

Stewardship Agreement

between

**Port Blakely
John Franklin Eddy Forestlands
31644 S. Grimm Road
Molalla, Oregon 97038**

and

**Oregon Department of Forestry
North Cascade District
Molalla Unit
14995 OR-211
Molalla, Oregon
&
Private Forests Division
2600 State Street, Salem, Oregon 97310**

February 2020



Foreword

In 2006 the Oregon Legislature established the Stewardship Agreements Program in its current form. The concepts of the program are found in Oregon Revised Statutes (ORS) 541.973 and Oregon Administrative Rule (OAR) 629-021-0100, Stewardship Agreements.

The Legislature recognized that improvements to fish and wildlife habitat and water quality cannot succeed through laws and government actions alone.

The program provides incentives for landowners who voluntarily meet and exceed regulatory requirements to improve wildlife habitat and water quality, and a mechanism to recognize other relevant landowner efforts and certifications.

Stewardship agreements afford the State Forester an adaptive means with which to engage landowners in long term agreements that consider natural resource conservation from a property wide perspective, rather than at the scale of single projects.

Enrollees may enjoy regulatory efficiency, regulatory certainty, and in some instances, inclusion in a Programmatic Safe Harbor Agreement for northern spotted owls with the State Forester and the U.S. Fish & Wildlife Service.

The Stewardship Agreements Program may not meet the objectives of all landowners. Qualified forestland owners who choose not to enter into stewardship agreements are not considered to be less protective of those who so choose.

In an evolving arena of scientific information and social values, we appreciate the forestland owner's willingness to partner with us in a forward looking attempt to be effective and responsible stewards of the land.

*Peter Daugherty, Oregon State Forester
Oregon Department of Forestry, Salem Oregon*

Port Blakely Stewardship Agreement

1.0 Purpose

This Stewardship Agreement (Agreement or SA), between Port Blakely (Landowner) and the Oregon Board of Forestry through the State Forester and his or her designees (ODF) is entered into under the authority of Oregon Revised Statutes (ORS) 541.973, ORS 527.736 and Oregon Administrative Rules (OAR) 629-021. This Agreement describes compliance with the Forest Practices Act (FPA) under ORS 527.610 to 527.992 and OAR 629-600 to 629-680; and obligations under the provisions for Stewardship Agreements under ORS 541.973, ORS 527.736 and OAR 629-021.

The purpose of this Agreement is:

- To modify or waive the limitations and requirements of ORS 527.676, 527.740, and 527.745 as provided by ORS 527.736 (4)
- To afford the Landowner **Regulatory Efficiency** under the Oregon Forest Practices Act (FPA) as authorized by ORS 541.973 (6)(a) for meeting the requirements of the notification and Written Plan of Operation requirements (OAR 629, Division 605) of the Oregon FPA where a site specific prescription may be necessary.
- To afford the Landowner an increased level of **Regulatory Certainty** under the Oregon FPA as authorized by ORS 541.973 (6)(b) and 541.973(7) for exceeding the requirements of portions, or all of, the following divisions within Chapter 629:
 - 610, Forest Practices Reforestation Rules
 - 615, Treatment of Slash
 - 625, Forest Road Construction and Maintenance
 - 630, Harvesting
 - 635, Water Protection Rules: Purpose, Goals, Classification and Riparian Management Areas
 - 642, Water Protection Rules: Vegetation Along Streams
 - 645, Water Protection Rules: Riparian Management Areas and Protection Measures for Significant Wetlands
 - 650, Water Protection Rules: Riparian Management Areas and Protection Measures for Lakes
 - 655, Water Protection Rules: Protection Measures for “Other Wetlands,” Seeps and Springs
 - 660, Water Protection Rules: Specific Rules for Operations Near Waters of the State--Headwater Amphibian Species
 - 665, Specified Resource Site Protection Rules
 - and the notification and Written Plan of Operation requirements (OAR 629, Division 605) of the Oregon FPA

- Demonstrate support and recognition for the Landowner ongoing pursuit of an **Habitat Conservation Plan** (HCP) and Incidental Take Permit under Section 10 of the federal Endangered Species Act, along with other relevant landowner efforts, certifications, and plans as allowed under OAR 629-021-0100(4).

