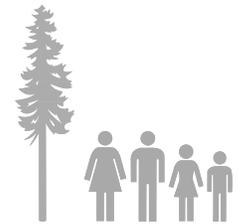




Committee for Family Forestlands

Meeting Minutes

November 20, 2014



Pursuant to public notice made by news release with statewide distribution, a committee meeting of the Committee for Family Forestlands [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on November 20, 2014 in the Clatsop Room, ODF Headquarters, 2600 State St., Salem, OR

CFF Committee members present:

Rick Barnes, Voting
Sara Leiman, Voting
Cindy Glick, Ex-Officio
Scott Gray, Voting
Roje Gootee, Voting
Brad Withrow-Robinson, Ex-Officio
Joe Holmberg, Ex-Officio
Evan Smith, Voting
Rex Storm, Ex-Officio
Lena Tucker, Secretary
Susan Watkins, Acting Chair

ODF Staff present:

Susan Dominique
Nick Henneman

Members not in attendance:

Peter Daugherty, Ex-Officio/ODF
Mike Cloughesy, Ex-Officio

Guests:

Doug Decker, State Forester
Nancy Hirsch, Chief Protection from
Fire Division
John Peel, Landowner
Jim James, OSWA
Heath Curtiss, OFIC

Agenda Items:

Welcome and Review of the Agenda

Watkins requested any additions or correction to the Agenda. Request was made to add an update on the Board of Forestry Agenda.

1. Introductions

Watkins welcomed John Peel, Eastern Oregon landowner.

2. Approval of last meeting's minutes

(Held till a quorum is present later in the meeting.)

3. Public Comment

No public comment offered.

4. Legislative Concept Update – Lena Tucker, Deputy Chief Private Forests Division and Jim James, OSWA [Handouts: *Legislative Concepts Fact Sheets*]

Note: The Committee will regularly hear from ODF and OSWA for legislative updates at each meeting.
ODF Legislative Concepts:

Post-wildfire fund for Landowners (LC 598)

This was based on the Committee's work with Doug Decker and Craig Shinn back in April. The concept is proposing linking a Declaration of Emergency for wildland fire to small E-Board emergency fund requests from the General Fund. This would be for small amounts of assistance that landowners could apply for immediate need to get through in the interim prior to Federal (NRCS) assistance. Another idea is to tap into the Governor's Strategic Reserve.

- OSWA strongly supports the concepts in proposal.
- There was a question related to discussions in April regarding whether the Claims process is being reviewed for post-fire claims by allowing some safe harbor for communication issues with landowners and the department. Lena suggested to direct that question to Nancy Hirsch.

Forest Products Harvest Tax Rate (LC 597)

This is our usual bill to re-set the rate.

- There is a huge push in this legislative session regarding the pesticide issue. There will be efforts to increase regulation. We believe landowners should follow the laws. The Department of Ag is under as much pressure as the Department of Forestry on this.

Regarding the POPs for ODF. We will know the first week in December what the Governor's Budget will show.

5. Emergency Outreach Fire Response – Fire Legislative Concepts and Fire Season 2014 Update- Nancy Hirsch, Chief Protection From Fire Division

[Handouts:2014: Endless Season of Fire]

Nancy reported briefly on the 2014 Fire Season and then the Fire Protection Division Legislative Concept Adjusting spending limit for fire protection fund (LC 596).

Fire season started early with the Two Bulls Fire in June. It was a record-breaking year, not by acreage (104,000 in 2013 and 52,000 in 2014) but by the number of fires (1,120 fires). Lightning was a significant driver with the duration of strikes. Human-caused fires, caused 20,000 acres to be burned. There were 705 combined public and landowner caused fires. There were human-caused fires by landowners and the general public.

Industrial causes have declined over time and are generally stopped quickly because personnel are usually there at the ignition. Our ODF's IM Teams mobilized 12 times for 107 days out. Average mobilization is about 20 days for 2-3 mobilizations.

Nancy provided a breakdown of costs and needs. Large Fire costs are over \$75 million. On top of those suppression costs were landowner's significant losses. Those losses dwarf the costs. We are asking for \$20 million dictated of GF.

