Combined NW & SW Oregon
Regional Forest Practices Committee
Meeting Minutes – January 30, 2014

Pursuant to public notice made by news release with statewide distribution, a committee meeting of the Northwest Oregon Regional Forest Practices Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on January 30, 2014 at the Willamette National Forest Supervisor's Office 3106 Pierce Parkway Suite D Springfield, OR 97477

Committee members present:
Chris Jarmer, NW Chair  Dan Fugate - SW
Candace Bonner - NW  Dale Cuyler – SW
Tally Patton – NW  Eric Farm – SW
Randy Silbernagel – NW  Dana Kjos - SW
Jim Hunt – NW  Bryan Schlaefli – SW Chair
Steve McNulty – NW  Sanford Hillman – SW
Mike Barnes - NW  Mike Meredith – SW

ODF staff present:  Guests present:
Peter Daugherty  Rex Storm, AOL
Lena Tucker  Gary Springer, BOF
Marganne Allen  Jim James, OSWA
Terry Frueh  Michael Atkinson, WLFPA
Susan Dominique  Jake Gibbs, LRT
Keith Baldwin  Kevin McElway,
Ben Duda  Wylda Cafferata, Cafferata Family Forest
Jennifer Weikel  Brad Jennings, Timberland owner
Nick Hennemann  Steve Cafferata, Cafferata Family Forest
Mike Totey  Gary Jensen, OSWA
Angie Johnson  Gordon Culbertson, Whitewater
Don Everingham  Karen Fleck-Harding
Greg Wagenblast  Eric Geyer

Call to Order
NW Chair, Chris Jarmer called the meeting to order at 9:00 a.m.

Item 1 – Welcome and Review of the Agenda
  o  No additions to the agenda were requested.
  o  Roundtable introductions were made and visitors welcomed.

Item 2 -
  •  Approval of Minutes
    o  Minutes from the November 18, 2013 SW RFPC meeting were reviewed. Eric Farm made a Motion to approve as presented. Motion was seconded. All present approved minutes with no corrections.
    o  Minutes from the December 4, 2013 NW RFPC meeting were reviewed. Tally Patton made a Motion to approve as presented, Candace Bonner seconded. Minutes were voted on and approved.

  •  Public Comment
    1.  Roger Doll, Douglas/Coos County offered his concern about mono-culture Douglas fir forests and short term rotations, his opinion that the plantations are unsustainable. He would like to
see aerial herbicide spraying banned and wider stream buffers. He was interested in changes to the Forest Practices Act.

2. Kevin McElhway representing himself stated that every area has regulatory expectations, the more regulations the lower the value derived and the harder the management. That in turn could result in doing land use conversions to get a reasonable return. We need to keep forested lands.

**Item 2 – Riparian Protection Standards Rule Analysis Participation** – Marganne Allen, ODF Monitoring Manager; Terry Frueh, ODF Monitoring Specialist

[Terray Frueh presented a Riparian Protection Standards Rule Analysis overview and some of the history of Board of Forestry (BOF) decisions on Riparian Rules. He included information on the RipStream Study, the Informal checklist process and the Systematic Evidence Review (SER) Protocol that provided extensive scientific review to inform the BOF decision-making.

The Board’s direction to ODF was
1. Develop draft prescriptions for a new Riparian Protection Rule which should include a Variable Retention Buffer, a No-Cut Buffer and criteria for a Plan for Alternate Practices.
2. Analyze the geographic regions in Western Oregon where the rule should apply;
3. To include input from stakeholders, industrial and non-industrial private landowners.

Questions and comments to this discussion:

Q. How many sites have to be used to have statistically valid data?
A. The focus is on the Protecting Cold Water Standard not the biological criteria. The data was collected on 33 sites which is a large scope for riparian studies.

Q. How does a plan for alternative practices fit into this?
A. We need to be sure that an alternative plan does meet or exceed the rules to report success to the Board.

Q. How can we be sure that the alternative practices will be effective in meeting the Cold Water Protection Standards?
A. There are models being developed. We will put in data to develop each particular model to meet or exceed the standard.