This Agreement outlines the duties of the Landowner, duties of the ODF, procedures for measuring compliance with the terms of this Agreement and mechanisms for corrective actions.

2.0 Background

Port Blakely's John Franklin Eddy Forestlands (Forestlands) encompass 29,395 forested acres including roads in Clackamas County (30,813 acres total including other non-forested areas), in the vicinity of Molalla, Oregon. The ownership is comprised of discontinuous parcels of commercial forestland distributed across 110 Sections within six Townships in the central part of the county at the western edge of the Cascade Mountain Range. The Forestlands are surrounded by and/or intermixed with small towns, residential areas, private lands managed for forestry or agriculture, other commercial forestlands, and state and federal lands composed primarily of forestlands. The legal descriptions of the Forestlands were provided as *Attachment 1* to Port Blakely's Stewardship Agreement Application.

The Forestlands are typical of a western montane forest dominated by conifers and are comprised primarily of Douglas-fir (*Pseudotsuga menziesii*) with a small amount of white wood (other firs, western hemlock, Sitka spruce, and several pine species), hardwoods (alder, cottonwood, maple, oak and ash) and a limited number of western red cedar. The Forestlands are field surveyed (cruised) to identify proportions of species, amount of associated basal area, and potential forest health concerns. The forest is relatively young, and age structure is fairly evenly distributed as shown in Table 1 below. Approximately 8% of the Forestlands previously were converted from native forest to agricultural land uses (*e.g.*, pasture or Christmas tree farms), but now have been returned to young native forest. The remainder of the Forestlands is comprised of forest stands that have sustained one or two harvest rotations (*i.e.*, it is either second or third growth), and roads, rock pits, and natural features. As such, there are limited, and in some areas, no legacy structures that contribute to diversity and complexity across the landscape (*i.e.*, standing snags, older trees, forest-floor coarse woody debris), and large wood in streams are nominal. This is true for both terrestrial forest habitat in the uplands and riparian habitat along streams and wetlands. This landscape condition provides a unique opportunity for Port Blakely to proactively manage the Forestlands to increase these features and habitat for listed fish and wildlife, thus contributing to the recovery of numerous aquatic and terrestrial species of concern. Nonetheless, there are some areas of higher quality habitat on the ownership (*e.g.*, areas with older trees and some structural features that are more beneficial to fish and wildlife) than typical second and third growth forest stands. These areas are primarily located in stream buffers that have been applied under Oregon Forest Practices Rules over the past several decades and are comprised of stands that are 51 to 90+ years of age. The existing leave areas within buffers combined with the older age class of the managed landscape compose 21% of the forested stands, nearly all of which are < 70 years of age. These riparian and older stands contain some snags and older

conifer and hardwood trees that have attained the size and/or defect that provides habitat characteristics, such as broken tops, cavities, etc., that can be utilized by spotted owls, it's prey species, bats, and a variety of forest-dwelling species.

Table 1. Acreage of forest age-classes in the Stewardship Agreement area in Year 2018.

Age-class	Gross Acres	Percent
0-10	4,826	16%
11-20	4,368	15%
21-30	3,122	11%
31-40	5,508	19%
41-50	5,528	19%
51+	6,043	21%
Total	29,395	100%

2.1 Alignment with the Oregon Conservation Strategy for protection and restoration of Strategy Habitats and Strategy Species.

