologist, ODF, christine.j.buhl@odf.oregon.gov Josh Barnard, Forest Resources Division Chief, ODF, josh.w.barnard@odf.oregon.gov

SUMMARY

This agenda item recognizes the recipients of the first ODF Climate Smart Forestry Award.

CONTEXT

The Climate Smart Forestry Award was created as an incentive for promoting forest carbon reduction and capture practices and innovation as part of the 2021 ODF Climate Change and Carbon plan (pg. 32 Climate-Smart Forestry Incentives on Private Forestlands).

BACKGROUND

Topics include a brief review of objectives of the award followed by announcement of winners and brief summaries of their work.

ANALYSIS

After thoughtful review of 2024 ODF Climate Smart Forestry Award nominees by the internal ODF review committee and the Forest Legacy Working Group, the following recipients were selected for each category of this award, which recognizes strategies that reduce carbon emissions and/or increase carbon capture.

Research and Innovation recipient:
David & Mary Ann Bugni for employing holistic forest resilience strategies that increase carbon capture through longer rotations and reduced reliance of fossil fuels through forest stream-generated energy.

Landowner and Land Manager recipient:
The Nature Conservancy (Craig Bienz) & The Klamath Tribes for: 1) using traditional ecological knowledge such as fuels reduction strategies to reduce catastrophic wildfire and carbon emissions, 2) measurably increasing forest carbon capture, 3) improving forest health and enhancing resilience to climate change and catastrophic wildfire, and 4) collaboration with various university scientists to produce data on efficacy of these strategies.
Honorable mention:
Peter Hayes and Dean Moburg for initiating conversations across multiple audiences regarding "climate smart" forestry strategies, which contributed to development of criteria used in this award.

RECOMMENDATION

This agenda item is informational only.

ATTACHMENTS

(1) Climate Smart Forestry Award fact sheet

Climate Smart Forestry Award

Goal of the award

To recognize landowners, land managers, researchers, operators, or other forestry professionals that use climate change-adapted practices, or develop innovative methods for carbon capture, retention, or reduced release. The goal is to encourage, improve, and recognize climate and carbon practices as part of the Department Climate Change and Carbon Plan. Nominees may include universities, educators, consulting and research agencies, fabricators, operators, and private industry on non-federal lands across the state.
https://www.oregon.gov/odf/forestbenefits/Documents/2023-climate-smart-award-nomination-form.pdf

Rewards efforts in

- "Climate smart" forestry in silviculture
- Fire management, response, and fire or smoke adaption
- Forestlands climate resilience and ecological function restoration
- Carbon reduction or capture in operations
- Innovative research or products that reduce emissions or increase climate resilience

Standards

- Two awards for the state, one from each nominee category.
- Nominee categories:
  - Landowners and land managers
  - Research and innovation

- Award winners may not be nominated again within three years after winning an award, even if nominated for different practices.
- Nominees may not come from members of the nomination committee.
- Organizations or joint collaborators will receive a single award.
- Award winners may mention their award in department grant and incentive program applications, but this does not give project preference or priority solely for receiving an award.

Timeline

- October – December: Nominations open
- By February: reviewed by ODF Climate Smart Forestry Award Committee to identify who meets qualifications and gives suggestions on top ranked candidates
- By March: Reviewed by Forest Legacy and Stewardship Program Working Group to recommend top two candidates in each category for field tours
- By April: ODF Climate Smart Forestry Award review subcommittee and ODF Public Affairs visits and documents (photos, video, etc.) tours. ODF Climate Smart Forestry Award review subcommittee makes final selection.
- By May: Awards ordered
- By July: Award letters mailed
- By August: work with ODF Public Affairs to publicize award winners
- By September: Board of Forestry presents Climate Smart Forestry Awards at regular meeting

Service Award for Former Board of Forestry Members

This item serves as an opportunity for the State Forester and the Board to recognize the outstanding service of former Board of Forestry Members, Karla Chambers and Chandra Ferrari. Individual members of the Board can offer comments regarding the service of the former Board Members. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

Board of Forestry
Public Meeting

State Forester and Board Member Comments – Day 2

This item serves as an opportunity for the State Forester to brief the Board of Forestry of the Department or related topics of importance. Individual members of the Board can offer comments for the Chair, Secretary, and Board consideration. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

Public Forum – Day 2

This item serves as the vehicle for the public to comment on information items or topics, not on the agenda. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

STAFF REPORT

Agenda Item No.:	13
Work Plan:	Forest Resources Division
Topic:	Board Updates
Presentation Title:	Annual Forest Practices Monitoring Update
Date of Presentation:	September 5, 2024
Contact Information:	Josh Barnard, Division Chief, Forest Resources, ODF, josh.w.barnard@ odf.oregon.gov Adam Coble, Forest Health and Monitoring Manager, Forest Resources, ODF, adam.coble@odf.oregon.gov Rebecca McCoun, Riparian and Aquatic Specialist, Forest Resources, ODF, rebecca.l.mccoun@odf.oregon.gov Sarah Siefken, Monitoring Specialist, Forest Resources, ODF, sarah.n.siefken@odf.oregon.gov

This agenda item summarizes the efforts of the Oregon Department of Forestry (ODF) Monitoring Unit, including the completion of the 2023-2024 reforestation compliance monitoring study, the development of future compliance monitoring studies on key Forest Practices Act (FPA) rule sets, the implementation of the 2021 Memorandum of Understanding (MOU) with the Oregon Department of Environmental Quality (DEQ), and other notable monitoring projects and collaborations.

CONTEXT

The updated FPA rules prioritize compliance monitoring of the new riparian management areas, roads, and steep slopes rule divisions. ODF monitoring staff are responsible for implementing the ODF-DEQ MOU, signed in December 2021 to improve communication and collaboration associated with implementing the state's water quality goals.

BACKGROUND

In January 2024, staff updated the Board of Forestry on monitoring program efforts. Key topics included the 2023-2024 reforestation compliance monitoring study, the development of a long-term compliance monitoring program, the efforts of the Compliance Monitoring Program Committee (CMPC), a literature review on post-disturbance harvesting, and the ongoing implementation of the 2021 ODF-DEQ MOU.

ANALYSIS

<u>High-Priority Monitoring Projects</u>

ODF monitoring staff successfully completed field work for the 2023-2024 reforestation compliance monitoring study. Data collection for this study took place from October 2023 to May 2024. Mount Hood Environmental (MHE) is currently analyzing the data and working collaboratively with ODF staff to finalize a report summarizing study findings.

Future ODF compliance monitoring audits will focus on three prioritized FPA rule sets, including riparian areas, harvesting on steep slopes, roads, and other rules in accordance with Oregon

Administrative Rule 629-678-0110. Monitoring staff, with assistance from other Forest Resource Division subject matter experts, and the CMPC, selected specific riparian rules for inclusion in this upcoming compliance monitoring audit. Using these rules selected for inclusion, MHE developed a study design and field protocols for the riparian rules pilot study. Currently, monitoring staff are collaborating with the CMPC to select specific road and steep slope rules for inclusion in future compliance monitoring audits. We anticipate the riparian rules pilot study will be initiated in the spring of 2025.

ODF continued to collaborate with DEQ staff to implement the ODF-DEQ MOU. Agency managers and staff meet every other month to share important updates on legislative activities, Total Maximum Daily Loads (TMDLs) by rule, and the status of Coastal Zone Act Reauthorization Amendment efforts. Fulfilling the obligations of the MOU, monitoring staff participated in DEQ Rule Advisory Committees for the following temperature TMDL replacement projects in 2024: Lower Columbia-Sandy Subbasin, Willamette River Mainstem and Major Tributaries, and Willamette Subbasins. Monitoring staff also attended Umpqua River Basin temperature TMDL public meetings. In addition, ODF and DEQ staff collaborated on the Forestry section for the new draft Oregon Coastal Nonpoint Pollution Control Program plan.

Private Forest Accord Associated Work

- Supported the development of the Private Forest Accord Aquatic Habitat Conservation Plan.
- Assisted with planning the Abandoned Road Inventory program.
- Conducted Post Disturbance Harvest Literature Review

Other ODF Monitoring Program Work

- Reviewed grants as part of the Oregon Plan Monitoring Team with the Oregon Watershed Enhancement Board.
- Coordinated with state natural resource agencies on the Strategic Enterprise Approach to Monitoring “Stream” Team.
- Served as a subject matter expert for the Oregon Water Data Portal, led by DEQ.
- Continued developing the Compliance Monitoring Program website.
- Planned the Climate Smart Award.
- Supported the J.E. Schroeder Seed Orchard and Emerald Ash Borer monitoring efforts.
- Supported the Adaptative Management Program Committee.

RECOMMENDATION

This agenda item is informational only.

STAFF REPORT

Agenda Item No.:	14
Work Plan:	Forest Resources Division
Topic:	Board Updates
Presentation Title:	2024 Forest Health Report
Date of Presentation:	September 04, 2024
Contact Information:	Christine Buhl, Forest Entomologist, ODF, christine.j.buhl@odf.oregon.gov Wyatt Williams, Invasive Species Specialist, ODF, wyatt.williams@odf.oregon.gov Gabriela Ritokova, Forest Pathologist, ODF, gabriela.ritokova@odf.oregon.gov Sean McKenzie, Aerial Survey Specialist, ODF, Sean.C.MCKENZIE@odf..oregon.gov Adam Coble, Forest Health and Monitoring Manager, ODF, adam.coble@odf.oregon.gov Josh Barnard, Forest Resources Division Chief, ODF, josh.w.barnard@odf.oregon.gov

SUMMARY

This agenda item provides an overview of the Oregon Department of Forestry (ODF) Forest Health work on major insects, disease, and other damaging agents affecting Oregon forests, as required by Oregon Revised Statute (ORS) 527.335.

BACKGROUND

Topics included in the 2024 Forest Health Report: review of the Forest Health program including results from aerial survey and status updates on the impacts of major biotic and abiotic (heatwave, drought, storm damage, climate change) stressors.

ANALYSIS

Core business and high-priority Forest Health projects include:

- **Annual aerial detection surveys for insects and disease**: The annual statewide aerial survey was conducted in 2023 and results are available in the 2023 Forest Health Highlights report (attached). In 2024, a new aerial survey specialist, Sean McKenzie, joined the team and is in training to take over lead for the survey program.
- **Abiotic stressors:** Climate change impacts such as chronic drought stress, intensifying wildfires, and acute storm events contribute to widespread tree mortality and reduction in resilience to secondary insects and disease. We developed guidance on best practices to improve stand resilience and prevent impacts from these stressors. Guidance include: Drought fact sheet, Forest Health Highlights reports.
- **Biotic stressors:**
    - **Insects:** The majority of tree damage and mortality from insects and diseases, as detected by aerial and ground surveys, is from native bark beetles attacking Douglas-fir, true fir, and pines that are drought-stressed or growing on fringe

habitat. Guidance is directed toward preventative management to reduce impacts from primary stressors.

- **Diseases:** The department has been working with partners on detecting, delimiting, and treating an expanding Sudden Oak Death (SOD) infestation in the northern extent of the disease occurrence within Humbug State Park, and more recently, south of Port Orford in the Hubbard Creek drainage. Twenty-nine new infestations have been detected in 2023. Test results indicated that most of the infections have been the relatively new North American 2 (NA2) variant of the disease. Additional information on SOD can be found on the ODF Forest Health website and the SOD Dashboard.

- **High priority invasive species:**
  - **Emerald ash borer (EAB):** Combined with a state quarantine in Washington County, intensive surveys and removal of infested trees in both urban and natural areas have been effective in containing and slowing the spread of this highly invasive pest. EAB currently occupies a 10-square mile area around Forest Grove. Hundreds of trees have been removed and destroyed, funded by the federal Bipartisan Infrastructure Law and Inflation Reduction Act. Staff have led a statewide trapping program, as well as establishing long-term monitoring plots. Additional information from ODF is available on EAB biology, management and detection.
  - **Mediterranean oak borer (MOB),** which vectors a pathogenic fungus, contributed to more Oregon white oak mortality in Clackamas and Multnomah counties in 2023. An extensive network of traps was deployed to determine sources of introduction, population distribution and concentration. GIS products have been developed to map locations of infestations and track progress of mortality. Oregon and California are working together on research projects to test efficacy of additional management strategies. Additional information on MOB can be found in the MOB fact sheet, MOB press release and MOB Survey Dashboard.

- **Worked with ODF foresters, landowners, cooperators, and other agencies to provide technical assistance, support, and education.**
- **Annual and other reports, publications**: 2023 Annual Forest Health Highlights (see attachment), fact sheets and technical documents.

RECOMMENDATION

This agenda item is informational only.

ATTACHMENTS

(1) 2023 Annual Forest Health Highlights

USDA
Forest Service
United States Department of Agriculture
Oregon Department of Forestry
Forest Health
Pacific Northwest Region

Forest Health Highlights in Oregon - 2023

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FOREST HEALTH HIGHLIGHTS IN OREGON - 2023

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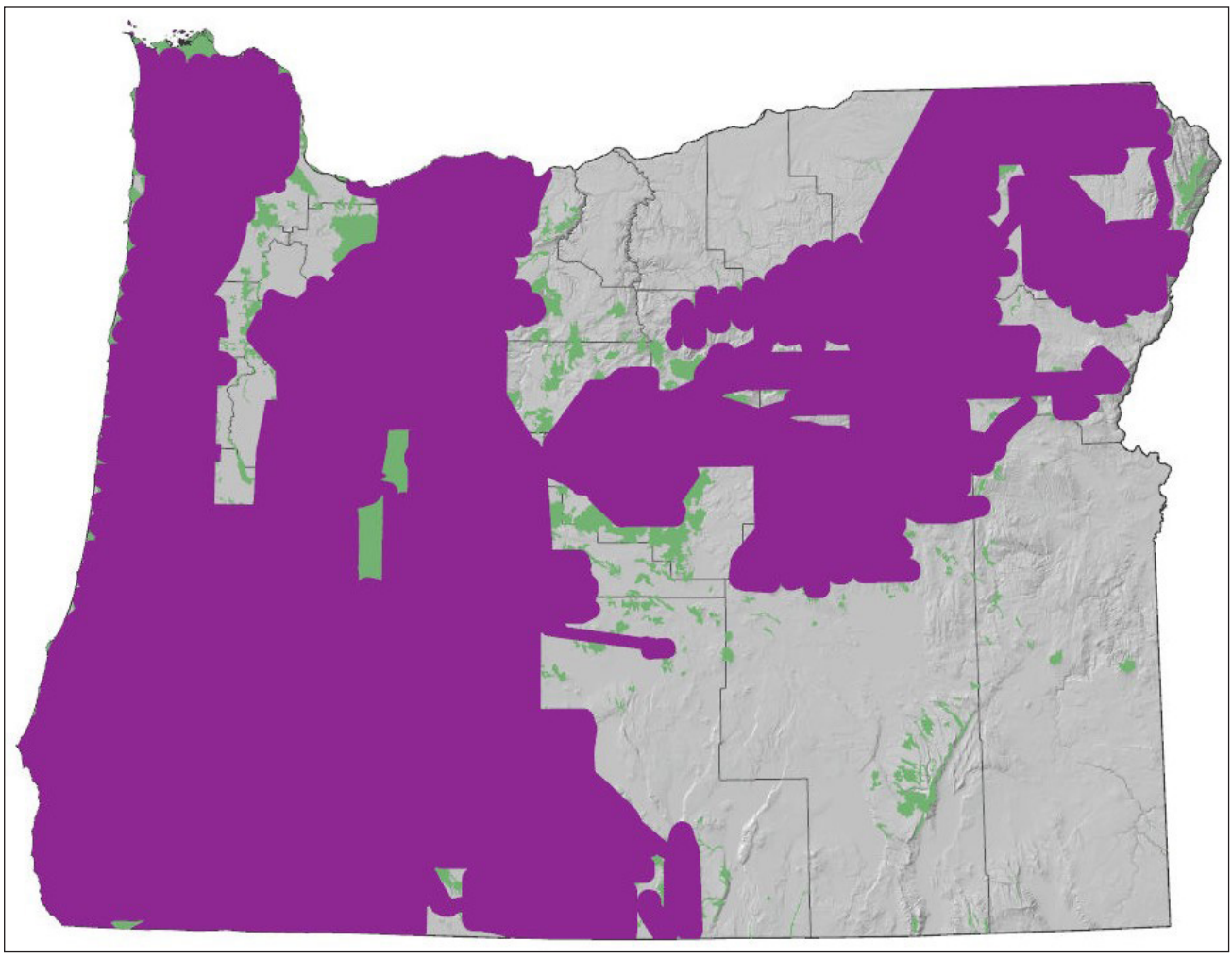
Cooperative Aerial Survey: 2023 coverage area



Map above: *In 2023 the cooperative USFS and ODF aerial survey covered 37 million acres (purple) across forested portions of the state (green). Some forested areas are not surveyed due to airspace restrictions, current-year wildfire mortality, etc.*

Front cover: *Emerald ash borer (left) and Mediterranean oak borer (right) are exotic, invasive woodboring beetles recently detected in Oregon that threaten ash and oak trees, respectively (Christine Buhl, ODF).*

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LANDOWNER RESOURCES

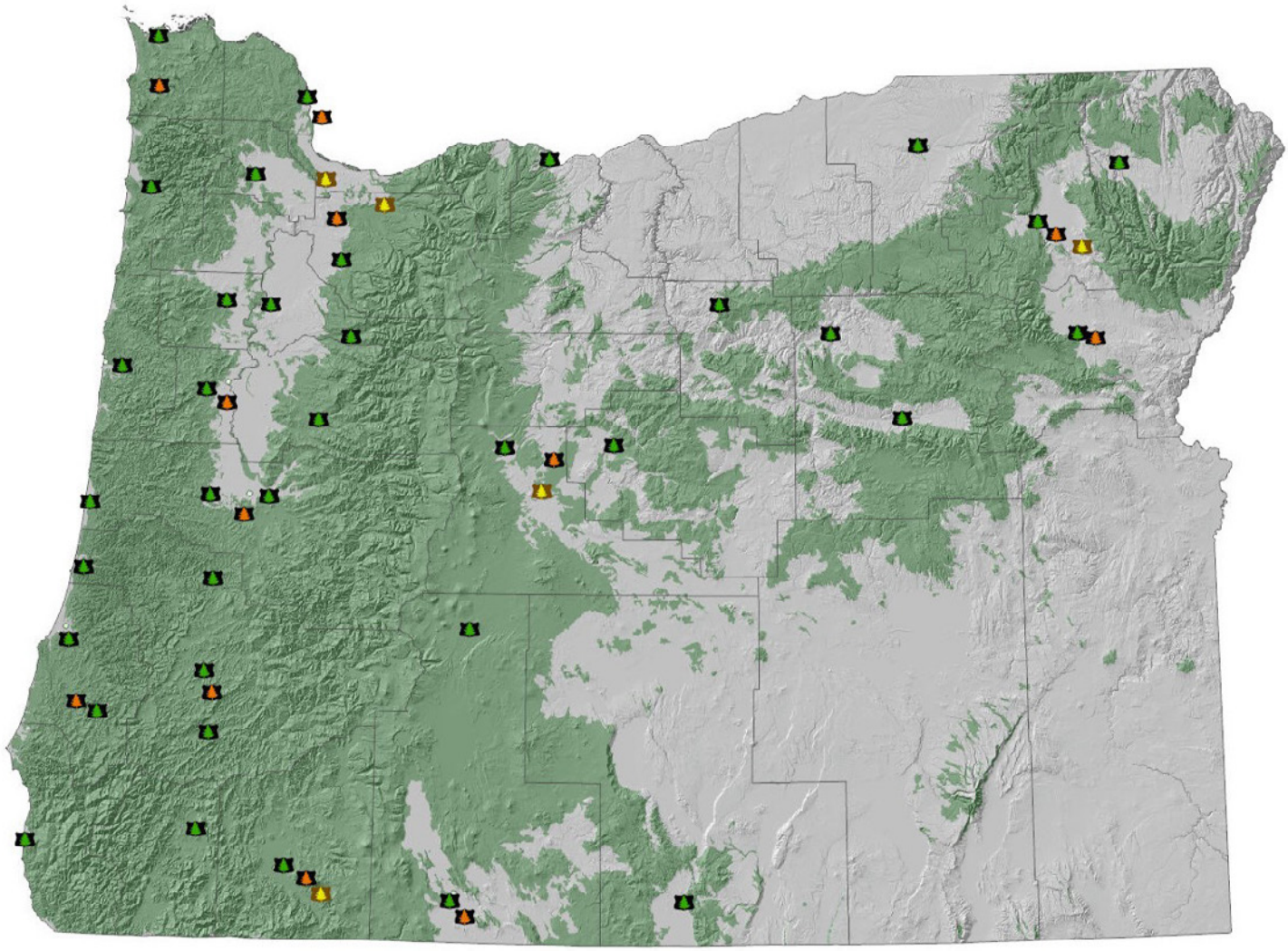


Figure 1. Map of office locations for ODF (green tree), USFS (yellow tree), and OSU Forestry Extension (orange tree).