- \$10 million of State Share of the Insurance deductible.
- \$3 million related to Special Purpose Appropriation includes the rate mitigation piece for EO.
- \$600,000 for the next insurance policy. (Would not cover the policy.)
- We exceeded the insurance policy by \$2.5 million after deductible, the insurance policy, FEMA fires reimbursements. Then still due from 2013 fire season \$770,000 in interest for the Treasury loans.
- \$3 million projecting as a shortfall for the current biennium. (District deductible).

How we will move forward will depend upon if we will be able to get a 2015 insurance policy. Early indications out of London are the deductible may be as high as \$50 million.

It's strange to think of the successes of this season, when remembering the acres burned and property lost, and yet as I reflect on the fire season it was a success when it comes down to our partnerships with landowners.

Value losses are usually 3 to 30 times the costs of suppression/acre. Driving the costs are two things; the magnitude of fuels, and fire risk conditions, drought.

Costs of doing business with these services has always been an increasing trend long term for a number of reasons:

1. Cost of labor
2. Cost of regulation (cost of doing business with the state)
3. Liability/Risk
4. Fuel
5. Aviation resources

It is yet to be determined how costs will affect landowners. The premium is split 50/50 between landowners (OR Forestland Protection Fund .5 or .7 Cent surcharge/acre). As a result of the 2013 Wildland Protection Act that fund has a cap of \$13.5 million dollars. But the intent of the WPA was that the Oregon Forestland Protection fund would share 50/50 in that premium and deductible. When we got to 2014 and the insurance premium doubled The EFCC worked together to present the Legislative concept would lower it to \$13 million dollars by eliminating the administrative costs. The OR Forestland Protection Fund could still pay its fair share of that.

Future Agenda Item: Discussion on forestland classification process and the different types of landowner assessments. (Invite Protection staff.)

Action Item: Scott Gray to draft a letter of appreciation to Nancy Hirsch recognizing the Fire Division's efforts.

6. Industrial Fire Rules Report – Rex Storm, AOL

[Handout: Industrial Fire Rules Committee Meeting Summary]

Rex provided an overview of the IFRR Committee commissioned by the Department Protection Division to review the industrial fire regulations for recommendations and report to the BOF. ODF deals with lightning and human-caused fires. Human-caused are either public or landowner. Public refers to general recreation, highways. Landowner fires are either incidental use (not permitted activity) and industrial activities. There are two kinds of permitted operations: Permitted burning of fuels and industrial equipment operations (PDM). When it is permitted activity there are required fire watch timeframes. Typically industrial suppression is less than 5% of the firefighting costs. It's a small part of the costs as industrial landowners have equipment on site to do initial attack.

There are laws governing an industrial operations. You are subject to rules, on fire supplies, fire watch, equipment requirements. This committee is reviewing all those PDM operations. Our mission is to review, update and make recommendations and provide a written report to the BOF about how the particular rules and implementation of those rules could be improved to be more effective at accomplishing the common objectives of all the cooperators. This rule package has not had a *comprehensive* review in about 30 years. There are seven important categories the group is looking at:

1. OR-OSHA requirements versus ODF rules, we want to make the requirements consistent.
2. Administrative/housekeeping language corrections/improvements.
3. Cost Efficiencies – Continuous improvement that works better for all the cooperators.
4. Urban interface and small landowners.
5. Technology and practice in industrial operations and communication.
6. Changes in fire causes over the years.
7. Working in a complete and coordinated effort all cooperators willingly doing their share. Old language tends to dissuade compliance when it doesn't seem to apply to current practices.

Request: Please keep Extension in the loop regarding changes and they can help distribute information and training. Extension could coordinate audience appropriate language, networking and publication.

Future Agenda Item/Request: Follow up on the Industrial Fire Rules, having an update when appropriate. And a discussion with Protection staff regarding how fire reports are categorized and providing more detailed information on cause.

8. Visit with Doug Decker, State Forester

Watkins prefaced this discussion sharing the Committee members concern about ODF response to Oregonian articles on the pesticide issue and addressing disregarded facts. Perhaps it will be helpful to know the criteria for what the Agency response protocols are. We (ODF) started our work with Rob Davis, a reporter for the Oregonian, who wrote the articles in question. It was clear early on that Rob was not interested in what ODF had presented. We responded to him prior to the story with facts related to what he wanted to address. But the facts refuted his findings and didn't compel him to change his storyline.

