

# Combined NW & SW Oregon Regional Forest Practices Committee Meeting Minutes – March 12, 2015

Pursuant to public notice made by news release with statewide distribution, a combined committee meeting of the Northwest and Southwest Oregon Regional Forest Practices Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on March 12, 2015 at the Weyerhaeuser Office, 785 North 42<sup>nd</sup> Street, Springfield, OR 97477

*[These minutes provide a summarized version of discussions formatted for ease of understanding and should not be considered a transcript of the proceedings or quotation of individual comments.]*

## **Committee members present:**

Mike Barnes, NW Chair  
Brian Schlaefli, SW Chair  
Candace Bonner - NW  
Tally Patton – NW  
Scott Gray – NW  
Dale Cuyler – SW  
Dave Erickson – SW

Mike Meredith – SW  
Eric Farm – SW  
Dana Kjos – SW  
Randy Silbernagel – NW  
Jim Hunt – NW  
Daniel Fugate – SW  
Wendall Locke - NW

## **Not in attendance:**

Steve McNulty - NW  
Jon Stewart – NW  
Sanford Hillman - SW  
Mike Maguire – SW

## **ODF Staff present:**

Angie Lane  
Peter Daugherty  
Lena Tucker  
Kyle Abraham  
Terry Frueh  
Marganne Allen  
Jeremy Groom  
Daniel Olson  
Nick Yonker  
Jay Morey

## **Guests:**

Rick Barnes, Barnes & Assoc.  
Ted Lorensen, OFIC  
Rex Storm, AOL  
Clair Klock, Klock Farm and Clackamas SWCD  
Jeff Light, Plum Creek  
Seth Barnes, OFIC  
Gary Springer, BOF

## **Call to Order**

NW Chair, Mike Barnes called the meeting to order at 9:00am.

## **Item 1 – Welcome and Review of the Agenda**

- Safety Introductions
- Roundtable introductions were made.
- Review/Changes to Agenda – None suggested

## **Item 2 - Chair's Announcements**

## **Item 3 - Housekeeping**

- **Formal Public Comments**

**Rick Barnes** – I'm a forestry consultant with Barnes & Associates in Roseburg, I have had the privilege of working with a wide range of private landowners throughout SW Oregon and am always impressed with the amount of work they are doing voluntarily to improve their streams, relocate roads, to improve stream crossings, etc. The Watershed Enhancement Board has information published by OFRI that summarizes some of the volunteer work that has been done since the Oregon Plan came into effect in 1997. The numbers are incredible. The amount of work that has been done voluntarily by private landowners in this State is really impressive. A few weeks ago my wife was involved in the Fish Enhancement Derby in Roseburg. There was over 600 people at the auction. People are committed to doing the right thing. They are doing it voluntarily. We are seeing the results. If

you look at the chart of the Salmon Returns it is really impressive. We should be celebrating what the FPA and landowners are doing instead of asking the landowners to do more. We should think about the successes and commitment of the landowners.

- Chair: We all should recognize what the volunteer efforts have accomplished.

Staff – We are starting up a project looking at voluntary measures that have been implemented over time. So far we are looking at little if any field component, more conversation surveys with landowners. We could put that on a future agenda.

- **Approval of the Minutes**

Member stated some confusion knowing whether staff or members are speaking in discussions. Suggestion for future minutes to indicate staff or member comments. Motion to Approve by Scott Gray, seconded by Candace Bonner. All in favor, January minutes approved.

#### **Item 4 – Prescribed Burning Near Class 1 Wilderness Areas – Nick Yonker, ODF Smoke Management/Meteorology Manager**

*[Handout: III Summary of Recommendations]*

Yonker: As background, the Smoke Management Program is there to prevent smoke from prescribed burning entering areas we are trying to protect. There are 23 Smoke Sensitive Receptor Areas; which involve the populated areas in Oregon. The entire Willamette Valley, the Rogue Valley, areas along the Coast and several areas east of the Cascades and others. We focus on keeping smoke from those areas when doing prescribed burning, and by the same token ensure that we are getting the burning done that is needed. Our goal to maintain that balance.

The other areas we are trying to protect are the Class 1 Wilderness Areas. There are 12 of them. Most of them are in the Cascades; Mt. Hood, Mt. Jefferson, Three Sisters, Diamond Lake, Mount Washington, Crater Lake NP, Kalmiopsis Wilderness. And some areas on the east side of the Cascades Eagle Cap, Strawberry Mountains, and Hells Canyon. In a recent program review, one request was to make housekeeping changes to our Protection to Class 1 Wilderness Areas and to inform the RFPC of what we are doing.