OREGON DEPARTMENT OF FORESTRY (ODF):

Connect with your local ODF stewardship forester to get stand management guidance, diagnose and troubleshoot issues, and learn about incentive programs: https://tinyurl.com/ODF-forester

Connect with the ODF Forest Health team to diagnose and manage abiotic stressors, insects, diseases, weeds, and other invasive species. Visit the ODF Forest Health website for fact sheets and training videos: https://tinyurl.com/odf-foresthealth

USDA FOREST SERVICE (USFS):

(Federal agencies and Tribes only) Connect with USFS Forest Health Protection specialists to diagnose and manage abiotic stressors, insects, diseases, weeds, and other invasive species: https://www.fs.usda.gov/goto/r6/foresthealth

OREGON STATE UNIVERSITY (OSU) FORESTRY EXTENSION SERVICE:

Connect with your local OSU Forestry Extension agent to get stand management guidance and to diagnose and troubleshoot forest health issues: https://tinyurl.com/OSU-forester

FORESTRY IN OREGON

Forestry has a long and storied history in the Pacific Northwest, especially in Oregon which, at 30 million acres, is almost half forestland. These numbers have remained relatively consistent since 1953. These forests include family-owned forests that are handed down across generations, large tracts of productive industrial land, and untouched wilderness (Fig. 2). Oregon offers a diversity of forests ranging from: mossy rain-drenched coastal ecosystems dominated by Sitka spruce, Douglas-fir, red alder, and western hemlock, to semi-arid mixed conifer forests dominated by lodgepole, ponderosa and sugar pine, and Douglas-fir, incense cedar, and western larch (Fig. 3). Western Oregon is characterized by high rainfall and dense coniferous forests along the Pacific coastline, the Coast Range, and western slopes of the Cascade Range. Eastern Oregon largely consists of lower density, semi-arid forests and higher elevation sagebrush steppe. Oregon forests are primarily dominated by conifers such as Douglas-fir, true fir, western redcedar, western hemlock, lodgepole, and ponderosa pine, among others. The most abundant hardwoods are bigleaf maple, red alder, Oregon white oak, and black cottonwood. Oregon's forests consist of federal (60%), private (35%), state (3%), tribal (1%), and other public (1%) ownerships.

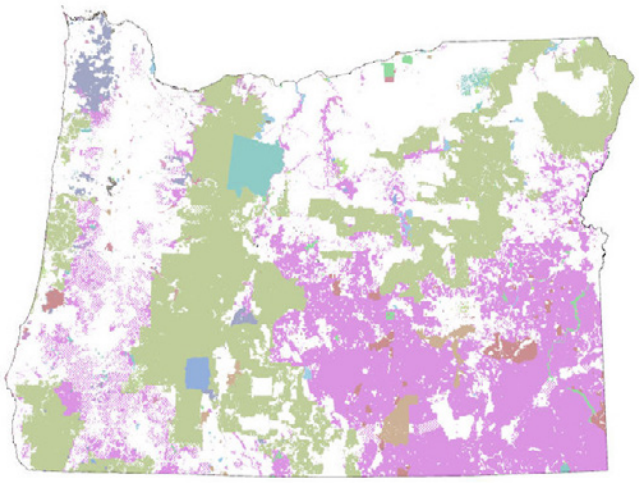


Figure 2. The majority of land ownership in Oregon is private (white) and public land managed by BLM (pink) and USFS (green).

Figure 3. Diversity of Oregon forests (Christine Buhl, ODF).

Oregon strives to ensure that timber production is sustainable and limits negative impacts to our natural resources. Oregon was first in the nation to create laws regulating forest practices. The Forest Practices Act (FPA, OAR 629 Est. 1971) guides non-federal, public, and private landowners on how best to manage their forestlands to preserve ecosystem function and resilience while utilizing this renewable resource. In 2023, changes to the FPA, which improve aquatic species and natural resource protections (Private Forest Accord SB 1501, SB 1502, HB 4055), went into effect. Private forest landowners may also opt to comply with additional growth and harvest requirements as part of various certification programs (e.g., Sustainability Forestry Initiative, American Tree Farm System, Forest Stewardship Council, etc.). Federal and tribal lands are managed under Northwest Forest Plan policies (Est. 1994), which entered a review process in 2023 to improve climate-informed strategies. Oregon forests have been struggling with climate change-related damage such as ongoing droughts and intensified wildfires. Efforts to address climate change impacts on forestry, e.g., reducing carbon loss and increasing carbon capture, include the USFS Climate Change Roadmap for federal lands and the ODF Climate Change and Carbon Plan for non-federal lands.

2023 FOREST HEALTH SUMMARY

Abiotic, insect, and disease disturbance agents can cause significant tree mortality, growth loss, and damage in Oregon forests each year. Non-native pests can cause direct tree mortality and most of our native pests only present a problem when trees are stressed and their defenses are reduced. Often a complex of factors contributes to tree stress and weakened defenses (Manion 1991 decline spiral model of cumulative impact of multiple stresses on trees). Insects and diseases can play a critical role in maintaining healthy, functioning forests by weeding out unhealthy trees, contributing to decomposition and nutrient cycling, and creating openings that enhance forest diversity and wildlife habitat. **A healthy forest is dynamic and includes insects, diseases, and natural wildfire cycles. However in recent years, climate change impacts such as ongoing hot droughts have increased tree susceptibility to opportunistic insects and diseases.**

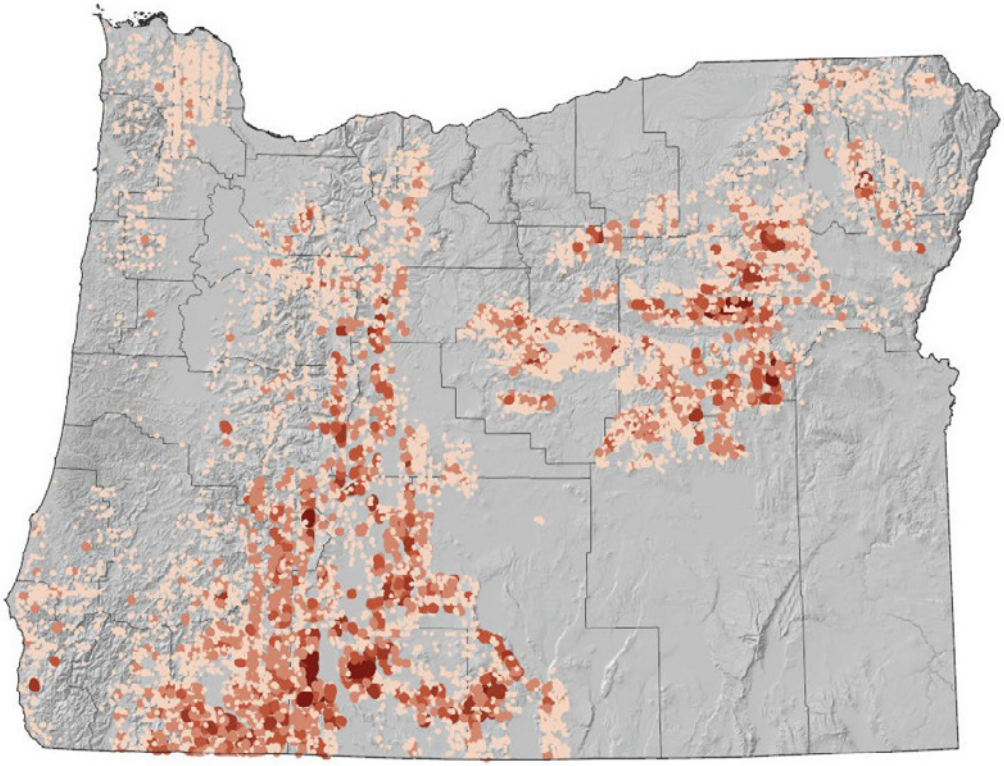


Figure 4. Intensity map (increasing light to dark) of insect, disease, and abiotic (non-wildfire) damage and mortality observed in the 2023 aerial survey. Perimeters enhanced for visibility.

This report highlights major agents of damage and mortality in Oregon forests over the past year and provides updates on chronic issues. Damage and mortality trends (Figs. 5 and 6) and maps (Figs. 4 and 7) are produced from aerial and ground surveys. We rely on reports from ODF, USFS, and OSU forestry staff from offices around the state (Pg. 1 and back cover). Additionally we collaborate with other natural resource agencies, universities, public and private forest landowners and managers, and members of the general public to gather information. In recent years drought stress has been a major underlying cause of tree dieback and decline - often followed by subsequent attack by opportunistic insects such as bark beetles. Aerial surveys identified the largest amounts of tree damage and mortality in areas that are the hardest hit by drought (Fig. 4). Most years damage from drought and subsequent insect attack is higher than, or at least comparable to, acres of damage and mortality from wildfire (Figs. 5, 6, and 11). Going forward, we must incorporate projections of changing climate when deciding tree species placement and density to give trees the best chance of long-term success (Pg. 15). Another widespread stressor that weakens trees and further predisposes them to the effects of droughts and reduces resilience to insects is root disease. Although trees can tolerate some root diseases for many years, these pathogens spread out from epicenters, are hard to detect via aerial surveys, require extensive ground surveys to evaluate, and, when identified, are hard to eradicate or mitigate.

2023 FOREST HEALTH SUMMARY

Temperature and precipitation greatly influence tree health and resilience against insects and diseases. Our last year of La Niña in 2023 provided many parts of Oregon with cooler temperatures and increased precipitation (including snowpack), which gave trees a brief period to repair from prior droughts. However, the shift back to El Niño early in the growing season increased drought levels for many parts of the state.

In 2023, across our 30 million acres of forest we observed a mosaic of damage and mortality that comprised about 2.6 million acres. The cause of this damage includes insects, diseases, and abiotic stressors such as wildfire. Damage from insects, diseases, and non-wildfire agents, relative to area surveyed, was about 20% lower than in 2022, although twice as high as the 10-year average (data from 2020 excluded due to non-comparable collection methods). For wildfire, we saw a 50% reduction of acres damaged relative to 2022 and a 65% reduction from the 10-year average.

Although our mapping technique and software is relatively accurate in recording only damaged and recently dead trees while excluding healthy and older dead trees, recorded areas of damage include stressed, recently dead, and some healthy trees. Not all damage to our forests is captured. For example, many diseases go undetected or are only surveyed every other year (e.g., Swiss needle cast), and others may not be visible at the time of surveys. However, some disease totals are captured and folded into other measurements; for example, as much as 80% of "young conifer mortality" (historically mislabeled as "bear") may result from root diseases rather than vertebrate damage (Taylor et al. 2019).

Forest health encompasses all of these damage agents: insects, disease, abiotic (wildfire and non-wildfire). Luckily, management strategies to promote tree resilience and maintain stand health increase resistance and/or tolerance to many of these agents including drought stress, insect infestation, and high intensity wildfires.

Year	Insect[(a)]	Disease[(b)]	Young conifer mortality	Abiotic (non-wildfire)	Unknown	Acres flown	Proportion of non-wildfire damage relative to acres flown	Wildfire
2014	497,206	32,963	39,111	75	6,105	36,131,000	2%	984,629
2015	527,088	34,538	59,121	2,976	3,007	36,027,078	2%	685,809
2016	586,960	21,199	40,047	51	3,245	36,099,637	2%	192,557
2017	523,208	9,998	29,072	4,811	635	35,263,946	2%	644,141
2018	666,214	11,910	22,072	2,128	240	36,151,968	2%	883,338
2019	694,066	12,311	25,841	13,625	4,448	35,672,506	2%	78,989
2020[(c)]	-	-	-	-	-	-	-	-
2021	360,322	4,863	34,756	149,733	29,332	24,782,940	2%	672,345
2022	1,974,746	698,409	14,480	26,016	27,879	33,418,549	8%	445,858
2023	2,285,042	47,923	59,117	2,875	11,261	37,265,980	6%	206,078
2022	1,974,746	698,409	14,480	26,016	27,879	33,418,549	8%	445,858
2023	2,285,042	47,923	59,117	2,875	11,261	37,265,980	6%	206,078

Figure 5. Damage and mortality from 2014-2023 from insect, disease, and abiotic (non-wildfire) data collected from annual aerial surveys and wildfire data from the Northwest Interagency Coordination Center.

Caveats to these data include:

(a) Insect damage often indicates underlying stress from a different primary causal agent such as drought.

(b) Not all disease-caused damage can be captured via aerial survey. A large proportion of Young conifer mortality is due to disease. Acres of damage from Swiss needle cast is not included here because it is not an annual survey (Pg. 29).

(c) Data from 2020 are excluded because it was collected via a different method (Scan and Sketch 2020 Forest Health Highlights) that is not comparable across years.

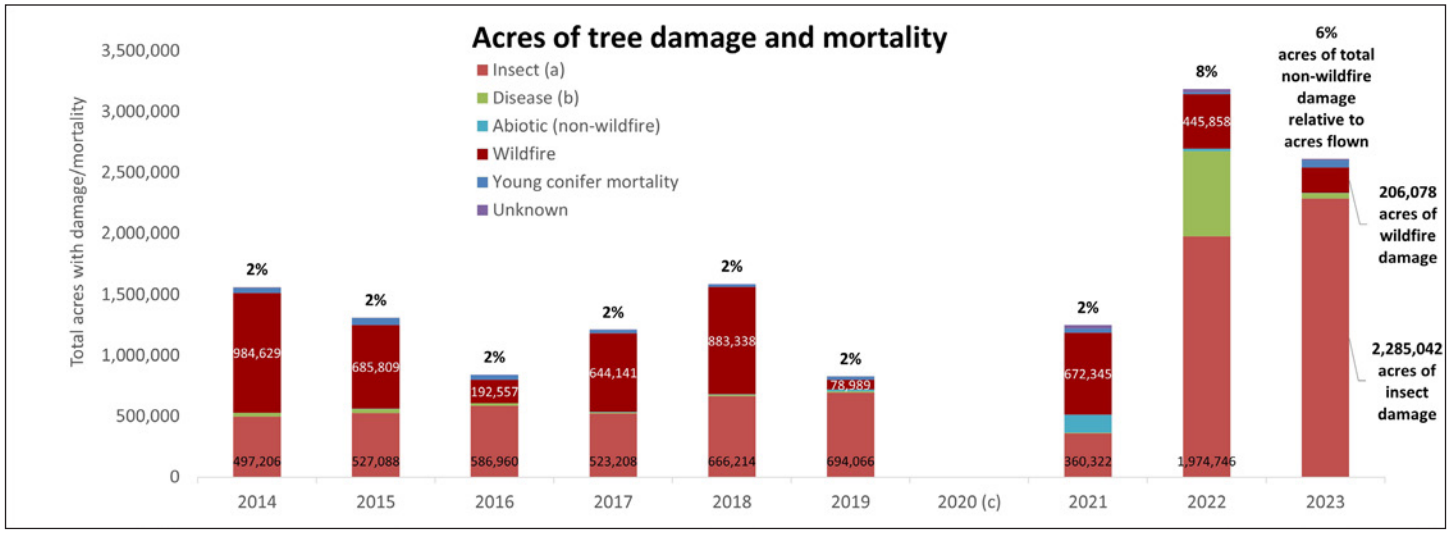


Figure 6. Above: Damage and mortality from 2014-2023 from insect, disease, and abiotic (non-wildfire) data collected from annual aerial surveys and wildfire data from the Northwest Interagency Coordination Center.

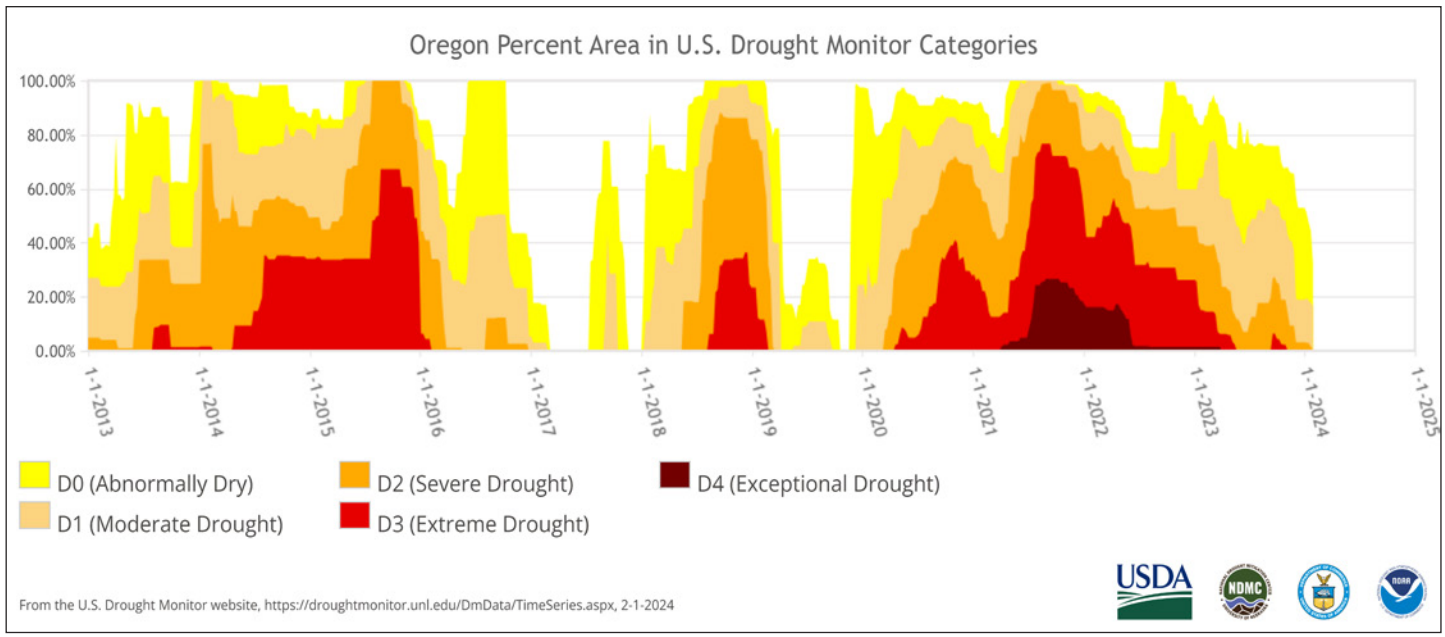
Caveats to these data include:

(a) Insect damage often indicates underlying stress from a different primary causal agent such as drought.

(b) Not all disease-caused damage can be captured via aerial survey. A large proportion of Young conifer mortality is due to disease. Acres of damage from Swiss needle cast is not included here because it is not an annual survey (Pg. 29). The jump in detected disease in 2022 was as a result of increased visibility of cytospora canker disease in true fir.

(c) Data from 2020 are excluded because it was collected via a different method (Scan and Sketch 2020 Forest Health Highlights) that is not comparable across years.