Q. Are you going to provide monitoring?
A. We could use monitoring in a programmatic way to review the success of the alternate plans.

Q. Where do RipStream sites fall on the landscape?
A. At described locations. The Systematic Review covered all research papers for Western Oregon. Current policy applies the same basal area retention to all small type F streams west of the Cascades. Medium type F streams have basal area retention requirements with two sets of geo-regions grouped together: South Coast and Coast Range, Interior and Western Cascades, and Siskiyous have their own requirement. Since RipStream sites were located in the Coast Range and Interior we intend to continue the current policy’s groupings and apply the same rule to all these geo-regions and likely Siskiyous as well.

Questions on the Prediction Tool for developing Prescriptions:

Q. Were the distances of the plots similar?
A. The length of the plots is not consistent based upon the landscape form and tributaries coming in. The length is a variable in the model.
Q. Is there a plot that measures temperature change downstream of study sites?
A. Yes, there are plots that measure downstream temperature change; the analysis of that piece of research will be submitted for peer review soon.

Q. Will that research be presented to the BOF in April?
A. This research will inform understanding where the Protecting Cold Water Standard applies on the landscape.

Comment: It would be good to have the data which could show flaws in the CWP Standard.

Vegetation Plot data has a role in the prediction model development. (See handout.) The vegetation plots were set 170 ft. from streams and 500 ft. long and 100 ft. wide. There were cruises done on all trees including snags. We are looking at the relationship between shade and basal area in pre- and post-harvest models.

Q. Please talk about what components are not in the model, such as aspect.
A. We looked at aspect and found it wasn’t statistically significant. Also bed composition, width/depth of stream, contributing area, distance from the divide and channel morphology.

Q. What about the vegetation?
A. Species composition, diameter in larger stands versus smaller stands and other data. We would need to get a full list from our Monitoring Coordinator who is working with the model.

Q. On the study site was there a pre- and post-treatment study?
A. Yes.

Q. On the temperature predictor portion of this – were the one year pre and post used or all the data?
A. We will need to ask if both years of pre-harvest data were used.

Q. What was the statistical accuracy of the measurements in the stream degrees?
A. Temperature sensors that were used were rated at +/- .2 degrees. The samples were taken at the places in the stream that would be most representative of the stream. Not in direct sunlight and done from the middle of the flow. They used the set protocol for the Oregon Plan Guide in the location, and calibration of the probe. This protocol also adheres to the DEQ standards.

Q. Half of the sites were on State Forest land. What was their standard for stream buffers?
A. They use Appendix J out of the State Forest Management Plan. This is a 25 ft. no cut buffer and out to 100 ft they may enter only if it is not on its way to achieving late seral condition. They are using stand density index to determine a prescription to move it to a late seral condition.

Q. Is it correct to assume all the state forests sites had no harvest?
A. If you view not entering the 100 ft buffer as No Cut. We are evaluating whether or not we meet the Protecting Cold Water Standard at a programmatic level.

Committee discussion:

ODF has been directed by the BOF to look at three options to meet the PCW Standard:
- No Entry Buffer
- Variable Retention Buffer
- Plan for Alternative Practices

Chair direction to members: These committees are statutorily constructed to give the Board of Forestry advice on the Forest Practices Act. Our decision space today is pretty broad. We have this opportunity to give advice to staff on what we think regarding this rule analysis. We should clarify the questions we are being asked to give advice on.
Q. It looks like the model has a large difference between sites on Private forestland and State Forests, why is this so different?

A. The prediction matches well with what was observed on the ground and data collected. There was 0.0 degree C increase on State sites and 0.7 degree C increase of temperature on private sites.

Q. Why does the temperature increase more on private sites?

A. More trees are harvested closer to the stream.

Q. Define “private lands”.

A. Sites were on private industrial land and were designed to represent the minimum requirement of the FPA, with sites taken down further that they would have normally done to look at the data from minimum requirements.

