

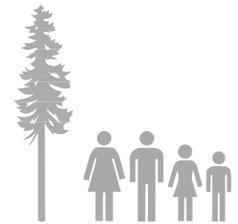


"STEWARDSHIP IN FORESTRY"

Committee for Family Forestlands

Meeting Minutes

April 21st, 2014



Pursuant to public notice made by news release with statewide distribution, a committee meeting of the Committee for Family Forestlands [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on April 21, 2014 at ODF Headquarters 2600 State Street, Salem, Oregon.

Committee members present:

Craig Shinn, Chair
Susan Watkins, Vice-Chair
Rick Barnes, Voting
Sarah Deumling, Voting
Roje Gootee, Voting
Scott Gray, Voting
Sara Leiman, Voting
Mike Cloughesy, Ex-Officio
Cindy Glick, Ex-Officio
Joe Holmberg, Ex-Officio
Rex Storm, Ex-Officio
Brad Withrow-Robinson, Ex-Officio
Lena Tucker, Secretary

Members not in attendance:

Peter Daugherty, Ex-Officio/ODF Representative

ODF Staff present:

Susan Dominique
Jennifer Weikel
Bob Young

Others present:

Jim James, OSWA
Evan Smith, The Conservation Fund
Peter Paquet, Northwest Power & Conservation Council

Agenda Items:

1. Call to Order/Review of the Agenda

Chair Shinn called the meeting to order at 9:08 a.m. Shinn suggested revising the agenda to shift the nomination process to the last item as the committee has guests attending. Barnes asked for time to report on the EQC and BOF Water Quality Meetings he attended. Introductions were made.

2. Approval of the Minutes

Barnes made a **Motion** to approve the minutes of the March 2014 meeting as presented. Motion seconded by Gootee. All were in favor.

3. Public Comment

No public comment was submitted.

4. Bald Eagle Rule Analysis and Compliance with Leave Tree and Downed Wood FPA Regulations – Jennifer Weikel

*[Handouts – PowerPoint presentation on Leave Tree and Downed Wood FPA regulations.
Bald Eagle Protection Standards & State De-listing Process]*

Leave Tree and Downed Wood Regulations

The primary objective for this study an update on a Forest Practices Act (FPA) Monitoring Study, was to examine compliance with the statutes for retention of leave trees and downed logs. The audit also characterized the trees and logs that were retained. The Statute (ORS 527.676) applies to clearcut harvests over 25 acres in size and requires retention of 2 live trees or snags and 2 downed logs per acre harvested. The retained logs and trees must meet minimum size requirements, and at least half must be coniferous. ODF interprets the statute to require that the trees and logs need to be retained within or adjacent to the unit, but the exact location is left to the landowner's discretion unless a Plan for Alternate Practice that provides an equal

or better solution for meeting wildlife needs is filed. Leave trees in the Riparian Management Area (RMA) of a Small Fish stream can count twice. The study results are as follows:

- Conducted in the Coast Range
- 50-50 distribution between industrial and non-industrial units.
- Used actual acres harvested to determine how many leave and down trees were required for compliance.
- The results were 97% compliance and 1 unit non-compliant for both Leave Trees and Downed Wood. Units where an accurate count could not be obtained with confidence were not included in the audit.
- The density of leave trees was higher than what was required.
- Most of the trees observed were young vigorous looking trees.
- Mean measurement was 17" dbh when the requirement was 11".
- There was less than ½ snag left per acre.
- It was about a 50/50 split between trees left in uplands and in RMAs.
- The downed wood was usually legacy wood from the original older stand.
- Leave trees were usually group though scattering of leave trees also occurred..
- Most of the Downed Wood logs that were tallied were getting to the decay class where they might not count for compliance for the next rotation or two. That raises a red flag for the future.

Though compliance was high, determining compliance was often difficult, particularly with Leave Trees. Challenges to making the determination included:

1. Maps submitted with the notifications were often too vague and insufficiently detailed to allow clear identification of unit boundaries.
2. When leave trees were left on the edge of the units, and especially when the next stand had characteristics similar to the leave tree area, determining the proper count separate was difficult
3. Some landowners redesignate or "move" leave trees in order to make future harvests easier. ODF has not determined whether that practice meets the statutory intent when the appropriate number and type of leave trees exist following the subsequent harvest.