We realized that the newspaper is not always the best place to have a debate. We monitored the other news sources but the story didn't get 'legs' in the surrounding media. The Oregonian editorial board did not want to run a letter to inform this issue. That informed our response.

There are two legislative committees beginning work on the pesticide issue. We are not advocating for change. We are here for the legislators in providing answers to their questions. Response is a thoughtful, deliberate process. I've heard that we need to stand up for the FPA and our ability to use herbicides as a tool in forest production. My response is that I agree but we have to have the right environment for response.

- If there is damage to property and/or human health you have a case. The judge makes that decision. It is not at the regulatory level. You always have remedy if you are harmed.

We do not have the regulatory authority to regulate pesticide use around homes or property, that was made clear by the Department of Justice. Currently, our rules only govern natural resource management. The dominant theme seems to be reporting of spray operations. Neighbors should have the right to know if spraying operations are going to occur near their lands. There should be a real time reporting system. But with public notifications there are also concerns around civil disobedience; the cost of running a system like that; and clarifying the response. Part of it is providing a clear more evident pathway for folks who have been affected, but do that in a way that is unequivocal. The OR Health authority feels they already have that authority.

- Another theme is the importance of forest practice compliance and funding that program. And that the current case had occurred during a time when funding was slashed. We need funding so we can do compliance work. It's a positive way of spinning the message.

Finally, only about 4-6% of all pesticides are used in forest operations, where the balance are used in urban areas and agricultural operations. From a forestry standpoint, there is a lot that's been done but for other land uses there is no following framework to track that.

9. Standard Operating Procedures – ODF and PARC – Lena Tucker

After the Curry County incident it was recognized that the agencies in PARC need to agree to improve coordination and communication. PARC (Pesticide Analytical Response Center) is mandated to collect incident information, mobilize expertise for investigations, identify trends and patterns of problems, make policy or other recommendations for actions, report results on investigations and prepare activity reports for the legislature.

Member agencies in PARC are OHA, ODF&W, DEQ, OR-OSHA, ODF, Office of State Fire Marshall, ODA, Oregon Poison Control Center. Within this workgroup we are going through our reporting procedures under each agency's scope of authority. For ODF that means, we only regulate pesticide use on forestland. Our piece of this collaborative effort is to discuss what our procedures are when we have a pesticide incident reported. The first thing that happens when we will get a report of a problem with forest pesticide use is to contact our Stewardship Foresters. Front and center of that is we are telling our Stewardship Foresters to advise the caller that if there is an

health or other emergency, call 911. If a non-emergency health problem is reported we suggest they contact their health provider. So we are trying to make that very clear. Our focus is again, what is in our authority. If we get FPA complaints then we investigate the complaint. If those complaints show a violation of the FPA then we proceed into civil penalties, if that is appropriate. We only take enforcement actions if there have been violations of the FPA. Other member agencies have their own roles to play.

- How do you involve PARC or ODA?

When we get the complaint, prior to investigation, we notify PARC immediately. Especially if the complaint is telling us of adverse effects to human health, pets. The first screening is asking if this is a medical emergency or complaint of health affects. We do get calls of concern about getting pre-notification. We still give PARC heads up on those complaints or requests as well. If it is beyond our regulatory authority, that is when we engage with PARC. We will open our own investigation process, when the FPA has been compromised.

PARC only exists within the partner agencies, no 'storefront'. PARC appears to be larger than the actual resources available to PARC. That may be a theme that comes up in the Legislature, to provide more resources for PARC.

- Some of the allegations were regarding the request for information and how agencies handle public release of documents. Different agencies have different exemptions regarding release of information. Are we addressing that?

There was clarification that came through that process. The answer was clarified by DOJ about what can be released and what couldn't. That's being incorporated into the Standard Operating Procedures (SOP). The problem was disclosing *correct* information. Do you provide information when you have reason to believe that information may be inconsistent or incorrect? The clarity from DOJ was that documents need to be released.

- Is there an appeal process within the department?

