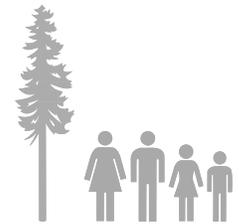




"STEWARDSHIP IN FORESTRY"

Committee for Family Forestlands Meeting Minutes April 25, 2016



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 25, 2016 in the Santiam Room, Bldg. D, ODF Headquarters, 2600 State St., Salem, OR

CFF Committee members present:

Ed Weber, Chair, Voting
Peter Daugherty, ODF, Ex-Officio
Bonnie Shumaker, Voting NW Rep.
Scott Gray, Voting Industry Rep.
John Peel, Voting Landowner-At-Large
Evan Smith, Voting, Environmental Rep.
Mike Cloughesy, OFRI, Ex-Officio
Scott Hayes, OSWA Ex-Officio
Lena Tucker, ODF, Committee Secretary
Meg Mitchell, USFS Ex-Officio
Rex Storm, AOL, Ex-Officio
Roje Gootee, Voting, EO Rep.
Janean Creighton, OSU Extension Ex-Officio
Jim James, OSWA, Ex-Officio

Guests:

Bob McNitt, Forest Seedling Network
Gary Springer, Board of Forestry
Julie Woodward, OFRI

Members not in attendance:

Evan Barnes, Vice Chair, Voting, SW Rep.

ODF Staff:

Susan Dominique, Committee Support
Ryan Gordon, Family Forestlands Coordinator
Angie Lane, Ops and Policy Analyst
Jennifer Weikel, Wildlife Specialist
Nick Hennemann, Public Affairs Specialist
Mike Kroon, J.E. Schroeder Orchard Manager

Call to Order 9:00am

- 1. Welcome** Chair Ed Weber, opened the meeting and reviewed the agenda. The agenda began with a Private Forests Update. Then the CFF Annual Report. Weikel presented an update on the Fisher CCAA rules and a consideration of the Bald Eagle Rules. After lunch, there would be a discussions on the Riparian Rulemaking effort and Roje would facilitate conversations on lessons learned and CFF's future role in the Ritter Collaborative process. Then continuation of discussion from the January meeting on Seedling Availability.
- 2. Roundtable Introductions** (see attendance recorded above)
- 3. Approval of the March Minutes** Prior to the meeting there were edits to the draft minutes requested by Scott Hayes for clarification of his language on the AFF Report and those changes were incorporated into the March minutes presented for approval. Evan Smith Motioned to Approve as amended. Scott Gray seconded that Motion that the Minutes from the March Committee for Family Forestland meeting be Approved as amended. All were in favor.
- 4. Public Comment** No formal public comment offered.

5. Private Forests Division Updates – Peter Daugherty/Lena Tucker Tucker provided an update on the Private Forests Division re-organization and recruitment of a new Field Support Manager. She reported having a great group of applicants and look forward to filling that position by the middle/end of May. Adding that of course that person will be attending your meetings. With that position filled the Division will actually make the organizational transition talked about in March. So Marganne Allen will assume supervisory responsibilities for the Forest Health Team and then the Monitoring Team. The new Field Support Unit Manager will supervise the Technical Specialists, Forest Practices, Civil Penalties as well as our Landowner Assistance Programs. Other news is our Monitoring Coordinator, Jeremy Groom returned to school at OSU and Terry Frueh has been promoted into that position. So that leaves another open position in our Monitoring Unit that Terry and Marganne will be recruiting for.

Tucker went over some of the key things CFF members will be seeing from Private Forests in the upcoming year and a half. Mostly a *lot* of rulemaking work. An update to the Riparian Rulemaking effort is on the agenda. Once the draft language fleshed out it moves into the Secretary of State's process and then there will be planning on Riparian Rule training and implementation. That will be a task which will fall into the new manager's realm. We also have Bald Eagle rules, and Wildlife Food Plots. We (the staff) would like this committee to review the Food Plot rule language as it is drafted. The statute as written is real specific, so it will just be a matter of working the language. But isn't scheduled until after the Department completes Riparian Rulemaking and Bald Eagle rule changes.

Daugherty provided an update on organizational changes in the Department. Kevin Birch, Director of Forest Resources and Planning is retiring. As the Department looked at opportunities for change in leadership they recognized an opportunity. We have the Resources Planning Program and a Partnership Development Program and we have an emerging Federal Forest Health Program, which will be referred to as the Federal Forest Restoration Program. The Executive Team has been looking at that and decided to create a new program which will be called, Partnership and Planning made up of parts of the Partnership Development Program (which really is the grant-building part of our program). Moving the financial (grant tracking and financial recordkeeping) administration (of the Partnership Development Program) will be into Administrative Services. That will leave the partnering part which will fit real well with Federal Forest Health. Temporarily, Chad Davis has agreed to be interim director of Resource Planning and he is also the default program director for the Federal Forests program. A recruitment for the Director position over the new Partnership and Planning Program will be out shortly. There will not be a change in positions just of the upper level administrative duties. Daugherty expressed his belief that there are some real synergies that can be achieved through that in the partnerships.

To explain, Daugherty continued with identification of some of the growing partnerships we have currently with USFS to deliver State and Private Forestry, NRCS and the OR Council for Soil and Water Conservation Districts. Our partnerships enable us to deliver incentives to family forestlands. The Fire Protection Program has an ongoing partnership with the USFS around National Fire Plan, State Fire Marshall grants. Now we have an emerging partnership with the USFS around increasing pace and scale, where we are spending State dollars to increase the amount of activities on Federal lands. A more recent occurrence is the Good Neighbor Authority which gives States the authority to implement work on federal lands. One of the goals is increase the amount of partnerships among both private and state and federal. There is also all the work with State Forests and what partnerships may emerge there are still to be determined.