Q. Why are state forest lands different?

A. State Forests were interested in learning if their Forest Management Plan was sufficient to meet the FPA at the same time we were looking at how sites on private land met the FPA. Private landowners pushed the limits, State Forests did not. Landowner participation came at a cost as they agreed to tie up that land base for seven years to do a control.

Comment: The sample should use the Private lands only not State Forest sites.

Q. Is the rule process trying to get us to zero line?

A. The PCW Standard says there should be no human-caused increase of .3 degrees C.

Q. Is this the best variable that came out through modeling?

A. Basal Area is the primary variable we can adjust in the model and has the strongest correlation to shade. The use of percentage changes in basal area gives a better shade indicator.

Q. Is RipStream a stand alone process or are you also using data from Hinkle Creek?

A. For this predictive tool we are only using RipStream data. We would have to create a new tool if we were trying to pool data from different studies. But our findings do compliment what we have seen coming from Hinkle Creek.

Q. What was the time frame on data collection?

A. Summer time pre-harvest data (for 2 years) to summer time post-harvest data (1 year).

Comment: It is actually pretty remarkable that with the inherent variability in forest sites that we can have models that become predictable at all.

Q. Each observation represents several measurements?

A. We measured shade and stand conditions and used a control site to capture the variability. Then looked for what fell outside of those variables. The variable could be what is removed and what happens naturally on the small and medium fish streams.

Q. How do you handle the “natural noise” of these sites; what happens upstream of the site and those effects coming onto my land?

A. We did not look at those situations where folks were doing something other than forest management. The control looked at on what the temperature was as it came into the study site.

Q. How about the gap effect; distribution is clumpy because all sites are not equal; would some type of analysis on the gap statistically tweak the answer?

A. There are a few studies that have analyzed this. We know which 100’ wide strip the trees were measured and how far from the stream they were.
Q. Did you look at the percentage change of basal area or absolute basal area? (Absolute shade cover versus percentage change in shade cover.)
A. The model says that change in basal area is the biggest driver for change in shade. Shade is the biggest driver in the change of temperature.

Q. Did you evaluate what a large amount of shrubs would do to affect shade?
A. We have tried to measure shrub shade at varying heights, but the results were not very helpful, there is too much variation.

Discussion on what this means and what the committee’s role is next.

Public Comment: Jim James, OSWA
When the RFPC and ODF develop their recommendation to the BOF, even though we are bound by the Protecting Cold Water Standard the change is so small that it doesn’t affect the streams. We believe that the results of this rule analysis should be minor for such a minor increase (7/10ths degree C) in temperature.

Do we want to present this comment to the BOF?

Comments from the committee:
We should provide comment on the evidence that temperature rebounds further downstream. The temperature affect is short-term. Downstream research on what happens to temperature is important.

We have to remember that we need to meet Protecting Cold Water (PCW) Standards whether it makes sense or not with the minimum amount of economic impact.

The BOF has to meet water quality standards to the Maximum Extent Practicable (MEP), which is an art.

This major concern on rule changes is because we have to meet the PCW standard. But we may not have enough information here to make a decision, especially if there is not a commitment to monitoring and follow up to see if the decisions are appropriate and meeting the objective. We could miss some other factor. Rules should be easy to follow and minimize economic impact. Water is only one part of the resources that we protect, what will the effects be on other resources from changes?

Maximum Extent Practicable? Has ODF done economic analysis on what the impact will be on basal area increases?

We have not done the economic impact analysis yet but we are trying to time this to have it available at the same time we present the alternatives so it can be taken into account. We need to show on average that we are meeting the PCW standard across the landscape.

One of the problems is that collaboration is essential and those who designed the PCW Standard are not part of this discussion. We have not delivered our message to that agency until they are a part of this discussion they are just leaving it to us.

Peter replied that to the credit of the BOF, there is now a formal liaison with the EQC and the EQC has a formal liaison to the BOF. The liaisons attend all meetings of both boards in relation to water quality standards.