Below: Graphical time series of annual average statewide drought trends for Oregon from the U.S. Drought Monitor. Drought severity rankings span: D0: abnormally dry, D1: moderate, D2: severe, D3: extreme, and D4: exceptional drought. Drought has been an underlying stressor to trees across the state for many years. Often there is a lagged response in tree damage/mortality of a year or more after drought events. Cause and effect comparisons can be made by between the figures above, in which tree mortality tends to increase in the years after increased drought levels. Sudden or prolonged droughts can be particularly damaging to trees.



2023 FOREST HEALTH SUMMARY

In 2023, damage and mortality were more concentrated in southern Oregon and along east of the Cascade crest through central to northeastern Oregon (Fig. 7). Damage and mortality were more moderate and scattered west of the Cascades, and even lower along much of the coast but moderate along the southwestern coast. The majority of damage is attributed to bark and woodboring beetles (fir engraver, western and mountain pine beetles, Ips beetles, Douglas-fir beetle, flatheaded fir borer), a defoliator (balsam woolly adelgid), and diseases that cause young conifer mortality and cankers in true fir. Beetles are the largest reported contributor to tree mortality; however, for the most part they are native and symptomatic of other stress such as drought which has weakened tree defenses. The counties in which we observed the greatest amount of tree mortality coincide with those that have experienced the most intense and longest duration drought. Additionally, many of these areas have forests with high stem densities and trees within these forests experience more intense intra- and interspecific competition, and cannot allocate as many resources to defense as can trees in less dense stands.

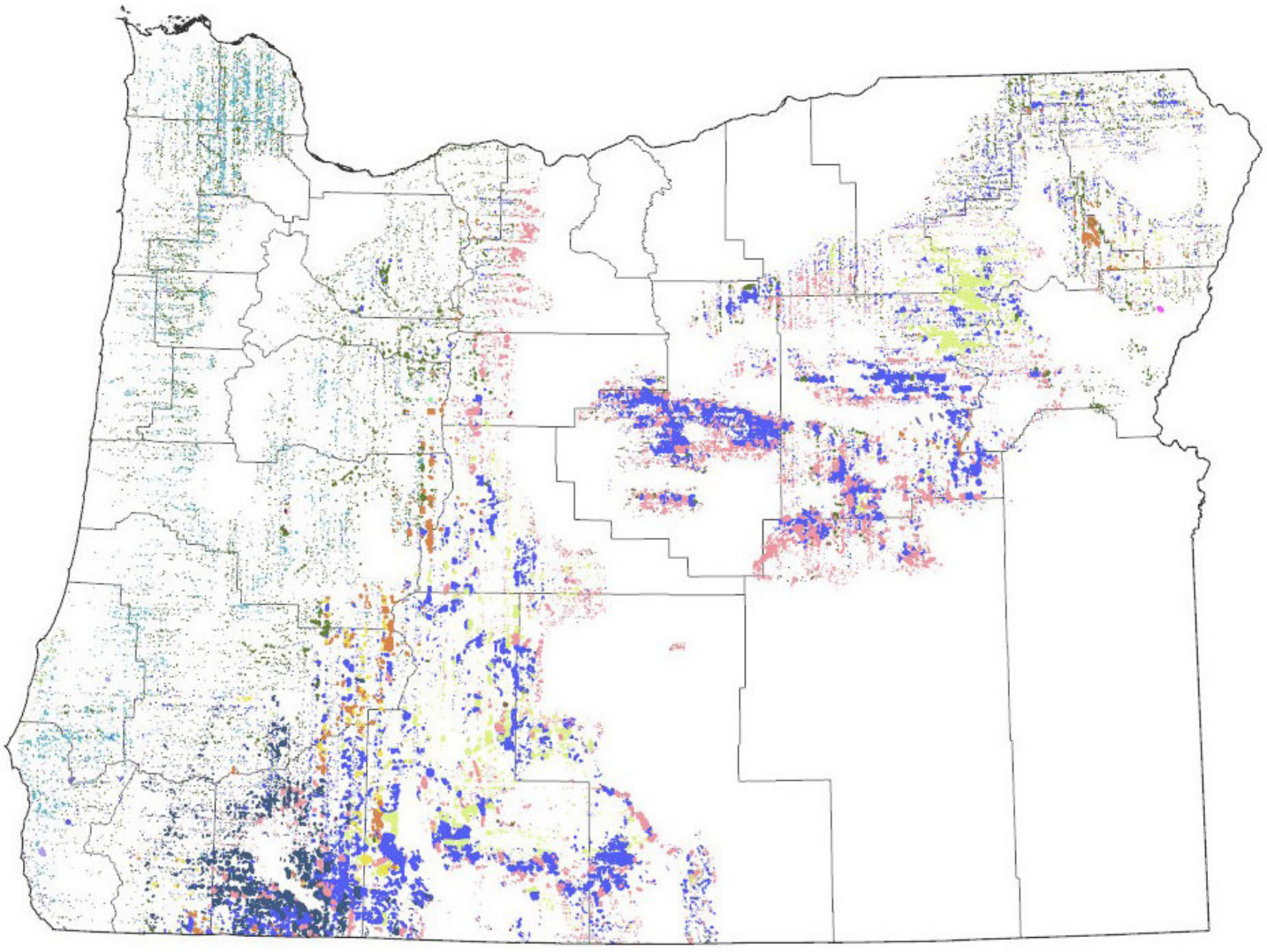


Figure 7. Map of tree damage and mortality as mapped by the 2023 general aerial survey. The largest contributors to damage and mortality are shown in the legend above. Often, tree mortality is a result of a complex of multiple different agents, starting with the most damaging and followed by less damaging agents that can only attack when tree defenses become exhausted. In recent years drought stress has caused the majority of initial tree damage which allowed opportunistic insects to finish trees off. Perimeters enhanced for visibility.

Mortality was observed in 2.26 million acres and damage (defoliation, flagging) in 140,000 acres across the 37 million acres covered by surveys. The visual signature for recently dead trees is a red or brown crown which is easier to see than the signature of a thinning crown in a damaged tree; therefore, mortality is often easier than damage to comprehensively capture. Most of our pests cause swift, direct tree mortality rather than damaging trees by consuming leaves or causing premature leaf drop.

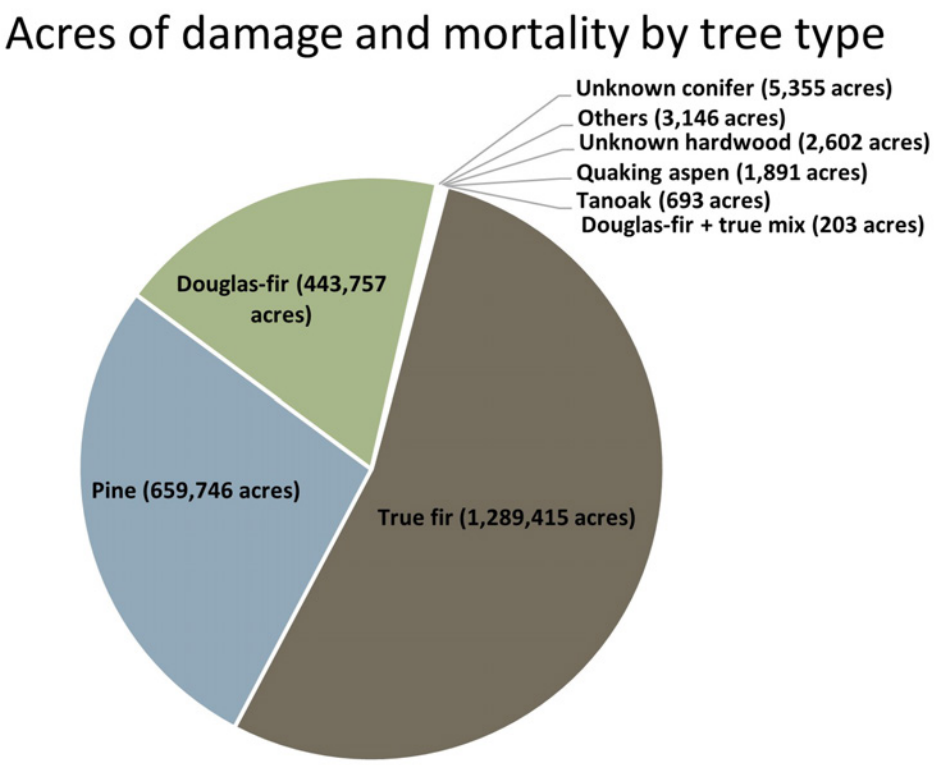


Figure 8. Proportion of damage and mortality by tree type as observed in 2023 aerial surveys.

The majority of the tree damage and mortality observed in 2023 occurred in Oregon's seven true fir species (genus *Abies*): grand, white, noble, Pacific silver, California red, and subalpine fir (Fig. 8). In 2022 we observed historic levels of true fir mortality due to widespread drought, underlying root diseases, and subsequent attack from fir engraver bark beetles. Some of these fir were growing outside of their preferred habitat due to wildfire suppression and ongoing hot droughts eventually pushed them out of this fringe habitat. Despite another year of extremely high levels of true fir dieback in 2023 we saw a slight decrease in true fir mortality relative to 2022.

The next highest affected group of trees was pine (genus *Pinus*), of which there are eight species in Oregon: ponderosa, lodgepole, Jeffrey, western white, sugar, knobcone, limber, and whitebark. Notable varieties include: the eastside subspecies of ponderosa (*P. ponderosa* ssp. *ponderosa*) which tolerates more xeric conditions than its relative Willamette Valley pine (*P. ponderosa* ssp. *benthamiana*) which grows west of the Cascade crest, and the broadly distributed lodgepole pine (*P. contorta* ssp. *latifolia*) which tolerates xeric conditions and requires fire for seed release relative to shore pine (*P. contorta* ssp. contorta) which exhibits a slightly different growth form and thrives along the coast. Ponderosa pine suffered the majority of observed damage and mortality followed by lodgepole pine. Several species of pine-infesting bark beetles attack various varieties of pine when they are overstocked and outcompeting each other for resources.

Douglas-fir (*Pseudotsuga menziesii*), one of our most valued timber species, was the third most impacted tree type. This single species occurs as coastal Douglas-fir (var. *menziesii*) throughout much of the state and as a separate variety, Rocky Mountain Douglas-fir (var. *glauca*) in parts of eastern Oregon. The cause of mortality in this species ranges from direct impacts from drought or storm damage, both of which may be followed by opportunistic attacks from Douglas-fir beetle, Douglas-fir engraver, and, increasingly, flatheaded fir borer.

The remainder of observed damage occurred at much lower levels in various other species of conifers and hardwoods.

SURVEYS, MONITORING AND OTHER PROJECTS

Aerial Detection Survey (ADS)

The Oregon (and Washington) cooperative aerial survey program between state (Oregon Department of Forestry, Washington Department of Natural Resources) and federal forestry (US Forest Service) is an annual effort and the longest recorded statewide forest survey in the nation (Est. 1947). All forested parts of the state are flown annually to quantify tree damage and mortality from insects, diseases, and abiotic stressors (e.g., weather, climate, natural disasters). This survey is the most cost-effective method to provide statewide monitoring of conditions and to detect emerging issues.

Figure 9. Ponderosa pine mortality observed over the Ochocos in 2023 (Christine Buhl, ODF).

There are some caveats to the aerial survey data shown in our tables, figures, and maps, and we advise working with ODF or USFS aerial survey programs to accurately interpret our data. Data obtained via aerial survey are not comprehensive but can provide a long-term, watershed-scale overview of trends across Oregon. Not all damage can be observed by this survey due to lack of visibility or timing. For example, damage from root diseases is typically not visible from the air and is underrepresented in survey data. Often, a complex of agents is present rather than the single agent marked in the surveys. For example, mortality of some tree species is marked as beetle damage, despite drought often acting as the underlying or primary causal agent.

Aerial surveys are conducted by two observers that look 1-2 miles out from their side of fixed-wing aircraft (Fig. 9), and record on a computer tablet the amount of damage and suspected causal agent (Fig. 10). A statewide "general" forest health survey that covers roughly 28 million acres is flown each year. Additional "specialty" surveys, are flown as needed using fixed-wing or helicopter aircraft to capture damage agents, such as Swiss needle cast (SNC) or sudden oak death (SOD), that may not appear during the course of the general survey or require a closer look. With these additional surveys, the agencies cover a total of 35 to 41 million acres each year. View aerial survey in action: https://youtu.be/XPrKjWaoeeA

The 2023 general survey covered 37 million acres. Smaller SOD flights revisited areas of southwest Oregon. SNC is flown on even years and will resume in 2024. Aerial observers recorded 2.4 million acres of total damage and mortality from insects, disease (excluding Swiss needle cast), animals, and abiotic (non-wildfire) agents. Another 200,000 acres of wildfire damage and mortality were reported by the Northwest Interagency Coordination Center (NWICC) (Figs. 5, 6, and 11). Wildfire damage from current year fires across all ownerships is captured more comprehensively by the NWICC. Additional data are obtained by using ground inspections, traps, drones, and remote sensing.

Figure 10. Tree mortality (left, circled in pink) is captured in DMSM software by drawing this area at the correct location on a Samsung tablet (right, circled in pink) (Christine Buhl, ODF).

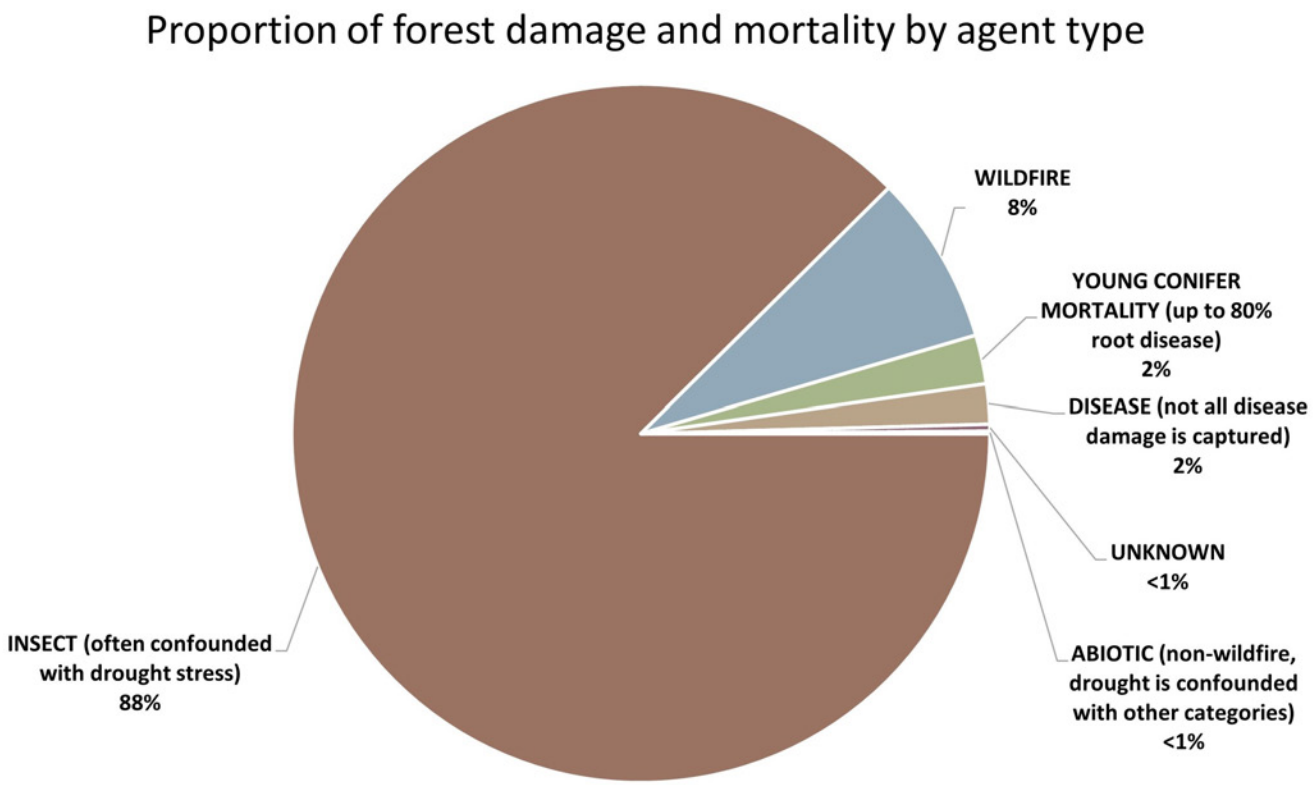


Figure 11. Proportion of forest damage and mortality by agent as observed in 2023 aerial surveys.

ADS resources:

- ADS data and maps for all years: https://tinyurl.com/FHAerialSurvey
- ADS 2023 Storymap of results: https://usfs.maps.arcgis.com/apps/mapviewer/index.html?webmap=6c8f8b7ae79e422188683b0b93aac833

SURVEYS, MONITORING AND OTHER PROJECTS

Hazard Tree program
Pathologists with ODF and the USFS evaluate tree hazards and provide regular trainings to ensure that trees at risk of failure, due to root and stem rots or other defects, are removed to protect those working and recreating in the woods. ODF annually assesses state forest lands for hazards in recreation areas and assists the Oregon Parks and Recreation Department with hazard tree training to ensure that state parks have trained staff available to identify hazard trees.

Bark beetle landowner incentives cost share program
Each year, federal funds are allocated for bark beetle prevention and mitigation treatments such as thinning (Fig. 12), pine slash management, and anti-aggregation pheromones. These funds are applied on federal lands, and also applied to non-federal lands through ODF as a cost share. In 2023, USFS applied bark beetle mitigation treatments on 1,584 acres of federal lands and non-federal landowners applied treatment on 21 acres on 4 ownerships. The program will be undergoing revisions in 2024, which are expected to minimize the proportion of costs for the landowner. Apply for cost share funds on non-federal lands through ODF: https://tinyurl.com/ODFcostshare

Figure 12. Unthinned stand to the left of a cost share thinning project to the right. Thinning reduces competition for moisture which allows for increased tree growth (Christine Buhl, ODF).

Douglas-fir tussock moth (DFTM) trapping program
This ongoing monitoring trap system (Est. 1979) detects increases in DFTM moth numbers and can predict building outbreaks or determine status of current outbreaks in eastern Oregon (Pg. 22).

Educational Opportunities
Since 2013, the USDA-funded Oregon Forest Pest Detector (OFPD) program, coordinated and led by OSU Extension Forestry, has trained arborists, landscapers, park workers, and other professionals to identify the early signs and symptoms of priority invasive forest insects (http:// pestdetector.forestry.oregonstate.edu). Using a combination of online presentations, in-person seminars, and field trainings, over 500 professionals have been trained as "First Detectors" of emerald ash borer, Asian longhorned beetle, and other exotic forest insects. In 2022, a new course for Mediterranean oak borer (Pg. 23) was developed and presented in Grants Pass. OFPD works with the Oregon Invasive Species Council to utilize the Oregon Invasive Species Online Hotline reporting system (https:// oregoninvasiveshotline.org) to submit a report and photograph of potential invasive species while in the field. The overall goal is to detect key forest invaders early in their invasion. The success of OFPD has been the result of in-person training at field courses where students can observe samples, test their knowledge on signs and symptoms of specific exotic invasive species, and have Q&A dialogue with technical experts.