Daugherty provided a handout on our Biennial Budget Policy Packages. This had just been sent to the Board, so he could speak to that and provide a copy to members. During the biennial budget process, ODF starts with a suggested base budget. Then there is an opportunity for developing budget proposals based on priorities established by the Governor and the BOF to fund services or initiatives beyond our current base. He reviewed the Policy Option Packages (POPs) proposed for Protection from Fire Division; the one package for the State Forests Program, which was actually requested as a re-submit by the Governor's Office, which proposes public funding of public benefits provided by State Forests. The Administrative package is the Federal Forest Restoration Program. And Human Resources is requesting one position to build their capacity and then we have three requests for capital investments in The State Forester's Building; Klamath-Lake and West Oregon District.

In the past Peter reported about Private Forests POPs and about our focus on two programs that serve the most people and get the least amount of funding. They are the Family Forests Assistance Program and our Urban and Community Forest Program. They are both largely 100% federally funded and now they are both about the same size in terms of federal dollars coming in, but support has been declining over time. So we are going to really make an effort this biennium to support sustainable family and community forestry. To do that we are asking for field capacity to enhance our efforts to meet forestry challenges across ownerships and land uses in the wildland interface in communities. This package would fund three 'Community' Foresters. Those are our Urban and Community Foresters. We are supposed to have one in each Area. We currently have two positions statewide funded at 1.5 FTE positions so we are asking for funding to have one in each Area. As well as 12 Stewardship Foresters to work in these Areas one in each district. Allocation of work would be based on need of the area and the range of services they would provide. These would be new positions with geographic focus.

The second package is for Continuous Business Improvements. One is ongoing improvements requested by both landowners and field foresters to improve the functionality of the FERNS notification system and the second part was to address the subscriber aspect of the FERNS systems. We have tried to get both of those permanent funding. We are making it broader than just the e-notification system because we have a lot of other systems that could use improvement and integration into our information technology system. And the last one is Water Quality, Forest Roads and Landslide Areas this is to add capacity that we lost in previous reductions for both our geotech and road engineer positions. It will depend somewhat the Governor's office does with Water Quality this time around.

Springer mentioned the difficulty getting General Fund dollars. But it is the same for other agencies as well and they are predicting another shortfall in GF so agencies may be asked to develop a 10% reduction plan as well.

Daugherty is hoping the Legislature and Governor recognize that they just invested in natural resources. Sustainable Environment is one of the Governor's priority areas and Peter didn't know how after you just invested in Natural Resources, Oregon could then dis-invest in those. As we develop the support for Sustainable Family and Community Forestry we will be bringing that back to this committee. We would like to develop it in such a way that this Committee could make a strong statement of support. And it would be good to get that formal recognition and have your input on the way we are thinking about this.

Jim James offered OSWA's support.

Daugherty added that in this type of tight budget this might be a challenge to fund. But we have just asked family forestland owners to contribute more to the protection of water quality for Salmon, Steelhead and Bull Trout through the updating of riparian rules and he inferred that the least the State could do is seriously consider providing some financial and technical assistance to accomplish those goals.

Springer asked if there is anything that prevents this committee from making those kind of arguments to Legislators themselves in during the session once those bills are introduced. Peter agreed that if we should think about a legislative strategy, and if this committee is interested that would be another avenue to try to get support. Members talking to their local legislators and trying to round up key sponsors. The other part of the strategy is we can always scale down. But beginning this conversation with the legislature about the lack of funding for Family Forestlands and Urban and Community Forestry may not be a one-biennium strategic initiative. We may need to go back and repeat this the following biennia. It is a Strategic Focus Area determined by the Board work plans along with our assessment of where the greatest risks are to forest conversion, fragmentation and parcelization.

Hayes offered that he thought the Tree Farm System and OSWA would be interested in that legislative strategy and bringing more folks to the table.

Peter offered that one of the reasons we linked it with the Urban and Community Forestry ask is that there is strong support for our Urban and Community Forestry program and that will bring in people that normally don't come to our Budget meetings. He thought there are strong partnerships there that could be engaged. Tucker followed up that in

terms bringing information to the members we have to get the Fiscal Impact Statement completed at the end of April. The complete package is due at the end of May. She could bring a draft to CFF's May meeting.

At this point in the meeting the conversation went off topic to address a question on the status of the Gypsy Moth Spray in Portland and ODF's participation in that effort. Daugherty provided that ODF was supporting the air operation through our Fire Protection Division and technical advice through our aerial surveyor, Danny Norlander and Invasive Species Specialist, Wyatt Williams. But added that the project belongs to Oregon Dept. of Agriculture. Lena added that Wyatt would be invited to speak to CFF on how the project went. On those lines, Peter reported that project reopened the debate around the amount of notification provided the homeowners in Portland and how that relates to the expectation around notification of herbicide sprays on forestlands.

BREAK

6. Review Draft CFF Annual Report – Ed Weber Members got copies of a draft of their Annual Report for discussion of format and prioritizing work plan topics. Weber will provide the opening statement by this Friday and then pass out to everyone for review and comment. The idea would be to have it to the Private Forests Chief a week from Friday at the latest, so that it will get to Doug Decker, before the (BOF) June meeting. After the opening statement there was an outline of the year's Work Plan and detailed accomplishments on work plan topics from the past year. In the past, that was followed by the work plan suggested for the coming year. Dominique shared her process for reporting the meeting accomplishments under the work plan priorities. She asked the members for consideration of the placement of the topics and whether those summaries were sufficient or an overabundance of detail.

Smith suggested the report didn't need to provide the level of detail as drafted. And thought that the Executive Summary, first page or two is what matters and to remove personal references. Interested parties can look to published meeting agendas and minutes for the detail of committee work. He saw a breakout of bulleted points regarding the major issues was sufficient along with thanks for those that contributed and supported CFF work.

Tucker assured the members that it was their report and didn't need to remain in a given format.

Creighton offered that we should make sure that there is enough detail to tell the Board what we did, or what we got to.

Weber led a conversation about the process of prioritizing issues for the future work plan.

Hayes agreed with Evan on having the executive summary on the first page and then discuss the relevant issues that the Committee dealt with 2015 with hot links on those issues to the meeting specific documents. Then, the second part of the Executive summary would speak to what the committee is going to focus on, issues and policies, in 2016-17.