The Forestlands near Molalla and Estacada are in or near Oregon Department of Fish and Wildlife Conservation Opportunity Areas and conservation measures included in this Agreement, (*i.e.*, forest management measures that exceed existing ODF Forest Practices Rules), focus on providing habitat for numerous species identified as State Conservation Strategy species within the Western Cascades Ecoregion. The intent of this Agreement is that these conservation measures will serve as the foundation for a federal HCP, which is currently under development and is anticipated to be completed in 2020.

The conservation measures specifically address improving conditions related to limiting factors of two Oregon Conservation Strategy Habitats (*i.e.*, flowing water and riparian habitats, and late successional mixed conifer forests). Limiting factors addressed for flowing water and riparian habitats by this Agreement's conservation measures include fish passage barriers and channel complexity, water temperatures, sedimentation, and the quantity and quality of riparian habitat. The limiting factor addressed for late successional mixed conifer forests by this Agreement's conservation measures is the loss of structural habitat elements.

3.0 Stewardship Agreement Application Process

3.1 The Landowner has submitted Application materials for a Stewardship Agreement and a copy of a Management Plan to the State Forester as required by OAR 629-021-0300.

3.2 The “Port Blakely Management Plan for the John Franklin Eddy Forestlands” was prepared by Port Blakely staff in 2019 and comprises the Management Plan as defined in OAR 629-021-0200(3). The narrative within the Plan document provides much of the context for the Landowner’s ownership and speaks to goals, challenges, and management strategy. The management plan included a summary table (Table 2) which summarizes the details and specific metrics used to accomplish Port Blakely’s management objectives. This summary table was used to create Appendix 1 which facilitates administration of this Agreement. Appendix 1 of this Agreement summarizes Port Blakely’s conservation measures, and the corresponding ODF Forest Practices requirements.

The Management Plan demonstrates the Landowner’s intent to manage the Forestlands as a working forest, while providing conservation benefits to northern spotted owls and other species, enhancing ecosystem function of streams and wetlands, and providing key habitat elements for aquatic and upland wildlife. The primary management goals are:

- A) Maintain forest health and ecological integrity;
- B) Maintain and enhance wildlife habitats and biological diversity for a diverse suite of species, and especially for northern spotted owl and listed salmonid species within the Plan area;
- C) Retain legacy and remnant components of prior forest stands;
- D) Improve water quality;
- E) Manage stands with an economic motive in balance with protecting habitat diversity and ecological integrity;
- F) Maintain aesthetic qualities;
- G) Generate income;
- H) Keep the property in the family and engage future generations; and
- I) Maintain Sustainable Forestry Initiative Certification.

3.3 The 2018 version of Oregon Forest Practices Act, current at the time of signing this Agreement, has been attached as “Appendix 2”. The attached rule set is intended to provide a reference document that will:

- A) Assist in identifying specific voluntary landowner actions that exceed regulatory requirements. ORS 541.973(7);
- B) Provide a record of the relevant habitat and water quality statutes used for evaluation. OAR 629-021-0100(2); and
- C) Facilitate the future administration of this Stewardship Agreement for both parties.

4.0 Management Plan Review

- 4.1** Port Blakely has submitted a Management Plan for the Forestlands. This Management Plan is a prerequisite for a Stewardship Agreement. The Management Plan meets all the applicable criteria described in OAR 629-021-0300 to -0500 and, as determined by ODF, meets all required criteria for consideration for a Stewardship Agreement.
- 4.2** The Management Plan, while in ODF possession, was protected as confidential. The ODF policy for Management Plans is further described in OAR 629-021-0300(4).
- 4.3** Management Plans qualify and are included in public record exemptions as set forth in ORS 192.501.
- 4.4** ODF will not retain a copy of Port Blakely's Management Plan. ODF may request that Port Blakely provide the Management Plan for review and to facilitate the audit process described in OAR 629-021-0800 and in section 10 of this Agreement.