Forest health education resources from ODF, USFS, and OSU forest health programs:

- ODF Forest Health: http://tinyurl.com/odf-foresthealth
- USFS Forest Health Protection: https://www.fs.usda.gov/detail/r6/forest-grasslandhealth/insects-diseases/?cid=stelprdb5300513
- All OSU Tree School courses: https://extension.oregonstate.edu/tree-school/tree-school-online-class-guide
- Forest insect pests: https://tinyurl.com/TreeSchool-insectpests
- Forest bees: https://tinyurl.com/TreeSchool-bees
- Forest diseases: https://tinyurl.com/TreeSchool-diseases
- Forest insect and disease information (ODF): http://tinyurl.com/odf-foresthealth or QR code

Forest pollinator projects

Most insects provide beneficial ecosystem services in the background and go unnoticed until their populations decline. These services include pollination, decomposition, pest control, and other components of nutrient cycling. Insects such as predacious beetles and parasitic wasps keep populations of forest pests such as scale insects and woodboring beetles at manageable levels. Pollinators are common in forests, and provide a critical ecosystem function for flowering plant reproduction. In turn, forests provide the necessary habitat and resources to maintain pollinator populations, such as flowering plants for nectar, coarse woody debris for overwintering, and undisturbed soil for ground nesting (Fig. 13). Task forces such as the Oregon Bee Project work to increase our understanding of these beneficial insects and contribute to efforts to enhance habitat, produce research, and spread information on how to encourage these insects. Ways to broadly enhance habitat for beneficial insects include: creating "skip zones" where pesticides are not applied, addition of pollinator plants in and along stands (e.g., along roadsides and embankments, skid trails and old landings where soil is too compacted for trees), and avoidance of sanitizing sites by removing understory plants and course woody debris that do not increase pest or wildfire risks.

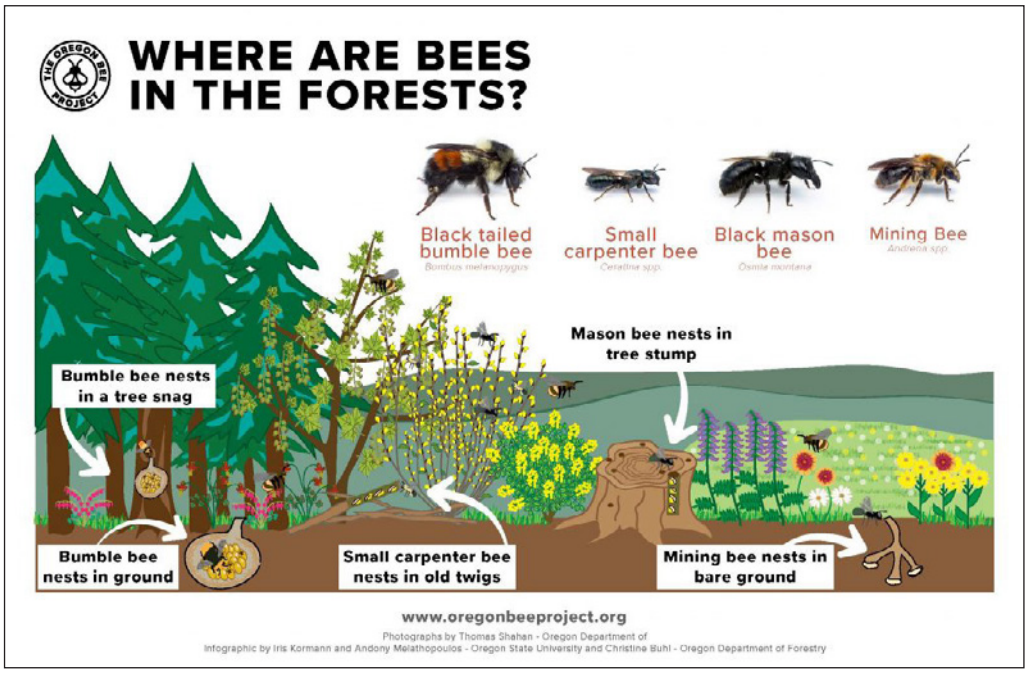


Figure 13. Oregon Bee Project forest bee outreach postcard.

Pollinator resources:

- **NEW!** Information on bees in forests: https://site.oregonforests.org/media/2185
- Information on bees in forests: https://woodlandfishandwildlife.com/ publications/insect/forest-bee-pollinators
- Videos on enhancing pollinators in your forest: https://extension.oregonstate.edu/collection/bees-woods
- Dedicate pollinator habitat on zoned timber land: https://www.oregonlaws.org/ors/527.678
- Oregon Bee Project: https://www.oregonbeeproject.org/forest

ABIOTIC AGENTS: CLIMATE & DROUGHT

Climate and weather are often primary contributors to tree health and forest conditions. Events that stress trees reduce growth and decrease their ability to defend themselves or rebound from insects, diseases, and other secondary stressors. Healthy trees can defend themselves from insects and diseases with pitch, which provides chemical and mechanical defenses. Pitch can repel, trap, and drown insects. Pitch can also seal off wounds to prevent infestation by pathogens that cause diseases; furthermore, it has anti-microbial properties and can compartmentalize and contain pathogens. When moisture levels are low, trees create less pitch and are less defended.

HEALTHY TREES = RESILIENT TREES

One of the major reoccurring stressors in Oregon forests has been ongoing hot drought as a result of climate change. The fact that we are experiencing changes in temperature is not unprecedented, however the rate of change is. Earth's climate patterns are affected by multiple different variables. In the Pacific Northwest, the latest bout of peak drought began in 2020. And there are natural, larger-scale alternating periods of cooling and warming (glacial versus interglacial periods), and currently earth is in a warmer phase. There are also Pacific Decadal Oscillations termed El Niño (warm phase) and La Niña (cool phase) which are periodic fluctuations in sea surface temperatures and overlying atmosphere that can alter climate, typically for a period of two years.

2023 was the final year of La Niña which, in this region, causes cooler and wetter winters. We started the year out with these cooler, and wetter conditions but they were variable across the state and tapered off later in the year, resulting in drought across 50% of the state. We experienced moisture recovery from La Niña in southeastern and parts of central Oregon. The coast range and Willamette Valley experienced far less moisture recovery. Snowpack across the state reached 154% of the 30-year normal due to a return to normal winter precipitation and temperatures; although, temperatures suddenly increased mid-April, resulting in early snow melt. Despite periodic rain and snow events during the course of the water year (October 2022 - September 2023), we received 2.5 inches less precipitation than our 30-year normal, and it was the 40th driest year out of the last 128 years. Rather than heatwave events, we experienced consistently warm days starting around July and into October, particularly in western Oregon. Eugene, Portland, Salem, and Redmond each recorded around 100 days of >80°F temperatures and 2023 ranked as the warmest year on average for those areas.

We entered an El Niño phase heading into winter 2023-2024, which typically results in warmer average conditions and variable precipitation, but generally less precipitation in the form of snow. Globally, we've seen a 2.7% decline in annual snowfall since 1973. If we follow one of the higher risk trajectory scenarios for global warming, we could see a 30% decline in annual snowfall in the lower 48 states by 2100. Low precipitation is only one half of the drought equation. The drying effect from warmer temperatures exacerbates deficiencies in precipitation (evaporative demand). Summers in the Pacific Northwest have been warmer on average over the past 10 years. Site variables that expose trees to more drying or less water-retention result in intensified drought conditions. These variables include slope, aspect, soil type, wind and sun exposure, etc., and should be factored into what species are planted where in a region and within a site.

Predictions for 2024 are up to an 80% chance of a strong El Niño phase, in which we may experience cooler stretches but the overall average temperature will be higher than normal and snowpack lower or of shorter duration. The far northwestern corner of the state is predicted to experience higher temperatures starting around March, but then decreasing around April; although, the northern strip of the state is predicted to experience higher levels of drought starting around May. Precipitation outlooks are lowest for northeastern Oregon starting around February and expanding along the northern strip of the state around March.

Microclimate due to site factors exacerbates chronic or acute climatic conditions and events. Oregon has a diversity of forest ecosystems due to variations in latitude, elevation, topography, and proximity to the ocean and mountains (rain shadow effects). All of these factors play a role in determining the impacts of altered temperature and precipitation (rain and snow) levels. Additionally, soil and ground cover type, local water use, and watershed dynamics can place different pressures on water storage capacities. Tree stocking levels influence the competition among trees for the availability of water resources. Some tree species have strategies to tolerate drought better than others; however, trees can tolerate drought for only so long and repeated droughts compound this stress (Fig. 14).

Figure 14. Western redcedar (left), Douglas-fir (center), grand fir (right) with common symptoms of drought stress such as crown thinning and topkill. These species range from low to moderate in their tolerance to drought and have been early indicators of drought stress across the forested landscape (Christine Buhl, ODF).

Changing climatic conditions are not just about record highs and lows. Their impacts are felt even more strongly due to their timing, duration, frequency, and rate of change. For example,

1. Droughts during active growing periods (spring) can be more damaging than if they occur during dormant periods (e.g., winter).
2. Short droughts can be tolerated by some species that have evolved the ability to reduce water loss through leaves. This strategy limits photosynthesis and is not successful for prolonged periods of drought.
3. If there are sequential years of drought and trees don't get a sufficient reprieve to rebuild damaged tissues, they may never catch up even if a drought period is punctuated by adequate precipitation.
4. Sudden changes in heat or precipitation can shock trees even if changes are moderate.

Climate change and drought resources:

- Oregon Water Resources Department's monthly drought summary email: https://tinyurl.com/drought-report-email
- Overview of drought impacts on trees: https://sflonews.wordpress.com/2021/08/12/drought-and-tree-mortality-in-washingtons-conifers/
- Drought impacts on forests and pests: https://youtu.be/wHZ1G5wH4r8
- ODF Drought fact sheet: https://www.oregon.gov/odf/Documents/forestbenefits/Drought.pdf
- Oregon Climate Change Assessment: https://blogs.oregonstate.edu/occri/ oregon-climate-assessments
- Climate assessment forest impacts: https://nca2023.globalchange.gov/chapter/7/

ABIOTIC AGENTS: CLIMATE & DROUGHT

Recent mass-mortality of specific tree species has been an alarming sight across the Pacific Northwest landscape (Fig. 15, http://tinyurl.com/cc-pnw-demise). Dieback has been especially apparent in Douglas-fir, western redcedar, true fir, and bigleaf maple in areas where they seemed to be thriving or at least inhabiting for many years. A key unifying theme in dieback has been direct stress from ongoing and intense hot drought conditions brought on by climate change. In 2021, agencies in the Pacific Northwest began mapping western redcedar dieback that had been noticeable for at least a decade. This dieback often occurs in areas where western redcedar should thrive such as shaded stands along streams. Even in those habitats, moisture levels have been dropping which was directly correlated with reduced growth rates and subsequent mortality (https://tinyurl.com/WRCStorymap & https://www.biorxiv.org/content/10.1101/2023.01.11.522134v1.full). In 2022, our aerial survey program detected a historic level (over 1 million acres) of true fir dieback in areas where fire suppression had allowed true fir to grow outside of its range or where drought conditions altered the suitability of the site for these less drought-tolerant species (https://www.theguardian.com/us-news/2022/dec/15/oregon-dead-fir-trees-conifers-climate-crisis). And although the 2021 scorch event was not solely brought on by climate change it was thought to be exacerbated by it (https://www.climatehubs.usda.gov/hubs/northwest/topic/2021-northwest-heat-dome-causes-impacts-and-future-outlook).

Figure 15. Climate change-influenced damage and dieback in (clockwise from top left): true fir (Danny DePinte, USFS), western redcedar (Nicholas Harris), Douglas-fir (Danny DePinte, USFS), and bigleaf maple (Christine Buhl, ODF).

MANAGING FOR RESILIENCE

The most appropriate actions to improve tree resilience against climate change, wildfire, insect pests, and some diseases often employ the same strategies because they target tree and stand health. Forest resilience best management practices are:

1) Plant the right tree in the right place and account for microclimate and projected climate change (Fig. 16).
- Know tree species growth requirements and common pests (https://plants.usda.gov/home)
- Plant within a species' range rather than along the edge (https://usfs.maps.arcgis.com/apps/webappviewer/index.html?id=4ebf103ddeeb4766a72e58cb786d3ee2)
- Determine where species will thrive under projected climate scenarios (https://seedlotselectiontool.org/sst/)
- Be aware of the influence of soil type, aspect, slope, sun and wind exposure, etc. may have on the microclimate of a planting site (https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx | https://usfs.maps.arcgis.com/home/item.html?id=b75880ad0d59465591c75f7ffdc42f19)

2) Establish trees well so that root systems develop to their fullest potential (https://www.oregon.gov/odf/Documents/workingforests/reforestationguide.pdf)

3) Maintain stocking levels appropriate for the species that can be supported by current and future moisture levels.
- Optimal species stocking levels (https://catalog.extension.oregonstate.edu/em9206/html)
- Temperature and precipitation status, trends, and projections (https://tinyurl.com/drought-report-email)

4) Prevent damage from abiotic and biotic stressors and remove stressed and damaged trees to allow more resources for healthier trees.

5) Encourage stand diversity (e.g., species, age, patchiness) and natural ecosystem processes.

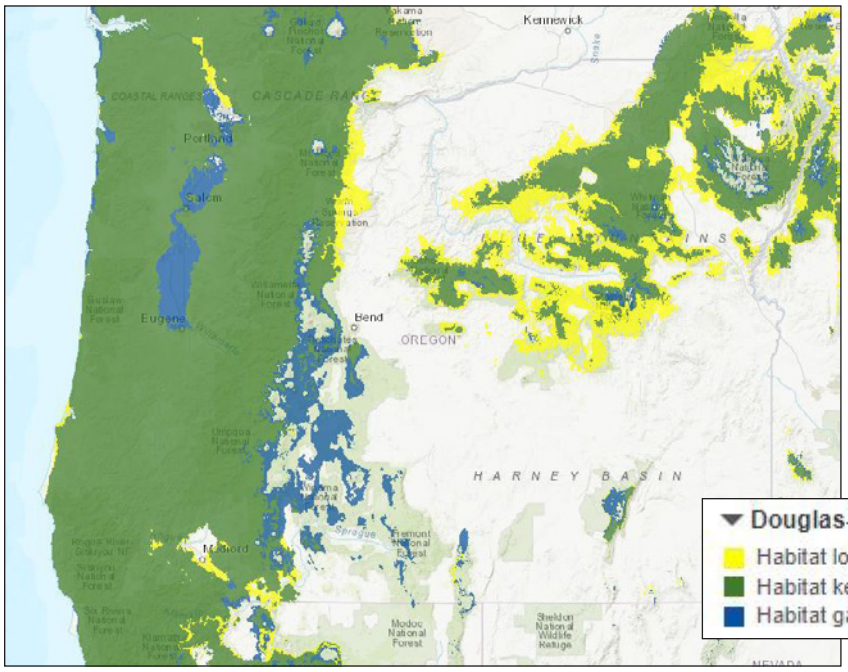


Figure 16. Projected range under a conservative climate scenario for Douglas-fir trees derived from 1961-1990 seedlot conditions that are predicted to endure 2011-2040 conditions (left, https://specieshabitattool.org/spht/), right Douglas-fir dominated managed stand (Christine Buhl, ODF).

ABIOTIC AGENTS: WILDFIRE

Wildfire

Cooler and wetter conditions from our last year of La Niña began to taper off as we entered an El Niño cycle and warmer conditions increased by spring 2023. By midsummer, warmer and drier conditions increased drought ratings in many Oregon counties particularly from the Cascades toward the coast. Pulses of heat in mid-May and again the beginning of June preceded several fires in the northern half of the state. Later in the summer, fire activity in the Pacific Northwest reached normal to below normal levels and wildfire personnel assisted Canada, which experienced a historic wildfire season resulting in about 45 million acres of damage.

Figure 17. Alder Creek Fire (Moriah Watson, ODF).

In Oregon, approximately 206,000 acres were damaged by wildfire (Figs. 17 and 18), which was 65% lower than the 10-year average and 54% lower than in 2022 (Fig. 19). The total number of fires was 8% lower than the 10-year average. The acres of fire damage as a result of humans versus lightning was similar; although, the number of fires from human activity was three times higher than from lightning.

The largest fires (Fig. 20 fire map) included the 34,000-acre Flat Fire (human-caused) and 22,000-acre Anvil Fire (under investigation) in Coos county, 31,000-acre Bedrock Fire (under investigation) and 25,000-acre Lookout Fire (lightning) in Lane county, and 17,000-acre Hat Rock Fire (under investigation) in Umatilla county. The Smith River Complex burned 95,000 acres as a result of lightning mostly in California but did reach parts of Curry and Josephine counties in Oregon.


Figure 18. Lookout Fire at McKenzie Bridge (Payton Bruni, ODF).

Initial attack efforts such as early detection continue to aid in catching fires quickly to keep them small. Aerial heat detection using a Forward Looking InfraRed (FLIR) camera resulted in 33 first detections and confirmed another 7 detections that were reported as ground crews were en route. 32 of these 33 new fires were found when fire danger levels were at "Extreme" (the other found during spring FLIR training) and the majority of the fires were found on federal land interspersed with other ownerships that ODF protects. A major improvement to the program in 2023 was the installation of a Starlink antennae for better internet connectivity during flights to provide ground crews with information such as live-streaming fire details like fire geometries, images, and video.

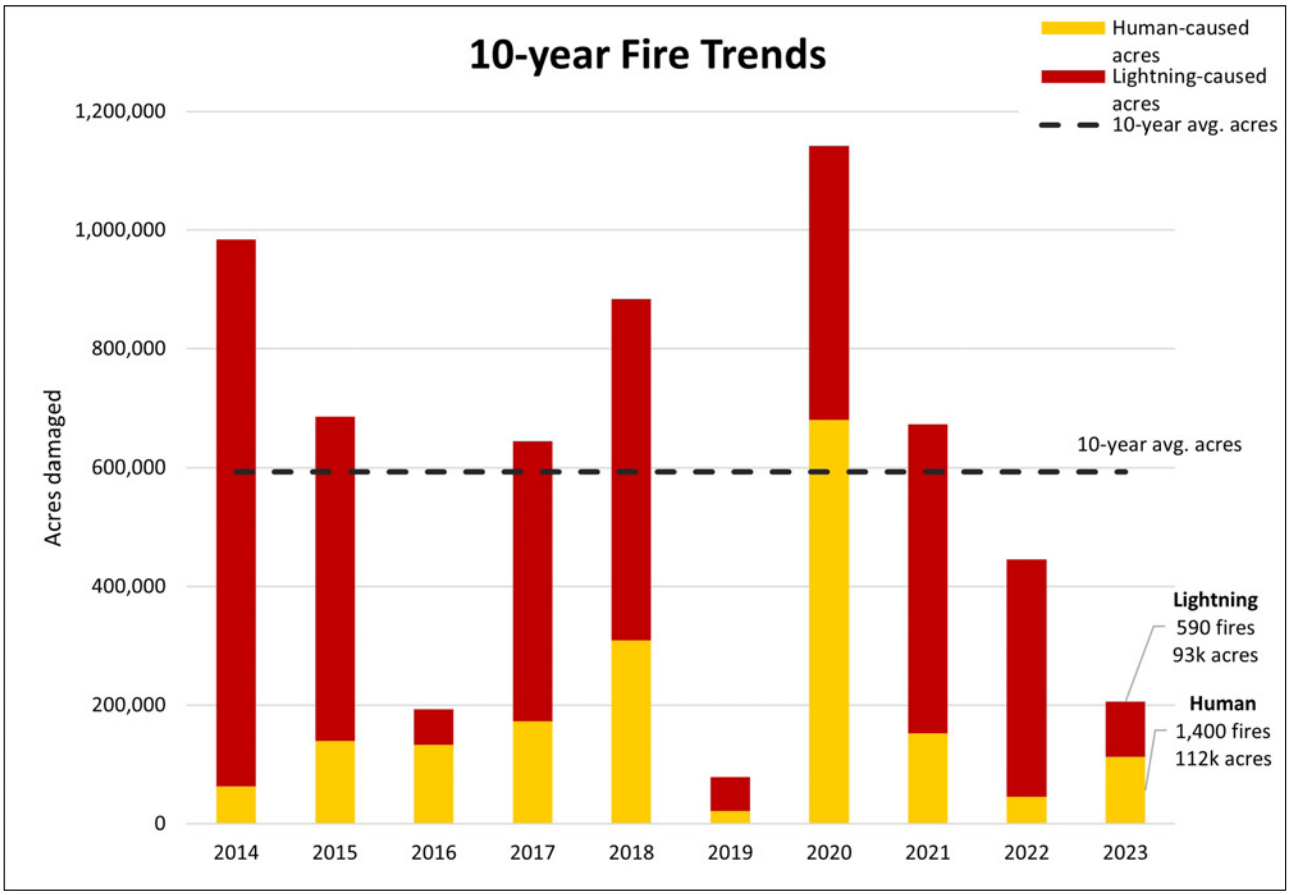


Figure 19. Oregon 10-year statewide wildfire trends across all ownerships and all protection districts (USFS, BLM, ODF, tribal, etc.). Wildfire data from the Northwest Interagency Coordination Center.

