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 February 6, 2013 at the Salem Headquarters, Oregon Department of Forestry, Bldg C Tillamook Room.

Committee members present:
Chris Jarmer, Chair
Mike Barnes
Jim Hunt
Steven McNulty
Randy Silbernagel
Jon Stewart
Candace Bonner
Tally Patton

ODF staff present:
Lena Tucker
Brad Knotts
Kevin Weeks
Susan Dominique
Ashley Probst
Marganne Allen
Jennifer Erdmann
Don Everingham
Link Smith
Joe Touchstone
Kevin Nelson
Craig Pettinger

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

Item 1 – Welcome and Review of the Agenda
Chris added Wet Weather Hauling/Road Maintenance to the agenda topics.

Item 2 – Housekeeping
(Approval of the minutes was pushed further into the agenda.)
- Public/Landowner member status review – In a review of the statute that sets this committee’s membership no required number of public members was found. It is important to have public members. Jon Stewart agreed to serve as public member. Candace Bonner was appointed as public member. Wendall Locke might be public as well but was not present to confirm.

- Members with terms expiring in September 2013 – Mike Barnes, Tally Patton, Candace Bonner.

Public Comment
No public comment was offered at this meeting.

Item 3 – HB 2165 Update – Ashley Probst
[Handout: PowerPoint presentation; HB2165 Requirements for Written Plan Rulemaking Update]
Ashley reviewed the three types of Authority to Waive Written Plan Requirements:

- When there is no direct affect to RMA
- When there is a General Vegetation Prescription performed
- When a Stewardship Agreement is entered into

HB2165 directed rule language be developed to establish the Board’s authority for waivers where there is no direct affect to the Riparian Management Area (RMA). General Vegetation Plans are Value-Added and implementation of authority will not move forward at this time. Changes to the General Vegetative plans would require statute change. CFF, DEQ, ODFW and OSWA were supportive of the language. She explained the two types of Rule Changes, Primary and Secondary. The Primary language changes direct the implementation of HB 2165 and references a Technical Note which will house a table to be located online for public/industry use. The Technical Note serves to keep the key Rule language simple. The Secondary changes are associated edits (not housekeeping) such as moving definitions to top of the Rule.

The Technical Note will clearly show where and when waivers will be granted and is currently in draft format to be reviewed by the Board of Forestry at their March meeting. The handout reflects the content of the Technical Note but it may have a different look when finalized. Having the Table on the website will act as a written notice of waiver similar to the current way Industrial Fire Precaution Levels are posted and fire watches waived under certain conditions. This will save the Stewardship Foresters from writing individual waivers for defined conditions. The first page of the NOAP will have language directing landowners to the website.

[Tally] Do the members feel comfortable with the Technical Note? If something changes can we request a review?

[Brad] Yes, certainly, we don’t foresee any changes.

[Randy] In sub-table 3 on the handout, are the items listed all the operations that would not be waived or are these just examples? For example, plans for alternative practices require a written plan that cannot be waived.

[Ashley] No, this is the full list.

During discussion on whether the website and technical note provide sufficient direction or guidance on waivers, a suggestion was made to add a general statement for clarity that there may be other types of operations which would require written plans and that cannot be waived. There was concern that the webpage may be confusing to users leading people to believe they get a waiver when they may actually need a written plan. Landowners should receive an actual ‘waiver’, it should not be assumed.

[Tally] The website should be there for guidance, the actual waiver should come from the Notification of Operation.

[Kevin Nelson] Expressed concern over the concept of an automatic waiver. The IFPL is too different to use as a model for these circumstances.

In summary, the members suggest that language is needed on the webpage indicating that the table guides what types of operations do not need a written plan. These Rule changes are to minimize the Stewardship Forester’s work and to help automate the process. Members agreed with the efficiency, and just wanted to ensure clarity and an educational process will be in place to ensure that the web resource not be taken as a legal notice.

[Lena] Concurrently, the implementation of the Online Notification System is happening but may not be on the same implementation timeline.

[Steven] There would be little effect to our operations as we do one Written Plan for all operations.
[Brad] This process does put more responsibility on the owner/operator to determine if a written plan is required. There is always uncertainty, but the goal is having a consistent application of the waiver in all districts.

[Lena] This is the first draft of what this table looks like and how it would be used and communicated via the web. Ashley will gather additional feedback from other committees and internal staff and the members will have a chance to look at the refined product at the 2nd quarter meeting in May.

**Item 3a – Rule Housekeeping Changes update – Brad Knotts**

*Handout – Rule narrative with tracked changes and notes*

Brad brought the latest housekeeping changes for review. Some changes were to provide definition of commonly used terms as provided in the ORS 527.620 and to remove outdated or redundant references.