There is an appeals process that ultimately goes through the BOF through the civil penalties process. We document all complaints at the District or Unit level, then the State Forester, evaluates it and determines if it needs to go before the BOF. Complainant can contact the Governor's Office as well. Most of the complaints we get don't rise to a violation. We don't have a appeals process when it is determined that there is no violation.

- Where are people directed if they have a complaint of cumulative effects that have manifested over time?

We can investigate the here and now, but to investigate after years of exposure, that is not within our realm. We need to get them to the right person. Oregon Health Authority (OHA) has that role. We contact PARC. But if in delivery of a cumulative complaint there is evidence of FPA violations, we would help with that.

- It may be semantics. When you refer human health issues to someone else, have it clear why you are doing that. I hear the term 'investigation' used a lot. If it is a FPA issue, using the term "investigation" implies you are investigating what they told you when what you are really doing is a compliance inspection. That is where your authority is. You don't want to be in a referee position.

We try to be a responsive and compassionate government, no one wants to be bounced around from agency to agency.

- Its important that whoever took the call, when contact information is transferred be sure to check in that the person was actually contacted.

Part of that is the improvement of the SOP for all member agencies of PARC. PARC is where that resides. Everyone has a role to play.

- We need to find a way to get PARC the resources it needs to do the public policy issue. We need to put the resources where the concern is, so that coordination is happening. Notifications are a public record.

Tucker: Civil penalties are accessible, notifications are as well. For multiple violations, I am not sure how to pull that information easily. The Stewardship Forester first has to decide whether or not it is an actual complaint, sometimes it is just questions. Sometimes it requires a visit to the location, which may be just an educational opportunity. Right now the historical records are not all electronically available.

Salmonberry Coalition Trails Project Update – Doug Decker

Doug Decker is co-chair with the Director of State Parks, Lisa VanLaanen. We were called to action by the Port of Tillamook Bay and town of Tillamook to look at the potential interest. We have many different partners: OR Hunters Association, The OR Coast Scenic Railway, mayors of Tillamook County, Cycle Oregon who provided a grant for construction of a master plan. See <http://salmonberrycorridor.wordpress.com/> for a downloadable copy of a ‘concept’ plan. This breaks the proposed 84 mile route into 44 two mile tiles. It is a vision document. It figures the cost could be \$18-50 million depending on the choices made. It went to the Parks Commission yesterday and they endorsed the plan. It will go before the BOF on January 7th. The Tillamook Forest Trust stepped up to do the fund raising and has an RFP out to hire a company to do the fundraising feasibility study. We had a bill in the last session to join ODF with State Parks to do the project. The county and the port asked for help from State Parks and from us because we own the middle portion of it. There are concerns regarding fire, EMS access and private landowner privacy concerns. There is obviously issues with the cost. We are developing a governance model that will have 3 different governance boards under the Council that would channel the decision-making through those most effected. Multiple jurisdictions will manage this. There are still decisions to be made on what types of connections what’s trail, what’s rail..

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10. Sub-Committee Reports

a. East Side Private Forest Collaborative (aka RxRitter) – Roje Gootee

Taking just a moment to return to our early discussion about the challenges that ODF is facing. I would like to offer a thank you as a landowner that has been very well served by ODF this year from fires very near a few hundred yards from my home. ODF provided a really impressive response.

The candidate we selected was a standout from the recruitment pool. His name is Curt Qual. Roje provided her knowledge of Curt’s Forest Service career and the roots and relative experience he has on collaborative work. He has thus far provided a seamless transfer into the private land context.

The second week in October, I had the privilege to host Tom Martin, Exec. Director of the American Forest Foundation (AFF) and one of his board members, Sara Vickerman. We had some robust discussions about RxRitter. And there is a lot of interest in this project from AFF.

Curt traveled to Eugene to get oriented to OSU organization, roles and responsibilities, as he is supervised and paid through the University. After that he toured Roje’s property as example of the Ritter landscape then toured Ritter to get oriented where the stakeholder properties are located. He then visited with Robin Herald, landowner representative for introductions to the landowners.

There was a meeting hosted by Curt for our institutional partners to identify preliminary partner roles. There were 11 attending. Curt has begun ‘sensing’ interviews with landowners helping them to understand the project and by using set interview questions is able to get a consistent set of information from each landowner about what they think this project should look at as it unfolds.