In the review of the language we are increasing the protections from summer to year round, to follow Federal EPA rule. The prioritized focus, where historically we have the greatest impacts from burning are Crater Lake and Kalmiopsis Wilderness. The Regional Haze Rule said that from a baseline there are 5 different pollutants that they are trying to reduce down to what they think is the historical background levels. 5 Fine Particles of Concern:

1. Sulfates - from combustion of fuels containing sulfur (e.g., coal power plants)
2. Nitrates - high temperature combustion, mostly motor vehicles
3. Organics - from wood burning, motor vehicles, industry
4. Elemental Carbon - incomplete combustion, typically wood burning, including prescribed fire.
5. Soil Dust – agricultural fields, roads, natural dust

There is some controversy coming in regarding inclusion of carbon elements as that should be part of the historic background level as there have always been fires in the past.

2013 Review of the Regional Haze Rule coincided with our Review and in that was charged the ability to check where the prescribed burning is occurring. The main thing they are trying to do is improve 20% of the worse visibility days and maintain the 20% best days. When you go up into the Class 1 areas you should be able to see the scenic vistas. The EPA is encouraging action but not making it mandatory at this point. The language we have in our rule is to *encourage* reductions in smoke into the Class 1 areas. Right now we are focusing on the Crater Lake NP and the Kalamopsis. The idea is to show *reasonable progress* towards that goal. There is a flowchart that was developed make it easy to determine whether to burn that says; if 500 tons or greater is to be burned within 10 miles/ or 1000 tons within 20 miles and the transport wind is blowing towards Class 1 Area and mixing height is below 3000 ft. you should use mitigation measures such as lighting a test fire, releasing balloons, monitor smoke, reduce unit tonnage or consider waiting on the burn.

We are trying to support forest resiliency efforts by maximizing burning but we also need to minimize smoke into those areas. Our true historic baseline has had fire as a natural component. We know that the forest restoration burning is increasing across the state. It's making our program the locus of attention. But we are getting a lot of pressure to get as much burning done as possible. Balancing air quality vs. fire hazard which are both valid. We are at the tail end of the work, enforcement and forecast.

- Guest: When Nick says, “we” he is referring to: ODF, his shop and the Smoke Management Review Committee, which includes landowners as stakeholders. The Review Committee is a very effective committee and strong advocate for practicality and prudence.

### **Item 5 – Monitoring Strategy Development – Terry Frueh, Monitoring Specialist**

*[Handouts: PowerPoint Updating Private Forests Monitoring Strategy; Status of work on questions from 2002 Monitoring Strategy]*

This is the beginning of a conversation about updating our Monitoring Strategy for Private Forests. Frueh introduced the goals, background, strategy and objectives. Our division wants input to what questions we should try and answer and criteria for prioritizing those questions. ODF uses an Adaptive Management Cycle of Plan-Do-Monitor-Evaluate. We are trying to ensure that rules and voluntary programs are implemented following expectations and are effectively meeting resource protection goals by collaborating with stakeholders to produce high quality, transparent monitoring projects.

Frueh provided some examples of monitoring projects since 1988 and the last update, which redesigned the approach was in 2002. This Strategy is on a decade scale with periodic reviews and priority checks.

- Member: Will there be re-instatement of previous unanswered questions from the 2002?

Daugherty: It depends upon whether priorities may have shifted over time or monitoring shifted to more appropriate agencies. Some monitoring wasn't done for reasons of capacity, or were repetitious.

Frueh: What are the criteria for prioritization? Criteria could be a form of scoring; meeting or not meeting criteria. A structure for prioritization. We have provided the status of all the questions in the 2002 strategy and would like some feedback by March 25<sup>th</sup>, but will take additional questions afterwards.