**Item 4 – Forest Practices Efficiency and Effectiveness Review – Joe Touchstone**

*Handout - PowerPoint Presentation*

Joe offered a presentation on where ODF is on the Budget Note 2 Project and new Online Notification System. Budget Note 2 of the 2011 Legislative Session dictated an Efficiency and Effectiveness Review of FPA processes using a third party vendor. Guidon Solutions was hired and facilitated “Kaizen” events involving stakeholders, officials, and staff to define business process improvements. “Kaizen” is a way of looking at processes for constant improvement in all facets of efficiency not just a speeding up of the work. The Notification and Inspection Processes were defined as the highest priority areas for potential increases in efficiencies.

A pilot project was initiated and successfully completed in six offices, to improve the FPA notification of operations processing, field inspection and accomplishment reporting. The pilot locations were chosen for providing different types of issues to test the effectiveness of the process. The first phase identified some issues that were corrected successfully in the second Phase of testing. All ODF offices should implement those changes by the end of March. Joe informed the members that inspections and notification numbers have increased and lead times for down for all the pilots offices implementing the efficiencies. Factors involved in the increase of activity were: increased NOAP (31%); increased numbers of Stewardship Foresters; faster notification processing (29%), and new processes.

Concurrently, an Online Notification System is being developed which will enable electronic submission of notifications which will provide convenience and reporting tools for all users. It will be a mobile solution for foresters, integrated with GIS, have reporting functions for internal and external users and email capability. Field work can be synced to the system. A contractor should be selected in early March. The system will be known as “FERNS – Forest Activity Electronic Reporting and Notification System”. Subscribers will also benefit being able to monitor activity electronically. Switching over from the old “FANS” system to the new statewide “Vantage-based” system will help improve GIS capability designed to digitize the units and see resources more easily.

Kevin noted he already has seen a difference.

[Candace] Are landowners able to use Vantage?

[Joe] No, it is a proprietary system, but the new online notification system will have integrated GIS for landowners to use.

[Candace] How will this system improve the workload?

[Joe] The new system reverses the process somewhat by allowing administrative staff to give the basic information to Stewardship Foresters prior to their field work, instead of the written notifications sitting in an inbox waiting for forester review and then going to administrative staff for entry. If no resources are included within the operation it can be processed quickly.
[Lena] Each office will define and customize the process to best meet their needs. If for any reason an office is down, the standardized system will allow another office to pick up the workload. Any notifications that seem too complex will go to the forester for review.

February 28th there will be bidder presentations to the department. If you are interested in attending let Lena know. Bidders must meet the system requirements but the department is looking forward to seeing innovative design. The bidders are typically from the Forest industry. Other states have similar systems. It is mostly a software design, integrating online with field work. The Business Improvements have already been implemented. It has not currently been budgeted until the bidding process is over as there weren’t figures available.

[Candace] This seems similar to electronic medical records system upgrades that Governor Kitzhaber should be well familiar with. That example can be helpful in explaining budget need and efficiencies.

**Item 5 – Mid-Coast TMDL Update – Peter Daugherty**

[Handout: EPA/NOAA Letter to ODEQ]

Peter provided an update on the Implementation-Ready approach to the Total Maximum Daily Load (TDMX) process for impaired streams on the Mid-Coast. Impairment to streams could be chemicals, sediment, bacteria and temperature. EPA and NOAA provided notice in the December ("Christmas") letter of a due date of June 30, 2013 for requested information on how the State proposes to satisfy program conditions by the November deadline. The letter implies that the FPA is not sufficient and additional forestry measures must be adopted or the EPA will not approve additional funding for the state. The problem with this assumption is that the science review of the impairments and their links to the source have not been fully vetted out. It is too early to assume forestry practices are the source of impairments.

The State’s view from a forestry standpoint is that the Forest Practices Act as an implementation tool for maintaining water quality expectations works well. The question stands as to whether or not a new approach will bring better results.

The sources must be identified prior to creating solutions and the Source Assessment hasn’t been completed yet. ODF met once to address the letter, ODEQ contacted the EPA to report they cannot meet the June 2013 deadline for information. If there is no re-negotiation there will be no Approval of Coastal Zone Management Plan. The State can potentially lose 8 million dollars from the Clean Water Act. The Feds can withhold funds but cannot dictate the state’s actions. Clean Water Act is enforced by Oregon DEQ and the TMDL responsibility is under the FPA. EPA and NOAA don’t like the state’s regulatory framework.