ODF, in collaboration with state and federal partners, has launched the 20-Year Landscape Resiliency Strategy (https://www.oregon.gov.odf/pages/20-year-strategy.aspx), a crucial initiative designed to strengthen Oregon's natural landscapes against the growing challenges of wildfires. Targeting approximately 13.1 million acres of diverse ecosystems such as forests and rangelands, this strategy aims to enhance ecological resilience and modify wildfire dynamics. The approach involves comprehensive on-the-ground resilience treatments like thinning, prescribed burns, invasive species removal, and innovative post-fire restoration practices. These efforts are geared towards fostering landscapes capable of enduring extreme fire, drought, and pests, while also catalyzing economic development through biomass utilization. Integral to this strategy is rigorous monitoring, data collection, and adaptive management for continuous refinement of these efforts.

Wildfire resour es:

- ODF fuels reduction cost share program: https://tinyurl.com/ODFcostshare
- ODF "Help After Wildfire": https://www.oregon.gov/odf/fire/Pages/afterafire.aspx
- OSU Extension Fire Program: https://extension.oregonstate.edu/fire-program
- OSU Extension wildfire webinars: https://extension.oregonstate.edu/fire-program/online-webinar-guide
- Oregon Statewide Wildfire Response & Recovery: https://wildfire.oregon.gov
- Make your home Firewise: https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/ Firewise-USA
- ODF KOG Reduce risk of wildfire starts: https://keeporegongreen.org
- Post-fire research conducted across Oregon agencies: https://www.fs.usda.gov/research/pnw/products/dataandtools/datasets/postfire-catalog-research-and-monitoring-projects-after-2020

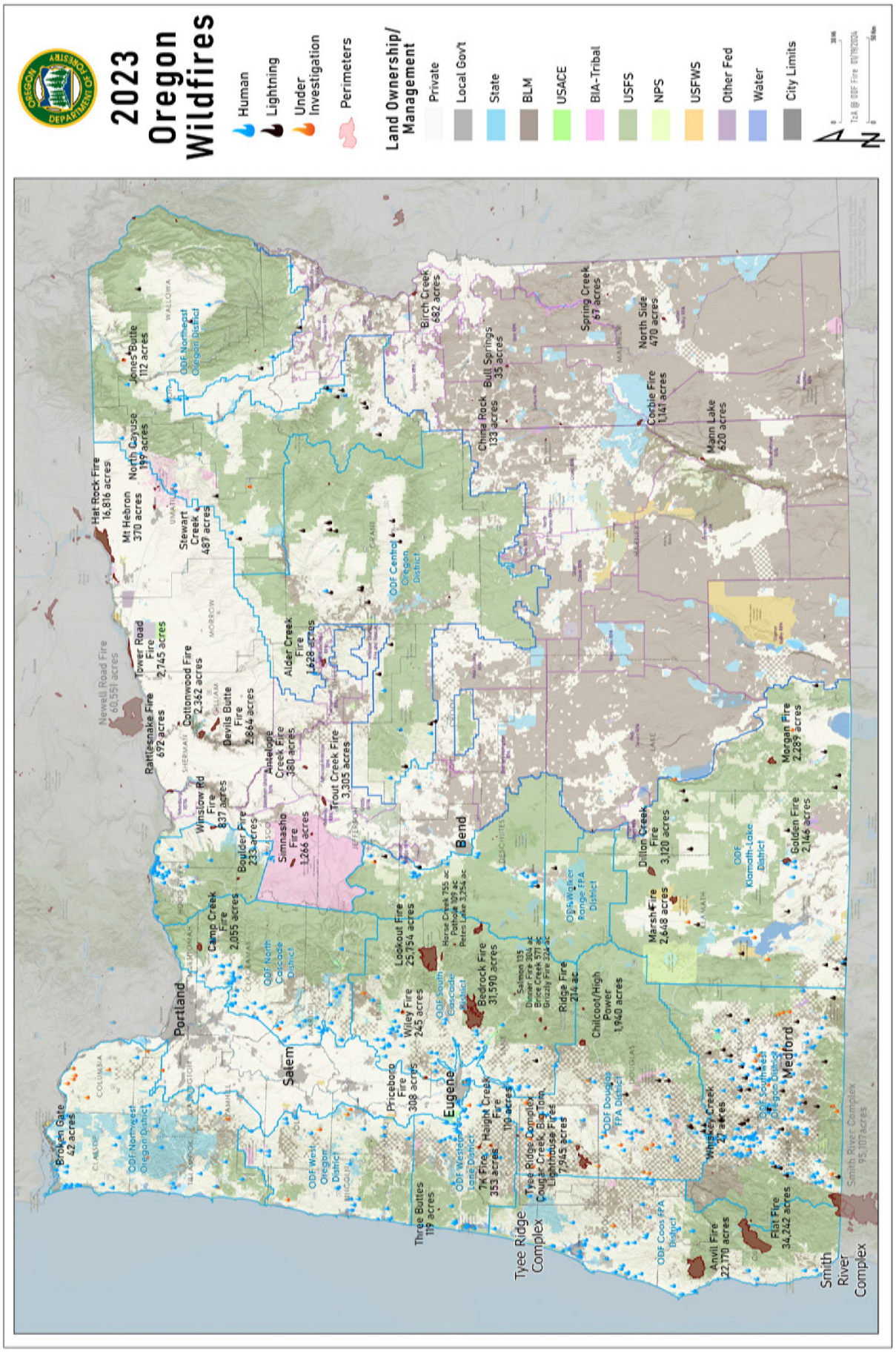


Figure 20. Map of statewide wildfires in 2023 (Teresa "TzA" Alcock, ODF).

FIRE x FOREST INSECTS

Insect activity often ramps up following wildfires; although, the majority of studies indicate that excess tree mortality from insect outbreaks doesn't necessarily result in increased fire risk. Beetle-killed trees that retain red, dry needles are highly flammable but, once needles have dropped, these bare trees are less flammable than green trees. Trees species such as true fir retain their red needles for longer, which may extend their risk of increased flammability. Trees such as pine that exude pitch tubes when attacked by bark beetles may present increased risk of fire laddering up a trunk dotted with flammable pitch.

Trees that survive a fire, but are damaged, have weakened defenses and release chemicals that are attractive to insects. In Oregon, insects such as bark beetles and flatheaded fir borer can attack and kill these trees that are still alive if the phloem layer is not too damaged. They reside just under the bark and do not tunnel into the wood. These tree-killing insects typically infest within the immediate few years following fire. Their populations can build in fire-damaged and otherwise stressed trees and spill over and overwhelm the defenses of healthy trees, resulting in an outbreak. Many of these insects are native, widespread, and part of a healthy ecosystem when their numbers are at normal levels. Most of our native woodboring insects do not typically kill trees, but can infest the severely damaged and dying trees (Fig. 21), and, as the name suggests, tunnel into wood which results in timber defect. These woodboring insects include various roundheaded, flatheaded, and ambrosia beetles, and woodboring wasps: https://www.oregon.gov/odf/Documents/forestbenefits/Woodboringbeetles.pdf

Post-fire forest health est management practices:

1. Focus restoration efforts on the least damaged or most resilient stands. Focus salvage and replant efforts on the more damaged stands.
2. Remove fire-damaged trees that are still alive, and any other trees showing signs of stress, to reduce reservoirs for pest outbreaks that may spill over into healthy trees. Identify and remove trees with levels of crown scorch and/or bole char that may result in mortality or insect attack: (summary guide) https://tinyurl.com/ODFpostfire | (full guide) https://tinyurl.com/postfireguide
3. Remove and process merchantable salvage timber within the year, or as soon as possible, to reduce defect from woodboring insects and fungi.
4. Treat fire-damaged stands of >10" DBH Douglas-fir with MCH repellent the March after a wildfire, to prevent population buildup of Douglas-fir bark beetle in live, fire-damaged trees: https://www.oregon.gov/odf/Documents/forestbenefits/mch-for-douglas-fir-beetle.pdf
5. Destroy pine slash (3-8" diameter) before April Ips beetle flights, or within 2 months of slash creation: https://www.oregon.gov/odf/Documents/forestbenefits/Slashmanagement.pdf
6. Replant with seedlots appropriate for future climate predictions (Pg. 15).
7. Incorporate diversity in tree species, age, size, spacing, and stand patchiness wherever possible.
8. Consider implementing conservation strategies during post-fire restoration efforts, such as: adding pollinator plants to erosion control seed mixes; replanting riparian areas with the same pre-fire tree communities that support terrestrial and aquatic communities; and allowing growth of non-invasive plants as refugia for natural enemies in the understory, along roadsides, and around leave trees. During clearcuts, consider leaving clusters of leave trees that are skipped during herbicide treatments to create pockets of wildlife habitat.

Figure 21. Woodboring beetle larvae (top) cause defect and can even be heard chewing during or immediately after fire damage. Indicators of woodborer activity include: pale boring dust in bark crevices (middle) and feeding galleries and round or oval holes in wood (bottom) (Christine Buhl).

FOREST INSECTS

Healthy trees are defended trees. Tree defenses include mechanical and chemical defenses in foliage and wood that prevent infestation, mitigate damage, or kill insects. For trees to produce these defenses, they must have their growth requirements met, sparing the additional resources that producing defenses require. Droughts, in particular, impact defenses because trees require moisture for tree pitch, their main defense, which acts as a mechanical barrier that traps insects and also contains chemicals that are repellent or toxic to insects, microbes, and fungal pathogens that insects may vector.

- ODF Insect pest guide: https://www.oregon.gov/odf/Documents/forestbenefits/InsectPestDiagnosis.pdf
- ODF forest pest fact sheets and videos: http://tinyurl.com/odf-foresthealth
- Landowners may apply for beetle cost share funds (Pg. 10) through ODF stewardship foresters (Pg. 1) for bark beetle prevention and mitigation treatments such as thinning, pine slash management, and anti-aggregation pheromones (https://tinyurl.com/ODFcostshare).

Bark beetles are the most common opportunistic pests of trees on our forested landscape. We have only a few species that can kill trees and they are native and widespread. Despite their small size (about the size of a grain of rice), it's only when their numbers explode that they cause mass-tree mortality by overwhelming tree defenses. Bark beetles burrow just under the bark (they do not enter wood) which girdles trees by cutting off vascular tissues that are important for transporting water and nutrients.

Figure 22. Fir engraver damage includes topkill (top) and horizontal galleries (bottom) (Christine Buhl, ODF).

In recent years the majority of tree damage and mortality has been detected in "true firs" (*Abies* spp.). The primary causes include chronic hot droughts, root disease, balsam woolly adelgid, and opportunistic attack by fir engraver beetles (*Scolytus ventralis*). Many of these sites are becoming marginal for fir tree growth due to climate change and the spread of balsam woolly adelgid. In 2022, we observed historic levels of true fir mortality across much of its range; although, mortality was greatest in SW and Central Oregon, particularly in drier areas. It should be noted that fir is more abundant in some areas due to encroachment following fire exclusion. Much of this damage is, and has been, historically recorded as fir engraver damage. Fir engraver bark beetle does not typically have the ability to kill healthy trees, but can kill stressed trees, and the most common underlying stressors and primary causes of tree mortality in true firs are drought and root disease.

Signs and symptoms of fir engraver bark beetles (Fig. 22) typically include dieback in the top third of the crown, which later extends to the full crown. Fir engraver galleries cause a separation between the wood and bark, which often sloughs off revealing the distinctive horizontal galleries in sapwood. Extensive fir engraver attacks indicate that the conditions or the site may no longer be hospitable for the species or seedlot of true fir present. Root disease may also be present at the site. Management is situation-specific but should address drought, root disease, and any other underlying factors rather than be directed at the beetle itself. Fir engraver info: https://www.oregon.gov/odf/Documents/forestbenefits/FirEngraverBeetle.pdf

In Douglas-fir (*Pseudotsuga menziesii*) the most common attacking insects that can cause mortality are Douglas-fir beetle (DFB, *Dendroctonus pseudotsugae*) and flatheaded fir borer (FFB, *Phaenops drummondi* prev. *Melanophila*). Douglas-fir bark beetle is opportunistic on trees damaged by storms, often preying on blowdown first, or trees damaged by drought, root disease, or wildfire. Removal of blowdown, damaged, and diseased trees, and reducing stand density goes a long way toward increasing resilience against this insect. Further protection is gained by applying MCH, a repellent pheromone that is stapled to trees in a grid pattern across the landscape. MCH reduces or distributes concentrations of this insect in an area so their populations cannot overwhelm the defenses of healthier trees. Evidence of this insect includes piles of brown boring dust (frass) in Douglas-fir bark crevices; and long, vertical, branched galleries under the bark (Fig. 23).

Figure 23. Douglas-fir beetle damage includes brown boring dust in bark crevices (top) and long vertical galleries (bottom) (Christine Buhl, ODF and Kenneth E. Gibson, USFS).

Figure 24. Flatheaded fir borer damage results in woodpeckers flaking off bark (top) and pitch pearls (bottom) (Dan Menk, Christine Buhl, ODF).

Flatheaded fir borer is a woodboring type of beetle. It behaves like a bark beetle in that it girdles trees just beneath the bark but does not enter the wood. This insect is native and widespread. It is becoming more of a problem on landscapes that are becoming fringe habitat for populations of Douglas-fir due to the stress of intensifying droughts. Common signs of flatheaded fir borer (Fig. 24) include branch flagging and bark flaked off by woodpeckers as they search for larvae that are present within the bark. When inspecting Douglas-fir with flaked off bark, other visible signs include pitch droplets ("pearls") and 1/8-1/4 inch oval holes, from entrance and exit of the insect, respectively. Extensive damage from flatheaded fir borer indicates that the site quality may be poor, aspects of the site may be affecting microclimate, or drought conditions are too high to support Douglas-fir. Both Douglas-fir beetle and flatheaded fir borer may be active at high stress sites, be aware that MCH does not work against flatheaded fir borer and it may only be a temporary solution if stressed trees remain on the site.

In pine, there are three beetles that may cause mortality, depending on the tree species. **Western pine beetle** attacks only ponderosa pine, and may be evident from the presence of pitch tubes and puzzle pieces of bark flaked off by woodpeckers in search of grubs (Fig. 25). In all of our pine species **mountain pine beetle** and **Ips beetles** may attack. The former leave behind pitch tubes and the latter cause dieback in the top third of crowns. For all of these insects it is important to reduce overcrowding and competition around pine, and remove stressed trees. Historically, mountain pine beetle has killed pines across millions of acres in the west. In Oregon, overly dense stands of lodgepole that spring up due to fire suppression and lack of thinning, are particularly inviting for beetle outbreaks.

FOREST INSECTS

Figure 25. Indicators of pine-attacking bark beetles include: woodpeckers flaking off bark in ponderosa attacked by western pine beetle (left), pitch tubes (center), topkill from Ips beetles (right) (Christine Buhl, ODF).

Sap-sucking and defoliating insects also impact trees on our landscape by causing damage and sometimes direct or indirect mortality. **Balsam woolly adelgid** (BWA, *Adelges piceae*) is an invasive, but established, and chronic sap-sucking pest that has long been killing true firs in Oregon (Fig. 26). Control or sanitation is particularly difficult for firs at higher elevations. True firs are already suffering an increasing amount of mortality due to droughts and fir engraver attack. **Douglas-fir tussock moth** (*Orgyia pseudotsugata*) populations in Douglas-fir and true fir are continuing to subside as indicated by trapping efforts (Fig. 27) in eastern Oregon.

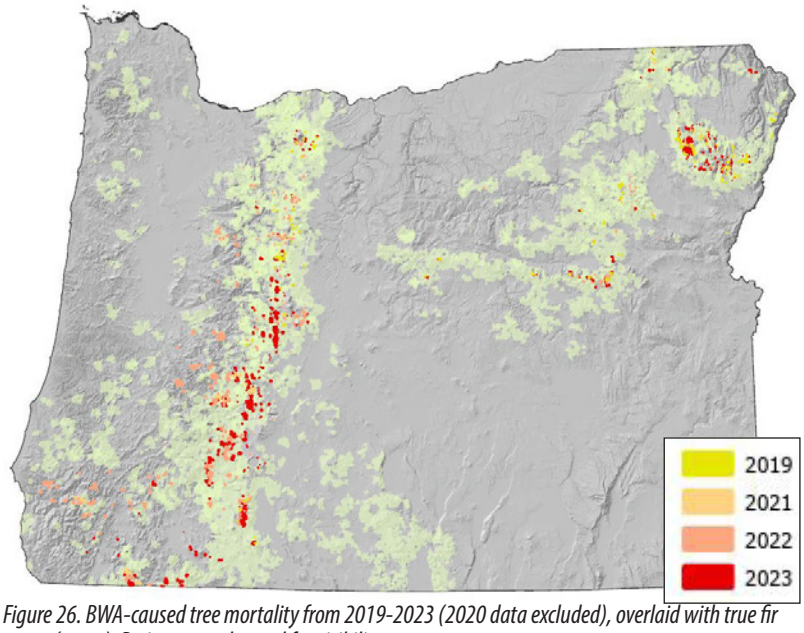


Figure 26. BWA-caused tree mortality from 2019-2023 (2020 data excluded), overlaid with true fir range (green). Perimeters enhanced for visibility.

EXOTIC PEST: **Spongy moth** (prev. European gypsy moth, *Lymantria dispar dispar*) is the European subspecies of this defoliating insect. It is established in eastern parts of the U.S. and routinely detected in Oregon. Flighted spongy moth is the Asian subspecies (prev. Asian gypsy moth, *Lymantria dispar asiatica*), which is not established in the U.S. but is occasionally detected in Oregon from overseas imports. Both subspecies feed on several hundred species of trees and shrubs, and flighted spongy moth can also feed and develop on conifers. European spongy moth females are flightless; however, flighted spongy moth females can fly up to 50 miles. Since the 1970s, Oregon has deployed monitoring traps across the state for early detection and swift eradication using insecticide treatments. In 2023, the Oregon Department of Agriculture reported seven European spongy moths found across Benton, Marion, Washington, and Deschutes counties but no detected flighted spongy moths. Despite frequent introductions into the state, infestation of each subspecies found in Oregon has been successfully eradicated.

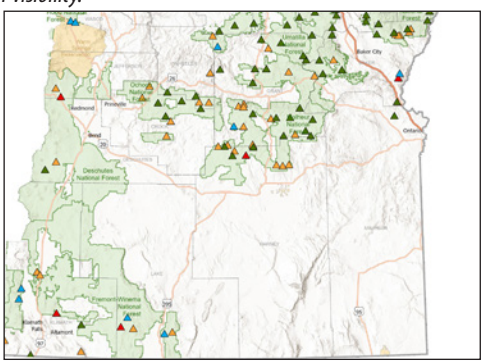


Figure 27. Douglas-fir tussock moth trap catches in 2023.

EXOTIC PEST: **Mediterranean oak borer** (MOB, *Xyleborus monographus*) is a tiny woodboring beetle (Fig. 28) that is native from Europe through northern Africa to the Middle East, and a recent arrival to North America. It was first detected killing valley oak (*Quercus lobata*) in Napa and Sonoma counties of central California in 2017, and is suspected to have arrived around the 2010s. In Oregon, a single beetle was captured in Multnomah County in 2018 and since then it has been captured in additional traps in Multnomah, Clackamas, Marion, and Washington counties. Starting in 2022, a single infested white oak, which has been destroyed, was found in Multnomah County and has since been destroyed. Approximately 30 infested trees have been found in Clackamas County, several of which have been destroyed.