BREAK

### **Item 6 – Riparian Rules Discussion**

Daugherty began the discussion by describing how the decision process with the Board will work and re-visited the timeline. The current timeline shows in April we are going to present the riparian model, methods, economic and ecological information, geographic extent and stream reaches. As we get feedback on those methods and approaches we can modify them prior to applying them in June. The June BOF products are due April 24<sup>th</sup>. For the Board designated committees, the RFPC and Committee for Family Forests, we will make time for formal presentations by the Chairs of those committees in the June BOF Agenda. Our expectation is that we will have a decision in June around the conceptual approaches we will be taking. These prescription recommendations will inform rule language. What may be the least burdensome for family forestlands may be based on how simple and easy to implement the practice is, but we could also have a more complicated prescriptions that may give more flexibility to an industrial landowner. So the BOF could pick a no-harvest, a variable retention and an alternate practice package to move forward in rule so it would be the choice of the landowner to use what makes sense for them.

The BOF is the decision-making body for the State on riparian rules. They could take a regulatory approach, a voluntary approach, or no change as to what prescription or multiple prescriptions they may choose to do. They may determine the stream extent where benchmarks have been set: Where SSBT are present or to All S-M Fish Streams. The third decision is which geographic regions these prescriptions extend to. Overlaying all of that is whether rules will be regulatory or non-regulatory or a combination of both.

A related topic is the CZARA disapproval. NOAA/EPA formally issued a disapproval for Oregon's Non-Point Source Pollution Plan for the Coastal Zone, primarily because of inadequate forest management measures on buffers on S-M Fish streams, legacy roads, (roads built prior to current standards), high landslide risk areas and pesticides. Many of those involve voluntary measures, but they are critical of our Oregon Plan measures because of the lack of monitoring and reporting. We need to change that. So they are reaching out to the landowner community to talk about a systematic monitoring program for documenting improvements, voluntary measures. A second part, if we found out that the voluntary measures aren't effective it will provide useful information for implementing regulation.

Whether we do mandatory reporting or have some way of systematically monitoring accomplishments. As we move our E-Notification and Inspection System forward one of the things listed to do is providing capability for the Stewardship

Forester upon inspection to pick up that information and note that Oregon Plan Voluntary Measures were included in this operation. It's not an obligation on the landowner but an obligation to the agency to be able to report progress.

Daugherty discussed what our approach should be to the Board. Under the Variable Retention FPA rules are one benchmark and the State Forests Management Plan as the other. Then I put in 2 placeholders for different levels of variable retention prescriptions, but not defined now. Originally we were talking about criteria for a Plan for Alternate Practice, perhaps thinking about a shade prescription, so far I've gotten the sense that it is a productive pathway for stakeholders. The idea was if we have a set of criteria it would be easier to implement a Plan for Alternate Practices. We are not going to be taking away that choice.

For the decision matrix, we are trying to put descriptive summaries under each prescription. You can think about describing that in detail and the matrix is the short abbreviated version. We are trying to represent information in an unbiased manner. It is possible to come up with a prescription choice that we aren't able to use the model to estimate temperature change, and we will have to do something for that column. We are not going to push the model beyond its usefulness.

- Member: A minor point, in the category itself, change "expected temperature change" to "modeled" or "predicted" temperature change. "Expected" gives more of an air of certainty than modeled.

Daugherty: Predicted or estimated, or modeled a better term, I am okay with that approach. Our current prescription is not a no-harvest. But a Variable Retention prescription with an assigned distance you can't cut within. So we have a column for "FPA". Another suggestion was to order these options in terms of increasing restrictiveness because the BOF does not have to pick only one as least burdensome. With the Variable Retention we can address about least burdensome. The effectiveness of the current prescription can be implemented in more ways than one. That would be true with any Variable Retention prescriptions you come up with. If you don't have the target basal area it defaults to whatever width that variable retention is.

[Discussion of averaging vs standardizing treatment lengths.]

Frueh: The model is predicting Temperature change in each of the reaches that varied in length from 800' to over a mile. The length of reach was inside the model itself as a factor. When we did the PCW analysis it was asking how these sites do irrespective of length. The rule language itself had nothing in there for length.

Daugherty: We are a science-driven organization. We built this monitoring study to address this very specific question. There is no study I know of that has 33 sites with the level of detail that we have. We will be clear that it is not perfect information, we will be clear about our range of uncertainty but we will be including what we think is our best estimate of expected temperature change in this presentation for the BOF.

- Member: One thing that Groom brought up is that the uncertainty is because there is a lot of natural variations unmeasured. There are a lot of confounding factors, but having data from 33 sites you get a prediction tool that is probably closest to the best you are able to get. The number of sites does help even out the small variables. I don't think we are going to get closer in terms of a predictive model.

Daugherty: We will separate a column with the probability of meeting the PCW. We will think about including that in a way that is unbiased and with basis.