The BOF wants to re-establish their relationship with the Environmental Quality Commission and has started a Statewide TMDL Policy Advisory Committee with multiple stakeholders. DEQ is struggling with the process of coming up with load allocations and solutions for impaired streams and are trying hard to get the process correct.

Chris Jarmer is involved in the Statewide Policy committee and hopefully will have clearer information by the next meeting.

**Item 6 – Riparian Protection Rule Analysis Science Review – Marganne Allen**

[Handout: Informal Checklist]

Marganne presented a quick update and revised timetable for the Rule Analysis process. The last action by the Board was in November 2012 giving guidance on the meaning Maximum Extent Practicable (MEP) for the rule analysis. The rule analysis is on protection of cold water standards on small and medium fish-bearing streams. March due date is for direction on Scientific Review outline and approach.

Decision Points: [Not findings]
- Proposing process to BOF – “How” will analysis be done
- “Process” = scientific review proposed by Gov. Kitzhaber
- Use of Standard literature review – to consider findings only.
- Structuring of the process to be done by external party
- No inferences or opinions relating to factual data.
- Considerations on weighting the data, ex. Geographic location.

Outcomes can be regulatory or voluntary guidance or needing further review. No actual prescriptions at this point. The RFPC will be engaged on actual recommended practices.

[Chris] When will material be available for review?

[Peter] It will be posted to the ODF external site after BOF review.

[Marganne] The process has been designed and is awaiting BOF review and approval. Data extraction will be done by an external party. They will be instructed to extract findings from documents without any associated discussion or inferences. Results will become part of the BOF materials.

[Chris] Who will be the outside reviewers?

[Marganne] It would be a disadvantage to use academic reviewers unless they have already been involved in Systematic Review as a process.

[Peter] Qualifications are part of the Request for Proposal (RFP). It will be a very public and transparent process. The Governor wants to get away from “dueling sciences” and deal with factual criteria.

[Tally] Did outside environmental parties express concerns?

[Marganne] The concern was expressed but the process was understood. Generally, there was a acceptance despite the exclusion of unpublished data.

[Peter] Some unpublished (no peer reviewed) work can be brought into the process, such as Master’s dissertations and Agency literature. There is a high degree of variability in small and medium streams in Oregon. You cannot tell whether a specific stream is impacted or not by management activities. The goal is to look at all streams as a whole across the landscape in the study. Impact is considered if the background condition has a 5% change. But without human activity you can’t expect to ensure each stream can meet the standard. That is the reasoning behind “Maximum Extent Practicable” that you can’t determine water protection on a stream by stream basis.

The committee requests a review of the prescriptions once they are determined.

Added agenda item:

**Wet Weather Hauling/Road Maintenance – Peter Daugherty**

[Chris] With the NEDC Lawsuit there is lots of buzz regarding roads runoff manifested in conversations by ODF field staff, industry personnel and loggers. What are we really doing out there?

[Peter] Promoting awareness of wet weather hauling issues is important. As the department has hired 21 Stewardship Foresters some are experienced, some are new in administering the FPA. If we have had turnover, the industry has as well. The question comes up if there is appropriate knowledge in the field.

[Rex] Expressed concern about landowner awareness as well. How can it be addressed in the short term, as we are already in the season, and how can we ensure training is available to landowners each season?

[Steve] From an industry perspective has there been a larger emphasis on field inspections?
Industry is sensitive to the topic of hauling, and wants to do things right. Is there a larger direction from ODF to have foresters look harder or emphasize road maintenance rules?

[Peter] No, there have been no rule changes for wet weather hauling or road maintenance.

[Steve] Interpretation and training is the focus of concern.

[Marganne] There is a heightened awareness of the potential for lawsuits. We should be proactive communicating road deterioration issues prior to conditions being created that lead to enforcement.

[Link] Road rules haven’t changed, there may be new foresters but there should be no problems if rules are applied well, they work. There are times not to haul.

[Peter] We need to think strategically in prioritizing training on implementing the FPA. Would industry foresters benefit as well? How would we offer it to them?

[Chris] There hasn’t been widespread hiring of new industry foresters but older industry foresters need training as well, landowners too. Video training would be beneficial prior to the end of spring.

[Link] Let’s look at an integrated training session next fall.

[Tally] Weyerhaeuser will address this at staff meetings.

[Peter] Suggestion that if a district and landowners are having a local meeting, then Salem training coordinator or field support coordinator could attend and review the issue at the meeting.

[Chris] Let’s make a Motion to recommend ODF conduct an integrated training session regarding these issues surrounding road maintenance and wet weather hauling to be presented in the Fall of 2013 prior to the rainy season.