5.0 Landowner Commitment

Port Blakely commits to do the following:

- 5.1** Provide a primary contact person who is responsible for implementation of the Management Plan;
- 5.2** Follow the Management Plan and update it as necessary to ensure compliance with applicable forest practice statutes and rules consistent with sections 8 and 9 of this Agreement, and consistent with the purpose and intent of a Stewardship Agreement, during the life of this Agreement;
- 5.3** Meet all applicable standards in the Oregon Forest Practices Act, and follow the exceedance of the resource protection standards outlined in sections 8 and 9 of this Agreement for the following Oregon Administrative Rules for the Oregon Forest Practices Act, effective at the signing date of this Agreement:
 - OAR 629 Division 610 Forest Practices Reforestation Rules
 - OAR 629 Division 615 Treatment of Slash
 - OAR 629 Division 625 Forest Road Construction and Maintenance
 - OAR 629 Division 630 Harvesting
 - OAR 629 Division 635 Water Protection Rules: Purpose, Goals, Classification and Riparian Management Areas
 - OAR 629 Division 642 Water Protection Rules: Vegetation Retention Along Streams

OAR 629 Division 645	Water Protection Rules: Riparian Management Areas and Protection Measures for Significant Wetlands
OAR 629 Division 650	Water Protection Rules: Riparian Management Areas and Protection Measures for Lakes
OAR 629 Division 655	Water Protection Rules: Protection measures for “Other Wetlands”, Seeps and Springs
OAR 629 Division 660, Section 060	Water Protection Rules: Specific Rules for Operations Near Waters of the State--Headwater Amphibian Species
OAR 629 Division 665, Section 210	Specified Resource Site Protection Rules – Interim Requirements for Northern Spotted Owl Nesting Sites

- 5.4 Submit notification data to ODF as detailed in section 7 of this Agreement;
- 5.5 Seek approval from ODF for plans for alternate practices for protection standards different than those specified in administrative rule if not already described within this Agreement;
- 5.6 Report to ODF immediately any activity that results in damage to resources covered by the FPA, along with a written description of the time of discovery, the cause of the damage, and the repairs made or in progress;
- 5.7 Allow audits by ODF and assist with audits, as described in section 10 of this Agreement;
- 5.8 Be responsible for all Port Blakely’s personnel and administrative costs related to the audit process;
- 5.9 Maintain records of stands harvested or pending harvest that come under this Agreement;
- 5.10 Stay informed of changed Forest Practices statutes and rules.

6.0 Department Commitment

- 6.1 Acknowledge compliance with this Agreement as demonstrating compliance with applicable FPA regulations;
- 6.2 Provide assistance and incentives appropriate to productive forest management and resource protection;
- 6.3 Notify Port Blakely of changed forest practice statutes and rules;
- 6.4 Exchange resource protection and management information with Port Blakely as needed;

- 6.5 Provide consultation, and approve or deny approval of proposed plans for alternate practices;
- 6.6 Seek appropriate technical assistance from other agencies when necessary in dealing with resource protection issues; and
- 6.7 Be responsible for all ODF personnel and administrative costs related to the audit process.

7.0 Forest Practices Act - Efficiencies

A summary of Forest Practices statutes and rules applicable to Port Blakely's operations and conservation measures is attached to this Agreement as Appendix 1. A complete set of Forest Practices effective as of the signing of this Agreement is attached as Appendix 2. All applicable FPA regulations for operations will be met under the terms of this Agreement except for the following specific waivers or modifications:

