

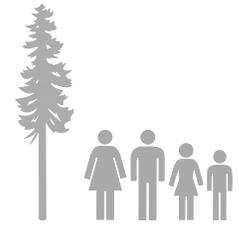


"STEWARDSHIP IN FORESTRY"

# Committee for Family Forestlands

## Meeting Minutes

### February 27, 2018



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 February 27, 2018 at the Oregon Dept. of Forestry, Tillamook Room, 2600 State Street, Salem, OR 97310.

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#### ***CFF Committee members participating:***

Kyle Abraham, ODF, Deputy Chief Private Forests Division  
Evan Barnes, Acting Chair, SW Landowner Rep. (Voting)  
Gilbert Shibley, Landowner-At-Large (Voting)  
S. Mark Vroman, Industry Rep. (Voting) Hampton Family Forests  
Bonnie Shumaker, Landowner, NW Rep. (Voting)  
John Peel, EO Rep. (Voting)  
Jim James, Ex-Officio OSWA, Executive Director  
Rex Storm, AOL/OTFS Ex-Officio  
Janean Creighton, OSU College of Forestry Extension Ex-Officio  
Julie Woodward, OFRI Ex-Officio

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#### ***Guests:***

Doug Grafe, Protection from Fire Division Chief  
Peter Daugherty, Oregon State Forester  
John Tokarczyk, Partnership & Planning Division  
Phil Chang, Partnership & Planning  
Kylie Bruno, Hancock Natural Resources Group  
Dick Courter, Consultant; SSCC Member  
Claire Klock, Clackamas SWCD

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#### ***Members not in attendance:***

Evan Smith, Conservation Fund, Environmental Rep. (Voting)  
Linda Lind, USFS State & Private Forestry Ex-Officio

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#### ***ODF Staff:***

Lena Tucker, Private Forests Division Chief  
Susan Dominique, Committee Administrative Support  
Nick Hennemann, Public Affairs  
Jay Walters, FPA Field Coordinator  
Thomas Whittington, Incentives Coordinator  
Jennifer Weikel, Private Forests Biologist  
Danny Norlander, Forest Health Monitoring/Legislative Coordinator

#### **Call to Order 9:07 am**

#### **1. Welcome and Review of Agenda – Evan Barnes**

2. **Roll Call** – Evidenced above.

#### **3. Approval of the Minutes**

Barnes asked for any corrections to the minutes for January. Creighton noted that she was listed as attending but did not. Peel had a small word strike out. Peel motioned for approval with the noted changes. Shibley seconded the motion. Barnes asked members for their approval, all were in favor. The Motion to Approve carried.

#### **4. Public Comment**

No public comment was offered.

#### **5. Private Forests Division Update - Kyle Abraham**

Abraham brought the conversation back on whether there was any interest in revising the Committee Charter to allow a change to eligibility requirements as currently defined for the Committee Chair. Noting the language as "*preferably the Committee Chair would be a Citizen-At-Large*". He wanted to verify where the members stood on a revision. He recalled that it didn't sound like there was a call by members to do so.

Barnes asked members forward any potential names for Committee Chair as they didn't seem to see a reason for a change to the Charter determined preference. Abraham offered to go back to the list they had when Ed Weber was

recruited. He encouraged those present to submit names to him of any they knew of that would be a good fit with the Committee.

Next in the update Abraham reported on the current status of the Eastern Oregon/Siskiyou planning. He voiced appreciation for the Committee's comments provided to the Board in 2016 and gave them a letter summarizing the efforts to date. Currently Program Staff are wrapped up in analysis and review and in March they will be presenting the Board with a final tally of potentially relevant science to inform the questions as well as the estimated timeline and cost of what those potential questions look like. He reminded members to consider when or if they wanted to provide testimony to the Board.

Peel asked if the Board would actually be considering two different standards. One for Eastern Oregon and one for Western Oregon? His concern for recognizing there are much different factors on the eastside than on the west side. Abraham responded that they are not that far into the process yet. The Board's decision in March is to figure out what question to ask to provide a framework for study. Storm added that the riparian rules in Oregon have always been tailored to the specific geology, climate and forest types.

