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 December 5, 2012 at the Forest Grove District office, Forest Grove, Oregon.

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

ODF staff present:
Lena Tucker
Kevin Weeks
Neal Bond
Jeff Hepler
Ashley Lertora
Kyle Abraham
Susan Dominique
Ashley Probst
Brad Knotts
Mike Cafferata
Jason McCoy
Marganne Allen
Mike Totey

Others present:
Rex Storm, Assoc. Oregon Loggers
Eron King
Gary Springer, BOF

Call to Order
Chair Chris Jarmer called the meeting to order at 9:15 a.m.

Welcome, Introductions and Housekeeping
Personal introductions were made of all in attendance. Chair asked for any questions or changes to the minutes from the previous meeting. No questions or changes were offered. Chris made Motion to approve Meeting Minutes from July 17, 2012. Motion was seconded; minutes were approved unanimously as submitted.

Lena introduced Susan Dominique as interim Committee support as Linda Ellis is doing developmental work in the Information Technology department in ODF.
Lena asked and received agreement to continue the joint meetings twice a year with the SW RFPC. Meetings will continue to be scheduled quarterly if there are enough agenda items to proceed and to vary the meeting location at different district offices when available. It was requested that meeting minutes/materials are sent out to members a week in advance and to continue to provide hard copies at each meeting.

Suggestion: [Candace] There is interest in carpooling to meetings when possible.

Action Item
Lena will send out updated committee contact information and new term expiration dates.
Public Comment
No public comment was offered at this meeting.

Item 1 – Review of NW RFPC Nomination for Operator of the Year

[Handout]
The Forest Practices Operator of the Year Award Recognition Program was newly reinstated this year after budget cuts suspended it. The program recognizes those operators that demonstrate a commitment to meeting and exceeding the natural resource protection standards established by the OR Forest Practices Act. Nominations may be made by Stewardship Foresters, members of the Committee or members of the public.

The ODF Directive states the criteria by which operators will be considered for Operator of the Year or Merit Awards. Criteria is as follows:

1. Consistency of the Operator
2. Degree of Difficulty
3. Innovation or Extra Effort
4. Results
5. Financial Risk

The chair introduced nominations for Operator of the Year 2012. Field Tours of proposed projects for nomination were arranged on November 9 in Clackamas/Multnomah counties and site visits for staff on November 15 and 16. Site photos and video segments were made to assist the Committee with review of each nomination.

Nominees: (in no particular order)

1. Desantis Directional Drilling, Silverton, OR
   - 2012 Storm damage removal on Hwy 18. This was an emergency project involving multiple agencies. It was an operational challenge because of MFS, scenic corridor concerns and full suspension with all trees. Difficulties involved moving material around Medium Fish Stream which was at the toe of a slope next to the highway and short time frame of 3 days due to road closures.

2. Fallon Logging, Tillamook, OR
   - Jordan Bound Timber Sale, Tillamook District, cable logging and truck assists. Very steep rocky terrain with limited access, limited landing space with no room to process at landing. 5000 ft drops to reach the bottom of units, trucked out to remote landing areas. Unforeseen road repair also increased costs. Roads at 20-30% grade, vandalism, road construction outside of sale plan.

3. Hennes Logging, Gates, OR
   - Shovel logging in clearcut with 3100 ft of SFS. Excellent felling and yarding on short straight slope too short for cable. Required a lot of hydraulic jack work. No disturbance in the 50 ft RMA.

4. JL&O Enterprises, Kelso, WA
   - Cut to length thinning operation 100 ac in Clackamas County. Operator helped construct and pay for community fuel break on perimeter of unit. High use of mechanized equipment, wet conditions often created postponements to avoid soil compaction. Maintained positive relationships with adjacent landowners, thinning created favorable “park-like” setting.

5. Meng Logging, Molalla, OR
   - Clearcut operation in Colton area on moderate slopes with LFS done with cable system and shovel logging. This operation was during extremely wet conditions and ground had minimal disturbance through the care and effort of operator, at operator expense. RMA was protected above FPA standards.
Committee deliberation centered on challenges vs. choices and noted that consistency though part of the criteria may not come across in the presentations but should be recognized and influential in making a decision.