- 7.1 For regulatory efficiency as a term of this Agreement, per the allowances under OAR 629-021-0600(4), Port Blakely:
 - 7.1.1 Has provided a Management Plan for review which meets all the Written Plan requirements under OR5 527.670(3) and OAR 629-605-0170, *except* for Written Plan requirements:
 - Necessary for the installation, reconstruction, or maintenance of fish passage structures and associated in-stream work;
 - Specified resource sites, where applicable, and not otherwise addressed in this agreement or the Management Plan;
 - Determined to be necessary for Statutory or Non-statutory requirements or when deemed necessary by ODF District Staff.
 - 7.1.2 Is exempted from fifteen-day waiting periods under OAR 629-605-0150(1) following notification.
 - 7.1.3 May annually submit a single Notification of Operations showing all the planned activities (i.e. harvesting and road building) planned for the year to provide ODF, the Oregon Department of Revenue and other agencies with harvest and operation information. This Notification of Operations may also include reaches planned for LWD placement. A map, or other spatial representation, showing the location of planned activities will accompany the notification.
 - 7.1.4 Shall provide a separate Notification of Operations involving an application of chemicals and will be submitted at least 15 days prior to beginning any such operation. This Agreement does not pertain to any requirements under OAR 629

Division 620, Chemical and Other Petroleum Products Rules. No waiver of the 15 day waiting period is allowed for aerial application of chemicals.

7.1.5 Shall provide separate Notification of any Operations not included in the annual notification, or as may otherwise be required under 629-605-0150(5).

8.0 Forest Practices Act - Modifications

8.1 The Landowner has committed to operating at a standard above existing FPA requirements or using alternative strategies to achieve desired outcomes in several areas (see Appendix 1). Those FPA requirements that are specific to statute language can be modified or waived as a term of a Stewardship Agreement.

8.2 Within the allowances provided by ORS 527.736(4) the existing and specific statutes outlined below are authorized for modification or waiver. The following sections recognize those situations where the Landowner conservation practices exceed the regulatory obligations in effect on the date of signature of this Agreement. For the duration of this Agreement, Port Blakely's Operations will adhere to the following general modifications:

8.2.1 ORS 527.676 -- Leaving snags and downed logs in harvest type 2 or type 3 units

Wildlife Trees

- Retain more than the required number of wildlife trees per acre harvested, and all safe snags during regeneration harvest operations (harvest type 3).
- Create snags (in addition to the retained green leave trees and safe snags) at a rate of 1 per 10 acres for harvest type 3 operations.
- Retain reserve leave tree areas, located in a variety of areas, including distributing them throughout harvest units such that no point within the harvest area will be more than 500' away from a wildlife tree, or wildlife trees will be no greater than 1,000' apart.
- Retain a minimum of 25% of required leave trees in the uplands.
- Retain legacy trees (residual trees from previous harvest) if feasible and safe.
- Retain or create, for commercial thinning harvests, two defective leave trees or snags, per acre.
- Reserve all designated leave trees from harvest during the duration of this Agreement, except for safety.

Down Wood

- Retain, during regeneration harvest operations (harvest type 3), a combination of individual downed logs (target of 20" diameter) and bio-dens (woody

debris piles specially designed for wildlife) such that a minimum of 30 cu.ft. per acre are retained (both structure types combined).

- Protect existing down woody debris and large relic logs during operations, as feasible.
- Retain or create down wood in commercial thinning operations.

8.2.2 ORS 527.740 -- Harvest type 3 limitations

- Limit regeneration harvests (harvest type 3) unit size to an average 60 acres over a ten year operational and planning horizon.
- Limit harvest type 3 unit size to not exceed 100 contiguous acres.
- Acquire ODF district approval to exceed 100 acres harvest type 3 unit size, when there are extraordinary environmental events that provide justification.

9.0 Forest Practice Rules – Regulatory Certainties

9.1 The Landowner has voluntarily committed to operating at a standard above existing Oregon Administrative Rule (OAR) requirements (see Appendix 2). The exceeded standards to be implemented are explained in greater detail in the Management Plan (see the summary in Appendix 1). In recognition of these additional resource protections, the Landowner will not be required to meet any increased standard, should any occur pertinent to the FPA divisions or rules outlined below in the respective sections.

