Eastern Oregon
Regional Forest Practices Committee
Meeting Minutes – April 4, 2012

Pursuant to public notice made by news release with statewide distribution, a committee meeting of the Eastern 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 April 4, 2012 at the Cook Memorial Library in La Grande, Oregon.

Committee members present:
- Stan Benson
- Lee Fledderjohann
- Jim Todd
- Martin Lugus
- Elwayne Henderson
- Bob Messinger
- Ned Livingston
- John Warness

ODF staff present:
- Lena Tucker
- Peter Daugherty
- Marganne Allen
- Brad Knotts

Others present:
- Rex Storm
- Rick Wagner

Call to Order
Bob Messinger called the meeting to order at 9:15 a.m.

Welcome, introductions, and Housekeeping
Introductions of committee members were made. Meeting minutes from October 11, 2011 were reviewed and approved with minor formatting edits.

Public Comment
Chair Messinger called for public comment. No public comment was received.

Budget Reduction Update From 2012 Legislative Session – Peter Daugherty

Budget Restoration from 2011:
- 46 vacant positions at start of biennium; 43 positions were restorations to the budget; we hired 12 stewardship foresters last summer; 2 staff in Salem (deputy chief and monitoring coordinator).
- EO RFPC priorities for technical specialists: Hydrologist/road engineer, silviculturist, riparian and wildlife.
- Three month delay in hiring new positions due to the statewide hiring freeze.

Recent update from 2012 legislative session:
- 3.5% reduction in General Fund (GF). Private Forests Program (PF) was able to absorb this with savings from vacant positions.
- Reduction for state government restructure – reduce middle managers/public affairs – PF will give up a partly funded unit forester in Coos Bay to meet this obligation. Currently the Coos District Forester supervises stewardship foresters in that office.
- Overall PF share was approximately $1 million. Our GF reduction was used to backfill the Protection Program.
- One time funding for forest policy support at Governor’s office – working on federal forest issues.
- Livingston: Any plans to stabilize the PF budget into the future?
  - Daugherty: In general, all of state government has had wide swings in funding. The Natural Resource Cabinet has been meeting to propose a stabilized budget for all natural resource agencies.
The Governor’s new strategic outlook:
  - Safety, Jobs/Economy, Healthy Environment, Good Government.
  - Ten-year strategic plan is to address stability and integrated priorities across government agencies.
  - Fire and State Forests: Safety/Jobs bucket.
  - Private Forests: Healthy Environment bucket.

Private Forests Program Restructure – Lena Tucker

- **Recruitments in Process:** Wildlife specialist; training coordinator, invasive species specialist; internal recruitment for a stewardship forester to assist in rule analysis for HB 2165 (written plan waivers for operations that are within 100 feet **but not in** riparian areas).
- **Next up:** Water quality specialist (hydrologist/engineer/geotech combined) will be next up as soon as we fine-tune the position description. As water quality is a hot topic these days, we envision this position taking the lead on the myriad of water quality issues (TMDL process, NEDC lawsuit etc). Depending on the skills of the person we hire, we may recruit for one more position with either a road engineering or hydrology background depending on what we need.
- Cooperative forestry unit manager to lead the forest health and incentives programs.
- Currently evaluating workloads to add back eight additional stewardship foresters around the state.
- Will be recruiting for a **generalist** wildlife specialist with priority issues on the west side, including spotted owls and marbled murrelets.

Riparian Protection Standards on Small and Medium Westside Fish Streams (RipStream) – Marganne Allen

- Focus on small and medium streams – 33 sites in the coast range split between state forest and private lands. Specifically focused on forests practices and eliminated agricultural influence.
- The general exceedance on average .7 degrees Celsius but ranged up to 2.5 degrees Celsius on the high end.
- DEQ – state water quality standard – DEQ has been delegated management of the Clean Water Act by EPA. Cannot exceed .3 degrees Celsius due to human caused activities.
- Shade was reduced to minimum basal standards according to FPA.
- Question on elevations in the study and how that factored into results:
  - State land had no change in stream temperature. State land used 25 feet no cut buffer and up to 175 feet as a variable retention buffer.
- **January 2012 BOF meeting:** Board directed ODF to begin rule making analysis with the evidence of degradation of resources (cold water standard). This could lead to rule revision of riparian protection standards on small and medium fish stream on the west side. We will have to develop scope; how far to apply towards the Cascade Crest.
- ODF will work with stakeholders to determine least burdensome alternatives.
- In April, staff will give the BOF a timeline and steps in the process.
- Economic analysis is a part of the process.
- No immediate plans to address a shade study on the east side.
- **Fledderjohann:** Should landowners do some monitoring now to provide data to ODF?
  - Allen: We would have to assist with quality control/quality assurance, but would appreciate landowner’s time to do monitoring.
- Benson: How tough is it to install monitoring devices based on how often they need to be visited and left on site? Would appreciate some info on how landowners can start some sampling on their own. Is interested in establishing a control site.
  - Allen: We follow the Oregon Plan for Salmon monitoring protocol.
- **Storm:** AOL and OFIC were working with ODF all the way through the development of monitoring protocols and support the study. Industry is not in support of rulemaking at this time. However, we respect the Board’s decision and remember that we have an excellent foundation in statute for the rulemaking process. Science has to support the change. Outcomes have to be cost-effective, least burdensome, and develop alternatives.
Action Item: The RFPC external website has been updated to include the RipStream analysis information from last November and January BOF meetings.