Question: What about the nominees that didn’t make the final list?
   - Technical issues didn’t meet the criteria.

[Mike] Fallon and Desantis met most of the criteria. The financial risk and difficulty were key. Randy and Steven concur.

[Tally] Consistency is one of the key criteria to consider. Stewardship Foresters would appreciate the committee’s view of the criteria and what constitutes an Operator of the Year nomination.

[Kevin] There are plans to provide more guidance to Stewardship Foresters on this topic. Re-use of the video presentations showcasing top operations will be helpful.

Motion to floor to vote. Seconded. Vote motion for Fallon Logging, all agreed.

[Randy] Desantis, Hennes Logging and Meng Logging are all deserving of recognition.

[Mike] Motion for Merit Award for Desantis, Henness and Meng Logging. Seconded, none opposed.

A Letter of Commendation will be sent from the District for JL&O for their work and nomination.

Comments:
[Chris] Requesting more notice for field tours, there was too short notice and not everyone could attend.
   - Video presentations make it possible to see work accomplished and difficulties in plans but aren’t consistent in quality.

[Rex] Commending the Department for the NW nominations, operators appreciate recognition for their efforts within the operator community and communication with the Stewardship Foresters. These nominations tell the “good story” to the BOF and opinion leaders and landowners.

[Kevin] Reported on the other Area committees nominations. Eastern Oregon reviewed nominations in early November choosing Hagedorn Logging of LaGrande as Operator of the Year for a harvest with intense public use and engagement for the way the harvest preserved the resources. Other EO nominees will receive Merit Awards. Southwest only had one nomination which was a high quality project where the operator worked very closely with the community, even going so far as initiating a public meeting on the operation. The SW committee elected to award the nominee, J. Graf Logging for Merit as they didn’t have other nominations to judge against. SW Foresters pre-screened potential nominees heavily and didn’t nominate others.

[Tally] Should public involvement be added to the criteria, or is it already there?

[Chris] It is covered under “Innovation and Extra Effort”.

[Lena] A short form internal process should be put together to streamline and encourage the nominations and expand the use of video for training tools.

[Mike Tote] These awards were institutionalized for a long time. Bringing them back was kind of sudden, and a short time frame to get nominations.

Question: [Mike Cafferata] Why do we use financial risk as criteria?

[Chris] It is not necessarily financial risk per se, but the willingness to go above and beyond even if there is financial deterrent to do so.
Item 2 – Ashley Probst/Brad Knotts: HB 2165 Changes to Written Plans
[Handout]

Ashley Probst working in a rule-making developmental position in the Private Forests Program provided a review of the proposed changes to HB 2165 Rule regarding the Statutory Written Plan requirements in OR 629-605-0170 Statutory Written Plans and OR 629-635-0130 Written Plans for Streams, Lakes, Wetlands and Riparian Management Areas for changes to requirement for Written Plans near Type F/D and significant wetlands if any of the following criteria is met:

a) Operation will not directly affect RMA
b) Stewardship Agreement is entered into; or
c) Work performed under a General Vegetation Retention Prescription

In addition the Significant Wetlands Written Plan Requirement has been changed to 100 feet from 300 feet and Notification processing has increased from 3 to 6 days.

This Rule-making review process has been divided up into 4 phases:

Phase 1: General Concept outreach (July – Sept 2012)
Phase 2: Draft Rule language review (Sept-Oct. 2012)
Phase 3: BOF check for input for the final presentation to BOF (Nov, 2012 – Mar 2013)
Phase 4: Finalize Rule language, schedule Public Hearings, filing with Secretary of State. (tbd – April 2013) The approved Rule changes could have an effective date listed as to when the changes will take effect.

The initial phases provide valued communication and educational aspects to those involved on this process and identify the impacts of the proposed changes. General Vegetation Retention Prescriptions are still considered value-added to retain written plans.

In general these proposed changes will allow focus on higher complexity operations and require more advanced knowledge of risks to RMA so adds value to Written Plans.