9.2 ODF recognizes that future rulemaking may result in modification of current rules, potentially including minor changes such as renumbering or more significant changes such as an expanded scope. If renumbering occurs, those Divisions will continue to be covered regardless of the new numbering. For this reason, the applicable Divisions within Chapter 629 also have the division title included to maintain relevancy into the future. If the scope of the rule is expanded or another significant modification to the rule is made, ODF will in its sole discretion determine whether the Landowner shall be exempt from the new or modified rule, consistent with this Agreement and the scope of ORS 541.973(7). This decision is in addition to the requirement that the parties work cooperatively to revise this Agreement should an audit report recommend such a revision.

9.3 Applicable standards for Operations, at the time of signing this Agreement are provided in Appendix 2. For the duration of this Agreement, the Landowner commits to the standards outlined in sections 9.4 and 9.5. Specific metrics and additional details pertaining to these conservation measures are described in Appendix 1.

9.4 Requirement Exceedance and Certainties by Division

ODF in its review of Port Blakely's Management Plan, and in combination with the additional detail described in Appendix 1, has determined that the Landowner's conservation measures are adequate to grant certainties at the Division Level, and therefore the Landowner is exempt from the obligation to comply with future changes to

the rules listed below. At this level, the conservation practices described must both align with the intended outcomes described in the current purpose statement, as well as address and exceed the requirements of the subsequent rule components.

9.4.1 Division 610 – Forest Practices Reforestation Rules

- Establish a minimum of 250 trees per acre that are free to grow within 4 years after completion of the operation.

9.4.2 Division 615 – Treatment of Slash

- Distribute or pile slash throughout the unit for retention to the extent possible.

9.4.3 Division 625 – Forest Road Construction and Maintenance

- Specific standards developed for cross drainage structures.
- Implement various measures for road construction, maintenance and abandonment to improve water quality.
- Established minimum culvert standards for perennial streams.
- Design stream crossing with culverts for 100 year flood event flows.
- Correct existing fish passage barriers within 5 years.
- Correct barriers newly discovered or acquired within 3 years.
- Remove or relocate 1.9 miles of stream-adjacent parallel roads within 5 years.

9.4.4 Division 630 – Harvesting

- All stream buffer distances are measured horizontally
- Retain 50 foot no-harvest buffer along fish streams during regeneration harvest (harvest type 3) from the edge of unstable features.
- Retain trees along non-fish stream during regeneration harvest (harvest type 3) within unstable features.
- Limit equipment activity within 30 to 100 feet depending on protected resource.
- Evaluate deep-seated landslides by a geotechnical specialist.
- Restrict quarry development within 100 feet of unstable features.
- Limit road construction near unstable features where practicable, unless approved by ODF through a plan for an alternate practice.

9.4.5 Division 635 – Water Protection Rules: Purpose, Goals, Classification, and Riparian Management Areas

- Adapt to any subsequent changes to classification of streams on the Forestlands and apply the prescriptive measures noted in the Vegetation Rules of this Agreement and detailed in Appendix 1.
- Retain increased or additional buffers around sensitive areas such as stream-associated wetlands for Type F, SSBT, and perennial Type N streams).

9.4.6 Division 642 – Water Protection Rules: Vegetation Retention Along Streams

- All stream buffer distances are measured horizontally

- No-harvest (harvest type 3) riparian management areas (RMAs) for Type F and SSBT streams.
- No-harvest (harvest type 3) 50 foot buffers for large and medium Type N streams.
- Additional managed RMA width for large and medium Type N streams, and Type D streams.
- No-harvest (harvest type 3) 50 foot buffer around stream-associated wetlands, seeps and unstable slopes for Type F and SSBT streams and large and medium Type N streams.
- RMA for small Type N perennial stream with no-harvest 20 foot buffer plus a 30 foot managed buffer
- Retain understory trees where they exist, <10 inch DBH for harvest type 3 operations, if operationally feasible.
- Placement of large woody debris in medium and small Type F and SSBT streams during regeneration harvest (harvest type 3).
- RMA widths with partial harvest (commercial thin) will align with the stream classifications and type 3 harvest prescriptions described above.
 - When overstocked (>240 TPA) and uniform conditions (all one species of the same age) exist, RMAs for partial harvests (commercial thin) will be a no-harvest 20' minimum buffer.