Figure 28. MOB adult (Univ. of California - Riverside).

MOB is a type of ambrosia beetle, which does not feed on wood. Instead, it creates galleries in sapwood inoculated with fungi to feed its young. The fungi are visible as a black stain and cause wilt disease which kills the tree. The most visible signs and symptoms of this pest (Fig. 29) include dieback of a whole branch or portion of the crown, pale boring dust along bark crevices or around the base of the trunk, and black-stained galleries that cut across the sapwood and may be observed in the trunk or branches.

Figure 29. MOB infestations result in dieback of whole portions of crown (left), pale boring dust (center), black-stained galleries in sapwood (right) (Christine Buhl, ODF).

Currently the most effective treatment is to chip or burn the tree on site. We strongly urge against moving firewood to prevent the spread of this and other pests. There is much to be learned about this new pest and a joint Oregon and California multi-agency task force is working to:

1. Expand trapping efforts to determine MOB distribution, potential pathways, and timing of emergence
2. Evaluate other potential management strategies (e.g., burial of infested material, repellent pheromones, presence of parasitoids)
3. Expand detection trainings

MOB resources:

ODF factsheet: https://tinyurl.com/MOB-oregon
Other oak pests: https://www.oregon.gov/odf/Documents/forestbenefits/oak-pests.pdf
Invasive hotline reporting: https://oregoninvasiveshotline.org/reports/create
MOB infestation map: https://oda.fyi/MOBMap

FOREST INSECTS

EXOTIC PEST: **Emerald ash borer** (EAB, *Agrilus planipennis*) is an invasive woodboring beetle (Fig. 30) that attacks ash trees and was first detected in Oregon in 2022. In 2023 several survey and monitoring projects took place across the state, involving numerous state, federal and local agencies and landowners. The project coordination occurred through ODA and the Emerald Ash Borer Task Force; the members of which meet monthly to discuss recent findings and plan future surveys and management. By the end of 2023, results of several survey and monitoring projects demonstrated that the current extent of EAB in Oregon is a 10.4 square mile area centered in Forest Grove. Over 5,200 individual ash trees were individually inspected by ODA and partner agencies since July 2022. Accounting for all survey types described below as well as public reports of EAB, there were 190 trees (3.6%) found infested with EAB by the end of 2023 (Fig. 31).

Figure 30. Adult EAB (left, Steven Valley, ODA) and EAB larval gallery under ash bark (right, Troy Kimoto, Canadian Food Inspection Agency).

Statewide EAB trap survey: The 2023 field season was the first year of ODA's *Slowing ash mortality* program (SLAM) in which several riparian areas with ash were identified within a 2-mile radius of the 2022 ground zero. After receiving landowner permission, 109 ash trees were girdled by ODA in the spring before the EAB flight period. These trees acted as nearby "sinks" for capturing the expanding population of EAB. Adjacent to these girdled trees, nearly 200 additional Oregon ash trees were injected with a systemic insecticide to kill any "spillover" of attacks by EAB. The SLAM approach not only concentrates and slows the growth rate of the local EAB population, it provides a means to sample where the EAB population is moving on the landscape. The 109 girdled ash trees were felled in the fall and 1meter branch and trunk sections were carefully dissected to quantify the density of developing EAB larvae. Of the 109 girdled trees, 17 showed signs of EAB attack and colonization.

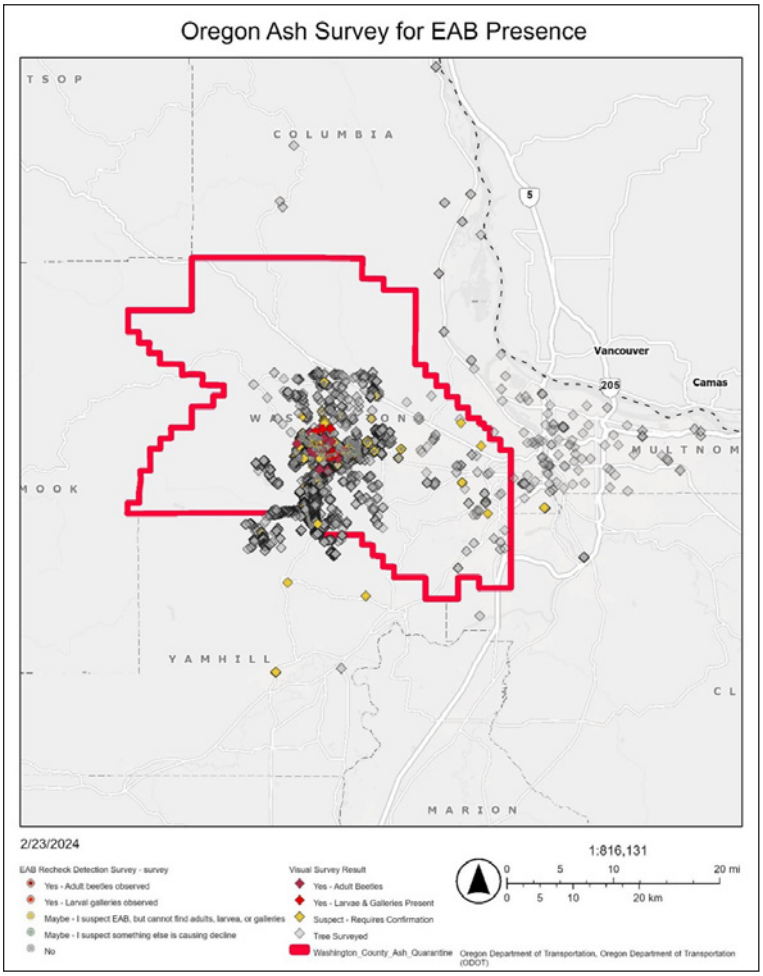


Figure 31. Ash trees surveyed for EAB by ODA and partners. By the end of 2023, EAB was known to occupy a 10.4 sq. mi. area around Forest Grove, Oregon. Since 2022, more than 5,000 individual trees have been inspected.

Across the 17 infested trees, there were 221 individual EAB observed, mostly in the larvae and prepupal stage. Material from all infested trees was destroyed. Patterns of infestation on the landscape show that the current EAB population is most dense along Council Creek north of Forest Grove. Other concerning areas of detection include along the Tualatin River and Gales Creek, south and west of Forest Grove, where large stands of Oregon ash currently occur.

In 2023, the USDA Animal and Plant Health Inspection Service (APHIS) provided purple prism traps, green funnel traps, and plant volatile lures to local governments and other cooperators who wanted an additional method of surveying for EAB in their jurisdictions. ODF Forest Health delivered trap supplies and provided methods and technical assistance to those local governments, organized incoming data and provided a real-time web map of trap locations. Trapping season started in May and concluded at the end of September. No EAB were observed in any of the 153 traps placed in 2023. Agencies that participated in placing EAB traps in 2023 included: the Cities of Beaverton, Corvallis, Hillsboro, Portland, Salem and Tigard; Metro; Columbia, Tualatin and Multnomah Soil and Water Conservation Districts; ODF, OSU, and the USFS.

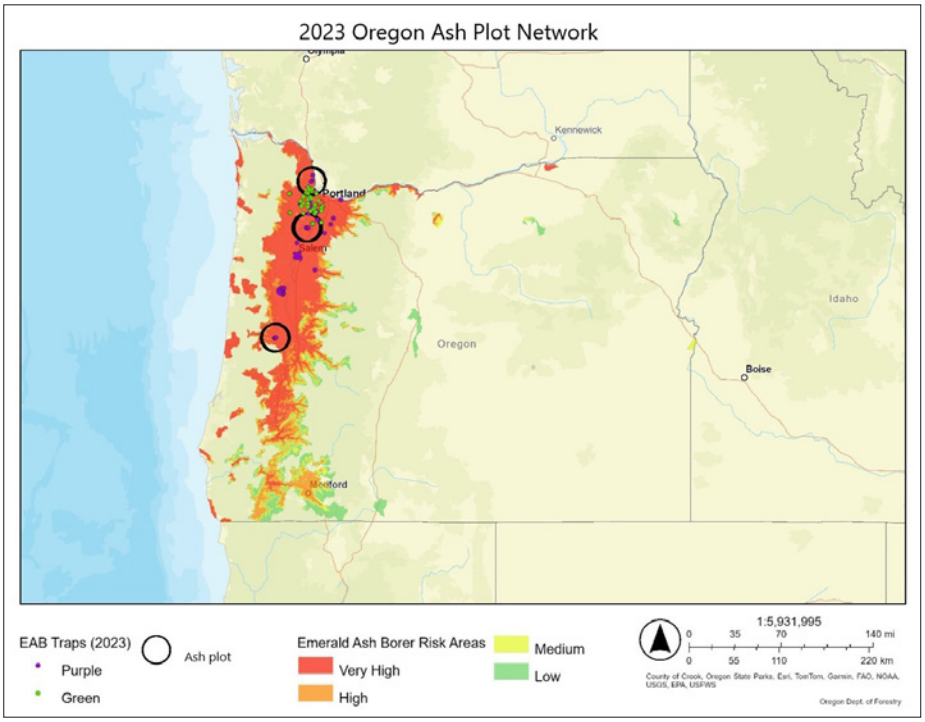


Figure 32. Locations of 2023 EAB traps and Ash Plot Network for survey and monitoring. No EAB were detected in 2023 in either the trap survey or the plot network.

Oregon Ash Plot Network: Because EAB is expected to expand its range in the Pacific Northwest over time, it is important to measure baseline conditions of Oregon ash forests before they are altered by significant tree mortality caused by the invasive insect. To capture current ash forest conditions before, during and after EAB invasions, the Oregon Ash Plot Network was successfully established at three sites in 2023 (Fig. 32). These plots were developed in partnership with Oregon Parks and Recreation Department (Champoeg State Park), Oregon Department of Fish and Wildlife (Sauvie Island), and a privately owned holding (Oregon Country Fair). Three fixed-radius plots, each with a diameter of 37 feet (plot area = 1/10th acre) were set up at each location for a total of 9 plots. For each plot, tree species, diameter at breast height, tree height and crown classifications were recorded. Across all sites and plots, 169 ash trees (82% of total) were measured and recorded. Seven other hardwood tree species (18% of total) were observed in the plots. No EAB symptoms or signs were observed for any of the ash trees. Drone imagery was captured for most of the plots. Methods and results were shared with Oregon State University Extension and Bureau of Land Management who also initiated similar ash monitoring plots in 2023.

Public Reporting of EAB: multiagency staff assisted in responding and evaluating the incoming reports to the state's official online hotline for invasive species. There were 77 reports for suspected EAB across the state in 2023. Forty-three percent were unidentifiable due to a lack of information. Of the remaining 44 reports, six reports, or 8%, were positive for EAB, all within the Forest Grove EAB-infested area. The number of positive EAB reported to the hotline in 2023 was similar to that of 2022. About a quarter of the reports were determined to be two common native woodborers, western cedar borer and golden buprestid.

EAB resources:

Multiagency EAB information: https://www.oregoninvasivespeciescouncil.org/eab
EAB infestation map and dashboard: https://geo.maps.arcgis.com/apps/dashboards/e6ff6b60f63b4c489cdee61315a85535
Invasive hotline reporting: https://oregoninvasiveshotline.org/reports/create

FOREST DISEASES

Sudden Oak Death (SOD), caused by the non-native invasive pathogen *Phytophthora ramorum*, causes mortality in tanoak (*Notholithocarpus densiflorus*) (Fig. 33) and infects more than 170 plant species, including several Oregon native plants. The disease was first discovered in coastal southwest Oregon forests in July 2001. Since then, an interagency team has continued to slow the spread of the pathogen through a program of early detection and treatment of infected and nearby host plants (Fig. 34). Treatments include cutting and burning infected and potentially exposed host material. To monitor sudden oak death disease spread and detect new infestations, the Oregon SOD program relies on multiple survey methods conducted throughout the year, including aerial detection surveys augmented by high-resolution digital imagery and ground verification, ground-based transects, and stream monitoring.

Figure 33. Mortality of a tanoak stand attributed to SOD in southwestern Oregon.

Figure 34. SOD crew sampling a canker (dead lesion) underneath the bark of a tanoak (Gabi Ritokova, ODF).

In July 2023, the US Forest Service/Oregon Department of Forestry cooperative aerial detection survey team conducted a fixed-wing survey, followed by a helicopter survey, across forested lands in Curry County to monitor disease spread and detect new infestations. The aerial surveys covered 787,500 acres of forested land. To complement these surveys, the Oregon SOD program foresters analyzed 2023 high-resolution imagery outside of the Generally Infested Area (GIA) to identify declining or dead tanoak trees. The imagery project area now covers approximately 539,000 acres (842 square miles), covering the region between the California border and Coos County.

Ground surveys covered 860 acres and 518 trees were sampled, of which 117 were positive for *Phytophthora ramorum*. SOD foresters conducted ground transect surveys covering 210 acres for the harvest of disease-free tanoak on private lands. Tanoak harvest is only allowed following the issuance of a special permit by the Oregon Department of Agriculture under OAR 603-052-1230, Oregon's *P. ramorum* quarantine. Other SOD survey and detection efforts within and adjacent to the SOD quarantine area in 2023 included monitoring 63 stream bait sites (Fig. 35). From the initial installation of stream baits in May 2023, 26 streams tested positive for *P. ramorum* at least once during the 7-month baiting period.

Efforts to quarantine and slow the spread of *P. ramorum* continue along the southwestern Oregon coast. Twenty nine new infestations have been detected beyond the GIA in 2023. Assuming a 600-foot treatment buffer inclusion, the treatment area for the 2023 infections totals approximately 526 acres on State and private lands and 141 acres on federal lands. Since the 2021 detection of the third clonal lineage of *P. ramorum* (NA2) outside the Quarantine zone, new infestations have been detected within Humbug Mountain State Park and, more recently, south of Port Orford in the Hubbard Creek drainage (Fig. 36).

In 2023, 59 samples from the Humbug Mountain area tested positive for *P. ramorum*, and treatments have followed on 165 acres of private and State lands. In the treatment area within the Port Orford infestation, 347 acres have been treated, 56 acres are currently under active treatment, and another 477 acres remain untreated (based on 600-ft buffers around trees positively identified as being SOD infected). From 2001 through 2023, ODF's Slow the Spread SOD program has completed eradication treatments on more than 9,000 acres at an estimated cost of over $37 million. Federal lands comprised 28% of treated acres; the remaining area was private and State lands.

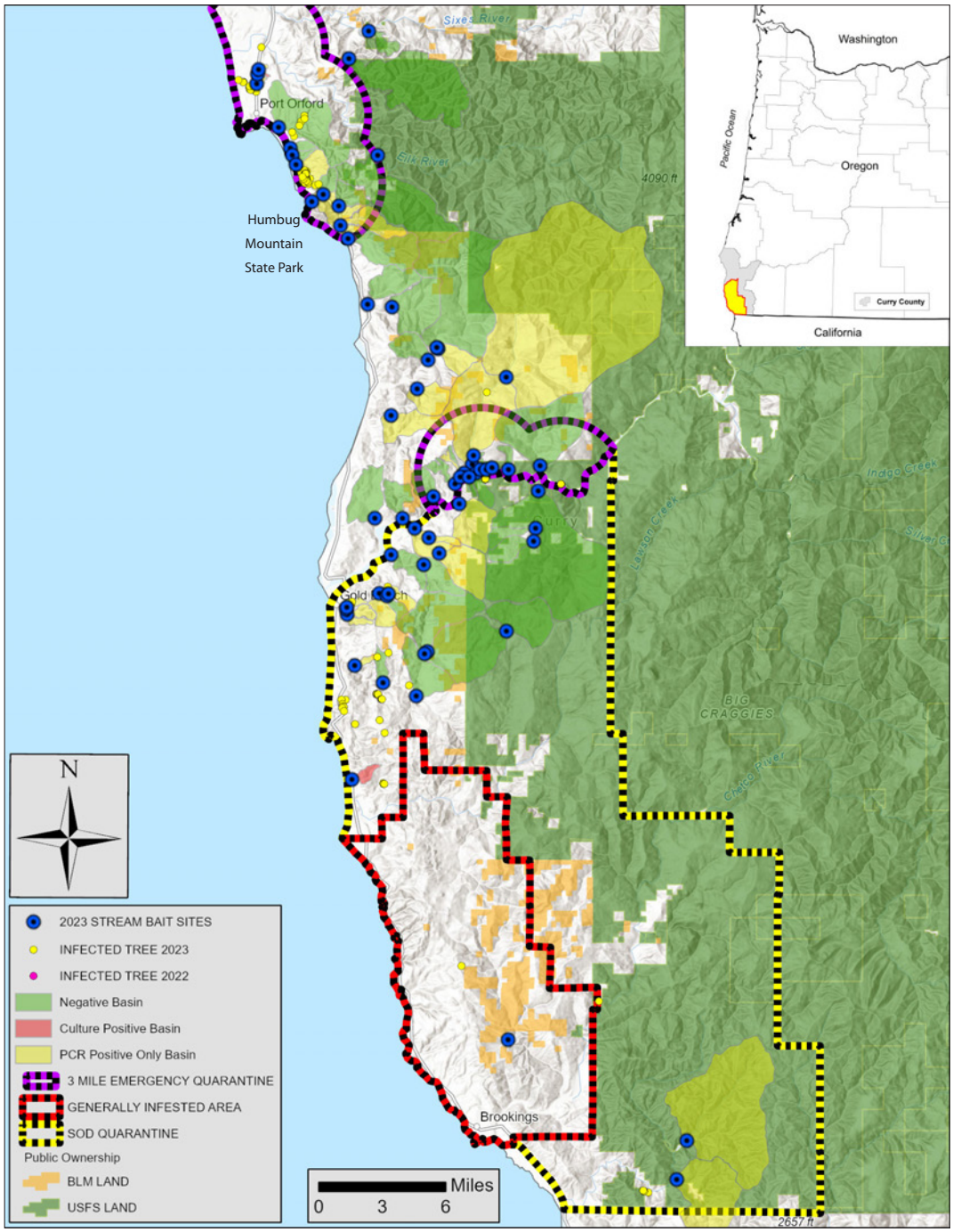


Figure 35. Stream baiting drainages. Green drainages indicate negative and the red drainage indicates positive Phytophthora ramorum presence. Yellow indicates that the drainage tested positive for P. ramorum with molecular testing.