Abraham shared the current options they are working up to take to the Board. Option#1 puts them on a trajectory to finish up the work on the RipStream Project related to Large Wood and Desired Future Condition. That would be conducted along with an expanded Compliance Audit to much broader rule sets. Then upon completion of the RipStream Project, implement some kind of Eastern Oregon/Siskiyou project. Option #2 is a modified Siskiyou alternative. Puts us somewhere in the middle of all those things. So, they would still do the RipStream Project for Desired Future Condition and Large Wood. Add a small change to the Compliance Audit by focusing on a smaller rule set with something that they can design and simplify for development pretty quickly. Then Option #2 would have staff begin to look at data in the Siskiyou geographic region on small and medium fish streams for temperature, shade, and vegetation relative to the DFC. Either Option would begin with a Literature Review. On March 7<sup>th</sup> they will recommend to the Board that the Program recommends Option #2. Some potential outcomes after completing this analysis could conclude that the FPA and rules are working as designed; or that the FPA is not meeting stated objectives and additional study is warranted or in between.

James asked about how the evaluations would be accomplished and emphasized that if all we are doing is measuring things that influence temperature and not including fish circumstances the picture might not be as clear as it should be for what you are trying to accomplish.

Abraham replied that they do intend to include some of the streamside fish habitat data as part of that process. So, it's not really the cause & effect relationship with fish. We are trying to determine if we are implementing the FPA appropriately, what does the fish abundance, and diversity look like? If forest practice are implemented under the FPA, the assumption is that we are building the appropriate stream habitat and temperature regimes that the fish need. So, if we are implementing the FPA appropriately are there still impacts to fish? But that's beyond our scope at this point. There have been considerations of all the other land uses in Eastern Oregon and Board members have raised some high level issues with stream flow. There are other discussions that we need to get a better handle on for Eastern Oregon Area before we develop a monitoring question over there. So, this focus is really just going to be on the Siskiyou Geographic region of forestland. That's what we are recommending to the Board. They could decide something different. But our recommendation is that kind of keep it small. Something we can manage along with those other projects. And something that we can feel comfortable tackling. The Deputy expects it will take about 1 year for the literature review. Then there will be a Summary report to the Board to be presented in September of 2018 as an update of where we are with that process.

To finish up Abraham wanted to note some of the business that would be on the Board's March agenda: Mike Cloughesy from OFRI will be talking about the new FPA Illustrated Manual, 3<sup>rd</sup> Edition; our September update late, for the Compliance Monitoring Project; and also the Operator of the Year Awards are on the schedule. Those awards are going to: Lane Perry, EOA out of Baker City; Morrisey Logging, NWOA out of Astoria; and Denali Logging,

SOA in Coos Bay. It's an opportunity for the Board to recognize those operators and like last year we'll have a Stewardship Forester presenting that award for the Board.

There was a short conversation regarding providing testimony on March 7<sup>th</sup> to support the Department's recommendation and to use the opportunity to compliment the Department on the process they have gone through on this issue. James suggested that particularly if the CFF wants to have a presence with the BOF you have to show up once in a while and testify so they remember who we are and what we are doing. As an ex-officio member of the Committee it didn't seem appropriate for him to be the representative. Barnes added that showing up is what counts now. John Peel offered to testify and Tucker gave him a primer on the meeting logistics and that she would be the one to introduce him and the SWRFPC member providing comments and she plans a specific shout out to the Board that their Advisory Committees are committed to providing information and advice. Tucker added that Executive staff have meetings with each of the Board members walking them through their options and our recommendation and they have been very supportive and understanding. She is hoping this will be an easy meeting for them in terms of making a recommendation.

## 6. Legislative Update – Danny Norlander

Norlander noted that it's reaching the end of the Legislative Short Session and today is the second Chamber deadline so anything that doesn't make its way through today is basically dead. A lot are stuck in Ways and Means so he'll see how that stuff progresses. As an Agency we are watching 22 bills total that relate to forestry, ODF, our business practices or administration. The Good Neighbor Authority is in Ways and Means. So it still has a chance of moving forward. Others that may be pertinent to this group concern agriculture and rangeland use. Basically, EFU at this time. There are a couple of land use bills. One of them is regulating guest ranches in Eastern Oregon. That bill is through all of its committees and is in the General Chamber at this point.

The second one is for remanding land use decisions back to the Counties. So as land use decisions are going through the State Board of Appeals, they can drop it back down to the county if they decide to. So that one is moving forward as well. And some E-Board stuff that is pretty general, especially from the 2017 Fire Season. That is in Ways and Means now and mostly likely will make it through. Barnes asked if the step of appealing to the County Planning Commission remains or will all appeals initially go to the State Land Use Board?