Smith agreed that the interested public would look to the posted Annual Report to understand the work of the Committee. For BOF members, it is up to us to report those accomplishments to the Board. He acknowledged that it is harder to write something shorter than longer and these topic summaries would need to be worked on by a sub-group of a couple of people to further refine the detail provided to a concise summary for ease of Board review.

Springer: As a receiver of this information, this is a very good idea. The reports have been very long in the past and hard to get through by Board members. And there is always the opportunity when you give your report, if a Board member wants more information they can ask right then too.

Storm, in agreement with this discussion stressed this is an opportunity for the Committee to re-emphasize those positions that we have provided to the Board over the last 12 months. Another chance for us to validate our positions and to reinforce our decisions.

Weber asked if the members could pick three or four items of importance and then at the May meeting we can work through the new work plan exercise. Tucker added that for some topics it has become a continuous plan and re-prioritization each year. But highlighting the areas of focus for next year could be done in the Executive Summary. There was a reminder that to some extent we should be mirroring the BOF prioritized issues to fulfill our Committee's function to provide recommendation on their actions.

Action Item: To sketch out the Executive Summary with assistance from Lena and Meg, edits and review to be due by Friday, May 6th.

Nick Hennemann suggested a narrative format all the way through with clear goal statements and resulting actions.

Springer offered his perspective on the tight deadline. That it is not uncommon for the Board to get an abbreviated reports from the agency staff for the Board packets and then have a handout at the Board meeting of the actual bigger document.

There was further discussion on the use of the Executive Summary to emphasize the biggest issue, where there was actually some sort of final reporting, or recommendation made. Such as the Tax issue; Ritter Collaborative; Riparian Rules, and possibly the Seedling availability issue. Members added Fire Preparedness, After the Fire issues and Water Quality. Typically staff brings an end of fire season update in September or October. And then in May we will bring you a fire season outlook and update on the Fire Review Committee, budget and funding. Last month there was a discussion on Prescribed Fire Liability still with potential actions to be taken.

Smith recognized the importance of a topical updates which provided valuable discussions but didn't have an associated product come out of it (to this point). The general importance of keeping up with the issues enabled members to provide input to the family forestland perspective and also to provide information back to their constituencies. So, fire, herbicides, Bald Eagle, Fisher and Martin would be emerging or ongoing issues.

Gootee directed conversation to fire related issues and the Committee formulating action in that area. She agreed that we have done some very valuable information gathering this past year, but we haven't really pushed Fire forward as an action issue, particularly. Some things that could be really helpful would be exploring ways to empower private landowners to use prescribed fire treatments to mitigate severity of wildfire. Acknowledging that the liability issues and the capacity issues are quite overwhelming. So it would be interesting to explore some non-traditional avenues to resolving some of those problems. Also exploring assistance to landowners regarding becoming a Fire-Wise Community, which would enable neighborhoods to take advantage of some significant funding to help them with fire preparedness. Creighton added that there could be opportunities for this Committee to find organizations and groups that are working on those issues and then support and partner with them.

Coming back to 2016-17 planning Storm added that this issue combined with the Fire Program Review would be very timely. As the Board will be addressing Fire related issues as well. So next year this should be a top priority issue; use of fire and prescribed fire in reducing fire on small family forestlands.

Action Item: Weber suggested we could take this to the next step and try to help identify some of that capacity and how we might team with others. Maybe we start to talk to other potential partners that may offer opportunities to small private landowners that might wish to engage with these initiatives. Weber believed that it is important to make sure we are up to speed on available resources so we are able to communicate opportunities to small private landowners when they do exist.

Mitchell offered that there is some temporary funding authority through the Good Neighbor Act and the Farm Bill specific to intermingled and adjacent land ownership situations. Where you have checkerboards, where you have intermingled or adjacent State and private lands and you want to do some over here and some on Federal lands and some on private or State lands, and it may involve watershed restoration, fire restoration or also may involve some restoration of roads, culverts and other facilities. That part is a temporary authority which expires in 2017. If in 2016

if we can find one area to pilot some different approaches to use that authority. Giving us temporary authority is Congress' way of saying, 'let's try this, and if it works or starts working somewhere, maybe we'll consider making it permanent'. So the advantage to Oregon is to find something that might help to pilot that in 2016 and maybe with implementation in 2017. So think of it as Congress' pilot authority to try somewhere to demonstrate its use. It could be some of the ideas you were talking about. The intent is for the State and the Forest Service to work more closely together. Where that leaves room for the private landowners is to play through the State on something they are wanting to do with the Feds and adjacency. So fire, burning, those kinds of things could be good demonstrations of that. Look for places where you may already know your constituencies are already trying to cross ownerships and finding some barriers or want some help. Something people are already wanting or intending to do.

Gootee replied that the Ritter Collaborative has already begun exploring the Good Neighbor Authority as a possibility in that part of the State. Roje thought Meg's suggestion of picking a target area and really testing this Authority would be a really worthwhile thing to do. Smith thought that Good Neighbor Authority, Federal Forest Restoration, and All Lands Approaches should be one of our continued priority items for next year along with Collaboratives.

Members remunerated other, and continuing issues for the plan: ecosystem services, economic viability, infrastructure, tax implications. A lot of small landowners are definitely feeling the squeeze. Tucker reminded the group that they received an update May of 2015 on landowner viability from Kevin Birch, ODF Resources Planning Director.

Storm agreed with all this but emphasized that the awareness and education is a big part of that viability as there is some completely untapped, unserved, unawares community out there. From an infrastructure standpoint there have been rapid changes in availability of infrastructure to generate market opportunities. There have been 5 mill closures in the last 6 months in Oregon, it's still going on and those things are going to continue to change.

Action Item: As Tucker had captured additions to the work plan list. She will format it like your report, and get that out to members for review. It would be for work to be considered for the 2nd half of 2016 and beginning of 2017.

