

## Audit Notes from ODF ASTM D7612 Inspection

June 20-21, 2017

### Attendees:

Greg Wagenblast, ODF  
Josh Barnard, ODF  
John Tokarczyk, ODF  
Paul Clements, ODF  
Graham McFarland, PFS  
Rob Brooks, RBA (on behalf of PFS)

PFS Corporation identified five essential components for the initial ODF audit to the ASTM D7612 standard in 2015 inspection. The notes in colored font below indicate the findings of the 2017 inspection. I have underlined action items for the next audit.

1. Verify there is a state law that requires compliance and punishes non-compliance with best management practices that protect water quality; and verify that state (or other) law requires that fiber comes from known and legal sources.

*In 2015, PFS reviewed all appropriate documents including the Oregon Forest Practices Act and accompanying rules along with the Forest Practices Act Enforcement Directive. The Civil Penalty Notebook was also reviewed. The FERNS notification ID and method of traceability were also confirmed.*

- **Are there any changes to the OFPA since 2015?**
  - The 527 section is the statute, the 629 are the rules that the Board of Forestry implemented to follow 527. Three regional committees guide and review the rules. There is also a Guidance Manual to assist Stewardship Foresters on 629 rules.
  - ODF staff explained 527 changes, specifically the revision to 527.672.
  - ODF staff explained 629 changes - Riparian rules changed, effective July 1<sup>st</sup>, 2017. Bald eagle rules going to Board of Forestry, would be effective September 1<sup>st</sup>. Some other language definitions and housekeeping changes.
  - Received:
    - Copy of OFPA
    - Public hearings for proposed rule changes for eagles
    - Presentation on introduction to OFPA
    - Presentation on private forests
    - Copy of illustrated manual on OFPA (second edition).
    - Rules changes for bald eagles and streams
- **Are they communicating this to employees, operators?**
  - ODF hasn't changed illustrated guide, etc., until after bald eagle rules are decided.

- Action: follow up on the next audit to ensure the guides have been changed. Ask for a copy of the guidance for ORS 527.672. They anticipate completion by Jan 2018.
    - There was a training to review new riparian rules.
      - Received copy of training given Feb, March 2017. Also received a copy of rosters from training.
    - Stakeholder groups were involved in developing the rules in the public hearings. The stakeholders generally communicate the changes downstream. The Districts are doing Operator training to go through rule changes. Landowners have to be notified.
      - Received a copy of the postcard notifying changes to stream rules sent to 11,500 landowners. Also received copy of 2016 proposed changes to streamside rules pamphlet that was used during rulemaking process.
  - **Any changes to compliance manuals?**
    - Not yet. Action: follow up on the next audit to ensure the manuals have been changed.

2. Verify there is an agency with responsibility and authority to implement the law.

*In 2015, PFS found that ODF is authorized by the Oregon Legislature to enforce the Forest Practices Act.*

- **Are there any changes in the law/order giving ODF Jurisdiction?**
  - No changes to the ruling

3. Verify agency has sufficient budget / staffing to enforce the law.

*In 2015, PFS found that the ODF has a yearly budget of over \$10,000,000 and a staff of 107 with 51 Field Stewardship Foresters providing inspections and enforcement. PFS audited the ODF offices in Salem, OR, questioned three different supervisors and attended two different inspections by two different Stewardship Foresters in two different regions. PFS reviewed publications, software and training documents used to support the OFPA.*

- **Can you provide an updated org chart.**
  - Received org chart, no significant changes in staffing, but they did add more positions since 2015. Last legislative cycle 109 positions Private Forests, this cycle 112 positions. Went from \$37MM to \$40MM (two-year cycle) in budget.
- **Are their significant changes in staffing or budget for Stewardship Foresters or compliance audits?**
  - Copy of budget
  - List of stewardship foresters
  - Map of stewardship forester areas
- **Verify ongoing training, written manuals**
  - Saw a copy of the Guidance Manual

- Alternate between Salem and area training, have a hard copy of roster which is then entered into iLearn database, where they track attendee training. We were given copies of rosters of training sessions in 2017.
  - Are the trainers qualified? There are classes for instructors.
  - **Have there been any changes to the job function of the Stewardship Forester that would impact their ability to conduct compliance inspection?**
    - The job descriptions have remained the same.
4. Verify agency can demonstrate proof of enforcement.

*In 2015, PFS audited inspection records and found that the ODF is giving citations, repair orders and if necessary conducting criminal prosecution to enforce the OFPA.*

- **Would you please review your citation stats?**
  - Received a presentation on Enforcement Trends, staff discussed the impact of trends due to outside factors such as severe fire season (reduced citations due to staff occupied by fire suppression), heavier rains (increased citations as roads taxed by increased water volume).
  - There are no changes to the citation rules or the staff responsibilities who oversee the rules.
  - The number of citations in the past two years indicates the system is functioning as designed.
5. Verify agency can prove there is an adaptive management strategy showing continuous improvement.

*In 2015, ODF has an annual compliance audit conducted with internal and external review, conducted by an independent third party. Two hundred sites are reviewed. The data is summarized and compared to past years. ODF can then tell which areas of enforcement they need to emphasize.*

- Monitoring reports
  - Per Paul Clements, the compliance effort began in 2009.
  - Audit frequency –
    - 2013 – 200 sites
    - 2014 – 100 sites
    - 2015 – address landowner concerns about confidentiality
    - 2016 – 100 sites (report underway)
    - 2017 – approximately 60 sites (budget dependent)
    - Action item for next audit: review 2016 compliance audit
    - Received copy of compliance audit 2014 – focused on 57/288 rules related to water quality (roads, drainage, streams).
    - Increasing number of data points in areas where compliance rate is low
    - Received copy of Key Performance Measures report from 2012-2016
- FERNS enhancements
  - Received copy of FERNS enhancements, Release 4 updates

## Field Inspections:

There were two field inspections:

June 20<sup>th</sup> - Jeff Classen, Unit Forester in Dallas, OR, West Oregon District gave us a tour of the Weyerhaeuser unit that was harvested two years ago to look at results of reforestation and road conditions. We also look at several streams that passed through the site. The inspection showed correct application of herbicides to control vegetation, allowing the younger trees to grow above normal vegetation levels.



June 21<sup>st</sup> – Mike Haasken, Stewardship Forester in Molalla, OR unit for the North Cascade District gave us a tour of a unit harvested in 2016 to look at the reforestation and road conditions. There was select applications of herbicide to control brush growth and the Douglas-fir/cedar seedlings were growing well. The road had several bars cut across to relieve drainage down into a nearby residential area.