SOD resources:
http://tinyurl.com/SOD-Program
http://tinyurl.com/SOD-Guide
http://tinyurl.com/odf-foresthealth

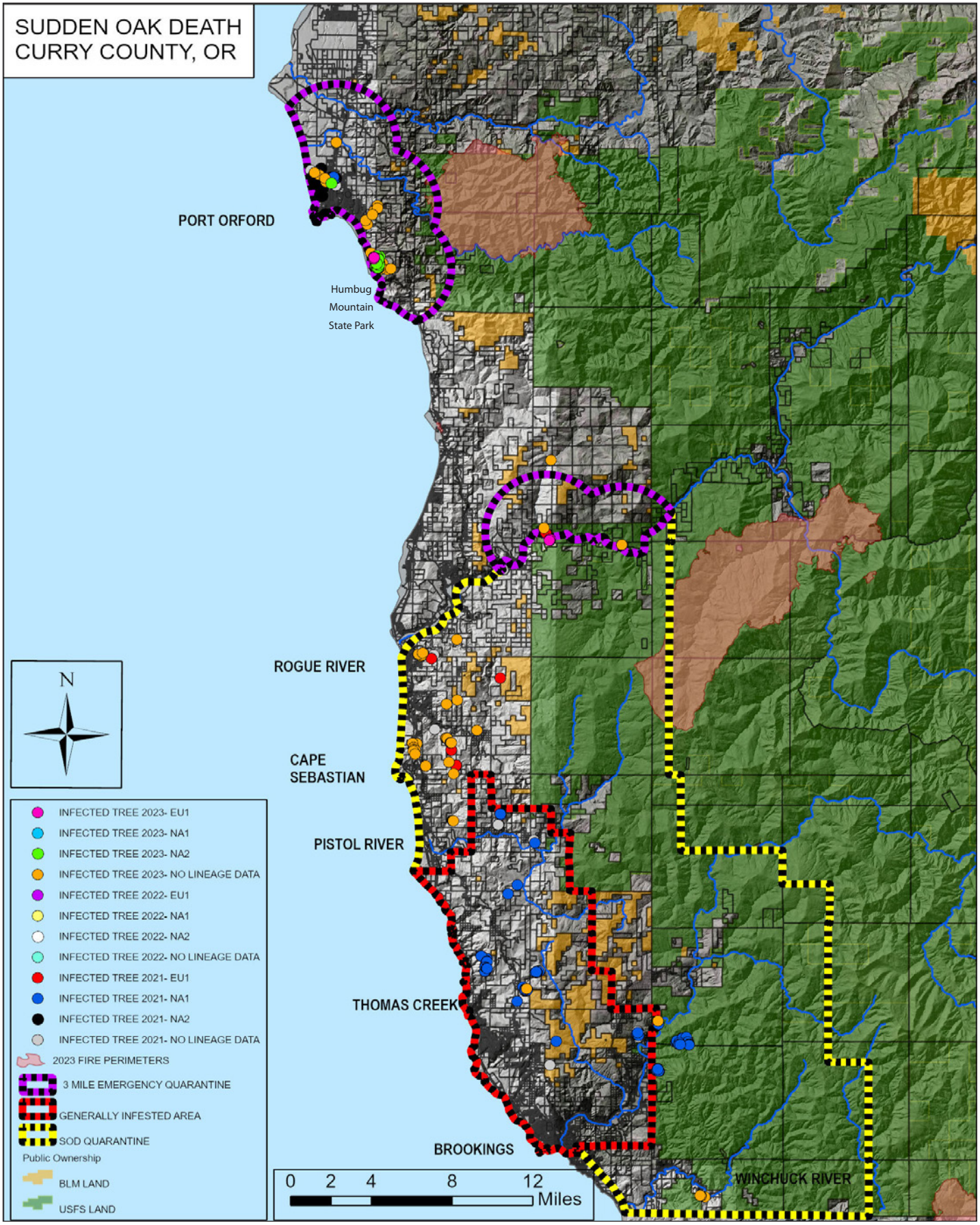


Figure 36. Location of infested sites with Phytophthora ramorum in southwestern Oregon discovered in 2021-2023.

Swiss needle cast (SNC), caused by the fungus *Nothophaeocryptopus gaeumannii*, is one of the most important foliar diseases affecting coastal Douglas-fir in the Pacific Northwest. Despite its name, "Swiss" needle cast is native to North America. This disease mostly causes damage along the coast of Oregon, stretching approximately 25 miles inland from the coastline. Beyond 25 miles inland, the disease can also cause problems on microsites, where the topography (southern aspects, low-elevation valleys) and climatic conditions are conducive for disease development. The Oregon coastal strip tends to have mild winter temperatures and high moisture levels in the spring and summer, supporting the successful growth and development of the pathogen. SNC symptoms include yellowing of infected foliage and decreased foliage retention, resulting in sparse crowns and reduced tree diameter and height growth (Fig. 37). The yellowing (chlorotic) signature is best observed by aerial detection surveys (ADS) in the spring immediately prior to budbreak. ADS for SNC covers approximately 3.5 million acres of the Oregon Coast Range and the Cascade foothills and is conducted every two years (even years). Since 1996, the symptomatic acres have been increasing, with an all-time high recorded in 2022 (Fig. 38). Since only moderate and severe symptoms are visible from the air, the ADS method is considered an underestimated representation of disease distribution.

Figure 37. Symptoms of SNC include chlorotic foliage and low foliage retention in Douglas-fir (left). The impact of SNC on growth can be seen in two 40-year-old stands planted at the same time, ~3 miles from the coastline (right). Douglas-fir is the stand on the right versus the western hemlock stand on the left. The western hemlock trees are larger and create more shade, whereas Douglas-fir are smaller and have thin crowns, allowing light penetration to increase understory vegetation growth (Gabi Ritokova, ODF).

In the fall of 2013, the Swiss Needle Cast Cooperative (SNCC) at Oregon State University began establishment of a research plot network (RPN) in 10-25 year old Douglas-fir plantations along the entire Oregon coast and part of southwest Washington to 35 miles inland (Fig. 39). The objectives of the RPN are to: 1) monitor SNC symptoms and tree growth in 10-25 year old Douglas-fir plantations throughout the Oregon Coast Range and southwest Washington, and 2) provide an improved estimate of growth losses associated with a given initial level of SNC. During the five-year period of the RPN's first remeasurement effort in 2018-2021, estimated cubic growth losses were as high as 35% with tree foliage retention of 1 year. In 2023, the second five-year remeasurement of the first third (30 plots) of the RPN was completed. The negative effect of SNC on cubic volume growth during the second 5-year period was compared to that on the same plots during the first five-year period. The negative effect of SNC due to diminished foliage retention was found to be ~23% greater during the second period for the lowest estimated initial foliage retention (1.2 years), implying growth losses that are similar to those found during an initial period of monitoring (1998-2008).

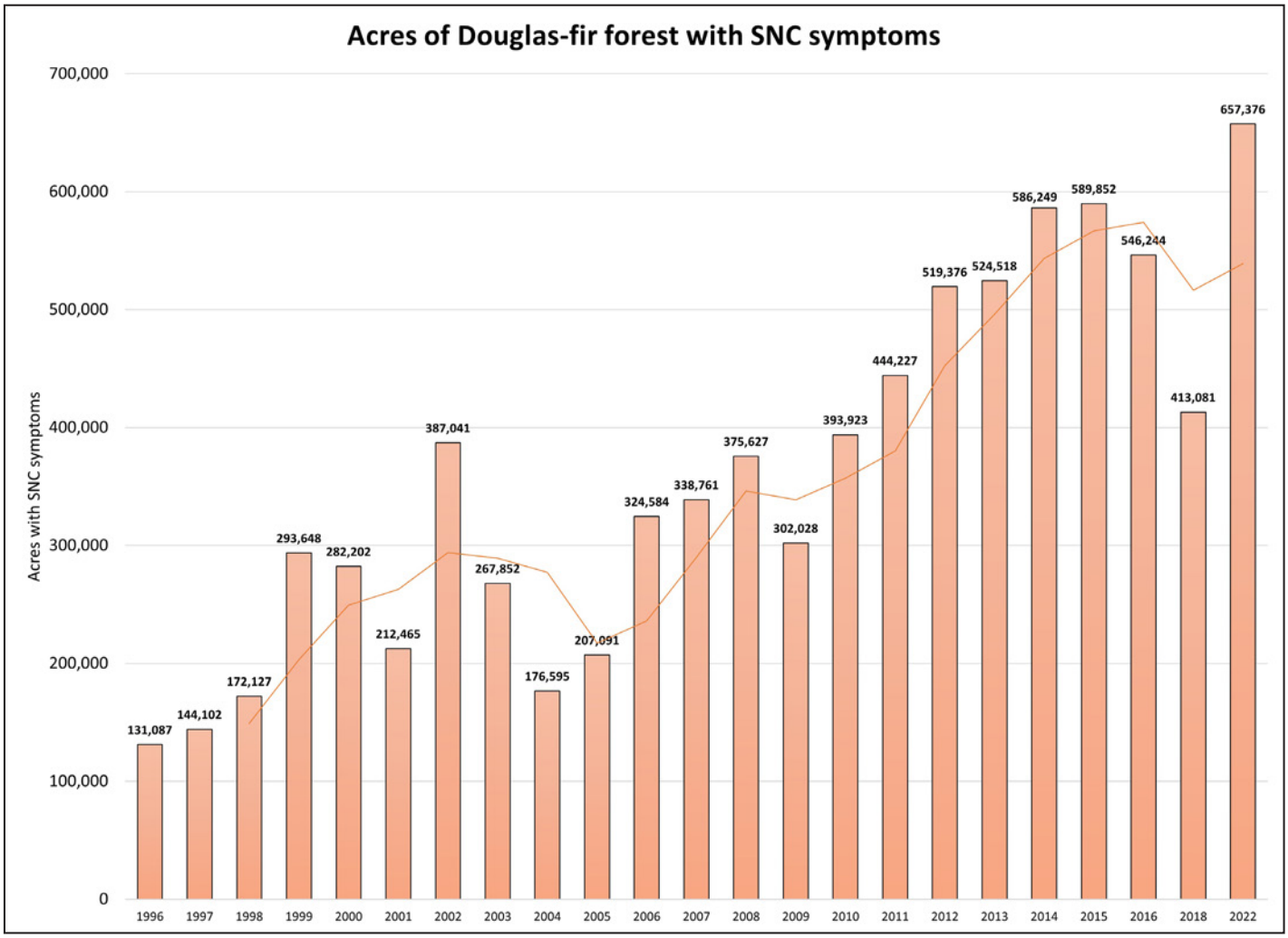


Figure 38. Acres of Douglas-fir forests with SNC symptoms as observed from aerial surveys conducted in late spring from 1996 to 2022. Surveys were not flown in 2017 or from 2019 to 2021. The red line reflects average acres across all survey years.

In addition to the research and monitoring plot network along the coast, disease conditions within the foothills of the Cascade Mountains were observed using a network of monitoring transects. Thirty one transects were installed in 10-19 year old Douglas-fir stands in the spring and summer of 2023, replacing a retired network of monitoring transects installed in 2017. Transects will be surveyed annually with the aim of evaluating SNC conditions using an index rating system for disease severity and foliage retention. The first assessment of the updated transect network suggests a strong relationship between foliage retention and elevation, with foliage retention greater than 2.8 years in transects located above 1,900 feet. Across surveyed stands, the SNC disease severity ranged from 1.2 to 2.1, light to moderate levels of infection, with mean disease severity at 1.73. Foliage retention ranged from 2.0 to 3.3 years of needles retained with a mean retention of 2.83 years of needles retained.

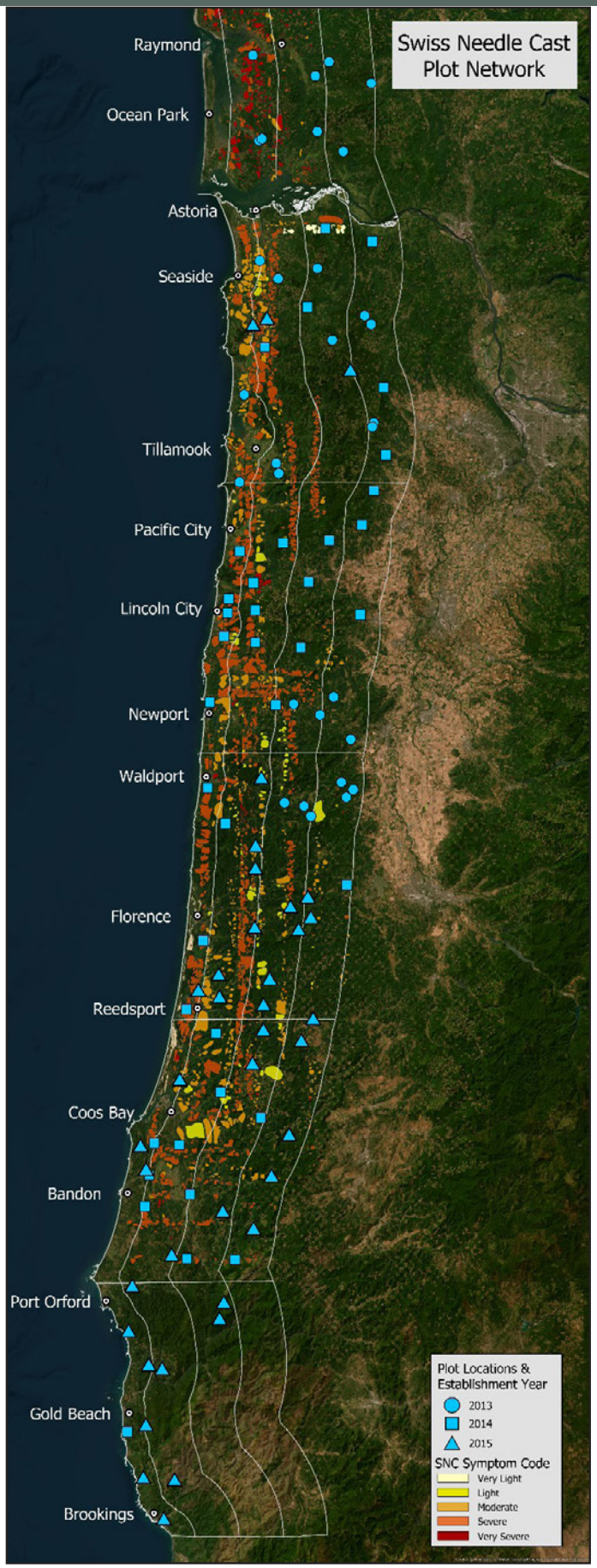


Figure 39. Map of the SNCC research plot network and the Cascade foothills transects.

In 2023, the SNCC piloted a spore-trapping study in collaboration with Dr. Miloň Dvořák of Mendel University in the Czech Republic. The goal of this project was to investigate the seasonal and spatial spore dispersal patterns of *N. gaeumannii* across the landscape. Three rotating arm spore traps (Fig. 40) were deployed in a heavily SNC-infected coastal Douglas-fir stand near Pacific City, Oregon. The traps were deployed for a 24-hour sampling period after which time the collected samples were transported to Oregon State University for processing. The results of the study are pending. The measurements following the calibration of the spore traps indicate that the design of these instruments is well-suited for capturing the targeted particle size of *N. gaeumannii* spores.

Figure 40. Rotating spore traps deployed in heavily infected SNC stands (Gabi Ritokova, ODF).

Swiss needle cast Resources:

http://tinyurl.com/odf-foresthealth

https://sncc.forestry.oregonstate.edu

IMPORTANT INSECT AND DISEASE PESTS

	DOUGLAS-FIR	TRUE FIR	PINE
INSECTS	 • Douglas-fir beetle • Douglas-fir tussock moth • Western spruce budworm • Flatheaded fir borer • Cooley spruce gall adelgid* • Douglas-fir pole & engraver beetles*	 • Douglas-fir tussock moth • Western spruce budworm • Fir engraver beetle • **Balsam woolly adelgid**	 • Ips beetles (pine engraver & California five-spined) • Mountain pine beetle • Western pine beetle (ponderosa only) • Pine butterfly • Black pineleaf scale • Sequoia pitch moth*
DISEASES	• Laminated root rot • Blackstain root disease • Armillaria root disease • Swiss needle cast • Rhabdocline needle cast • Douglas-fir dwarf mistletoe • Heart and stem decays	• Heterobasidion root disease • Cytospora canker • Interior needle blight • Fir needle rust • Fir broom rust • Heart and stem decays	• **White pine blister rust** (5-needle pines) • Diplodia tip blight • Dothistroma needle blight • Western gall rust • Blackstain root disease • Armillaria root disease • Pine dwarf mistletoes

	TANOAK	WHITE OAK	MAPLE
INSECTS	• **Spongy moth complex** 	• **Spongy moth complex** • **Mediterranean oak borer** • Oak looper* • Gall-making wasps & flies* • Leaf miners* 	• **Asian longhorned beetle** • **Spongy moth complex** • Various defoliators* 
DISEASES	• **Sudden oak death** (*Phytophthora ramorum*) • Armillaria root disease	• Armillaria root disease • Inonotus trunk rot	• Tar spot • Ganoderma trunk rot • Armillaria root disease • Sooty bark disease

*Secondary or aesthetic pests that are not typically tree-killers
BOLD: non-native, exotic insects and diseases

IN NATIVE OREGON TREES

HEMLOCK	SPRUCE	'CEDARS'	LARCH
 • Western hemlock looper	 • Spruce beetle • **Spruce aphid** • Cooley spruce gall adelgid*	 • Cedar bark beetles* • Amethyst borer* • Western cedar borer*	 • **Larch casebearer**
• Heterobasidion root disease • Hemlock dwarf mistletoe • Hemlock needle rust • Heart and stem decays	• Spruce broom rust • Heart and stem decays	• **Port-Orford-cedar root disease** (POC only) • Cedar leaf blight (western redcedar only)	• Larch needle cast • Larch needle blight • Larch dwarf mistletoe

ALDER	ASH	POPLAR	MADRONE
• **Spongy moth complex** • Western tent caterpillar* • Alder flea beetle* 	• **Emerald ash borer** • **Spongy moth complex** 	• **Spongy moth complex** • **Satin moth*** • Webworm* 	• **Spongy moth complex** • Webworm* 
• Armillaria root disease • Nectria canker • Alder collar rot • Heart and stem decays		• Heart and stem decays	• Madrone leaf blight • Madrone branch dieback • Madrone stem cankers

Don't know your tree? ID here:

Oregon tree ID: https://oregonstate.edu/trees/name_common.html

FOREST HEALTH CONTACTS

Oregon Department of Forestry - Forest Resources | Forest Health
2600 State Street, Salem, OR 97310
https://tinyurl.com/odf-foresthealth

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Wyatt Williams	Invasive Species Spec.	(503) 798-5436	wyatt.williams@odf.oregon.gov
Sean McKenzie	Aerial Survey Spec.	(503) 945-7353	sean.c.mckenzie@odf.oregon.gov

USDA Forest Service – Forest Health Protection and Forest Health Monitoring Programs
1220 SW Third Avenue, Portland, OR 97204
https://www.fs.usda.gov/main/r6/forest-grasslandhealth/insects-diseases

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Daniel DePinte	Aerial Survey Manager	(541) 840-2311	daniel.depinte@usda.gov
Justin Hof	Aerial Observer	(503) 668-1646	justin.hof@usda.gov
Tim Bryant	Aerial Observer	(971) 930-7173	timothy.bryant@usda.gov

USDA Forest Service – Westside Oregon Service Center
Mount Hood National Forest, 16400 Champion Way, Sandy, OR 97055

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Holly Kearns	Pathologist	(503) 668-1475	holly.kearns@usda.gov

USDA Forest Service – Southwest Oregon Service Center
Medford Interagency Office, 3040 Biddle Rd, Medford, OR 97504

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USDA Forest Service – Central Oregon Service Center
Deschutes National Forest, 63095 Deschutes Market Road, Bend, OR 97701

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Brent Oblinger	Pathologist	(541) 383-5701	brent.oblinger@usda.gov
Max Wahlberg	Fire Ecologist	(503) 319-9582	maximillian.wahlberg@usda.gov

USDA Forest Service – Blue Mountains Service Center
1550 Dewey Avenue, Baker City, OR 97814

Mike Johnson	Entomologist	(541) 523-1251	jay.m.johnson@usda.gov
Eric Ott	Entomologist	(541) 523-1277	eric.ott@usda.gov
Vacant	Pathologist		

STAFF REPORT

Agenda Item No.:	15
Work Plan:	Forest Resources Division
Topic:	Board of Forestry Updates
Presentation Title:	Committee for Family Forestlands Annual Report
Date of Presentation:	September 05, 2024
Contact Information:	Wendy Gerlach CFF Chair wendy@wgerlachlaw.com. Mike Kroon, Forest Resources Deputy Chief 503-400-4815 mike.e.kroon@odf.oregon.gov

SUMMARY

The purpose of this agenda item is to provide a report on the Committee for Family Forestlands (CFF), discuss progress on key issues, and make recommendations on policy topics affecting family forestland.

CONTEXT

The CFF, a standing committee of the Oregon Board of Forestry, provides advice to the Board of Forestry and the State Forester on methods to help improve the vitality of family forestlands, including improving owners' ability to manage and market their timber and other forest products. The Committee for Family Forestlands continues to evaluate the impact of policy and regulatory changes on family forestland owners.

BACKGROUND AND ANALYSIS

Over the past year, the Committee focused on the objectives/issues identified in their 2023-2024 work plan. The annual report informs the Board of the committee's progress in addressing issues affecting family forestland (Attachment 1).