They discussed the timeline for completion of the Board materials. The May meeting is the 23rd. The Board meeting is June. We would have to email the Annual Report to the Board before their meeting with sufficient time (1 week) for their review and bring hard-copies to the meeting. Lena will be submitting only the Staff Report which says that the Committee is submitting their Annual Report and will present it at the June meeting.

7. Fisher CCAA Update – Jennifer Weikel, Wildlife Specialist Weikel provided an update on the listing status of the Pacific Fisher and resulting CCAA agreement availability. As reported recently Fishers were petitioned for listing as a candidate species on the ESA list. At last report we were waiting anxiously to find out what the listing decision was going to be. That decision *has* been made that Fishers are *not* going to be added to the ESA list. Part of the work that went into that decision and actually influenced that decision was that there were a collaborative group of folks in Oregon, Washington and California that were taking proactive conservation steps. In Oregon, it has taken the form of a development of a Candidate Conservation Agreement with Assurances, (CCAA) which is a proactive agreement between non-Federal landowners and the USFWS whereby the enrollees agree to do something to benefit Fisher. In exchange for that, they get regulatory assurances that if Fisher gets listed later they won't be held to ESA standards. In Oregon and in Washington the conservation actions are really focused on re-introduction or possible future re-introductions of Fisher on the landscape. So they are looking at population levels and geographic locations. As the Fisher was not listed, the time crunch is gone for enrolling in the program. This CCAA will be in place for 30 years and is available for landowners to enroll. The conservation actions that are in the document really center around these collared Fishers that are going to be part of these research studies or re-introduction efforts. If one of these collared Fishers show up on a landowner's land who is enrolled, it could possibly effect ongoing operations. The landowner would be required to allow access for monitoring. If a Fisher den shows up within a quarter mile of an active operation there could be restrictions until the Fishers move their den. But the restrictions are only temporary. They typically have one den they will birth in and then they move quite frequently. And it's just these reproductive dens that have protections, males aren't covered at all under this. That's it in a nutshell. The Fish and Wildlife Service has

told me if folks are interested they can do a little workshop for small private landowners. To provide information or if the Committee is interested in them coming to talk about it they can make that happen. Cloughesy noted that a number of companies have sent Letters of Intent that said they will do the CCAA. Right now the focus is on the population monitoring. Last I heard they were looking at the north Cascade Range, south of the Mt. Hood area. The primary zone will probably be the Cascade Range. The Coast Range is still in play, it was a part of the original range of the animal. That would be a lower priority. The reintroductions themselves would be on Federal lands but the animals will probably move onto private lands.

8. Bald Eagle Rules Review and Discussion – Ed Weber/Jennifer Weikel Weber drafted a summary of the issues at play in determining Bald Eagle protections from Jennifer's previous presentation. The first question was; "Do we want to weigh in on this issue?" And if yes, which path forward do we support: out right rescission or rule modification?" And then we can get into a discussion as to how we want to support that. Weikel assured members that nothing had changed from her report to the Committee in December. She reminded folks that the Report will be presented to the Board in April but staff is not expecting a decision until July. The Chair opened discussion on what type of action or comment the members want to provide.

As a refresher on the topic, Weikel walked members through the de-listing process and options. As the species is de-listed but rules are still in the T&E section, so the Board has to take some action. In general, the options are that they can rescind the Bald Eagle rules, (for Nest tree, Roost Tree and Foraging Perch Tree rules), move them, as is, into the Sensitive Bird rules, where we have Osprey or Blue Heron, or modify them under Sensitive Bird rules. And so in the paper we described two of what we consider logical approaches for modifying the rule for nest trees. One approach would be keeping the structural protection. Another takes away the ½ mile of site down to a ¼ mile but allows some flexibility. The Federal guidelines takes it down to 660' for most activities and 1000' for aircraft. Springer asked for clarification on what the effect of the Board rescinding the rule would be, noting that they did that in Washington. The effect would be that protections would fall back to the Federal Bald and Golden Eagle Management Act. Weikel explained that the Act is similar to ESA in that you can't 'take' an eagle but the Eagle Act focuses on the bird itself and the nest structure itself so it is fairly limited. In our conversations with them, it sounded like there won't be much proactive assistance for landowners. It would be different, not bad, just different and as you lose the ODF technical assistance piece.

Hayes agreed with moving the rules to the Sensitive Bird section and protecting the nest tree during operations. Members continued discussion reflecting on how Sara Leiman's (former CFF member) bird circle affects her harvesting. Weikel's report recommends a protection of the nest tree and a 330' buffer around it. That part is not a change.

Weikel continued that she isn't making a strong recommendation this month, so everything is still in play. So as far as the 330' buffer whether you can operate in there, the way we handle it now is on a case-by-case basis under an Alternate Plan. Most of the concern she reported in the protections was around blow down of nest trees when the buffers are lost and that, nest trees in particular, are mostly the old, old big conifer trees which are still a really key resource and are generally not replaced on private lands. So the argument in the paper is that the least recommendation for any protection at all is protecting a resource unique on the landscape that is critical to the species. If you had a 40% reduction of nest trees on the landscape if 'take' was allowed on private lands it certainly would impact populations.

Weber asked about the feasibility significantly reducing restrictions on the use of the forest, or providing more flexibility for the landowner on how they use their property and resource, while still providing adequate protection for the eagle. Mitchell suggested that this may be a case for ecosystem service incentives, because if a landowner willingly provides those protections it would be benefit everyone and even if reverting back only to the federal act guidelines. What incentives could you provide landowners to site and regrow nest trees for the future? There should be benefits to that choice to go higher than regulation especially for the National Bird.

Weikel agreed. There is a disincentive for growing older timber used by some ESA species. And as a catch-22 the Safe Harbor Agreement which is set up for Spotted Owls wouldn't work on Eagle as they are now an unlisted species. And even if an ecosystem services incentive was freed up it wouldn't relieve the regulatory restriction from the federal act. USFWS do consider this voluntary but say they prioritize their enforcement on those who aren't following the guidelines. They aren't willing to say that they won't enforce. Weber noted that the species would need to be re-listed to provide Safe Harbor for landowners. Weikel continued that it is possible that the CCAA is an option on the federal side for eagles. On the State side, we do have the Stewardship Agreement Program, which is something that, depending on where the Board goes in the rules...the landowner could enroll in the Stewardship Agreement Program documenting their habitat effort. They would have to describe what things they are doing for eagles, to meet or exceed whatever the State regulations are at the time, then they would get regulatory assurance that if eagles were relisted later they wouldn't be held liable for that.