[Economic Impact Analysis Discussion]

Any rule in Oregon requires an economic impact analysis. Any forestry rule under 714 requires a more detailed economic analysis including a survey of non-industrial landowners in order to provide additional information for the Secretary of State Impact analysis. We are working with OSU to develop that information. For the change in value for acres, if I encumber an acre of your land, that acre has value for continuous growing and harvesting of trees. There is one part of that value, called soil expectation value. That's the value of that land if starting with bare ground and planted trees and went through a harvest cycle in perpetuity. Also there is the value of the standing volume. If the stand is ready for harvest it is pretty straight forward. I would take the stumpage value of those trees and add that to the soil expectation value as well today. That would be the approach. Bringing it back to the current value of the standing timber and the future value that would result from the soil capacity.

- Member: So what do you do with different timber types for value?

Daugherty: Soil expectation is a lot easier because the Department of Revenue calculates that every year for all those site index classes. What will be more challenging is the standing volume and getting a fair comparison. In talking to OSWA about this, we would see real differences between industrial and non-industrial because of rotation ages. I need to work through that with the landowner community come up with some reasonable expectation as far as species mix. Beyond that if I use the same method across all prescriptions, the relative difference between the prescriptions will be correct. The real driver of the economic cost is the change in encumbered acres.

LUNCH

### ***Item 7 – Riparian Rules Discussion (cont'd)***

Barnes: Do we need to discuss in any detail the fixed width limits as we see, 50 – 75 - 100 foot widths? There was a request to change to 70 feet. The economic analysis is simpler for 50 – 70 -100. We are going to discuss those widths under variable retention, under the current rules. We agree that there are differences between a small and a medium. So what would we propose under a Small F-Type variable retention prescription?

#### **Member Comments/Suggestions: (bulleted items)**

- Opposition to regulatory measures.
- Increase shade by adding basal area from all hardwoods and conifers basal area 6" and higher.
- Ensure that there is a minimum of conifer basal area to meet the Desired Future Condition.
- No change to RMA widths, (50 –70-100).

Groom: The current model says 105 feet of no-cut to assure less than 0.3 degree C change. The model could break it out by basal area.

- To the Maximum Extent Practicable!
- Leave the 40 sq. ft. of conifer 6"+ dbh and make the hardwoods part of the voluntary and document it.
- a) 80 sq. ft. /1000. 40 *must* be conifer (if it's there), 40 if you have hardwoods or a 50' buffer on smalls. This is inclusive of hardwoods and conifer for basal area 6" plus diameter on two sided harvests.
- Build in an allowance for a one-sided buffers?
- Green up period (4 years) if on a one-sided harvest and increase the buffer if the remaining side is harvested prior to green up.
- Put in there that you want to reduce gaps.

Allen: The minimum diameter for wildlife trees 11", 30 feet tall. That will not be changed. They will count if they meet the diameter.

Daugherty: You offer a prescription but the BOF will ultimately determine whether it is voluntary or regulatory. Reporting of voluntary efforts isn't currently feasible. Current capacity does not exist to report other types of notifications. It will depend upon funding for workflow improvements and enhancements to the E-Notification System and whether it takes priority amongst other workflows.

- Use current rules and add in the conifer count down to 6", one-side is allowed.
- Follow the current FPA for one-sided harvests - and add in the conifer count. 5/250ft.
- The original proposal if you just harvest one side there is no change to the FPA.

Daugherty: The RipStream data we saw recovery occurring over a five year period or longer.

- Harvesting Side 2 sooner than 4 years you do a 50' no-cut on Smalls on the second side.
- Another option is to increase the basal area on the second side if going in sooner than 4 years.
- It would have to be what you would have left for both sides on one side.
- b) One suggestion is that harvesting the first side to FPA then if harvesting the second side before 4 years it becomes a 50 foot no-harvest. If waiting 4 years you can use the FPA on both sides.
- What about a separate rule saying if doing a 2-sided harvest you can shift 20% of the basal area to the south side.

- Alternate Practice could address, azimuth, aspect, other certain things and perhaps getting voluntary practices through.
- c) If stream is more than 45 degrees from North as the valley azimuth then you can shift 50% of basal area to south side.

Staff: The Alternate Practice gives you the ability to manage specific issues on a harvest unit as you are meeting the letter of the law for voluntary measures.