The Motion is seconded by Candace.

Discussion on working with AOL for credits and OSU Extension and OSWA as communication partners. Make professional logger credits available.

Motion Approved.

**Item 9 – Bald Eagle Delisting and the FPA – Marganne Allen**

[Handout: Bald Eagle Protection Standards and State De-listing Process]

Last year Bald Eagles were de-listed at the State level although they are still on the books for the Forest Practices Act. We need to do rule analysis to determine whether the FPA still applies to the species. Until then no changes have been made. The range of outcomes could be anywhere from removal from the FPA with Federal Protections still applying; remain the same in the FPA or moved to the Sensitive Species section in the FPA. Increase in protection seems unlikely, once decided it will be brought to the committee for direction on implementation.

**Item 8 – SB1546 Reforestation Waivers Along Highways – Marganne Allen**

[Handout: Reforestation Waivers Along State Highways; SB1546]

The genesis of the bill involved a series of vehicle incidents prompting questions into the maintenance of blow-downs along highways. The bill will allow ODOT to remove trees within the state highway right-of-way (300’) and to review forest cover for hazardous conditions. ODOT will be the agency to determine risk. ODF will be able to waive reforestation on ODOT identified portions of private land. A MOA is being drafted between ODOT and ODF. The senate bill creates a relationship where ODF needs to inform ODOT on operations that take place adjacent to ODOT Right-of-Way on any state highway, so the safety
hazards can be reviewed. Some areas may not be ideal for reforestation due to the proximity to the highway. ODF would produce a letter to the landowner based upon ODOT recommendations.

[Peter] ODOT will be working with landowners.

[Marganne] It will be fortuitous to use the new rollout of the online notification system with its GIS capability to have ODOT as a subscriber for notifications that may be affected for their hazard review.

[Peter] There will be no ‘blanket’ waivers on scenic buffers. ODOT will make determinations at a local level.

[Marganne] It may establish a no-man’s-land, although the landowner’s obligation stands how will the resulting strips be maintained?

[Chris] Let’s table this discussion for now as ODOT has the decision-making authority.

**LUNCH BREAK TOPIC – Grant (Link) Smith, Western Lane District Forester**

Link shared a bit about the Triangle Lake Exposure Investigation and the effects at the Veneta office which became ‘ground zero’ for 8-9 days of public protest. The district had to redesign the entrance and parking area for security. ODF staff were verbally attacked and it became an unsafe work environment. Currently things are quiet at the local level; there have been several community meetings with an equal representation from opponents and proponents which seems to have had a calming effect. A Public Health Assessment (PHA) will be available this spring on all initial data and biological sampling. Link shared a video of one of the community meetings.

[Lena] The bigger piece of this is consideration of a safe working environment for our employees; establishing protest plans; ensuring customer safety and maintaining morale.

[Marganne] Part of the problem is public expectations don’t coincide with Agency timelines in providing public requests which aggravates strong responses.

[Peter] Public fears are unrealistic regarding actual danger levels, but for the public no level of exposure is acceptable. There can be no resolution except a complete pesticide/herbicide ban in that community.

**Item 2a – Review of the Minutes**

Minutes from the December 5, 2012 meeting were provided for review. Motion was made to accept as presented, Motion was seconded and minutes were approved with no abstentions, or opposition.

**Item 7 – Compliance Audit Update – Marganne Allen**

[Handout: FP Compliance Audit Periodic Update; Sample Landowner Letter; Landowner Permission Form]

Marganne reminded the members that the Compliance Audit is to meet the key performance measures and the Budget Note requirements. She noted that it is unusual to require a third party contractor for these audits. The audit will focus on Roads, Quarries, Landings and Harvesting Conditions, small Riparian zones and Chemical Rules with a quantitative rather than qualitative approach. The contract has gone through the bid process and vendor presentations will be reviewed. The Notice of Award will be announced soon although there will be an Appeal period for 7-10 days. Contractors should be on the ground beginning the audit around the 1st of March.

There has been landowner outreach for 200 sample sites, additional sites will be determined for backup to denied access or disqualified sites. A number of sites have been removed from consideration where logging did not occur, usually these were residential or where a land use change occurred. Foresters have begun landowner contacts. Marganne provided the committee a sample landowner letter and permission form. Stewardship Foresters will work with contractors in providing unit maps, etc. and will be
contacting smaller landowners. Without the Permission Form contractor would be trespassing. Large landowners will be contacted by Salem staff.

[Chris] Is the level of confidence high in the contract vendors? Are new sample sites added if there are denials?