HB 2165 – Waiving Written Plans – Brad Knotts
(Handout: Fact Sheet on HB 2165)
- Internal recruitment for a stewardship forester to do a job rotation in Salem to lead the rule analysis on written plan waivers.
- We will be gathering input from this committee as we develop the rule analysis.

Food Plots on Private Forestland – Peter Daugherty
- Rep. Krieger at Gold Beach wanted information on food plots. Does the FPA allow landowner to establish food plots for deer feeding? (i.e. no reforestation in some areas or leave brush fields for band tailed pigeon habitat)
- Concern about not meeting reforestation standards stocking levels.
- ODF is committed to helping landowners meet their objectives. The FPA includes authority to approve an alternative plan/practice for improvement of wildlife habitat.
- Input needed from the committee:
  - How can we make this easy for landowners?
  - Establish a size limit or standards for food plots?
  - Should a landowner have a management plan to describe the objectives?
  - Is there a potential effect on tax deferral status?
- Todd: Does this just apply to clear cutting?
- Daugherty: Related to reforestation below stocking standards. Some landowners are plowing and reseeding on an annual basis similar to how they establish food plots in the South or Midwest.
- Benson: In Washington, hunting leases are a big thing; folks in Oregon may want to establish food plots in conjunction with offering hunting leases.
- Fledderjohann: What guarantee is there that the landowner is maintaining the food plot?
  - Daugherty: Forest Management plan can help; also an audit such as the free to grow checks under the reforestation rules.
- Messinger: Favors sideboards to define size/standards for food plots so folks who have tough sites are still held to reforestation. They can’t just establish food plots on tough sites to avoid reforestation.
- Messinger: Would you have to define the food species grown on the food plots and which wildlife you are targeting?
  - Peter: Shouldn’t generally be that prescriptive in the rules. Want to encourage and not discourage the landowners who truly want to establish food plots.
- Rick Wagner: This is not a new issue on the east side. Lots of requests for land use conversions (to raise cows), and we have to determine if the practice is incompatible for the growing of trees. Suggest we look at guidance for land use change.
- Messinger: Need to take into consideration potential changes to forestland classification for fire patrol assessment.

Action Item: Peter will bring this concept back to the committee and get some feedback on clarification on administrative rules for food plots.

Update on Efficiency and Effectiveness Review of the FPA (Budget Note #2) – Lena Tucker
- A review of the efficiency and effectiveness of Forest Practices Act (FPA) was requested as per HB 5023 from the 2011 Legislature. We initiated this last summer with the support of an independent third-party consultant as requested (Guidon Performance Solutions). *The emphasis of Budget Note 2 is to improve FPA business processes.*
• Overall FPA assessment: Describes the current state of FPA administration, opportunities for improvement and ranking, problem solving identification and ranking. Based on this exercise, the core team ranked Inspection/Accomplishment reporting and NOAP processing as the highest priority items for Kaizen events.

  “Kaizen” is Japanese for “improvement”, or “change for the better” and refers to philosophy or practices that focus upon continuous improvement of processes in manufacturing, engineering, game development, and business management.

• Pilot Project – Three field offices (Klamath, Coos, Dallas) are receiving training to pilot the proposed process to improve inspection/accomplishment reporting and NOAP processing. The pilot is expected to last 90 days. We anticipate that there will be changes to the processes developed by the Core team. Evaluation of lessons learned in May and decisions will be made to roll out the improved processes statewide.

• Voice of Customer – A two-day workshop was held during the week of January 30th to hear customer expectations for a future electronic Notification of Operations (Notification) system. This workshop was facilitated by Guidon Performance Solutions, ODF’s consultant for the FPA review process. Landowners who regularly work with the NOAP, along with two stewardship foresters and one admin person created a value steam map to determine the ultimate technological solution. Currently IT staff will work with Guidon to frame up the technological solution and develop a Request for Interest to see what type of technology exists in the market and will meet our expectations.

