



Committee for Family Forestlands

Meeting Minutes

February 6, 2015



DRAFT

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 February 6th, 2015 in the Tillamook Room, Bldg. C, ODF Headquarters, 2600 State St., Salem, OR

CFF Committee members present:

Susan Watkins, Acting Chair, Voting
Rick Barnes, Voting
Scott Gray, Voting
Sara Leiman, Voting
Evan Smith, Voting
Mike Cloughesy, Ex-Officio
Peter Daugherty, Ex-Officio/ODF
Cindy Glick, Ex-Officio
Joe Holmberg, Ex-Officio
Rex Storm, Ex-Officio
Brad Withrow-Robinson, Ex-Officio

Members not in attendance:

Roje Gootee, Voting (attempted to call in)
Lena Tucker, Secretary/ODF

ODF Staff present:

Susan Dominique
Marganne Allen
Terry Frueh
Dan Postrel
Jim Cathcart

Guests:

Mary Scurlock, Scurlock & Assoc.
Emily Jane Davis, PhD, OSU
Curt Qual, Eastside Private Forestland Collaborative
Project Manager
Heath Curtiss, OFIC
Gary Springer, BOF/Starker Forests
Randy Hereford, Starker Forests
John Peel, EO Landowner/Willamette University
Audrey Barnes, Landowner
Brad Siemens, USFS
Jim James, OSWA

Agenda Items:

1. Welcome and Review of the Agenda

Curt Qual will be moved up to 9:30 and Peter Daugherty will do Legislative Update after lunch to accommodate scheduling.

2. Introductions

3. Approval of last meeting's minutes

- November 2014 Minutes Motion to Approve, Gray. Seconded by Leiman. All were in favor of accepting as written.
- December 2014 Minutes: Motion to Approve Minutes as written, seconded by Watkins. All in favor of accepting as written.

4. Public Comment

No public comment offered.

5. Legislative Session Update - Peter Daugherty

Bills the Private Forests Division is tracking:

The Working Farms and Forests Bill is a commitment from the Governor for the concept that working farms and forests are integral to the State of Oregon. It's a tiered program for \$30 million to provide loan guarantees, loans and grants to working farms and forests.

The Clean Water Partnership Program would create a taskforce to work on innovations in water quality on rural lands including developing common metrics and water quality trading concepts. Concern that there's no forestry focus, but the reasons (ie, because forest water is cleanest) don't get publicized.

Action: Keep committee members informed on progress of Clean Water Partnership bill.

Expect a number of bills on forestry applications of pesticides.

6. OWEB Focused Investment Strategy – Peter Daugherty

What is a Focused Investment Partnership?

A Focused Investment Partnership is an OWEB investment that:

- Addresses a Board-identified Focused Investment Priority of significance to the state;
 - Achieves clear and measurable *ecological outcomes*;
 - Using integrated, results-oriented *approaches* as identified through a *strategic action plan*; and
 - Is implemented by a high-performing *partnership*.
- <http://oregonwatersheds.org/news/oweb-focused-investment-partnership-update>

There are about 22 proposed OWEB Focused Investment Strategies (FIS). ODF is listed as a partner on 14 of them. One would improve Coho Habitat on family forestlands in the coastal zone. Jim James, Joe Holmberg, and Cindy Williams are working on this. The Governor prioritized 4: Coastal Coho, Klamath Basin, Upper Willamette and Sage Steppe. For the 2017-19 legislative session, the Governor's office is looking at developing strategic visions for invigorating the ODF family forestland assistance program. (See <http://www.oregon.gov/OWEB/Pages/FIP-Proposed-Priorities.aspx>) The CFF will be a logical place to begin that strategic planning.

Improvements might include:

- Riparian Management Areas
- Design for Coho Habitat
- Instream Projects
- Culvert Replacement
- Road Improvements

There is also an analogous link to the CREP program, which pays farmers to plant riparian areas. There is no comparable program for forestland owners maintaining riparian areas. ODF believes the Stewardship Agreement could be a good instrument for this. As we make progress on the Strategic Initiative, this committee may be interested in helping shape that, as one of the CFF's key roles is in setting policy on family forestlands.

CZARA - [*Handouts: NOAA's talking points. Member packets contain State of Oregon Talking Points.*]

The Governor's Office has been involved in this process because of the considerable funding (about \$4 million/yr) that will be lost if the state's forestry management measures are disapproved. That money is used for water quality improvements in the coastal zone, DLCD positions, and grant funding for DEQ. Unfortunately, CZARA is not an outcome-based program. Forestry is not perfect, but is heads above any other land use. Urban areas are the biggest contributor to water quality degradation across the state. Both urban and agriculture do not have a regulatory program analogous to the Forest Practices Act. Oregon is working to have an approvable plan by January 2017.

