Committee for Family Forestlands
Minutes
October 18, 2012

A meeting of the Committee for Family Forestlands [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 526.016] was held on Thursday, October 18, 2012, in the Santiam Room at the Department of Forestry compound in Salem, Oregon.

Committee Members Present:
  Craig Shinn       Rex Storm
  Susan Watkins     Sarah Deumling
  Scott Gray       Joseph Holmberg
  Roje Gootee     Brad Withrow-Robinson
  Jim James        Mike Cloughesy
  Rick Barnes

ODF Staff Present:
  Lena Tucker
  Peter Daugherty
  Cynthia Orlando
  Paul Bell

1. & 2. Review of Agenda and Meeting Minutes – Craig Shinn
Minutes from the September 17, 2012, CFF meeting were approved as submitted.
Discussion on format for meeting minutes: Minutes serve as a historical record on what the Committee learned and documents decisions made; details the work of the committee; provides information to the public. Format preferences: Number items on the agenda to correspond to minutes.

3. Letter to BOF regarding closure of the Malheur Lumber Mill
Final review and approval to send edited version to the BOF.

4.a) Report to Legislature on Budget Note #1 – Peter Daugherty
ODF was directed by the legislature to contract out a compliance audit of the FPA. Rex, Jim, Scott, and Joe served on external advisory committee to review the process. Staff found that, because implementing the FPA often requires judgment, it was difficult to define and write protocols for the quantitative approach in order to contract out this work.
Joe – impressed that the staff tested the protocols before putting them into the request for proposal.
Jim – appreciates the opportunity to serve on the external committee and felt ODF received the committee’s advice well.
Rex – appreciates department’s commitment to being thorough in this first round of designing a contract to audit FPA compliance.
Peter – suggests having a few members of the external committee involved in the report back to the legislature.
Peter gave a presentation to the House Ag and Natural Resource committee – The committee noted that they often attach budget notes but action rarely occurs and they are impressed to see that ODF is taking action on the budget notes.

4.b) Budget prospects for next biennium – Peter Daugherty
Last economic forecast was flat. $111 million down from the close of session forecast. Housing starts are still slow, but indicators show they are starting to pick up. Outlook for next biennium will depend on the December economic forecast. Holding ODF’s budget as it is – would be a good outcome for this session.

Policy option package – Wildfire Protection Act is the department priority for this session
Others: Business Analyst for the private forests program; integrated monitoring program to add some capacity and continue the Trask paired watershed study; Biomass coordinator; addition of stewardship foresters and leverage NRCS funding similar to eastern Oregon project in place now.
Jim – Is this a 50/50 match?
Peter - In the first eastern Oregon project we matched the NRCS funding with Bark Beetle funding and Harvest Tax. The proposal we are currently putting forward is to combine 25% Harvest Tax funding with 75% NRCS funding. NRCS is saying that a match is not needed this time around and they will fund 100% of the technical assistance. However we want to include harvest tax as there is a link to forest practices when doing this type of work.
Jim – How much of the NRCS funding is linked to the Farm Bill?
Peter – NRCS funding is linked to the Farm Bill, which has not yet passed Congress.

Oregon Technical Advisory Committee (OTAC) meeting – discussions at the next meeting are important, as they will be discussing how NRCS is using the State Assessment and Strategies (Forest Action Plan). Joe and Jim will attend the meeting next week.

**Action Item:** Lena will have Jim Cathcart provide a report on the OTAC meeting and discussion at the November CFF meeting.

Susan – Reminder that we still have a vacant federal member seat on this committee.

**Action Item:** Suggestion that we invite the NRCS state director, Ron Alvarado, to the next CFF meeting. Need to have a conversation about the approach that NRCS is taking on integration of agricultural and forestry topics.

Peter – Heard informally that the Trask paired watershed study funding is being recommended to move forward out to the funding teams. Governor’s budget is released in December. ODF is required (by statute) to put together a 10% reduction plan – the first 7.5% reduction in GF comes from Private Forests program.

Paul Bell – Need to watch lottery funds as the funding is down – and as natural resource agencies are part of this funding pool – concern there may be shortages
ODF Legislation for next session – Peter Daugherty
Pesticide issues are a top priority. ODF received request to make changes to the definition of integrated pest management – to make pesticide use a last resort. There will be much focus on reporting and notification of pesticide use.
Paul Bell – State Forest will see the usual bills looking at levels of harvest on state forests.
Fire Program – Wildfire Protection Act

Jim James – Taxes on forestland might be an issue as there is a perception that owners of Forestland aren’t paying their fair share of taxes.
Peter – working with Rep. Kriege on the wildlife food plots issue. The concern is, will the inclusion of food plots on forestland change the tax status or deferral of forest properties. Concern that deferral status could be lost on small acreages.