9.4.7 Division 645 – Water Protection Rules: Riparian Management Areas and Protection Measures for Significant Wetlands

- Retain buffer widths equal or greater to those required by rule, measured horizontally.
- Retain a no-harvest zone next to the wetlands.
- Allow partial harvest (commercial thinning or selective harvest) of buffer only in outer portion.

9.4.8 Division 650 – Water Protection Rules: Riparian Management Areas and Protection Measures for Lakes

- Retain buffer widths equal or greater to those required by rule, measured horizontally.
- Retain a no-harvest zone next to the lakes.
- Allow partial harvest (commercial thinning or selective harvest) of buffer only in outer portion.
- For very small Type N lakes (1/4 to 1/2 acre in size), protect lakes through use of an equipment limitation zone, no disturbance of vegetation within feature, and also preferentially locate leave trees around lakes.

9.4.9 Division 655 – Water Protection Rules: Riparian Management Areas and Protection Measures for Other Wetlands, Seeps, and Springs

- For other wetlands (< 8 acres in size) retain buffer widths equal or greater to those required by rule, measured horizontally.

- Retain a no-harvest zone next to the wetlands.
- Allow partial harvest (commercial thinning or selective harvest) of buffer only in outer portion.
- For small Type N wetlands (1/4 to 1/2 acre in size), protect wetlands through use of an equipment limitation zone, no disturbance of vegetation within feature, and also preferentially locate leave trees around these wetlands.

9.4.10 Division 660 – Water Protection Rules: Specific Rules for Operations Near Waters of the State

- Retention of no-harvest (harvest type 3) buffers on Type F and SSBT streams.
- Retention of a 50 foot buffer (harvest type 3) on small Type N perennial streams (management restricted to outer 30 feet), measured horizontally.
- Extend stream buffers where necessary to incorporate sensitive sites such as wetlands, seeps and springs.
- Exclude use of equipment within 30 feet of the stream channel for all stream classes, including small Type N seasonal streams.

9.5 Requirement Exceedance and Certainties by Rule

The Management Plan and Appendix 1 describe strategies that will exceed Oregon Forest Practice requirements for specific administrative rules, but not all components of the Division. ODF recognizes these efforts and grants regulatory certainty so that the landowner is exempt from the obligation to comply with future changes for the rule section below.

9.5.1 Division 665 Section 0210—Specified Resource Site Protection Rules—Interim Requirements for Northern Spotted Owl Nesting Sites

- Protect any spotted owl sites according to current FPA rules, or if an HCP is in place, according to the terms of the HCP and associated Incidental Take Permit.
- Additional conservation measures for spotted owls include:
 - Retain legacy snags within fish buffers by extending the buffer for an additional 50 feet where the snags exist within the Provincial median annual home range of spotted owl nest trees or activity centers (1.2 miles).
 - Implement landscape-level strategies to develop dispersal habitat for spotted owls and to promote and protect habitat elements beneficial to spotted owl prey (*e.g.*, retention of legacy trees, creation of snags and coarse woody debris piles, retention of wider buffers on streams, creation of upland habitat patches, and additional tree retention around wetlands, seeps, and potentially unstable slopes).
 - Extend rotation age to 50 years and implement a strategy to harvest using smaller (average 60 acre) regeneration harvest units.