Smith asked if there is an in-between position where ODF can continue to track, maintain the database, provide information to the landowner and inform them of the federal recommendations without it being a FPA requirement. In answer, if rules are rescinded and not tied to the FPA we wouldn't have funds or authority to do so.

Storm saw rescinding the rule a plus from the standpoint that with ODF's limited technical assistance funding this is a chance to scale back some administration.

James also advocated dropping them altogether. Gootee wanted clarification on what advantage there would be to continue state regulations. The main reason for having the continued state protection of the nest trees is the fact that 40% are on private lands and the large size of the trees. State protection also provides continuation of the database, technical assistance, and stewardship forester help. If rescinded we aren't going to maintain a database or screen notifications for eagle nests near operations. And currently, there is no coordinated effort to compile data from other agencies nor do statewide monitoring.

Recapping, Tucker asked if the Committee wanted to recommend to the Board that they go with just the Federal guidelines but then ask us to continue monitoring. Weikel reiterated that our nexus wouldn't be population monitoring. The Fish and Wildlife Service *is* apparently supposed to be doing population monitoring as a part of the ESA decision but it doesn't happen statewide. So what our nexus would wind up to be, is more like effectiveness monitoring.

Hayes recalled that when the BOF adopted this rule, if a T&E species was delisted it would be considered for the Sensitive Bird site rules, to me the logical step is to list it under the Sensitive Bird site rule that the staff lists in here. But for the Board to require landowners to have several thousand dollars in timber set aside for a nest tree for a species not listed anymore there should be compensation. The only worry is the vague jeopardy of the federal enforcement of 'take' of the bird. Jennifer reported that the USFWS will be coming to the July BOF meeting to talk about the Eagle Act.

Smith recognized that there is a lot of interest by the members in reducing the requirements for the landowners and Private Forestry staff workload but is it without judgment on the biological consequences? And even making it voluntary doesn't take any more or less work off staff as we would still have to maintain a database and provide information about what the voluntary guidelines are.

Action Item: Weber suggested that we now have a collection of thoughts to work through and maybe we can come up with some very general language and see if we get a reaction from people. Let's review by email and if not we will continue the discussion in May.

Springer: This has been a great discussion by the way, that would benefit the Board a lot to hear that...if you could figure out how to summarize it...

LUNCH

[Daugherty passed around a one-pager on the Greater Forest Park Ecosystem Project.]

9. Riparian Rulemaking Update – Angie Lane, Private Forests Operations and Policy Analyst Lane prefaced this update by inviting members of the Riparian Rulemaking Advisory Committee to comment if she misconstrued any information. CFF members also on the RRAC are Rex Storm, Scott Hayes, Peter Daugherty, Jim James, and Lena Tucker. Last time Angie presented an update she shared the Committee’s website and information out of the Charter that had to do with the questions the committee needed to answer to help clarify the Board’s decisions. The RRAC approved their Charter in April and it was published. The RRAC worked on achieving consensus agreement with the concepts of well-distributed, conifer diameter size, SSBT stream extent, valley azimuth and others but may defer to staff concepts until they can see the draft rule language. Where they did reach agreement on **Leave trees** the language they came up with was, “*For both Small and Medium SSBT streams, any tree in the RMA that meets the wildlife tree requirements can count as a wildlife tree. And, up to 50 percent of required wildlife trees can count towards meeting basal area requirements.*” So that is language that we will adopt verbatim and put it into the final rule language package.

There was a sticking point on what data layer to use to determine SSBT using ODFW’s Fish Habitat Distribution (FHD) Layer. The rulemaking advisory committee expressed general agreement that the FHD layers that have documented observation, or presence designated downstream of documented observation are legitimate to use in the rule. The committee determined that they would wait for rule language before responding further. What they did agree and achieve consensus on is the SSBT Update language. Consensus was reached on *whatever rule was in place when the notification was filed applies to that unit plan, as long as there is no evidence of gaming the system and notifications cannot be expanded beyond the two-year allocation.*

Daugherty clarified that where they had agreement was in the use of the current distribution in the ODFW Fish Habitat layer but there is a variety of information informing that distribution. Some of it is observed presence, some of it professional opinion. So while there was agreement that documented observance would count, there was disagreement over whether professional opinion counted. The concern was in accepting data from biologists working for particular stakeholder groups. There was a clear statement that there is a great deal of respect for ODFW fish biologists. They wanted assurance that any further updates involved only the agency biologists. There was only concern about non-agency biologists.

One of the topics the Rulemaking Advisory Committee did not fully agree on is ‘**well-distributed**’ as a descriptor of basal distribution in the RMA. Some parts of their discussion included whether it should just be a narrative statement or should it contain metrics so we can measure for compliance and enforcement? At their April meeting, two proposals were put together. One had metrics integrated in the proposal including zoning the well-distributed. The other alternative used canopy gaps to determine ‘well-distributed’ throughout the RMA and had more exceptions which should require Written Plan approval and discussion of active management in the RMA to advance the DFC. Members are currently working on proposing language with aspects of each idea.

The **conifer diameter size**, in rule does not include a requirement for Small streams. But they recommended that the requirement should be 8” for Small *and* Medium SSBT streams.

Also on the RRAC’s agenda was **Stream Extent** and the immediacy to harvest units. For this topic, in April the committee discussed rule terminology, like what does ‘immediate’ mean; what does Main Stem mean; what does mapped SSBT mean? [Angie described a Lidar Map image which showed an imaginary unit with SSBT and Small Fish higher up and with tributaries.]