4.c) November BOF agenda items – Peter Daugherty
Consent agenda item – exception for harvest size 120 acre limit, for a research project

Riparian rule analysis – discussion on the meaning of maximum extent practicable
Craig – Is the board taking action on this?
Peter – We need the board to review the alternatives and this definition has to be accepted before the science review is conducted on the alternatives.

HB2165 – waiving of unnecessary written plans for those operations that are not entering riparian areas, but are operating near them. ODF will be asking for the Board's feedback and consent to move forward with this review. At the same time, we are asking for housekeeping changes to correct obvious errors in the administrative rules. For example, the standard vegetative management prescription is not clearly stated in the definitions.

5.a) OSWA Legislative Agenda – Jim James (numbering system as per Jim’s handout)

#1) Wildfire Protection Act – OSWA supports ODF’s bill to increase amount of funding available for initial attack in the high fire prone areas of the state. Changes the way the fire insurance deductible is paid - phased in system where general fund and landowners split the deductible 50/50.
OSWA is prepared to reintroduce their 2012 Wildfire Reduction Act (HB4042A) if needed.
Paul Bell – the big ask is the amount of GF equal to .20 per acre to provide rate relief to landowners in eastern Oregon.

#2) Land use parity – proposal to change law to allow pole buildings in Forest Use zones, similar to what is now applied in Exclusive Farm Use zones. Currently the permitting process and cost of permitting process is not equitable between forestland owners and agricultural land owners. There is concern about the addition of another structure on a property that would need fire protection by ODF. However, these buildings will not have power and overall would not have high fire protection needs. The fire surcharge comes into play if the county classifies it as an improved structure on the property. $47 is assessed for the first improved structure on a
This bill would not require county approval for the construction of such buildings. These are not habitable buildings.

Propose legislation that will authorize the purchase of farm plates for vehicle used for forest management by owners of land in Forest Use zones, similar to landowners in Exclusive Farm Use zones. This would be for a vehicle that is used for limited mileage and has weight restrictions – pickup trucks would qualify but not log trucks.

#3) Log Brand Parity
Currently log brands are not required on the east side of Oregon. The proposal would ask that log brands be optional on the west side of the state.

#6) Support Legislation proposed by OFIC

#6.1 Clarify Oregon Fire Liability Laws
Background: Sierra Pacific was sued by the USFS for a fire that started on a timber sale on private lands crossed onto federal land. Concern that habitat and environmental values were included in the lawsuit's damages claim in addition to timber value and tangible damage. Clarify Oregon Fire Liability Laws to protect landowner from unreasonable liability claims from the federal government should a fire travel from private land onto federal land.

Craig – Is this something that should go on the watch list for CFF?
Scott – feels that there are enough committee members watching this issue and can bring information back to the committee.
Peter - The question seems to be how liability is assigned, not how value is assigned.
Ecosystems services have value (billions of dollars) to the general public. Methods for evaluating ecosystem services have been reviewed and accepted and are valid. However, there is much concern among landowners to know specifically what their liability is.

Craig – Key Points: The notion of asymmetry between fed and private lands; notion of joint responsibility for the landscape (federal and private).

#6.2 Special Forest Products – bill would expand the list of special forest products (for example truffles), possibly to include all marketable forest products

Other items that OSWA supports:

#4.) Support funding for ODF
#5.) Support OSU Forestry Extension Services Budgets

5.b) CFF Legislative Agenda – Craig Shinn
Are there other items that are missing from the OSWA list?
Susan – from the CFF white paper section on the FPA – there are statutes that may be an issue.
Craig – How do we want to move forward and be attentive to legislative issues?
Peter – ODF has weekly meetings with an adhoc group of landowners and legislative representatives during the session, to track legislative issues. Paul Bell is leading this effort.
Reports can be brought to this committee on a monthly basis. Email communication can be used for issues that need quick resolution/communication.

Jim James – Government Advisory Committee for the OSWA – weekly conference calls is a venue to provide ongoing information on legislation.

Craig – What may be helpful for the CFF is to have a sense of what issues we want to be involved in, so that we can have positions in place. What do we want on our “watch” list and on our “do” list?

Susan – ODF’s budget and the Wildfire Protection Act should be two items that this committee should track and also to provide input to the BOF on our concerns and priorities.

Roje – When we discuss the question of fire, we are talking about wildfire. However we do not talk about the use of prescribed fire. We should be more specific in promoting the use of prescribed burning and support landowners who use prescribed fire as a tool.