The timeline we have established begins in December with sensing interviews continuing. Emily Jane Davis, OSU is Curt's supervisor, will be coming to the December CFF meeting. The first landowner group meeting is scheduled for December 30th. There is hope they will be able as a core group to do some resource mapping and prioritization. General topics include, discussion of limiting project boundaries to our initial thought or to expand it slightly. The consensus seems to be that it is appropriate to grow the project boundary a little bit. One of the reasons is that we have seen some properties put up for sale, that were part of our core group. While trying to bring those new landowners on board, we are looking at losing some of that acreage we started with in the grant process. It is a socially logical expansion to take the boundary slope that goes down into the Middle Fork, and also a strip of private land along the ridge that divides the Middle Fork from the West Fork with more landowners up in that area. The current mailing list is 35 landowners we could get up to 80 landowners as part of the outreach. We are starting to consider this slightly larger landscape and inclusion of other landowners because they have been reaching out to us. In working with NRCS we are also hopeful that we will be a realistic candidate for grant funding. So we will not be diluting our effectiveness by including these additional landowners. We have expectations that we will keep this robust.

Topic 3 is that as Curt has been working the past few weeks and he has gotten a reality check on the workload. Especially, the outreach to the landowners. This area is so isolated that some of the landowners don't have email capability. Not everyone is comfortable with using computers. So we are doing paper mailing and telephoning which is very time consuming. Curt will have to be meeting with landowners and the most realistic way to do that for him is to meet one-on-one with landowners or with very small groups in order to establish trust and develop relationships.

I think we need to offer Curt an opportunity to provide the detailed work plan, as a next step, and get proper timekeeping process set up. This group needs to be alert to the fact that this is our opportunity to rock and roll with this project, which so far exceeds earlier expectations. We have the right person in place to do this. I'm hopeful we can foster this opportunity and his time as best we can.

There had been discussion of the need for tact and timing in introducing the concept of landscape management planning for their private lands as a grass roots opportunity. One of the things we have discovered in our local outreach is that the Grant County S&WD has resource information that is helpful in feeding this resource assessment. They agreed to help us assemble that information as landowners are getting ready to receive this discussion.

The ball is rolling efficiently enough to create the Advisory Committee, with eastside focus so this gets to feel more locally-oriented. Rob Pentzer will be able to represent ODF. We have the local NRCS person working with us. We are integrating more closely with the NFJD Water District and the Monument SWCD. The momentum has been explosive in the last few weeks. I am comforted that CFF, ODF, USFS, AFF and all of our partners that have worked so patiently to put this together, and that our project coordinator is as mature and coordinated as he is to corral this momentum in a constructive way. We do have members of this community that are progressive and accepting of the concept of cost-share programs. They are very receptive. With physical evidence of lands being improved, it may attract more landowners.

- When do you expect the first practices on the ground? And what would you expect them to be?

Gootee: The first funds are for education and technical assistance. The first things is to determine how landowners would like to see that happen. Curt is reaching out to partners for project implementation grants to fund the on the ground work. ODF, ODF&W, NRCS, OWEB. We have to show these landowners that we can produce results. The grant cycles normally take applications twice/year. The funding for the spring application cycle comes the following fall. If we can get landowners mapping projects we could help them get ready for the spring cycle.

- Is NRCS on board and did they identify the project types that would fit NRCS funding?

Yes, NRCS is locally on board. NRCS has two different funds available. One is the standard EQIP funding from the Farm Bill. Some of the landowners are familiar with the process. NRCS and other organizations tend to have separate larger scale programs for groups that are uniquely collaborative or innovative. We are likely to be competitive for those funding pools.

- How do you plan to work with the tribes, Umatilla and Warm Springs? Sometimes communication can be difficult, it is good to involve the local government and NRCS in that.

Generally speaking the tribes tend to be interested in watershed restoration in the Middle Fork. Their role would probably be a supportive to help to attain funding for riparian restoration projects on the ground. We have been asking partners, What would you like your role to be? If we expand the boundaries that brings the Umatilla tribes into consideration. Currently it includes a border with Warm Springs tribal lands. We have spoken to the Warm Springs office quite a bit. They expressed an interest in being involved with the tributary streams. We haven't done much outreach with the Umatilla Tribe yet.