Public Comment:
Mike Atkinson, WLFPA commented that he has been watching this discussion for a while. He expressed his concern that the PCW Standard is an arbitrary number, but understands that we need to comply. He agreed that we need to monitor beyond one year after the rule change. He appreciated the committee’s work.
Public Member commented that the Oregon Department of Agriculture is facing similar issues with protecting water quality on agricultural lands. Agencies should provide a joint front and not be so independent in trying to solve common issues as the rules change.

Eric Geyer added that one of the things we have to realize is that this will be a policy decision based on some limited science. You have to inform monitoring with science. It’s hard to overcome policy decisions with science. In the option of Plan for Alternative Practice if this is more prescriptive that is a change from the current practice. The SER findings showed a bunch of research with no evidence. We have the experience in the field to know that gaps let in more sun, one-sided buffers might work. We should monitor effects of Alternative Practices; these are a way to learn, rather than making an extremely restrictive rule. Four small streams on private lands are in the RipStream Study. Observations that the small streams have the biggest impact on riparian areas and shade.

Gordon Culbertson, family forestland owner, Lane County. These lands are investment income. He has seen an evolution in forest management; some changes have caused hurt and not accomplished anything. I was able to lay out appropriate buffers under the FPA on my small and medium F type streams leaving more than the required minimum basal area requirements and left a good mixed buffer. The strength of the FPA is that it provides advisory help and flexibility. His advice is to avoid doing very prescriptive rules that increase difficulty and decrease value to the landowner.

Roger Doll, landowner. This committee is doing good work in analyzing the data. Large timber companies clear-cut and then the sediment runs into streams from the roads increasing temperature. Government lands don’t have this problem. Longer rotations are needed. The Feds, DEQ have been sitting back and we are losing Federal funds. Oregon is being pushed. Federal government is pressuring Oregon because federal money will not come to Oregon if we don’t comply.

Rex Storm, OFRI. The potential increase of leaving more trees along small and medium streams would increase costs to the landowner; increase complexity on the buffer design; and cause uncertainty about the effective results whether buffer practices will meet the 7/10ths of a degree requirement. The legislature is not willing to support more monitoring efforts and add resources to help landowners with implementation of these new rules equitably across land management systems and uses. Why does forestry have to worry about .7 degree in temperature when there are bigger problems on the landscape scale? His recommendation is that this decision be deferred until there is more information from the watershed research cooperative studies on the headwater streams. He also suggested that the BOF work with EQC to review and modernize the Protecting Cold Water standard.

Randy Hereford, public comment was that people want to gain all the value they can and will figure out how to make the rules work. Remember that a change in one rule might affect another rule detrimentally. The current rules frequently cause RMA’s to be “roped off” but if buffers are increased further it may cause landowners to work harder in managing them to save some value.

Karen Fleck-Harding, landowner commented that she would like to see non-prescriptive approaches as the effects on forest stream temperatures vary from place to place. What is the cumulative effect of the temperature reach from multiple treatments? Cumulatively downstream if you are too prescriptive then there may be a greater impact on temperature.

The model does not take cumulative effects into consideration. It looks at the immediate effect downstream of the study site harvest unit. If you don’t have a significant temperature effect at the harvest site, then you don’t have to worry about the cumulative affects downstream.

Joe Holmberg, Oregon Tree Farm System. We should emphasize that we need to monitor more than one year after the rule is in effect.

Comment: After harvest there is usually a large increase of shrubs on the small streams that would shade and decrease temperature. Long term affects are important with shrubs.
Jeff Light wanted to urge folks and the BOF to carefully examine the uncertainty and the predictions of the effects of harvest on temperature. There is a lot of natural variability. It’s important that “basis” is fully described and how that factors in.

Chris Jarmer re-focused the members on moving to a policy discussion not the science.

A member commented that response may need to be delayed until there is more data.

Another comment was that the members were pleased that we are still evaluating the rule.