Craig – as we discussed eastside issues – agricultural and forestry are intertwined.

Jim – sense that the Farm Bureau and the state forester are supportive of this issue.

Paul – ODF Fire Protection is bringing a new work plan for the BOF and prescribed fire is a part of that work plan.

Craig – Suggest a policy position – “This committee is in support of the BOF’s work plan that looks at the use of prescribed fire as a tool for private landowners on the eastside.”

Craig – Wildfire Protection Act; ODF budget; land use parity issues, prescribed fire

At our next meetings, in addition to developing positions statements on these topics, we can review legislative concepts that the department is bringing forward and write a letter of support.

Sarah – Supports bringing forestry closer to agricultural standards (pole buildings and farm plates)

Paul - ODF has one more legislative concept dealing with forestland classification – housekeeping on the broadening the identification of members who serve on the county classification committees.

**Working Lunch Topics:**

**Prescribed fire in the BOF’s work plan:**

Craig - Reference prescribed burning in the BOF work plan and this committee’s comments to that plan.

Roje – prescribed burning is an important part of fire protection as well as ecosystem management.

Rick – support and encourage stand management activities to allow for the successful use of prescribed fire.

Joe – reference the map of fire condition class which shows the wildfire regimes.

Susan – recognize that different ecosystems have different needs and respond differently to fire.

Mike – specify the difference between fire risk and the need to manage fire on private forests land (both industrial and non industrial) family forestlands have interface everywhere – adjacency issues.

Craig – need to be careful that not all lands are owner occupied.
Rex – small landowners don’t have the scale economies to address the liabilities for the use of prescribed fire.
Rick – smoke management – prescribed fire occurs during controlled weather conditions

**Action Item:** Brad will compose a letter to the BOF, which supports development of the BOF’s work plan on prescribed fire.

**Review of BOF tour agenda**
Attendees at BOF meeting and tour – Roje and Rex; Brad and Rick are tentative
Opportunity to contribute to the BOF notebook for the tour – page limit is 2-4 pages, color is ok, and deadline is October 31. The tour packet is handed out on the day of the tour.

Roje -- What are the priority issues she can present to the BOF?
Juniper invasion, water, and fire issues, federal lands ownership % vs. private ownership %, mosaic landscape and ecology which is dynamic and always changing, integration of range management and forest management. The emphasis is to look at these issues affecting east side forests as a connected whole and that they are very different from west side forest conditions. Include pictures in the presentation/handouts.

**6.) Eastside Forest Issues white paper**
The white paper can be sent to the Board electronically between now and their meeting. Staff can also bring copies to the Board meeting.

Craig will compose a letter of conveyance to include with the paper.

Rex: Need to convey a sense of urgency and importance of these issues for eastside forestland owners.
Craig – would like to take Key Issue 9 (federal forest policy) and focus agenda items and discussion on this at future meetings.

Format of the paper:
1) Exec Summary: Bullet List of Recommendations
2) Overview
3) List of issues with associated recommendations (issue 1 followed by recommendation 1)
4) Suggested list of further readings on the issues - Mike C. to prepare

“Bundles” to be used for the White Paper Executive Summary
1) Scope and influence
   a) eastside and westside – Key Issue 8
   b) 70% federal and 30% private – Key Issues 6, 7, 9
   c) Most private land on the eastside is family owned - Key Issues 6, 7, 9
   d) Importance and Impact of federal forest policy – Key Issues 7, 9

2) Mosaic
a) Changing landscape and management objectives – Key Issues 2, 5
b) Fire – Key Issue 1
c) Juniper – Key Issue 3
d) Water and Riparian areas – Key Issue 8
e) Range and Forestland integration – Key Issue 4

3) Connected and Integrated
   a) Healthy ecosystem and healthy infrastructure – Key Issues 2, 6, 10

**Action Items:**
Brad to serve as the second reviewer with Craig – he needs info from the committee on review/edits of their sections by October 25.

Brad will send all materials to Craig by October 29.

Paper delivered to the BOF electronically Nov. 2.

**Communication and Other Business - All**

**November agenda items:**
Jim Cathcart – OTAC meeting summary
Invite Ron Alvarado from NRCS
Recruit for federal member to join CFF
Summary of BOF meeting and Board Tour – Roje
Lena to send invite to Nils to give a presentation on the Wallowa Resources Integrated Forest Products Pilot Project for forestland owner collaboration.

**December agenda items:** Mike C. to present OFRI economic impact report; update on the Partnership for Forestry Education project

There being no further business, meeting was adjourned by Craig Shinn at 3:00 p.m.

/s/
Lena Tucker
Secretary
Committee for Family Forestlands