Barnes explained that some landowners designate the leave trees outside the actual harvest area in order to ensure that they are not accidentally taken. Landowners he works with show the leave trees on a map and identify the trees by GIS.

Gray agreed. Stimson Lumber tag every leave tree in the field, marks them with GIS, and takes the volume out of inventory. Leave trees are located outside the unit. When the adjacent unit is harvested, leave trees for that unit are added to the stand. The goal is to provide a habitat area large enough to accommodate wildlife needs.

Improving mapping requirements, before and after the harvest, and a more refined tracking system would not require a rule-making process. Compliance determinations will be easier when FERNS is fully operational, because the electronic mapping capability in FERNS will allow designation of proper unit boundaries. Improving communication with new landowners when ownerships change to re-identify where these leave/downed are located will also help. Any new requirements should (1) address actual problems and (2) have reasonably low transaction costs for family forestland owners.

Bald Eagle Rule Analysis (Jennifer Weikel)

The Bald Eagle was de-listed from the federal Endangered Species List in 2007 and from the Oregon State Threatened & Endangered Species (T&E) List in 2012. The FPA's Bald Eagle Rules were promulgated under

T&E. The Board Of Forestry must now rewrite the rules. The roughly year-long rule analysis will begin in July with three options:

1. Rescind the rules entirely.
2. Move the existing rules out of the T&E section into the Sensitive Species section of the Rules.
3. Modify the rules (to make them less stringent) and then move them.

ODF will come back to the CFF for input when the proposals are more clearly defined.

5. Review Draft USFS National Forest Plan for the Blue Mountains – Craig Shinn

[Handout -

Shinn – The due date for comments on the USFS National Forest Plan for the Blue Mountains is now August 15th. We need to determine how to move forward and what we want to say. We can begin with our Eastside White Paper

Gootee: The Plan will be relevant to family forestlands in a major way because of the land ownership pattern across the landscape in Eastern Oregon. Virtually no northeastern Oregon forestlands are not somehow affected by federal forests in terms of insects and disease migrating back and forth through boundaries from both directions. Federal Forestlands have been identified as substantially more fuel-laden than private forestlands. And there are serious problems with fires travelling across boundaries from Federal lands onto private lands. Private Forestland Owners are finding themselves financially rather defenseless in those situations. If we feel that we can't comment on the entire plan, it might at least be appropriate to comment on the interface areas, and the importance of really focusing Federal forest management efforts on those boundary interface areas so we do have a little bit more preparedness in fuel reduction and other issues along those boundaries. We could have different members take different sections of the plan to draft comment and rather than making it one resource issue or story.

Potential Strategy:

- Tucker to check what the State and ODF are doing in terms of response.
- Shinn, Storm, Gottee to review the Eastside paper and identify any problems with the favored alternative. Our response to include reasons why there's a problem AND potential solutions.
- Schedule time to work on this topic at the May meeting,
- Underscore that our responsibility is to local small family landowners.
- Get the numbers on shared boundary ownerships.
- Give greater focus to management along those small landowner boundaries.
- Expand the focus and concept of wildland/urban interface issue to dispersed properties.
- Use examples of private landowners managing for economic, ecological and social values and integrate into a response.
- Everyone: Review Plan on website and identify areas we may want to address.
- Watkins: Forward links to key sections. Alternative E in Volume I of the EIS is the preferred alternative.

BREAK

6. Eastside Private Forest Collaborative Update – Brad Withrow-Robinson

The Steering Committee continues to refine collaborative governance and to work out where the project coordinator would be supervised and housed. It has become evident that the role is considerably more substantial than originally estimated by everyone. The better solution is going to be to have a locally placed coordinator on the ground supervised by ODF or OSU. We are also hearing from the landowners that they like that option as well. The Committee decided to investigate contracting out the Project Coordinator's position, to be supervised by ODF or OSU. The budget must also be better developed, which will happen when ODF receives the grant letter from USFS. Though the Committee had hoped that the project coordinator would be

on board to complete the plan of work, that is not likely to happen. The Steering Committee now believes it will write the Plan of Work.