Combined RFPC Recommendations on the Riparian Rules Analysis:

1. No action until there are additional years of RipStream data added into the model.
2. No action until there is collaboration with the Environmental Quality Commission; Department of Environmental Quality and the Board of Forestry on the Protecting Cold Water standard.
3. Retain the opportunity to have flexible rules; do not make it too prescriptive; have it be outcome-based.
4. Need to know what the economic impacts are in order to make the decision.
5. Want all RipStream outcome analysis available, 5 years post-harvest and downstream studies, biological criteria and economic impact.
6. Need to include multiple FPA goals in the analysis; the rules are inter-dependent and one change may affect other rules.

Eric Farm, SW RFPC made a Motion to recommend these ideas with a chance for review for recommendation to the Board of Forestry. Dan Fugate, SW RFPC seconded the Motion. All present voted yes, none abstained, no one voted no. The letter to the Board will be drafted and sent by email to the members for review and consent.

It was noted that the MEP is a sidewall to the recommendation.

Chris Jarmer thanked guests for their public comment.

Item 4 – Leave Tree and Downed Wood Retention Compliance and Effectiveness – Jennifer Weikel, ODF Wildlife Specialist

2004-05 we conducted the first study of leave tree and downed wood compliance (2Up/2/Down). This compliance study looked at the statutes that apply to leave tree retention and down wood retention. Data collection was performed quickly post-harvest. They looked at 37 units in the coast range on industrial and non-industrial lands. We only looked at whether the study units were in compliance. If a unit was non-compliant, we counted every leave tree and downed log in the unit before considering it non-compliant whether marked as such or not. A sub-sampling of eight of the units identified the types of trees that were left. We looked at two types of compliance: Administrative and Resource. Resource compliance asked if we found enough leave trees and downed wood. Administrative was concerned with whether the information found on the unit map was adequate to determine if leave trees/logs were left where they were supposed to be. It was difficult to determine compliance because it was hard to know whether leave trees were to the outside of the unit where it ended or began if the surrounding land was forested. Leave trees should be within the unit. Out of 37 units audited, overall compliance was 89%. We were unable to evaluate four units due to mapping issues and three had administrative compliance issues, one was non-compliant. One unit was out of compliance for downed wood. There is no rule mandating leave trees/downed wood be indicated on mapping. In general the leave trees were usually bigger than the minimum standard (11” dbh), mostly conifer and sometimes in greater number than mandated. Downed wood should be older, larger logs, decayed logs don’t count.

The statute as written doesn’t provide language for monitoring.

Q. Is there a requirement that when you come back 30 years later to harvest that you know where the leave trees were located?
A. The statute explains size and amounts to be left. But we don’t have a good way to track the leave trees. The statute is not clear on how leave trees be associated with the unit or whether they are incorporated into the unit from the edges.

Comment: If you identified your leave trees outside the unit and then the next year you shift them to another side of the unit, this seems acceptable under the FPA. If you leave extra in your stream buffers then those can count for leave trees.

Adjacent areas should be considered, at least until harvest of the adjacent area.

Q. What is the outcome of this? Is there a recommendation to landowners?
A. We haven’t had the internal discussion yet, but we will use this committee for feedback.

Compliance determination is extremely difficult. The concerns from the study are field concerns. The Stewardship Foresters can inspect immediately after harvest but the monitoring over time is not frequent. We would need to develop a tracking mechanism.

Q. Is downed wood satisfactory?
A. There is a compliance rate of 97% for downed wood as there is no economic incentive to remove downed wood so it is not as much of a concern. Diameters, height and species are listed in the report.

Q. Were violations small woodlands or industrial? I would suggest if it is a small landowner issue there should be a focus on outreach and education.
A. Generally, industrial mapping was better for locating.

**Item 5 – Bald Eagle Rule Analysis** – Jennifer Weikel, ODF Wildlife Specialist

There are rules for protection of Bald Eagle’s nest and roosting sites. The rules began in the 1980’s when the Eagle was federally listed. Eagles have recovered. Federally, they have been delisted since 2007 but were kept under the Bald and Golden Eagle Protection Act. The Bald Eagle FPA rules are listed in the Threatened and Endangered Species section of the FPA. In July we will recommend that the BOF start the rule analysis process. At a minimum we have to look at the following range of options:

1. Rescind the rule entirely
2. Move the rule to the section on Sensitive Bird Nesting/Roosting sites.
3. Move the rules to the above section and modify them in alignment with Federal guidelines.