[Marganne] Yes, there is confidence that contractors will be accurate and other sites will be added to ensure the integrity of the sample. Paul Clements is coordinating and acting as the main staff contact for this audit. He will lead a QAQC checks on 10% of the sample sites audited to review contractor work. The project scope will cover lands adjacent to harvest and harvested lands, landings, riparian management areas. Analysis will follow the 2002 Report model by ownership type, geographic area, and Rule level. Peter will share findings with the Legislature.

[Candace] The letter is not clear that is not checking for landowner compliance but rather stewardship forester compliance in monitoring. The letter should be clear that landowners themselves will not be reported in the information gathered.

[Tally] There are industry concerns regarding blame, always a high sensitivity to compliance.

[Mike] Do we assume landowners will assist auditors?

[Marganne] We are not in a position to dictate that.

[Candace] Landowners will probably want to accompany auditors as they will see access as government intrusion.

[Marganne] ODF has had success in working with landowners for the FPA; this is just time for a review of that.

Suggestion was made that it is important that the letter language clarify that the audit is not looking at them personally but at the Forest Practices Act.

**Item 10 – Operator of the Year Review/Field Tour Concept – Kevin Weeks**

**Item 4 – Operator of the Year/Field Tour Concept – Kevin Weeks**

[Handouts: Memo to Lena Tucker; Program Application; Directive 6-2-6-100 Forest Operator Recognition Program]

In December 2012 a comprehensive evaluation of the Operator of the Year Program was completed. 2012 was a startup year after a hiatus from the award due to budgetary restrictions and lack of staffing. The following improvements were suggested:

- Increased number of nominations/projects
- Good regional review of potential nominations.
- Improved organization of the process to encourage participation.
- Improved video capability for review and training purposes.

Kevin proposed a modified timeline for 2013.

- February- June: identify potential projects, submit proposals, informal field reviews
- August – September: Submission of nominees.
- September 15 – Deadline for submissions to Salem/Area review/schedule conference call to review proposals.
- Week of September 23rd – Eligible list/begin Field Tour logistics/Notifications
- October Week One – NWOA Oct. 8 Primary Tour/Oct 9 Secondary Tour date (if needed)
- October Week Two – SW or EO Oct. 15 Primary Tour/Oct. 17 Secondary Tour date (if needed)
- October Week Three – SW or EO Oct. 22 Primary Tour/Oct. 24 Secondary Tour date (if needed)
- December RFPC meetings presentations and award selections.
Kevin shared that ODF is getting communication out to Stewardship Foresters to begin early to look for ongoing projects for nomination and offering assistance in getting good video footage of active operations.

Moving the deadline forward to September 15th will allow Areas to be more involved in the review of nominations. Public members as well as stewardship foresters can provide nominations.

[Lena] There is a short form for nominations in the directive. Be sure not to limit your thinking only to harvest operations, the nomination could be for road or culvert work or other industry projects. The Directive sets the criteria and provides guidance to our foresters choosing nominees. Last year’s video presentations will be available for training.

**Action Item:** Bring nomination forms to each meeting.

The committee was happy with the revised timelines and scheduling.

[Chris] The NWRFPC would request the first week in October, with a tour on October 8/9 so vote could be accomplished at the December meeting. The members prefer not to schedule a meeting date with the tour.

Chris was interested in discussing “consistency” as criteria. Does the directive still reflect current thinking? It may be a challenge for the committee to review the directive for recommendation.

[Steve] Too early a nomination cut-off date may affected by those with ongoing operations that time in the year.

[Lena] Interest in nominations should not be a last minute consideration but an ongoing part of the culture.

[Chris] Reflected hope that stewardship foresters look at the award as an opportunity not a chore. It’s important to the operator community and they don’t forget recognition.

[Candace] Is it required that nominees meet all 5 criteria? Does there always have to be financial risk to be considered? Does it have to be a specific event?

[Kevin] The story should have a beginning, middle and end, so it would equate to an event.

**Item 11 – Action Items Review and Adjournment – Chris Jarmer**

Chris asked if there was interest or need in appointing a “Joint Committee” Chair who could make calls for scheduling issues. If there is not a joint meeting, the members would like to meet in Salem in within the first two weeks in May. Send out Doodle Poll and use Outlook for those members that have access to it.

Agenda topics for the next meeting: (Send topics to Lena)

- Review of Operator of the Year criteria.

There being no further business, the meeting was adjourned at 1:35 p.m.

/s/
Lena Tucker
Committee Secretary
Regional Forest Practices Committee

[12/12/2012]