The biggest challenge may be around legacy roads and the concept of a roads inventory. The state can't point to any improvements because there is no baseline roads inventory. Oregon may seek a partnership with Federal Land managers about roads across land uses under their jurisdiction.

- There have been tremendous Coho returns from fish enhancement efforts. Metrics are working without additional regulation.
- NOAPs (notifications) may be useful for accountability of non-regulatory contributions to water quality and fish enhancements. Now the public isn't seeing evidence of the contributions.
- Regulations are a substitute for certainty of meeting goals. That's why there's a push for regulatory requirements.
- Springer noted that a 1998 investigation showed that changing the FPA as NOAA and the EPA suggest would take 40 – 60% of forestland owners out of production - ie, convert forest to other uses. Washington State has lost 25% of family forestlands. Conversion to urban areas is the single biggest threat to their recovery process. Land use changes will reduce water quality. There is clear documentation on that.

7. **Conservation Community Thoughts on Riparian Rulemaking – Mary Scurlock**

Mary Scurlock of Scurlock and Associates represents a coalition of organizations that have been actively working on riparian issues in Oregon. The CFF invited her to speak to the environmental community's point of view on the RipStream Rules issue in particular and environmental regulation in general. For more information, see the coalition's website (<http://oregon-stream-protection-coalition.com/>).

Scurlock was generally complimentary regarding the pace, substance, and inclusiveness of the Board of Forestry's process in analyzing data regarding the Protecting Cold Water criterion, though she expressed dismay that there isn't a better common understanding of why the criterion is sound public policy. She expressed some discomfort with the separation of stakeholders in discussions with ODF.

She sees considerable common ground between the conservation and small landowner communities including:

- a. A shared appreciation for the non-commodity values of forestlands.
- b. The need to prevent increased fragmentation of the forest landscape and conversion to non-forest uses.
- c. Caring about outcomes. But the value of certainty in meeting those outcomes puts the conservation community in a more pro-regulatory camp.
- d. Sustainable timber harvesting, which can and should take place on private lands.
- e. Improved management on agricultural lands.
- f. Interest in conservation measures that actually protect and restore rivers, streams and fish.
- g. Simplicity in regulation. Compliance monitoring is more likely to succeed if rules are simple.

She cited the Working Farm and Forests Initiative as one place where landowners and conservationists can work together. Her constituency would support public funding for initiatives that enhance the opportunity for small landowners to remain viable where a tangible conservation benefit is to be gained. Business loans and other small business support not tied to conservation benefit are another avenue. But the conservation community does not want to set precedent by paying everyone for incremental regulation.

Scurlock also believes small forestland owners should qualify for incentives, including public funding such as technical assistance, if the burden of the regulatory baseline hits them differently, for example, with some kind of disproportional effect or impact. Unfortunately, at this time, the conservation community's interest or engagement is focused on the State Lands budget and ODFW and hatchery budgets. No one is working on enhancing the ODF budget to provide additional technical assistance.

With regard to the BOF's authority to consider economics when engaging in a rule-making, Scurlock noted that economics are to be considered at the sector level, that is, by asking how the viability of the industry as a whole may be affected by the rule change. The prevailing view in the conservation community is that the encumbrance engendered by the prescriptions under consideration (in the neighborhood of 10% of the acres) will have a potential impact that is reasonable considering the importance of the resource. Certainty of outcomes is important to conservationists.

In addressing fragmentation of forest landscapes, Scurlock suggested that not fragmenting the land may be a conservation benefit and could be treated as such under the Working Farms and Forests Initiative.

Daugherty pointed out that the bill is framed both to keep lands in working farms and forests and to provide incentives to achieve higher levels of conservation, including maintenance of existing high value areas.

With regard to the use of lawsuits as a tactic and threat in policymaking, Scurlock noted that there is no cause to sue if there is policy change. If no change is forthcoming, then lawsuits provide a voice when it is legally necessary. In the case of the CZARA suit, the federal agencies need to see some action by the state.

Scurlock addressed the small temperature change measured by the PCW (basically any measurable increase) by extrapolating the change across the watershed. Aquatic species are sensitive, and the goal of the Clean Water Act is protection of beneficial uses of all aquatic life. We have already put a lot of money into conserving these fish; it doesn't make sense not to follow through with the temperature requirements. The standard was never intended to be a biologic link, but was relying on what is measurable as to impact. The systemic question is where the science comes in.