The Board’s direction was that if SSBT use ends within the harvest unit, SSBT protections would continue upstream following the main stem through the immediacy of the harvest unit. RRAC members rapidly agreed that the stream’s main stem would be determined by which stream drew on the largest basin size. Other tributaries below that would not receive protection.

The other concern was in ways that the rule could be circumvented by creating administratively different units to notify on that are adjacent to one another. Basically there was concern that landowners/operators would 're-negotiate' the upstream extent of SSBT protections by how they chose to define the unit boundaries. But those familiar with forest operations disagreed that it would be an issue. It was agreed that adjacent units in the same time frame would be considered one unit for the purposes of protection of SSBT upstream extent.

Another discussion was on determining east/west azimuth for the option of **North-sided Buffers** and the appropriate segment length to apply. And one of the key questions that we asked the committee to consider was whether we could screen the exclusion or inclusion of stream reaches through a GIS based map or in the field. RRAC Members agreed that we could use the mapping as a screening process to determine if the unit was qualified for this type of prescription and it could be determined that would be measured in 200' stream segments with measurement of the azimuth at the end points of the segment. Field verification would be possible if the landowner has disagreement with the determination. But it would be the landowner's responsibility to ensure that their plan complies with the rules. Peter continued to say that we are trying to make this fairly easy for someone to see if they may be eligible, that information can be contained in a written plan.

Lane continued that the last discussion was on the determination of **parcel, encumbrance and equity relief**. Those discussions are ongoing. At the April meeting, Jim James had proposed a definition for parcel that everyone seemed to accept. There was disagreement on whether the BOF decision on an equity relief for small landowners actually provided the intended relief using the calculation provided at 10% of additional encumbrance. Staff are working on the distribution of percent encumbrance and how that lays compared to the overall population. With this calculation when you get above 40 acre parcels it is hard to achieve 10% encumbrance. You want to grant equity to those that are differentially impacted but the question becomes how do we measure that differential impact and where should it fall? Peter asked for comments on that from CFF members.

In one exchange a CFF member said, "When it falls on my property it is unacceptable impact". And was countered by another to say, "If it falls on his property it is totally acceptable to me!" [Laughter]

Daugherty summarized that with the Board's use of the word 'parcel' in determining encumbrance, needed to have a third party verification of its legality as a unit of land. Parcel is not a tax lot and we don't have access to that information. Peter thought that with Jim James's definition provided, there was strong concurrence with the idea of "*a contiguous unit of land that was in a single ownership...*"

Finally the RRAC members were provided information on the **Fiscal Impact and the Economic Analysis** of this proposed rule. The Department needs to estimate the total economic impact on the forest product industry, overall statewide economic impact and consult with potentially affected landowners and then present that information to the Board. That information has to be available to the public prior to the close of the public comment for rulemaking. So fiscal impact is a statement that gets filed with the rules and it is specific to small business, agencies, local government and the public. That is part of the administrative law. Springer added that while the Fiscal Impact looks at the big picture it would miss the impact to individual landowners which is the concern they wanted to address. To continue, Peter announced, that they are doing a survey of potentially affected family forestland owners about the impact of the rule, or their awareness of the rule. That is going to be conducted out of U of O and the Ecosystem Workforce Group. They are using the Partnership for Education Landowner Database for contact information. It was noted that the list can be drawn to include or exclude industrial contacts.

Angie Lane is heading up staff work on **Draft Rule Language**. One option involves placement of the SSBT rule language into already existing Rule Divisions: 600 Definitions; 635 which is water classification and 640 is the vegetation requirements and types. The second Option was to design an entirely separate division for SSBT protections. The RRAC didn't think that Option Two, assigning a separate rule number was favorable. But she added that we have an Option 3, and that is to assign a rule number specific to SSBT requirements in within each of these divisions. Because when we started embedding some of the language for SSBT into these divisions it got lost in the chaos of

language. Angie said staff and the RRAC we are running out of time, and announced that to get the draft rule language and recommendations to the Board in July, we are going to have another meeting in June. In September, we will take the Proposed Rule Language and the Fiscal Impact Statement to the Board for Approval. All that will get published in the Oregon Bulletin in October. We can start holding hearings in November and December. In addressing a previous inquiry from a member, she noted that four more public hearings were added to the five we already had, making a total of 9 hearings.

Peter added that it will also give us time to review language with the NW/SW RFPC (and it should be noted that there is representation from both committees on the RRAC). He thought generally there will be pretty strong support for the policy recommendations, except perhaps the SSBT decision, where we haven't gotten agreement on part of the current database.

10. CFF Role in RLMT Collaborative Process – Roje Gootee Roje Gootee, long standing CFF member announced she would be transitioning off the Committee for Family Forestlands in June. She had been charged for the last going on 4 years now, by the Committee, to be the point person for the Ritter Collaborative Project. So members need to start thinking about how we are going to transition with the Collaborative as she officially leaves the Committee in June. It is her intent to create a smooth transition that provides some uplift to this group as they continue to go forward. In that context she gave members a brief update on what's been going on with the collaborative and some of the lessons learned. The biggest news is that Ritter's Project Coordinator has resigned. His final day was April 8th. Since that time the Operations Committee has kept the project rolling forward and quickly gaining momentum. The new position has already been advertised. The good news is, one of the members of the Operations Committee is a deeply qualified person and is interested in stepping forward in the Coordinator role. Roje provided members with a brief biography of the interested party's professional experience.

She reported that as of October 2015 the Strategic Action Plan was in roughly final form and is still growing as new landowner data is entered into the Plan. Mike Cloughesy's planning tool has been enormously helpful to the group. Grant Soil and Water has authored the Plan for us and has been working integrally with the Collaborative all through the development.

In February of 2016 the group held a Juniper Workshop that was led by Bob Parker of OSU Extension. Roje shared that they have had really dynamic conversations with Sustainable NW who is very actively looking to develop markets for juniper wood for outdoor products. This has spawned a whole snowball of conversations about the possibility of the collaborative actually developing an internal capacity for processing wood and is attracting quite a bit of interest from Sustainable NW and we've had some preliminary conversations with Meyer Memorial Trust. But increasing the value of the wood in some on site production would mitigate the hauling costs getting things to market and potentially wean this collaborative off its dependency on grant funding.