Jerry Greenburg, Vice President, AFF, has heard about the RxRitter project and asked Holmberg to make a presentation on the project to the national group. AFF is currently working on two collaboratives, the Driftless Area in Wisconsin and Piney Woods in the Southeast, and may be wanting to branch out into another landscape.

Ecotrust Management LLC is also very interested in the collaborative. David Ford is under contract with AFF working with Jerry Greenburg to see if taking their collaborative efforts more nationwide is feasible. Projects would deal especially with the fire situation in the west. Ford will make a presentation to the Woodlands committee to look at implementing 4 projects in the West, including Eastface of the Elkhorns, a project near Ritter Rx in Baker and Union County. They are interested in working as neighbors.

Gootee: We need to balance the tremendous interest that this project is generating on a very large scale with local landowners' interests. Landowners have concern over maintaining independent direction and keeping this a forest owner locally-driven collaborative. The landowner's participation so far is that the Kennedy's are just becoming involved in an active role. There has been a lot of interest among the core landowner group but we haven't had anything to offer in a material way. Many are absentee landowners who are just returning to their properties in the Ritter Valley. There are landownership changes from the original group, so we have some new landowners to talk with. The general evidence is that there are a lot of alternative landowners and I think our problem isn't going to be engaging landowners but where to stop. These funds are not limitless. We don't want to get too dispersed.

Another question is whether the project boundary should be expanded. Certainly having someone like EcoTrust as a partner in this effort is a strength we had not anticipated. EcoTrust brings an interesting perspective and also have a lot of technical capabilities that our other landowners don't have.

The Steering Committee meets again on the 28th of April.

[Action Item: Send out reminder on the April 28th meeting to the sub-committee to Emily Jane and the Kennedy's.]

Report on the framework of the All Lands Assessment of the area:

Cloughesy: As part of my contract to develop the framework for the Landscape Level planning, I'm using a tool called "Forest Planner" that Ecosystem Services LLC developed. I have an outline developed and sent out for feedback. I have extended the deadline for comments to May 9th. I have gotten really good comments so far, the conclusion that I have reached through looking what some other agencies are doing, is that having really good GIS data is essential. We could do without it but there is some great work being done with that tool.

7. Annual Report Format and Direction

Shinn: The Annual Report should include:

1. A **Summary** that identifies the significant accomplishments of the past year;
2. **Projection of the work plan** (prioritized issues) for the coming year..

We need a sub-committee to draft and re-draft in May so we will have a draft for June to finalize for the July BOF agenda packet. Susan Watkins, Susan Dominique and Lena Tucker can work on moving last year's material out of last year's report form and this year's in.

We need to identify and prioritize our work items for next year. We should include Water Quality. Other topics?

Gray: The Landowner Viability Group that Kevin Birch is coordinating has been tasked by the BOF with determining if there are things they could do to help small forestland owners remain viable. The Group has been meeting for some time and we should have an update and opportunity to give that effort some comment and support before it reports to the BOF.

8. Tax Symposium Update – Sara Leiman

The Symposium is set for Monday January 26th, 2015 at the OSU Alumni LaSalle Center. The Committee has developed an outline of action items agenda, funding and publicizing. The OFRI Budget Hearing process has approved the draft budget, which includes \$15,000 to support the Symposium directly and \$10,000 as part of OFRI's OSU Extension Grant to assist Tammy Cushing (Tax and Business Specialist with OSU) with the publications and training. Holmberg will submit a grant request to ATFS for \$10,000 to assist with post-conference education, which could include pre-service learning opportunities for accounting students as well and landowner education.

Shinn: I have started conversations with Business school contacts. They are engaged in the idea but still in the conversation stage. It may be time to write up a one-pager on our intent to communicate this early on. That might be something for the team to get written up. We probably need talking points for the collaborative as well.