RECOMMENDATION

The Committee for Family Forestland recommends the Board accept the CFF annual report.

ATTACHMENT

(1) Committee for Family Forestlands Annual Report to the Board Fiscal Year 2023-2024

Committee for Family Forestlands Annual Report to the Board
Fiscal Year 2023-2024

Annual Report presented to the Board of Forestry September 4th, 2024
By Wendy Gerlach, Chair, Committee for Family Forestlands

The Committee for Family Forestlands ("CFF") is a standing committee established by the Oregon Board of Forestry to assist and advise the State Forester and the Board on issues relevant to Oregon's ~70,000 family forestland owners, including advice on the formulation of policy and potential effects of changes in forest policy on those lands.

The CFF's activities over the past year (July 2023– July 2024) have included advising on technical guidance to new Private Forest Accord-related rules, providing informal as well as written comments on the Board of Forestry's strategic Vision for Oregon's Forests, and engaging in discussions and presentations on numerous issues important to small forestland owners. The CFF has also, in perhaps its most important role, provided outreach to communities across the state and acted as a liaison between those communities and the Oregon Department of Forestry ("ODF").

The CFF has received many helpful briefings on key topics from ODF staff, and thanks those staff and Mike Kroon and Heather Hendersen in particular for outstanding support of the CFF. The CFF expresses its thanks to the Board for its commitment to Oregon forests, with special thanks to Ben Deumling for joining many meetings of the CFF and acting as liaison to the Board.

The CFF hopes that the Board will continue to utilize the CFF as a resource to the Board and ODF in their work, and looks forward to continued work together.

CFF 2023-2024 voting members:

Wendy Gerlach, Chair (Citizen at Large)
David Bugni (Northwest Oregon Family Forestland Owner)
Gary Jensen (Southern Oregon Family Forestland Owner)
Maurizio Valerio (Eastern Oregon Family Forestland Owner)
Kate McMichael (Landowner at Large)
Kaola Swanson, Vice-Chair (Conservation Community Representative)
Eric Kranzush (Industry Representative)

CFF 2023-2024 ex-officio members:

The CFF benefits from the time and expertise of the CFF ex-officio members, and thanks them for their input. They are:

- Amanda Sullivan-Astor for Associated Oregon Loggers (AOL)
- Rick Zenn for Oregon Small Woodlands Association (OSWA)
- Glenn Ahrens for Oregon State University (OSU) College of Forestry, OSU Extension Forestry and Natural Resources Program
- Julie Woodward for Oregon Forest Resources Institute (OFRI)

CFF 2023-2024 ODF staff support; Board support:

CFF members acknowledge the support and reports received from ODF and the Board generally, and specifically from:

- Forest Resources Division staff
- Protection from Fire Division staff
- Planning Branch staff
- State Forester Mukumoto
- Board Chair Kelly
- Board Members

2023-2024 Priority Issues

Issues important to small forest landowners remain largely the same over the years. The CFF's key priorities are briefly stated below. These are consistent with the priorities in last year's report. On the next page of this report, we add new material (speaking to the contributions of small forestland owners to the Board's strategic priorities).

- Private Forest Accord. Implementation of the Private Forest Accord, and attention to associated changes to the Forest Practices Act, is a priority for the CFF. It is important to develop an effective Small Forestland Owner Office and strong landowner incentive programs (including Small Forestland Investment in Stream Habitat ('SFISH') program funding, and the tax credit for riparian management zones beyond minimum option). The CFF notes the importance of incentive programs being fiscally and logistically viable for landowners. To the extent there may be a tax disincentive to receiving SFISH grants, the Committee urges the Board to seek a solution to that problem. Finally, the CFF urges more bridge-building with small forestland owners—not having been directly included in initial Accord discussions, but now being subject to changing rules, small landowners deserve attention to their concerns. (Although OSWA participated in Accord negotiations, not all small forestland owners are OSWA members. Direct communication with small forest landowners is important.)
- ODF Communications and Technical Assistance. Effective small forestland owner outreach and communications, including timely, direct, and accessible ODF communications about forest practices, ODF programs, and incentives, are critical to small landowner success. Technical assistance is a key part of that support. Committee members consistently say this: ODF stewardship forester presence in local communities is essential on a technical and community level. The ODF website has great resources on a range of topics—these could be talked up more. It is equally important that small forestland owners are aware of and can access financial incentives and assistance through state funded programs like the Landscape Resiliency Program and through Federal funding sources like the Forest Stewardship Program and Forest Legacy Program. We encourage ODF to fully utilize these important programs in support of forestland management, avoided conversion, and conservation.
- Avoiding Conversion of Lands from Forest Uses. Small forestland owners play a key role in keeping forestland as forestland. Programs and policies that are consistent in application, comprehensible, and supportive of strong small landowner communities allow them to continue to manage healthy and productive forests, pushing back against conversion pressures.
- Forest Management Infrastructure. Diminishing infrastructure to serve small forestland owners, especially closing of mills, is a high-level concern of small forestland owners who rely on this infrastructure for long-term forest management.
- Fire. Wildfire prevention, recovery, funding, and reforestation is an ongoing key issue for small forestland owners, who face special challenges as to workforce, equipment, and replanting. Simply put, post-fire restoration is a struggle for small forestland owners, and they need the Board's and ODF's support with this.
- Seedling availability: Small landowners have particular need for access to diverse seedlings in the marketplace and through other distribution programs. ODF is giving a presentation at its seed orchard about these issues, and particularly about producing seedling strains that are better suited to climate change. Programs like these should be publicized and encouraged.
- Workforce issues: Small landowners are especially vulnerable to labor shortages. Programs for workforce expansion and training are a necessary investment of the state in helping with this.
- Eastern Oregon specific needs: The above issues, especially fire, reforestation, seedlings, and workforce, have specific aspects unique to eastside forests.
- Climate change: Climate change broadly impacts forest management, reforestation, and forest practices. Tools for successful resilience and adaptation are critical (forest management alternatives, water retention practices, seedling type etc.).

Small Forestland Owners and the Vision for Oregon's Forests

Small forestland owners own approximately 12% of Oregon's forests and own an even higher percentage of lands in the wildland urban interface ("WUI"). A high percentage of small forestlands include riparian areas low in watersheds, which makes small forestland owners sensitive to rules regulating riparian management and which also makes their stewardship of their lands a key component of watershed and forest health. The contributions of small forestland owners to riparian,

watershed, and overall forest health are essential to the Board's priorities as set out in Board's draft Vision for Oregon Forests. The CFF offers the following thoughts on the Board's priorities and how they relate to small forestland owners across the state. The contributions of small forestland owners are many, and the CFF asks that, as the Board expands its Vision to include metrics and objectives, the Board recognize and support this community.

Resilient Forests

The Vision: Enabling landowner decisions that "improve resilience and adaptive capacity of their lands."

To quote one of our CFF members, "The stewardship of our lands comes with an unwritten contract of reciprocity…. an intangible bond of gratitude, work, and commitment." Small forestland owners—including CFF members—are appreciative of incentives supporting stewardship. The CFF notes the success of the SB 762 landscape resilience grant program, which was well-utilized, and urges the continuation of that program. Incentives, grants, and assistance are critical to small forestland owners in managing resilience, post-fire recovery and reforestation, and fish and wildlife habitat.

Resilient Communities

The Vision: Policy and management decisions so that "forests support resilient human communities through social, economic, and ecological change."

The CFF, like the Board, recognizes the importance of local communities and place-based management. Small forestland owners are at the center of forest communities and local economies. They are critical to the Board's and ODF's success in supporting healthy and productive Oregon forests. To quote from a CFF discussion, "there are people and communities attached to these lands."

CFF discussion has also noted the many benefits provided by small landowners: "Small forestland owners provide benefits to the public, such as carbon sequestration, for which they are not paid." Similarly, the CFF recognizes the role of small forestland owners in educating communities about natural resources and what forestlands contribute, such as by welcoming legislators and neighbors on forest tours.

At the same time, as acknowledged at a CFF meeting: "Small forestland owners feel a loss of ability to exercise control over their own lands…. There's a need for understanding and respect for small landowners."

Small forestland owners participate in and benefit from many partnerships. The CFF notes, particularly, partnerships with watershed councils, OSU extension programs, and nonprofits. These relationships are a critical part of how small landowners contribute to their communities, and the CFF urges the Board to look to these partnerships in enacting its Vision.

The Wildfire Crisis

The Vision: "Prevent, suppress, and mitigate wildfire to protect communities and expedite forest restoration activities that promote the adaptive capacity of Oregon's forests."

Small forestland owners are on the front line of the wildfire crisis. They are likely to live in the wildland urban interface, subject to high fire potential, or in rural areas where fire suppression and control face unique challenges.

Small forestland owners, especially those managing eastside oak and pine forests, are often open to using prescribed fire to control undergrowth and reduce fuel loads, but face challenges in aggregating their acreages to make prescribed burning feasible. Support in overcoming that challenge is needed. The CFF appreciates initiatives such as the certified burn manager program that help make prescribed fire, including pile burning, an accessible management tool.

Adequate funding of wildfire prevention, suppression, and mitigation is an essential need of small forestland owners, who rely, in particular, on protection services but have only intermittent financial return from forestlands. Any solution to the wildfire funding crisis must include input from the small forestland owner community.

Climate Leadership

The Vision: "The Board and Department will build capacity for climate-smart leadership … [and] implement the adopted Climate Change and Carbon Plan."

The CFF observes that most small forestland owners are local owners. They live among forests in flux due to climate change. They tend to manage for a variety of goals that overlap with those of the Vision, including use of a variety of management techniques and a focus on diverse and resilient forests. Climate-smart forestry, as described in the Vision, includes approaches such as alternative slash treatments and increased carbon sequestration. Small forestland owners need alternative, accessible ways to engage in climate-smart forestry. The ODF "Climate Smart Forestry" award recognizes small forestland owner achievements in this area, and a CFF member will be receiving the 2024 award at the Board's September, 2024, meeting. These programs, and climate-smart practices, should be encouraged and publicized.

The CFF has been briefed on the Climate Change and Carbon Plan, and expects continued discussions on topics like carbon credit project access and biochar opportunities for small landowners. As the Board develops policies, the CFF asks for the opportunity to contribute to that development, and for the small forestland owner community to be informed and included.

Organizational Excellence

The Vision: "Trust and confidence in ODF's ability to … accomplish its mission and provide excellent service."

The CFF knows firsthand the capability of the leadership and staff at ODF. This report focuses on the ways in which ODF can work with small forestland owners to accomplish its mission, including the priorities of the CFF as stated at the start of the report, and the priorities of the Board Vision.

The Small Forestland Owner Office is a critical part of the Private Forest Accord, and its implementation should be an organizational priority for ODF. CFF would welcome an ongoing relationship with the SFO Office and Family Forestland Coordinator, and hopes that the Office will share with it (and the small landowner community) data about programs, rules, implementation, and challenges. Communications are important—where information is lacking, unhelpful rumors take root.

Finally, local ODF foresters are the base upon which the ODF and landowner relationship is built. Funding and staffing those positions is critical for both ODF mission and service excellence.

Conclusion

The CFF's chartered goal is to advise on topics including "maintenance and enhancement of the positive contributions that family forestland owners make to Oregon's vitality, including timber availability and the protection and enhancement of watersheds and fish and wildlife habitat." In reviewing the Board's Vision and its priorities, the CFF has focused on small landowner contributions and how the Board can achieve its Vision together with this community. The CFF thanks the Board for its attention to this report, and for CFF's opportunities to engage with ODF staff over the past year. We look forward to further collaboration with the Board and ODF, and thank the Board, its members, State Forester, and ODF staff for the privilege of being able to do so.

Agenda Item No.:	16
Work Plan:	State Forests Work Plan
Topic:	State Forests Management
Presentation Title:	Western Oregon State Forests Draft Forest Management Plan
Date of Presentation:	September 5, 2024
Contact Information:	Tyson Wepprich, Adaptive Management Specialist Tyson.M.Wepprich@odf.oregon.gov Michael Wilson, State Forests Division Chief Michael.Wilson@odf.oregon.gov

CONTEXT

Forest Management Plans (FMP) provide the overarching management direction for State Forests. These plans are developed pursuant to Oregon Administrative Rule and are approved by the Board of Forestry to codify the Board's finding that management direction in the FMP meets Greatest Permanent Value (OAR 629-035-0020).

The draft Western Oregon State Forests Management Plan was presented to the Board at the September 2023 meeting. This FMP is proposed to replace the current FMPs for the State Forest lands under the Department of Forestry's management in western Oregon. The draft FMP is developed to provide policy direction consistent with the draft Western Oregon State Forests Habitat Conservation Plan (HCP).

The draft FMP under consideration by the Board will be implemented under an adaptive management framework in which the monitoring of outcomes enables learning and improvement of management strategies. In the June 2024 meeting, the Board and the Forest Trust Lands Advisory Committee (FTLAC) discussed draft Performance Measures that would accompany the draft FMP to provide an up-to-date dashboard for the Board and others to readily track management outcomes and commitments across a broad range of ecosystem services provided by State Forests.

When an FMP is adopted as rule, new Implementation Plans are created that set medium-range management objectives designed to meet long-term FMP goals. Since the draft FMP is a high-level document intended to allow for a broad range of implementation pathways, the Board will consider a range of potential implementation scenarios to guide staff towards its desired outcomes for the draft FMP goals. This meeting will have facilitated discussion between the Board, FTLAC, and Division staff to generate scenarios which Division staff will model to demonstrate tradeoffs among resource goals. Scenarios are not management alternatives that will be adopted as is. The intention of modeling FMP scenarios is to show examples of tradeoffs between resources and outcomes under different implementation approaches. Draft Performance Measures, modeled in conjunction with the management scenarios, will help inform future conversations about outcomes.

FMP IMPLEMENTATION SCENARIOS

The Division's forest activity model emulates how the forest would be managed over time with forest stands grown forward from the current inventory. It projects harvest volumes, revenues, and forest stand metrics across the landscape by optimizing management decisions according to model inputs, such as silvicultural practices, goals, and constraints. The resulting forest stand metrics can in turn project a range of Performance Measures, such as carbon storage or habitat suitability for species covered under the HCP.

Division staff presented modeled outputs in December 2023 to the Board and FTLAC from a forest activity model that is similar in structure to the FMP implementation scenarios that will be developed during this Board meeting's discussion. The December 2023 model improvements focused on input data, such as growth and yield models to more accurately represent expected stand development over time and spatial data to better reflect operational considerations. The report, which includes a synopsis of model parameters used, can be accessed at <www.oregon.gov/odf/board/documents/fmp-hcp/fmp-modeled-outputs-report.pdf>.

Board members have expressed interest in FMP scenarios that test a broader range of outcomes than those presented in December 2023. The previous modeling explored scenarios that varied in the geographic scale (georegion or district) and the harvest flow (i.e., the timing and amount of harvest over time). The scenarios ranged from 168-187 million board feet average annual harvest over 70 years. However, the average rotation age for stands in production in the scenarios only ranged from 75-92 years. Division staff recognized that this relatively narrow range of outcomes did not allow for a full discussion of tradeoffs associated with different approaches to FMP implementation.

The discussion between the Board, FTLAC, and Division staff will focus on the main decisions that can affect the outcomes of FMP implementation. In these scenarios, it is assumed that the HCP would be in effect with its Incidental Take Permits, Riparian Conservation Areas, management practices, and landscape design of Habitat Conservation Areas. Silvicultural treatments within Habitat Conservation Areas would be designed for habitat development goals in the first 30 years of the HCP. The main differences to discuss are the management strategies for the areas outside of Habitat Conservation Areas that would have timber production as a main objective.

The key differences in FMP implementation scenarios for discussion are included in the table below. The model parameters, or "levers", to be adjusted for the scenarios are listed with the expected impact their changes would have on the model outcomes and staff effort it would take to update the parameters in the models. A brief explanation of why the parameter matters in the scenario is included.

Model parameter	Impact on the model outcomes	Effort to change in the model	Why the parameter matters
1. Harvest flow (timing, and amount of harvest)	High	Low	Current planning uses even flow to set harvest volume. Scenarios could consider departures from even flow to front-load harvests in time to smooth out revenue changes or allow harvest levels to change over time to optimize harvests for the stand age distribution on the landscape.
2. Rotation age (minimum, maximum, or average)	Medium to High	Medium	Current modeling excludes stands for harvest if the stand age is less than 40 years or more than 174 years. Changing these limits could reduce or increase options for the model to optimize. The model could be directed to target a more specific average age that is less than 175 years. Harvest of stands 175 years old and older is prohibited in the HCP.
3. Net Present Value (discount rate)	Medium to High	Medium	Financial optimization of harvests uses a discount rate to weigh the value of future revenue, with higher discount rates leading to shorter age rotations to maximize the Net Present Value rather than the total volume over time. Stands with high value and/or low costs will tend to be harvested sooner. Current modeling uses a 4% discount rate (3% was used in the Comparative Analysis/Draft Environmental Impact Statement (EIS) modeling).
4. Harvest type and timing of entries	Medium	Low	The model includes goals for thinning and/or regeneration treatments at various scales. Recent models have included goals for treating Swiss needle cast and hardwood stands within Habitat Conservation Areas (HCAs). Additional goals and rules could be used to guide the model towards specific treatments at various spatial and temporal scales.

Model parameter	Impact on the model outcomes	Effort to change in the model	Why the parameter matters
5. Sustainable landscape: forest condition at end of scenario	Medium to High	Medium	The forest at the end of the model scenario can meet requirements, such as remaining volume or stand age classes, that guarantee that the forest resource and management opportunities are retained in the future. Current modeling requires forest inventory levels on general ground to be stable after 100 years. Alternative end-of-model criteria will affect the timing and arrangement of harvest as the model balances near-term goals against long-term outcomes.
6. Silvicultural practices	Low to medium	High	The model can select silvicultural pathways at the unit level. Examples include treatments of Swiss Needle Cast or alder-dominated stands, planting prescriptions (i.e., species, density), variable retention harvest in HCAs, and pre-commercial or commercial thinning. Silviculture treatments affect the volume, revenue, and habitat outcomes in the model. Growth assumptions may need to be adjusted for some treatments, and costs can be accounted for. An increased number of silvicultural pathways increases the complexity and effort of changes.
7. Spatial scale for harvest flow	Low to medium	Medium	Current planning uses Districts to set harvest targets. Expanding the scale allows the model to better optimize for other goals (including overall revenue) at the expense of an even distribution of management.

PERFORMANCE MEASURES

While the June 2024 meeting had a discussion between the Board and FTLAC about draft Performance Measures that would accompany the draft FMP, we are not focusing on them at this meeting. Not all draft Performance Measures are relevant to the modeling exercise. Division staff are gathering feedback from the Board and FTLAC on the draft Performance Measures and their component metrics presented in June. Those that are relevant to the FMP implementation scenarios may be used as metrics presented with future modeling results.

RECOMMENDATION

Information only.

NEXT STEPS

Over the next several months, the Division will:

1. Work with the Board and the Forest Trust Lands Advisory Committee (FTLAC) to gather feedback and revise the draft Performance Measures, with the goal of approving the Performance Measures at a future Board meeting.
2. Add technical details to scenarios for FMP implementation developed by the Board and FTLAC discussion to fit within the Division's modeling framework.
3. Work with the State Forests Advisory Committee to gather feedback on the draft scenarios.
4. Obtain approval from the Board on the final scenarios and move forward with modeling the range of scenarios.
5. Work with the Board and FTLAC through facilitated work sessions to review and discuss tradeoffs associated with draft Performance Measure outcomes from the modeled scenarios.
6. Obtain final Performance Measure targets or thresholds from the Board to guide development of initial Implementation Plans for the new FMP.

ATTACHMENTS

None.

Closing Comments

This item serves as an opportunity for the Board Chair to reflect on the public meeting and mop-up any outstanding business. Individual members of the Board can offer comments for the Chair, Secretary, and Board consideration. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.