LUNCH

8. Continued Riparian Rules Discussion

[Handout: BOF Riparian Rules updated timeline]

Given the significance and importance of this issue to family forestland owners, the CFF will continue to voice concerns and suggestions to the BOF. Per the current timetable for BOF action, methodologies will go to the BOF in April, and the BOF will (probably) make a decision in June, which may trigger a Secretary of State Rule language process. The committee would like to see what the RFPC members recommend (RFPC meeting is March 12th) before fashioning a final comment. Data on impacts of different prescriptions on different ownerships would also be helpful.

An ad hoc committee of the CFF will meet at the end of the March meeting to draft a comment on the process to date for the BOF's April meeting.

Action: Distribute a summary of the information given to the RFPC to CFF members

Action: Notice an ad hoc committee meeting for the end of the March 6 CFF meeting to draft a comment to the BOF.

9. Sub-Committee Reports

A. Forestland Tax Symposium Debrief – Mike Cloughesy

The symposium was a resounding success. Of 302 attendees, 249 were either woodland owners or SAF members, 23 CPA's and attorneys, 15 facilitators, and 16 speakers and moderators. The presentations were recorded for internet access on KnowYourForest.org. Breanna Beane at OSU Continuing Education organized the videotaping and is handling the editing and posting process. We had fantastic feedback in the roundtable discussions, which will help us determine additional educational or technical assistance needs of the forestland owner community. Alanna Koshollek, Stewardship Coordinator at the Aldo Leopold Foundation, is preparing a follow-up survey to be sent to participants in May. From the volume of hardcopy information picked up at the sponsor tables it is clear that the advertising and meeting topic drew in a lot of the landowner public that that were looking for information to manage their lands and their legacy. There was a thirst for knowledge.

We are looking for themes and trends to inform an Issue Paper identifying the take-aways from the Symposium and remaining issues that need action. The paper will be prepared by a working group that will act with the committee's blessing. Alanna will write a summary of the feedback to start off the content of the issue paper, and CFF could use the issue paper to form recommendations to the Board.

Action: Cloughesy to send extra tax informational packets to Jim James for those who contacted him.

Because the presentations will continue to be available online, professionals who were unable to attend the symposium can still obtain education credits. One of the CFF's goals is to promote professional education on this topic. OSWA offered the administrative support for collecting credit fees and awarding credits.

Going forward, OSU is recommended as the agency to take responsibility for this kind of educational opportunity. Tammy Cushing, OSU tax expert, said this was the largest face-to-face audience she has seen for this topic. She is preparing a paper for the Journal of Extension and will use the issue summary as a resource.

People don't know about services that are already available. More effective use of the landowner database that the Partnership for Forestry Education put together may be required. Using the database for a mailing is a large but

worthwhile investment. OSWA, AFF and CFF should consider making a concerted application to OFRI to use the database when appropriate. In this case, the outreach effort worked. The turnout was remarkable.

B. Eastside Private Forestland Collaborative

Emily Jane Davis introduced **Curt Qual, Ritter Project Coordinator**.

Qual expressed his excitement over the significant progress the Ritter Project has made so far and reviewed his accomplishments and processes for the collaborative.

Solidifying the resource partnerships available in the region was a key early step as those partnerships will provide leveraging capabilities for additional grants. Grant SWCD has been contracted as the GIS specialty resource because a lot of information is already available from them including mapping the collaborative area, information that will be needed to apply for grants this spring and down the road. NRCS, Grant County Court, and others are partners as well, and meetings have been scheduled with the Umatilla and Malheur National Forests because they have boundaries with our project. We may be engaging them to facilitate movement of contractors from USFS projects to neighboring collaborative projects.

At the first landowner meeting December 30th, 35 people from the core interest group attended. At a second meeting January 26th, landowners put together a voting and decision-making process. Five members have volunteered to be on an Operations Sub-Committee that will take information and develop proposals for the larger group to consider.

One of the deliverables of this grant was to deliver a landscape level assessment. The group wants a 'global' forest stewardship plan rather than individual plans. The group is also looking at using the (Woodland) 'Discovery Tool' (first step of the Uniform Plan) but including rangeland as well as forest. That tool will be used by ODF Stewardship Foresters to interview and collect individual landowner data to develop a suite of prescriptions for each property.