[Action Item: Cloughesy to develop promotional one-pager for the symposium, a "hold the date bulletin." Once Lena receives the bulletin, she will forward to Sabrina for the BOF Calendar.]

Points to keep in mind when advertising the symposium:

- As a landowner, what do I need to know to help me plan to minimize my tax burden?
- The expertise is walking out the door. We need to recruit the next generations to forestland accounting.
- Landowner financial viability is key to whether we have viable working forests.

EQC & BOF Meetings: Report on Delivery of CFF Letter

Barnes presented the CFF Protecting Cold Water criterion letter to both the Environmental Quality Commission and the BOF. Quite of few people appeared interested. OSWA was at both meetings and gave excellent presentations. A real positive is that the BOF and EQC have appointed liaisons to keep the communication conduit open between the two organizations. Peter Daugherty addressed the BOF, pointing out the importance from the small family landowner perspective, and the magnitude that small landowners could be impacted. The Chair of the EQC, Jane O'Keefe, attended the BOF meeting. The BOF is taking a step back and now has planned a workshop on the subject. They will be bringing in scientists on the Paired Watershed Studies to make sure the Board considers that information. To me, the challenge is from the Federal level and the push is coming from the EPA. Changing the Protecting Cold Water criterion has to be done at the Federal level.

Cloughesy: The EQC is *also* going to be doing a workshop and have contacted me put together a group of WRC scientists to come and talk to them. It will be the 18th or 19th of June. It would be a 30 minute presentation on the Paired Watershed Studies, Hinkle Creek, Trask and Alsea.

James: I was at both meetings and I felt there was real sympathy from both EQC and the BOF for the plight we seem to be in.

Watkins: If the EQC and BOF went forward together, it would be a good thing. My experience with the EQC is that they don't have the Board-watchers that the ODF Board has. If we could continue to have a presence at the EQC meetings it could make an impact. We don't want legislators and federal agencies to come away believing that Oregon wants a weakened standard. We want an accurate, workable standard.

Cloughesy: There are differences between state rules and how the states apply those rules, including the institutional framework. In a state like Idaho the EPA makes the decisions directly. In Washington, the EPA makes rules that are enforced by Department of Ecology. In Oregon, the EQC makes rules, which are enforced by the DEQ, so that the EPA is further removed from our system here.

Shinn: When the FPA is out of compliance the BOF has to respond. But we don't want to reduce the viability of forestland ownership in the process. At the May meeting, we should look at ways to participate in the BOF workshop.

LUNCH

Fire Rehabilitation (Fire Suppression Repair Plan) - Bob Young, Policy and Prevention Manager

Fire can do a lot of damage. ODF's job is to put the fire out and repair damages we directly cause. ODF has a Fire Suppression Repair Plan that describes rehab work ODF does post-fire in our jurisdictions. For example; water barring, removing berms, repairing cut fences, ensuring roads are travelable, closing roads, and putting water back into stock ponds if necessary. The focus is on the damage ODF actions have caused, not what the fire caused. Sometimes BLM will provide grass seed and we will seed but do not supply it to landowners. We will re-supply stock ponds where we used water from the water tenders, but we cannot purchase water.

Other work may not be considered rehab work but may be included in the cost of fire fighting equipment. The Large Fire Costs are reimbursed by the Oregon Forestland Protection Fund. Districts primarily have only enough money to manage their Initial Attack, putting out 98% of fires at 10 acres or less. If particular damage is not covered by Initial Attack funds, ODF encourages landowners to file tort claims with our Risk Management Division.

Shinn: For landowners the tort claim process isn't a desirable option as their needs are more immediate. They can't afford to wait for the process to play out, nor can they often afford to do the rehab work on their own. The idea of a fund, available for minor needs, at the discretion of the agencies may be a solution.

Another immediate post-fire issue is not financial but legal. Landowners want to know what's going on. Traditionally, agencies are caught in a bind providing answers to landowners possibly involved in pending legal action limits communication. One suggestion was a Safe Harbor Agreement that allows agency personnel to engage in a good faith conversation and be held harmless in the tort claim process. There was interest by the legislators involved in the Large Fire Review committee on this. Another idea was not only pre-staging assistance but communicating what we can and can't do in the immediate post-fire setting and the landowner should know where to turn for assistance. We need to "rehab" the relationship between ODF and landowners as well as damage caused by fire-fighting.