10.0 Audits

- 10.1** OAR 629-021-0600(1)(c) requires periodic audits to determine whether the Management Plan is being implemented in compliance with this Agreement and the FPA and whether this Agreement should be continued, revised, or discontinued.
- 10.2** ODF will initiate audits. Audits will be completed by a team of professional resource management specialists from ODF and Port Blakely. Other participants may be included on an audit team at the joint invitation of Port Blakely and ODF. The audit team will normally include the Port Blakely Area Manager or representative, North Cascade ODF District (local) Stewardship Forester, and a Salem ODF staff representative.
- 10.2.1** ODF or Port Blakely may request assistance and collaboration from other potentially available sources such as the Oregon Department of Fish and Wildlife, Natural Resources Conservation Service, or the US Fish and Wildlife Service. Neither ODF or Port Blakely are under obligation to extend such invites, or to bear any additional costs associated with other parties' participation in audits.
- 10.3** The audit team will assemble an audit checklist and will assess compliance with applicable Forest Practices rules to determine whether rules were appropriately applied, measure the extent of rule compliance, and produce a compliance rating. The audit team will also document resource enhancement projects.
- 10.4** The audit team will inspect processing procedures and field conditions on randomly selected Port Blakely operation units.
- 10.5** ODF will consult with Port Blakely to set field dates and collect relevant paperwork, aerial photographs, unit maps, soils maps, and topographic maps.
- 10.6** There will be an audit in each of the first five years after Agreement approval. If there are no compliance deficiencies identified, subsequent audits will be conducted every third year thereafter.
- 10.7** The audit will:
- 10.7.1** Determine the level of compliance with this Agreement and applicable Oregon Forest Practices Act and administrative rules;
- 10.7.2** Identify opportunities to improve administration of the laws and rules, identify training or education needs, and improve technology transfer between ODF and Port Blakely.
- 10.7.3** Determine if there are particular rules or statutes that consistently have a lower level of compliance, and whether rule administration should be adjusted or revisions to the Management Plan or this Agreement are needed.

- 10.7.4** Analyze and report on outcomes when an enhancement project is included in an audit. Examples of an enhancement project may include, but are not limited to: restoring or enhancing fish habitat or passage, improving Threatened or Endangered, or other wildlife habitat, controlling noxious weeds, or participation in a research or monitoring program.
- 10.8** Compliance assessments will be made by each audit team member independently. Three levels will be used: (1) Exceeds Compliance; (2) Meets Compliance; or (3) Non-Compliance.
- 10.9** The audit team will agree on an overall compliance rating for each rule. If a non-compliant practice is found, the audit team will determine if it is administrative, a potential resource issue, or an actual impact on the resource. The audit team will develop an overall compliance rating. Overall compliance is expected to exceed 95% of the checklist items.
- 10.10** ODF will prepare an audit report, generally within 30 days of the audit, describing the overall assessment of compliance, a brief narrative describing units, operations, resource issues, environmental enhancement measures installed, and recommendations for improvement. ODF will discuss the findings with Port Blakely before issuing a final report.

11.0 Enforcement

Enforcement action may be initiated when ODF becomes aware of any forest practice, unsatisfactory condition, or resource damage, which occurred prior to the audit or from evidence produced from the audit. Port Blakely will immediately make repairs and address the elements leading to the unsatisfactory conditions or resource damage.

12.0 Term of Agreement

- 12.1** In alignment with OAR 629-021-0100(1), Stewardship Agreements are intended to be long-term. This Agreement is effective upon signing and continues for 50 years unless terminated by one of the parties.
- 12.2** As further described in OAR 629-021-01000, this Agreement will be terminated if:
- (A) The landowner is negligent or willfully disregards the terms of the stewardship agreement.
 - (B) The landowner fails to comply with Federal environmental laws.
 - (C) Any parcel of land is sold or transferred to another landowner.
- 12.3** Any revisions are subject to the review process described in OAR 629-021-0900.

13.0 Authorizing Signatures

The following parties make and accept this Stewardship Agreement effective

_____, 2020:

Port Blakely Tree Farms, LP. _____ Date _____

Print Name: Court Stanley

Title: President, US Forestry

Oregon Department of Forestry _____ Date _____

Print Name: Peter Daugherty

Title: Oregon State Forester