- Chair: If we are trying to engineer shade if you have a stream flowing east-west and 2/3rds of your requirement on the south side and retain 1/3 on the north side. Then you are placing the shade on the south side of an east-west flowing stream.
- Let the operator write a south side prescription as an Alternate Plan. Don't write it as an option.

Staff: The BOF wanted guidelines on what would go into an Alternate Plan, a criteria. If you want to do an alternate practice, there is always an option. There is a potential to use it if documented.

Allen: So that's where I would like to get some clarity on. We've got 0300 which is Alternative Vegetation Prescription, so it is to document prescriptively what the outcome should be. If you start with 0400 where it is a Plan for Alternate Practice which is a goal that is pretty open. So to give you and the Department some certainty. I start thinking about delivery, would we refer to a tech note that would give you some sense of what Stewardship Foresters would be looking for as criteria? The hardwood conversion would be under the Alternate Prescription.

- We want to encourage the south side concept, as we would the hardwood conversion.

Staff: For wildlife on smalls all over 11" count (already). On mediums, any trees meeting wildlife tree specifications will count.

- Chair: For a two-sided harvest on a Medium where do we go?
- Chair 2: You could increase your BA but the increase could be made up with your smaller conifer and 6"+ hardwoods.
- You need the whole range of heights to provide a consistent shade.

[Geo-Region Discussion]

- Chair: There is a fundamental question, that as a Combined Regional Committee do we want to recognize that the data that came almost entirely from the north Coast *should* be extrapolated to other regions?
- Member recalled past discussion that we decided that the Siskiyou were different enough, but that the Coast and Interior were similar.

Staff: There were 3 sites in the Interior. Two were State sites which passed and one private. The private site exceeded PCW.

- Where the majority of the sites were located, is where we should start.

Daugherty: SSBT in the Interior and Siskiyou is pretty minimal. You can see the impact will be different. The highest density is on the north coast. If only treating SSBT.

- Chair: As we are only looking at SSBT we aren't talking about much impact in the Interior.
- It could be a voluntary measure for regions less effected.
- Having the voluntary measure would address those other regions and enhance how that plays out.

Chair: The next meeting will be on April 9<sup>th</sup>.

## **(Added item) Legislative Updates – Peter Daugherty**

There are issues before the Legislature this session that may directly impact the committees in the near future.

- The 'Food Plot' Bill, Rep. Krieger introduced a bill this session which clarifies that small woodland owners with 10-5000 acres can in lieu of reforestation establish food plots. It has some limits on how extensive those can be and

a component for the BOF to make rules governing what are the acceptable species of plants within food plots. There will be rulemaking if passed and we will use this committee for that. That bill had a hearing and was supported by a number of folks, like OSWA and the Hunter's Association. Today there was a work session and the bill was moved to the floor with a recommendation.

- There are 14 pesticide bills. SB 613 would require significant rulemaking for things like buffers for homes. No one in the department or in this committee has expertise to inform that rulemaking. Those bills will be going to a workgroup in the legislature to decide which of those 14 bills should move forward independently or together into one bill. So it's hard to say what impact that will have. If there are changes to the FPA we may or may not bring it here.
- The Juniper Bills, most of those bills are trying to pull juniper harvests out of the FPA making it an agricultural activity.
- The Growing of Trees within the Urban Growth Boundaries. Non-Forest Land Cooperative Forestry Bill, we were told it was meant to commercialize Urban Forestry, creating cooperatives at the county level to grow trees on non-forest lands for wood production. The way it is written it is broader than using the tax definition of forestland. The Tax definition of forestland is much narrower than the FPA definition of forestland.

Curtiss: There is a boatload of Natural Hazards bills, HB 3412 would create a DOGAMI program for Landslide Mitigation and has a pretty clear overlap with Forestry. It appears to have some support.

- There is also a bill removing liability protection from conservation improvements and could affect Large Wood Placement. It has been introduced again. We are planning to oppose that. If you are going to do placements you should not be held liable for movement of wood in a stream. The Department is opposed to removing the protections.

### ***Item 8 – For the Good of the Order***

Adjourn at 2:30 pm.

Attachment: (\*See Matrix/List of Options Attachment.)

**Action:** Email the Decision Matrix to members. Get a copy to put on the RFPC site.

**Action:** Options will be drafted up and emailed to the members after reviewed by Mike and Brian.

**Action:** Groom to run this through the model. Run a 60' and a 80' and email results to the members.