Update on Budget Note 1 (FPA Compliance Audit) – Marganne Allen

• Sample 200 units statewide stratified by area and ownership. QA/QC on 10% sample of those units.
• Focus on rules that can be quantified. For example a 20 foot no cut buffer can easily be measured.
• Discretionary rules are hard for a contractor to sample.
• Capitalize on previous monitoring study.
• Samples will be representative of the geographic areas and stratified according to region/ownership.
• Phase 1 - Recruiting staff to lead the effort – monitoring coordinator and training coordinator.
• Phase 2 – External review committee to discuss protocol development; and internal review committee (stewardship forester); develop Request for Proposal (RFP) for a contractor.
• Phase 3 – In the future develop separate sampling procedure for reforestation. We are working with Oregon State University to help design protocols.
• Warness: RFP process – Are we targeting specific audit firms to bid on the contract?
  o Allen: We will have specific requirements for the contractor.
• Lugus: What is our budget for this process?
  o Daugherty: The Legislature did not attach funding to this. We will need $350,000 per year to sustain an audit. We will be using a few positions that we don’t plan to fill and convert those to contractual funds for the audit. We have been receiving requests for an update audit by landowners who are certified to help with their certification audits. Also, mills who are certifying their chain of custody will use this data. We also need to tell our story about the percent of operations in compliance with the FPA.
• Allen: Starting next week we will be doing some field tests of the protocols to see if they are viable. Testing will be around the state to ensure they are viable in all scenarios.
• Protocols will be developed in conjunction with external review committee, and we will also provide updates to this committee.
• We are required to report back at the January 2013 legislative session to meet the requirements of our budget note.

  Action Item: Linda Ellis has posted Marganne’s compliance audit talking points on the committee website.
Working Lunch – Fire Protection Funding Update – Brian Pew

(Handout: March BOF fire funding report)
- Legislative 2012 session – Fire funding was restored. We didn’t have to take the 3.5% cut.
- Unfortunately, we do have to cut $312,000 in managers/public affairs – Brian is working with Districts in Eastern Oregon to determine the plan. Updates will be provided at the spring association meetings.
- BOF asked Department to convene a committee to review alternatives to address number of large costly fires and the cost of fire protection on lower productivity lands. Concept was presented to the BOF in March. ODF will work on the legislative concept for the 2013 session.
- Livingston: Concern that all the funds point toward suppression not prevention/wildland fuels reduction. Can we do more in that arena?
- Messinger: The strategic investment piece of the new funding structure could be used to invest in more fuels prevention or other fire prevention activities.

Hwy 36/Triangle Lake PARC Pesticides Investigation – Peter Daugherty
- The PARC investigation found no atrazine in any of PARC’s test results, 2-4-D was found to be elevated in six participants which was higher than the national average but doesn’t register on the scale for health concerns. Conclusion: no health issue.
- Next Steps: Pre-post aerial application testing was postponed as no timber landowners had plans to apply pesticides in the area of the study this spring. Air sampling may be conducted in the fall during fall applications.

NEDC vs. Decker - Peter Daugherty
(Handout: ODF Nov 15, 2011 press release)
- No more than 15 months for the final decision from the Supreme Court. We will know in July if the Supreme Court will hear the case.
- EPA has also put a stay on permits for forest roads until the case is heard.
- In July, parties in the Oregon District Court case will reassess. If the Supreme Court grants a hearing, then the Oregon District Court will continue with the stay.
- It is unclear as to what is defined as a logging road. There is no definition in the case.

Update on Bald Eagle Delisting by State – Marganne Allen
- The Bald Eagle was de-listed federally in 2007 and in Oregon in March 2012. This is a success!
- When a species is de-listed, we have a process where the Board can determine whether the species still warrants protection under the FPA.
- Until such a Board decision is made, continue to implement current bald eagle protection measures outlined in OAR 629-665-0220 through OAR 629-665-0240.
- We do not have anything scheduled with the Board to review changes to the FPA due to the de-listing at this time. Ultimately, the Board may either repeal existing rules if protection is not warranted or maintain or modify the rules under the FPAs Sensitive Bird Nesting, Roosting and Watering Sites rules.

Operator of the Year Program – Lena Tucker
(see handouts)
- The committee concurred with the change in field site tours, and we will strive for at least one committee member to participate on the tours.

Wrap Up – Bob Messenger, Chair
- Next meeting is September 13, 2012. The committee prefers to meet in Klamath or Lakeview.
- Suggestion to update external website with calendar for committee meetings and agenda.
(Meeting minutes continued)

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

/s/
Lena Tucker
Committee Secretary
Regional Forest Practices Committee
April 10, 2012