Agenda Item: Emily Jane Davis in December and possibly Tamara Cushing in February.

- How exactly you expect to use the Landscape Assessment?

It been more a question of how to broach this to the landowners, engage them in the concept without causing them to feel that someone has inspected their properties for the information. Are they aware that there forest types have been mapped? Yes, for some no for others. Mike has been working on a framework so landowners can easily enter data into the assessment. What is very important at this point is to be sensitive to the fact that the landowners want ownership over the information about their properties, feel it is *their* data and want control over how much of that data they want considered in this project. It needs to be a grassroots effort but not necessarily addressed as landscape level management. Landscape level is generally viewed in a public lands context. Private lands landscape assessment will accordingly be more diverse and operationally function quite differently than we are accustomed to when working with public lands.

- In working with EcoTrust in our (USFS) landscape assessment with Cascade Timber Consulting we were interested in David Diaz's model. His model is simplified rendition of revenue streams in a rudimentary picture. It's a free tool, online. <http://forestplanner.ecotrust.org/>. It gives you estimates of growth and present net value, based on satellite imagery. He would probably be interested in showing his product to the Private Lands Collaborative. EcoTrust is interested in our project, so it would be a natural partnership.

b. Nomination Committee – Susan Watkins

This is a quick report from the Nominations Sub-Committee. Watkins reminded the members that there were some nominations that were discussed the last time, but turned out to be unavailable. There is a candidate that has expressed interest.

c. Forestland Tax Symposium Sub-Committee report– Sara Leiman

The registration website is up and running. OSU staff will mail out to the landowner list beginning of December. OSWA is handling the registration. We are firming up the program. Income Taxes, Tammy Cushing. Clint Bentz, Property and Harvest Taxes. Estate Planning and Succession. The roundtable discussions at the end, Mike and Tammy are going to recruit grad students to facilitate.

Action Item: Want clarification whether it needs to be documented as a public meeting.

11. Update on the BOF Agenda – Lena Tucker

We have been working with the Regional Forest Practices Meeting on information gathering. Questions we have provided to you are the same we are asking multiple stakeholder groups.

Geo-regions and stream extent are the focus in December. We can invite Brian Schlaefli and Mike Barnes, RFPC Chairs to your December meeting. Also an idea for bringing in Mary Spurlock as it will be interesting to include the environmental perspective as well. If our timeframes hold for the BOF, then in March we will be bringing the BOF input on Geo-regions and Stream Extent. April for preliminary prescriptions.

- There is concern with the March and April decision-making timeframes. If CFF is to comment we need to make sure that those comments/recommendations are worked out as soon as possible as they have to be received a month prior to the topic.

We will continue to provide you information by focusing on specific parts of the process decisions. If stakeholder groups need to take longer to get to a final result it may extend the timelines. The BOF will get a preliminary ecologic and economic impact statement in March.

Action Item: Invite RPFC Chairs to the next meeting would be beneficial. Consider inviting Mary Scurlock.

Future Meeting Dates: December 16, 2014; January 9, 2015; February 6, 2015; March 6, 2015

3. Approval of the Minutes

Gray motioned for the minutes to be approved with corrections. Smith seconded the motion. All in favor. Motion passed.

12. For the Good of the Order

Glick: As follow up to an Action Item, the Stone Nursery in Medford will let us know what seedlings we have as surplus. (Seedling information should go out to the Stewardship Foresters in Southern Oregon right away.)

Smith: Inquired about CFF field trips.

Cindy offered to show the USFS All Lands Approach in Sweet Home or the Cold Soda Project as an idea of a field meeting. 66% of our forest is Spotted Owl Habitat and we are looking at options.

Adjourned.

Action Items:

- Scott Gray to draft a letter of appreciation to Nancy Hirsch recognizing the Fire Division's efforts.
- Clarification of what constitutes a Public Meeting. (Specifically regarding attendance at the Tax Symposium.)
- Invitation to RFPC chairs and Mary Spurlock for other stakeholder views.
- Distribution of seedling information from Stone Nursery to Stewardship Foresters in Southern Oregon. Include on external seedling site.