Landowners know that they retain all right *not* to participate in collaborative actions and grant opportunities. They also emphasized that they are enhancing the *productivity of their lands* rather than *restoring* the land.

A Newsletter is planned with frequent site visits for educational purposes. Topics will include water developments, cross-fencing, aspen regeneration (keystone species). Bob Parker and Brad Withrow-Robinson are working on an educational plan and bringing in different Extension and other resources. The Operations Committee will next define organizational structure, mission statement, rules of engagement, etiquette, and other organizational components. There will be another partner meeting centered on acquisition of grants to get projects happening on the ground.

Initial primary landowner priorities are:

1. Noxious weeds
2. Fire
3. Juniper Removal
4. Pre-commercial thinning on conifer and commercial stands
5. Insects, Disease and mistletoe infestations and challenges

For the future CFF and partners need to determine how the rest of the grant dollars are used with a goal of eventually delivering a model intended to be used across the state. In the meantime, outreach to the absentee landowners and other neighbors continues.

C. Nominations - Watkins

The nomination/appointment process was discussed as CFF's role being a cooperative with the State Forester and the Board in choosing viable nominees.

Nominees are needed for five positions: Citizen At Large (public member), At-Large landowner, Southwest Oregon landowner, and Extension and Small Landowner Organization Ex-Officio positions. Gootee, Watkins and Daugherty will be meeting one of the candidates for public member/Chair. John Peel verified his interest in the At-Large member position. Jim Johnson will select the extension specialist. Oregon Tree Farm System currently represents small landowner groups, so Oregon Small Woodlands Association will take that slot in July.

Action: Daugherty will reach out to Southern Oregon Area Director Dave Lorenz and WOWnet director Tiffany Fegel for candidates in southern Oregon.

Motion: Leiman made a Motion of Recommendation to nominate John Peel for membership on the committee as At Large landowner. Seconded by Gray. All in agreement. His name will be passed to the Board for appointment beginning July 1, 2015. Peel owns forestland in Eastern Oregon. [Note: John Peel was not in attendance during this Motion.]

10. Public Meeting Information – Dan Postrel, Public Affairs

Questions for Public Affairs:

- When members attend other functions and a quorum is present, is the function a public meeting requiring notice?
- If a sub-committee meets and a quorum is present, is that a public meeting requiring notice?
- Can the CFF hold an ‘executive session’ to discuss nominations?
- What kinds of public records requests does the agency process?

Postrel explained that the purpose of Public Meeting law is to enable public participation and transparency of the conduct of the public's business. Gatherings of a quorum or more of the CFF that do *not* discuss committee business are not public meetings. However, if a meeting's sole purpose is to gather information that would then become the basis of a committee decision or recommendation, the public meetings law would apply. Notice and minutes would be required and ADA accommodation provided.

A sub-group formed to make recommendations back to the formal committee is also a public body. If a quorum is present, then the meeting essentially becomes a committee meeting that must be treated like any public meeting. A quorum can be assumed to be a majority of *voting* members.

Regarding Executive Sessions, the law is very specific, and the CFF is not authorized to hold Executive Sessions (ie, exclude the public) because the Committee does not deal with the kind of issue that the law recognizes.

Public Records requests absorb an increasing amount of the department's time. Documentation, letters, files, emails and other electronic information are records that can be requested though there are exceptions about Threatened and Endangered Species locations and Land Management Plans. The electronic information age comes with new exceptions for personal privacy. ODF continually redacts personal information, such as phone numbers. The law exempts information that is given confidentially by a contractor.

The ODF Public Affairs department gets involved in requests that are large or cut across districts or are politically sensitive. Records requests can be handled formally or informally (preferred by the Department). The agency has discretion whether or not to charge fees and will waive fees if it is in the public interest. Most current requests deal with state forests related issues and with pesticides.

Separate from the Public Records Law is the DAS Records Retention Directive, which determines how long a record must be maintained.

11. For the Good of the Order/Adjourned

Action Items:

- o Keep committee members informed on progress of Clean Water Partnership bill.
- o Distribute a summary of the information given to the RFPC to CFF members.
- o Notice an ad hoc committee meeting for the end of the March 6 CFF meeting to draft a comment to the BOF.
- o Cloughesy to send extra tax informational packets to Jim James for those who contacted him.
- o Daugherty will reach out to Southern Oregon Area Director Dave Lorenz and WOWnet director Tiffany Fegel for candidates in southern Oregon.

The next meeting is scheduled for March 6th in the Tillamook Room, Oregon Department of Forestry, Salem.