RMLT has a Title II Grant that is pending, it has been pending for about a year and half now, but they are expecting a decision in June about whether they will be awarded. The group also has put in for some OWEB grants in the April 2016 cycle and are exploring a NRCS RCCP. Meyer Memorial Trust has also expressed some interest not only on the sawmill project, and are interested in perhaps providing some capacity-building support to the Collaborative. Another private foundation, BellaVista Foundation, has a pretty strong affinity for our area and has expressed interest in learning more about the Ritter Collaborative. We have applied to become a FireWise Community which would improve the ability to attract funding to assist with fire preparedness. So all in all Roje reported that the Collaborative has a lot of good momentum right now. It is nonetheless in a position where it can use some additional advice and support. RLMT are proposing to reconvene a more active role for the CFF Advisory Committee and begin to do some brainstorming about carrying this group forward. Although the landowners remain very interested, engaged, and enthusiastic, and they obviously would like to accelerate our ability to attract some project funding.

So, lessons learned, Roje proposed that the members should discuss what was learned as two different subsets of lessons, one at a time. One would be lessons that would generically apply to any collaborative startups. And the second set of lessons more relevant to this group are lessons pertaining to CFF's role in trying to start a collaborative.

Lessons Learned:

- Private landowner collaboratives have to have a lot more agreement than disagreement. What really helped Ritter is that they coalesced around the Strategic Action Plan. He thought the process of going out with the Discovery Tools and bringing together what people thought, has made a difference.
- This group's homogeneity and the fact that they are not crossing boundaries suggests it makes it easier to find common interests.
- Leadership does not always reside in the person who has the formal title or authority to make things go. With Roje and E.J. Davis, OSU you have multiple leaders.
- It is easier to attract grant funding for *planning*, than grant funding for *doing*.
- Roje noted that regarding internal processes, they continued for too long trusting that things were well in hand as far as grant applications but they were not. Provide adequate oversight.
- But the general challenge with project funding, is that in eastern Oregon there tends to be a great deal of money available for riparian improvement projects and certain other types of much more focused interests. There is less money available for the large landscape problems which are juniper encroachment and lack of wildfire readiness and so on.
- The other thing that is really problematic for project funding, is that agency funds are frequently directed away from cost-share projects by emergencies. Agencies have to find dollars from somewhere to reseed this large landscape after fires. So that's a fairly frequent problem for that area.
- The challenge of keeping landowners engaged is a common for a lot of collaborative groups because there are a lot of hurdles, whether its wildfire that grabs the money away, or just red tape we are dealing with. And it may take over a year to get promised funds.
- RMLT was frustrated to having to make our funding requests fit the funding that is available.
- The need for skilled grant writing and networking in the granting community.

What lessons have emerged for CFF's role in originating collaboratives?

- As a volunteer committee we don't have the executive capacity. And the only reason that this has worked is because we have Roje as a member of CFF and a member of the leadership there. He observed that for an entity like CFF you have to have a stake in the game.
- This experience has made it clear that CFF *is* able to do some really incredible, creative, outside-the-box things and hopes that with the enormous amount of intellectual capacity, the ability to envision and the ability to advise members should continue to think creatively going forward and to try some of these new projects but to recognize that we do not have administrative capacity as far as running these projects out in the field.
- CFF needs members willing or wanting to take leadership roles in a project. Perhaps, a Committee member that has a really passionate interest in a landscape or passionate interest in a cause but absent that, if the Committee wants to go forward with projects not only of this scope but of this duration, it would be necessary to develop other sources of administrative capacity.
- This is an unusual situation. Where we spearheaded the idea; we spearheaded the writing of the grant; and we were awarded a grant; so therefore have a sense of responsibility to the project but we have no authority.
- CFF's role needs to formally defined.
- Providing CFF was interested in moving forward with more projects, he brought up the idea of partnerships possibly continuing with OSU Extension and a group like Sustainable NW so we could outsource of some administrative capacity.
- We need to have principles in place, so if that kind of engagement happens, we are meeting the needs of this committee in how we view our mission and role as an advisory committee.
- The role of the Committee is having the experience of this success. And let it be known that as a volunteer committee we are not wedded to one project, but wedded in general to successful solutions and understanding the intricacies of partnerships to work across the landscape.
- It is valuable to have this experience, of gathering landowner together in a fairly underserved area trying to improve their options.

- We are all invested in seeing the Ritter Collaborative succeed and welcome the idea of conversations with other partners across the State.
- Springer cautioned the Committee to avoid mission creep and not forget the primary purpose of this committee.

Gootee suggested that there are some other private lands collaboratives around the state. One of the most notable is the efforts of Wallowa Resources and Nils Christoffersen. East Face of the Elkhorns Project. And so he would be an excellent resource to tap about information about the three groups active in that part of the State right now. Then there is the Ritter Group. Willamette Partnership has things going on in this part of the state. Sustainable NW would be a great resource for further information. Oregon Solutions; Rural Voices for Conservation; all of those groups would be able to provide insights into collaboration.

Action Item: Contact Nils Christoffersen, BOF and Wallowa Resources; and Sustainable NW representative to come in to provide more background information on their successes to the Committee.

Gootee has alerted the Operations Committee that her role is changing. RMLT Operation Committee members have been very deeply appreciative of CFF's role and are hopeful that the Advisory Committee (which is partly CFF members and local agencies and landowners) would remain active. They have been fairly positive about that. They have suggested as an option, that Roje might consider serving as a liaison between CFF and the Collaborative going forward in some ex-officio capacity. That was their most recent feedback. Roje stated her neutrality on any options.

11. Seedling Availability Discussion – Ed Weber Weber noted that at the CFF January meeting at the J.E. Schroeder Seed Orchard we had a number of people invited to help us understand what the issues and challenges are in the seedling industry, and they all named a number of different major issues. The need for landowner education was especially prominent. The lack of seedling supply and potential seed inventory for small woodland owners is annually recurring issue. Weber produced a summary of the topic for discussion on CFF's potential role in bringing these needs to the attention of the Board of Forestry.