ODF&W delisted the eagle and published Bald Eagle Guidelines for nest and roost trees. This language is less stringent than the FPA with a 330’ buffer and seasonal restrictions from Jan. 1 – Aug. 31st at a ¼ mile or ½ mile under line of sight vs. 660’. We would probably want to make guidelines to ensure “no effect”.

Suggestions:
- Study should look at “disturbance science” updates.
- Recommend that if looking at modification of the rules take into consideration background noise.


This house bill is a law enforcement statute. The legislature put this on a fast track as the rule had to be finished and enforced by July 1st, 2014. The Notice and Draft Language has been submitted to the Secretary of State. Outreach will include scheduled public meetings. (Dates and locations are on the handout.) We are collecting feedback during March 2014. Final review with the BOF for approval is in June. Feedback has already identified woods collected for instrument making. Law enforcement has state
preference for a list of specific products with no interpretation required. Personal use clauses are confusing on state and federal lands and will become important on private lands as well.

Q. Do private landowners have to issue permits?
A. Yes, this statute provides landowners protection.
Q. Is a permit required for hauling firewood?
A. Proof of Cutting Permission should be carried.

We are now in the process of modifying the Special Forest Products definition, we can make changes or additions until April 1st.

Landowners do not have to use the forms provided on the ODF website. They can write up their own, but the forms provided cover all necessary information. Truffle harvesters are already asking how to get the permits. They have been told to go to the landowners.

**Item 7 – FERNS Update** – Lena Tucker, Private Forests Deputy Chief

Lena provided an update to the members on the FERNS project. She had provided a basic demonstration of the new Notification software at the last meetings. There have been some enhancements since then. Landowner stories they have dealt with talked about import/export of notification information from larger landowners. Timmons Group has an easy solution in development to copy and paste mapping information into the notification so FERNS mapping isn’t required where they have already created their maps. This is in ESRI Arc Map. If not in ESRI then there will be a desktop utility tool “ShapeUp” that can plug in their mapping data.

As requested there will be the ability to clone and re-use old notifications. Another was to have the availability to view Inspection Reports on the landowner’s dashboard. Release 1 is scheduled for mid-May.

No automatic subscriber functions will be released at first. Also later releases may have Fire Inspection Reports and Basic PDM functions. Contractor lists will be pre-loaded and grow with use. Duplications of contractor information will occur with spelling errors and abbreviations. The challenge of managing that list is only mitigated by doing a search for the name first. There is no other clean way of getting around that. Rex Storm volunteered to assist in the front loading of contractor information as the Oregon Forest Industries Council should have most of the correct legal names.

Q. Is there still talk of providing kiosks at district offices?
A. We are looking at the agency and landowner expectations around electronic notifications and public computer access. We don’t know the magnitude of need yet. We will be providing instruction on the system through FERNS Workshops.

Suggestions were made to provide written brochures geared towards small businesses and landowners. Also to think about video training easily available, but if someone can view the video they probably have computer access.

Q. Will there be the ability to provide a Corporate Log In for multiple people entering information for industrial forestlands.
A. We will look into that.

Release 2 will probably be in December 2014. Subsequent releases will provide the bells and whistles and reporting functions. Other requests have been for optimizing for iPhone or iPad use.

**Item 8 – Action Items Review/Scheduling and Adjournment** – Chris Jarmer

Action Items:
• **2014 Meeting Dates**
Lena asked the committee to look at their availability for another joint meeting late February or early March to provide an update on the Riparian Rule Making. We will send out a Doodle poll to schedule and will hold the meeting in Springfield again.

There being no further business, the meeting was adjourned at 2:15 p.m.

Lena Tucker
Committee Secretary
Regional Forest Practices Committee

[12/04/2013]