No entry in RMA = No Written Plan requirement

- It is important to incorporate slope criteria into evaluation of risk
  - Ashley added that the slope language was looked at closely, however it was found that the language surrounding slope considerations was sufficient and we didn’t want to end up requiring more written plans due to slope language.
- Standards on unaffected ground don’t change
- Concern that changes may discourage active management in RMA.
- Elimination of unnecessary paperwork for all parties.
- Communication will be key to eliminating errors.

Significant Wetlands Discussion
- New requirement mirroring the 100 foot RMA as a trigger for Written Plans makes sense.

Discussion

Question: [Candace] During Phase 1 referenced in the July minutes there were questions and comments posed but no answers offered in response, will answers be given to the committee?

[Chris] Remembering that answers would be resolved through the rule language. If not the committee should request why. Checks should be made for relevancy.

Question: [Steven] How will we handle situations that weren’t planned for when the operations were planned? (Example: When tree falls into RMA?)
  - [Ashley] We will work on those details through the administrative process.
Question: [Chris] How can we resolve the “directly effect” discussion?
  o [Marganne] We need time to review further. The rule language of the other rule may effect.

Question: [Chris] Are “housekeeping” changes included?
  o Brad will be reviewing housekeeping changes.

Question: [Chris] Would Prescribed Burn dictate a written plan be provided or not?
  o This rule is referring to a Written Plan that is already required due to activity within the RMA.
  o As it is hard to predict when a prescribed fire would be necessary to complete the operation, Stewardship Foresters need to be able to use judgment when looking at the components that are in the RMA that may or may not be affected and whether a Written Plan should be required

Suggestion/Action Item: [Chris] Suggestion made to resend email packets of Rule changes to all members for review and comment by January 11th.

Working Lunch – District Forester Report, Mike Cafferata

Mike C. had taken personal time to travel to Washington D.C. to attend the Supreme Court Hearing on oral arguments in a case that originated in 2006 in federal court in Oregon. In the case, the Northwest Environmental Defense Center sued the Board of Forestry, then-State Forester Marvin Brown, and several timber companies, asserting that storm runoff from forest roads constitutes a “point source” of pollution, therefore requiring federal permits for each discharge point. Mike presented some of the case history, shared his experience as a spectator and provided the committee fascinating antidotes about the lawyers’ comments and court processes.

Item 2 Continued: FPA Housekeeping
[Handout]
Brad Knotts presented proposed “housekeeping” rule changes. The intent of “housekeeping” opportunities and revisions to bills is to take advantage of significant rule change periods to correct obvious grammatical or formatting errors or omissions but not to alter the meaning of any rule. Most changes fell into 3 categories: Typo/Transcription errors; General copy & paste revisions, example, adding definitions and references updates. Some changes were duplications of rules corrections from 629-605-0170 to 629-635-0130.

The committee was instructed to review housekeeping changes and comment back to Brad by January 11, 2013. Final review will be by the BOF prior to submission to the Secretary of State.

Item 3 – Marganne Allen – Riparian Protection Standards Rule Analysis Update
[Handout]
ODF is currently conducting a rulemaking analysis initiated in January 2012. The role of this committee is to develop alternatives which will meet the rule objective of the RipStream Finding from January 2012. In July an initial range of alternatives was established for stakeholder input. In March 2013 ODF staff will present a proposed process to the Board of Forestry for insuring proposed rules reflect a scientific standard. The next steps in that process include determining which rule concepts can be supported by science. A range of alternatives went to the BOF in July. Rule concepts that can be supported by science,
fall within the rule objective and meet the cold water standard to the maximum extent practicable* will be translated into the process.

Question: [Candace] Could you provide a working definition of the MEP rule analysis of changing standards on the ground?

"Maximum Extent Practicable" for riparian rulemaking:

“When applied, BMP(s) are expected to insure that harvest sites with Small and Medium Type F streams will not, on average and across the landscape, result in stream temperature increases greater or more frequent than can be expected under background conditions.”

Marganne Allen - MEP Guidance email 12/10/12

There will be a Systematic Evidence Review, a rigorous, transparent process to identify key questions and literature review table provided to identify primary sources, not as discussions. The goal is to have external reviewers to reduce concerns about agency bias.

Kitzhaber recommended this process in his 1st term. It has been used in State Forests Division on one of their projects.