Storm thought it worthy of the Committee to make a recommendation to the Board on this matter. He noted this is a very important issue for family forestland owners in terms of their meeting reforestation requirements. The first issue is the availability of seeds matching the seed zones that family forestlands own and harvest lands in. The second is the need to forecast seedling need annually. The third issue is the actual sowing and bed space and ability to share forecasted needs with spec growers or nurseries to actually spark some additional investments. And finally, education about reforestation, seedlings and timing of harvest and planning of harvest. Some small woodland owners don't know they have to plan the harvest, to plan the seedling orders, to plan the reforestation. So right now, there is little infrastructure to fill those gaps. It is up to us to provide recommendation on those issues to the Board. [*Use issues stated for the basis of a recommendation.*]

Hayes surmised that another issue building on Rex's points is that to the people that grow the seed, it is a big financial risk. How can we get some financial backing to these growers to share in the risk?

McNitt: (guest) there is a huge risk to growing spec tree seedlings as the margin for growing seedlings is next to zero. As an industry we have had structural changes to the growers and nursery markets. He encouraged strategies that would encourage demand from nurseries to mitigate the planting risks like order early; group seedling orders for contract growing. Area coops identifying need by seed zones and growers focusing on those broader seed zones.

Bonnie's suggestion was that as far as our message to the BOF, the education part is probably the one we could do the most about. But Ed, clarified that communication need is only one of the issues.

Rex thought the first thing is the need to forecast, so at least the growers have a basis to make decisions on what and how much to plant. But there is no central clearinghouse for that information.

Cloughesy suggested the OSWA County Seedling Programs have had success. But Rex countered that sometimes they are not even meeting the needs of their own membership. So what could the State do to help what is already going on? Weber had noted in his summary that it was clear that to mitigate potential risk for the growers, coops need one or two committed contract orders to have a foundation for their speculation. So an effort is needed to build relationships with consultants to provide some security with speculative growing.

Shumaker thought a recommendation was in order based upon Rex's four points.

Action Item: Tucker offered ODF staff to help provide some more background of what we do or don't have towards this recommendation to see if the Department would have anything to add.

Weber asked for a **Motion** that it is the member's desire to *write a recommendation to the BOF informing them of the issues, challenges and the importance of the seedling industry as it effects small family forestland owners*. Scott Gray Motioned for that proposal, John Peel, seconded. All were in favor, none opposed. The committee will wait for ODF staff input.

12. Roundtable Items/Action Items/June Meeting Planning/Adjourn Weber called out for additional items for the Good of the Order. And to review Action Items.

Springer addressed the members announcing "that this will be probably my last chance on behalf of the Board to thank all of you on the Committee for the great work that you do. It helps us do our job!"

Weber presented Gary with a Letter of Appreciation for his generosity of time and providing the members with the Board's perspective and being a part of the history of this Committee.

May Agenda Items: Invite in Sustainable NW and/or Nils Christoffersen here or someone representing collaborative organizations. Another item is we are going to have an Ecosystem Services discussion in May, where I believe, Gary, you are coming in...and also Ed Armstrong from EQC and fleshing out the work plan items in tiered priorities for next year.

Other May agenda items, another Riparian Rule Committee update; and further information on POPs and you will get a Fire Season Review Update and Asian Gypsy Moth update. So your May meeting will be pretty full.

Cloughesy: Quick additional item, it will be my last meeting, so the process to **replace ex-officio** people it has to come from the organization and then you have to say, yes, you want that person. If you want Julie Woodward to be on the Committee starting in June or July take that action. Mike out, Julie in.

June meeting details: Tucker confirmed that we have May 23rd meeting agenda items set and wanted to discuss the June meeting. Jim James handed out the schedule for the OSWA Annual Meeting. The Committee originally discussed in holding the meeting in conjunction with the OSWA Annual meeting in Baker City. Lena brought up that many CFF members had conflicts. Also that it would be difficult to bring speakers all the way to Baker City so we would have to rely on ourselves for topic discussions. She reminded members of the travel reimbursement limitations for attending both meetings. She wanted to ask if there was enough work to justify a meeting there or whether this was going to conflict with people's plans to attend the OSWA meeting itself. Tucker reminded folks that there was no obligation to meet in June. All agreed not to hold a June meeting.

Eastern Oregon Landowner Representative: Tucker reviewed the nomination process for CFF Voting members. Typically, she sends out a request for candidates to leadership in that area and districts to see if there is interest. We do show them your Annual Reports and the work that you do. If this group has any names or recommendations her know. Typically, we run the nominations through the Board in July. But if we haven't had a chance to vet out candidates to talk about we can push that out. She has a conference call with Eastern Oregon Area leaders to discuss their ideas.

Weber: Okay, meeting adjourned. See you May 23rd. Thank you all.

Action Items:

- Weber to sketch out the Executive Summary with assistance from Lena and Meg, edits and review to be due by Friday, May 6th.
- Weber suggested we could take this to the next step and try to help identify some of that capacity and how we might team with others. Maybe we start to talk to other potential partners that may offer opportunities to small private landowners that might wish to engage with these initiatives. Weber believed that it is important to make sure we are up to speed on available resources so we are able to communicate opportunities to small private landowners when they do exist.
- Tucker had captured additions to the work plan list. She will format it like your report, and get that out to members for review. It would be for work to be considered for the 2nd half of 2016 and beginning of 2017.
- Weber suggested that we now have a collection of thoughts to work through and maybe we can come up with some very general language and see if we get a reaction from people. Let's review by email and if not we will continue the discussion in May.
- Contact Nils Christoffersen, BOF and Wallowa Resources; and Sustainable NW representative to invite them to share background information on their collaborative successes.
- Tucker offered ODF staff to help provide some more background of what we do or don't have towards this recommendation to see if the Department would have anything to add.

Drafted sd/05/09/16