Young: ODF is not liable under the tort claim process for the actions of the fire as long as there is no gross negligence involved.

Deumling: But landowners have needs to repair lands damaged by fire, too. We all assume some risks when we plant trees, but a revolving fund we could tap for immediate fire damage mitigation would be helpful.

Shinn: One question is whether the standards are too high. Another is whether a list of items can be developed that is carefully defined and could be executed in a manner that has a shorter process and more certainty of the result. This is a huge issue for the State and its risk posture.

Gootee: There is some precedent here in Oregon for using an accident claim instead of a tort claim. The accident claim process can be less time consuming and simpler.

Young: I like the idea of an accident rather than a tort claim.

Storm: Resource damage is not something the government is willing to compensate for. When it comes down to the suppression tactics, conscious decisions are made about where the firelines are put. Landowners would rather the fireline be on federal lands. The government knows they don't have to pay for resource loss. That's a serious issue.

Shinn: Landowners want decisions made on the basis that every acre has value in Oregon.

Dominique: Area foresters are often sent out immediately to the next fire. One idea might be to provide personnel assigned post-fire for immediate response.

Gootee: Post-fire communication is central to the relationship between ODF and landowners immediately after a fire event. That is something that could be immensely helpful and an appropriate time to handle these types of issues. Many of the comments that I have heard from frustrated landowners had to do with how the landowner felt dismissed by the agency during the fire event. There have been some really constructive efforts made to repair that situation and in some cases better prepare landowners to be involved if they want to be, in helping fight fire. It has been extremely frustrating to some landowners who have heavy equipment on their properties, they have bulldozers and have the skill to operate them but they are banished from the scene. And in certain instances, they will tell stories of their belief that their extra equipment and manpower could have been useful. There may be some opportunities to improve that situation. By making sure that interested landowners have some qualifications to participate.

Holmberg: Another idea is to follow Montana's example in creating solutions. It could be a recommendation from the committee and a job for Public Affairs.

Watkins: I'm hearing three different areas to talk about. One is the tort claim process, shaping a sub-set of tort claims that are easily handled. Two is rehabilitating what ODF has damaged. The third is thinking about other immediate rehabilitation needs of the landowner. Some fund that can be accessed temporarily for immediate work.

Barnes: Increasing the state's liability is not the goal. But the state should revisit the idea of not reseeding fire trails. I don't see landowners having these issues. I don't hear that concern.

Shinn: One problem is that for some landowners firefighting efforts are a mystery; a wildfire happens once in their experience, not regularly. Communication, outreach and education are keys.

James: The money for a fund or for immediate rehab will have to come from somewhere. Using the Emergency Fire Fund should not be the source. In theory, the 50/50 split in General Fund/Landowners is probably the most logical place to find those revenues.

Recommendations may include:

1. Claim processing issue/solutions:
 - Transparency in the claims process
 - Alternative path (Accident claim process)
 - Small claims quick execution format (Montana style)
2. Immediately post-fire, provide information to amplify and clarify in a list what ODF will do, may do, or is unlikely to do, including whether there will be grass seed or tree seed/seedlings availability. Integrate all agencies' responses;

3. An emergency restoration fund and the question of governance. Not to come out of the Suppression funding.
4. Including something for reforestation assistance. There is a global benefit to reforesting those sites.

James: OSWA will have a bill in the 2015 session on tax credits for forestland owners who are not qualified to reforest. We think that reforestation is critically important.

Glick: The USFS has a Community Wildfire Protection Plan. That information could be included. Internally, at least with the Forest Service we are going to include all the neighboring landowners.

9. Paired Watershed Studies – how do we want to take a closer look?

As noted when Barnes gave his report, CFF will keep track of the two up-coming workshops and continue to provide information and recommendations to the BOF as opportunities arise. The BOF will be making decisions on the Riparian Water Quality issues.