Comment: [Candace] Following evidence-based criteria limits challenges and can therefore be a benefit to rulemaking.

[Marganne] This makes it easier to report back to the BOF, creating a different conversation.

Question: [Chris] Will ODF bring a package of prescriptions to review?

[Marganne] The science review may discover prescriptions associated with the alternatives. The committee will review the rule language which will include prescriptions. Ultimately, the staff will present the BOF with findings of the alternatives that are backed scientifically. Then that information will be put into rule language and brought back to the committee for review.

Question: [Chris] Will the committee write specific draft prescriptions?

[Marganne] The committee will review language meeting the cold water standard.

Question: [Candace] If nothing is found will the staff decide?

[Marganne] The BOF is looking to establish principles and provide certainty that is qualitative and quantitative. To have confidence in its effectiveness.

[Chris] What is the role of the Regional Committee?

[Marganne] The key role of the committee is defined in Statute:

- To provide adequate Public input/outreach for the BOF
- Review of rules/language to ensure expectations are met
- Analysis of technical feasibility
- Economic analysis

Item 4 – Marganne Allen – FPA Compliance Audit Update

Marganne informed the committee that the FPA compliance audit requiring field-based inspections has a Request for Proposal ready to be posted soon. Criteria for bid awards are not by price alone.
She explained that the audit will focus on Roads and Harvesting rules but little on the Riparian rules at this time. It will be based off the last audit sample and audit approximately 200 operations, stratifying by geography and landowner type. Applications of the rule will vary in the stratification. The audit will include 2010 and 2011 retrospective on finished operations. Roads adjacent to harvest units and the harvest units themselves but audit won’t include cruising RMAs at this time. The contractors will have no enforcement authority and will only be doing checks for compliance. The RFP will have samples to assist in the bidding process but all confidential data will be removed. QA/QC will occur on 10% of the sites by Stewardship Foresters checking contractor work quality. Contractors will just be collecting field data, ODF will take the data and evaluate.

The choice of rules for audit lent themselves to those easily measurable for both active and inactive operations.

Landowner permissions will need to be obtained right away. Companies can be expected to hear from us regarding providing land access within the next week or two. Salem staff will contact industrial landowners if their properties are chosen for audit. The Stewardship Foresters will contact small landowners regarding audit on their properties. Denials will be tracked and backup ownerships notified if required.

To assist in this process the committee is asked to share notice of the upcoming audit. Please direct any questions regarding the audit to Paul Clements, Compliance/Training Coordinator at 503-945-7475 or 503-510-7559.

**Item 6 – Lena Tucker- End of the Year Review of Committee Work 2012**

**Program Restoration**
Other news from the program, 3 positions remain to be filled, Marganne’s NRS3 FPA Field Support Coordinator and Operations & Policy Analyst will help with policy analysis and civil penalties; the vacant NRS4 Roads Specialist position is pending filling with Joe Touchstone; and Jim Cathcart’s NRS3 Incentives Field Support Coordinator. We are now fully staffed in the field with 51 Stewardship Foresters. Kyle Abraham has recently joined the program in our Water Quality position.

**Online NOAP Project Update**
Training on NOAP efficiencies will be coming to the NW soon. Benefit to the customer is next to perfect to provide statewide consistency. Technology won’t solve poor business processes so training will address those. Online NOAP eliminates the redundancy with GIS. System development is going out for bid on a Request for Proposal (RFP) once language is approved by DOJ. Bids will be open for 30 days and bid will be awarded based upon:
- Past experience
- Price
- Presentations

**Committee Assignment**
To review proposed Rule Changes as an Advisory council and extension of the Public Comment requirement. Comments are due back to Ashley Probst aprobst@odf.state.or.us by January 11, 2013 to prepare for BOF presentation at the March meeting.

**Wrap Up –, Chair**
Chris thanked Mike Cafferata for sharing his experiences in Washington with the committee and to the Forest Grove Stewardship Foresters for attending and to Rebecca Edmison for coordinating lunch for the members.
There being no further business, the meeting was adjourned at 2:00 p.m. Staff will send suggested dates for the 2013 meeting schedule

/s/
Lena Tucker
Committee Secretary
Regional Forest Practices Committee

[12/12/2012]