12. Framing future discussions on Contracting/Operator Capacity and Communication outreach to non-forest owners – Craig Shinn

Storm is preparing an informational presentation on these issues. He believes the single most important factor in ensuring capacity is a more stable and larger timber supply adding stability to the market.

There is general agreement that landowners often cannot find anyone to log the property or haul the logs. Neither landowners or operators can count on a steady market especially with exports. Financial barriers are high for younger people who want to get into logging who might not be part of an existing family business, it's so costly to get the machinery. And it seems daunting to try and get training without those connections. You learn by doing.

Gray: We definitely see the shortage in industry, and it's a real issue for us. I don't know what this committee can do about it but we should understand it.

Gootee: CFF could explore whether the small landowner community has different landowner expectations from large scale industrial landowners and whether there might be a market niche for contractors and operators who specialize in lighter impact, smaller scale equipment, which might appeal to small forest landowners. Some landowners are reluctant to harvest because they are afraid of the large scale logging operations.

[Action Item: Rex Storm to present on Contracting/Operator Capacity at the June meeting]

Shinn: Another topic is communication with both non-forestland owners and unengaged forestland owners.

Direct invitations to the unengaged may work. Many were invited to the Tree Farm annual members meeting with good response. OSWA will also be inviting and reaching out to the Annual meeting.

Ownership maps are an important tool if CFF is to be proactive in messaging to the community. Both non-forest owners and suburban inactive forestland owners need to hear the contributions of and challenges to keeping small woodlands in forests. The forests they hear about and see are not all Forest Service lands.

Gray suggests working with OFRI .

Cloughesy is charged with envisioning the 2015 version of OFRI's Oregon Forest Facts and Figures publication. Gathering the information needs to be done before September so the booklet can be put out by December 31 for the legislature. An over-the-summer CFF subcommittee could work on this.

[Action Item: Gather input for OFRI publication at June meeting]

Glick: The All Lands Approach fuel treatment program is designed to reach uninvolved people. CFF could look at that opportunity to reach unengaged landowners.

Upcoming Meetings:

Tucker: Our next meeting is on May 22 at the Comfort Inn & Suites on Hawthorne Street. The first session will be providing for both CFF and the SFSCC to get an overview of the Landowner Viability Study. Mike Kroon will provide a presentation of the Large Fire Toolkit. At one o'clock we will continue in our own committee meetings. Gary Springer, BOF and Ed Armstrong, EQC liaison will be on the agenda at 1:00. Other topics include the Annual Report (need to leave adequate time); Tax Symposium update; items identified today; CFF nominating process selections. BOF member Cindy Deacon Williams may attend.

Shinn: At the June 24th meeting, Ex-Officio positions should be willing to report their interest to re-up their participation. The membership of this committee for the voting members is up to the BOF. For the ex-officios it is up to us as a committee. Mike Cafferata could talk to us on the Salmonberry Trails Project.

Other news:

Two candidates for Environmental Member visited today. CFF members should contact Watkins with questions.

AFF's Bettina Ring has resigned effective the end of April. She has accepted a position of the State Forester for the State of Virginia. AFF is recruiting.

Shinn: Motion to adjourn.

Action Items:

Re USFS National Forest Plan for the Blue Mountains:

- **Tucker** to check what the State and ODF are doing in terms of response.
- **Shinn, Storm, Gottee:** Review the Eastside White paper to synthesize topics and prioritize them.
- **All:** Review plan on website and see what we may want to address.
- **Watkins** will forward links to key provisions of the Plan. Alternative E in the Draft EIS is the preferred alternative.

Dominique to send out reminder about the April 28th meeting to the sub-committee including Emily Jane and the Kennedy's.

Watkins, Dominique and **Tucker** to work on moving last year's material out of last year's report form and this year's in.

Cloughesy to develop promotional one-pager for the tax symposium, a "hold the date bulletin." Once Lena receives the bulletin, she will forward to Sabrina for the BOF Calendar.

Deumling to Follow up with Willamette and OSU re symposium participation.

Storm to present on Contracting/Operator Capacity at the June meeting

All: Gather input for OFRI publication to discuss at June meeting