Norlander clarified that the process remains the same, but the State Board has the option of returning appeals to the county Hearings Officer to make the decision regarding land use designations. The decision must still fall within the Statewide Land Use Planning Goals. This is specifically addressing Ag and forest lands.

The Agency is hoping to get some funds for Sudden Oak Death treatments. The Legislators have to be back at their home districts by March 6<sup>th</sup> to file for re-elections. The Session actually does extend until the 11<sup>th</sup> so we could see some action after that, they all would have to come back. We are hoping for SOD funding and it looks promising but we don't know for sure.

James included that there is ½ million dollars (\$500,000) for eastside relief for fire protection taxes moving through the Ways and Means Committee and is on the list of things that are waiting to be funded or not. He believes that the Ways and Means Committee supports it. Peter Daugherty testified in favor of that. Norlander agreed that it is Peter's top budget issue right now.

Storm forewarned that this Short Session is a precursor to the next year's Long Session. There were a high number of bills that were reduced with no intention of the majority party passing them but they were testing the waters, waving the flag to see how things would fly towards the next year's Long Session. He had concern of the number of very, very difficult bills for Oregon forests and people who grow trees as a business and have employees and those sorts of things anticipated in the next session. Things like Cap and Trade which is a tax on production and energy consumption, diesel emissions, which is a tax on anybody as a consumer or produces a product or has an employee. A number of these very thorny, very difficult bills ahead.

Tucker thanked Norlander for Danny for jumping in and volunteering to watch the Session for Private Forests program.

## 7. Land Use Planning Discussion

To begin the discussion Barnes voiced concern over the trend of southern counties trying to put more 20 acre subdivisions in the wildland interface in marginal lands. But the narrow roads, lack of water and increased people in the forest will be a disaster for fire protection.

Abraham shared that the State Forester has been discussing this as well, regarding land use planning and maintaining family forestlands. He suggested members consider some questions on those issues to discuss with the State Forester and Chad Davis, who may be able to fill in more of those detailed questions about what is going on there. John Tokarczyk is really familiar with that sort of process as well.

Barnes asked Shumaker to review the letter she initiated dealing with the goal for keeping forestlands in forests. She emphasized that the different home site qualifications between ag and forestry has become a real issue as the population of family forestland owners is getting older and the housing issue makes it difficult to pass stewardship off to the next generation. If heirs aren't close by to pass the knowledge on to and create some personal investment in the keeping the land in forest, there are no assurances of the land being cared for into the future. Lands up for sale are increasingly under pressure for land use change and development. Inequity of dwelling requirements between forestland and Ag land is not supportive of the continued management of that resource. Shumaker wanted to make the point by forwarding the letter to the Board of Forestry hoping they can support this idea. As it must be a legislative effort. With the Board's support for this idea it could make a difference.

Shibley believed there is an intergenerational transfer of forestlands that happens all the time. But it's hard when people can't be there to see the value in maintaining the resource. He agreed that it's very important to have the equity between farm and forestland even though there is a different time schedule for growing the crops.

Barnes added that he thought the effort for equity should be the same as agricultural use and it should be an extra dwelling for caretakers or other workers in the forest operation not just family, even if the work isn't steady extra residents are still providing additional income and hands to get the work done. For the most part, these small timber acreages are being bought up by private industrial owners and they just want timberland.

James agreed that on a regular basis, people pass away or they want to dispose of their property because they can no longer take care of it and family isn't remotely interested but if they were able to live there and have an opportunity to become connected to the land some of that might change. OSWA tried to do this a couple of years ago now, and we just ran into some real roadblocks, even though all we were asking for was equity with Ag. OSWA wasn't asking for anything more than what Ag already got at that point. We just wanted equity. But he cautioned that we need to be careful what we ask for, because it's really difficult to get the legislature to agree to this kind of stuff. James reported that OSWA plans to have a Bill in 2019 that addresses this. But having the BOF say it's a good idea would be very, very helpful in those efforts.

Barnes suggested that maybe there's a fire protection element that could be integrated in the proposal that would help it be more palatable to lawmakers.

Tucker shared that typically the Board and the Department do not support a lot of land use changes that detracts from keeping forest lands in forest. Now, the intent of this is really to keep forestlands in forestlands. She thought the nuances in the proposal should help the Board's understanding of what you are trying to accomplish is not to further fragment forestlands but including fire protection assurances and keeping it within the primary home's location would help them understand that this is not a house every 20 acres in the woods. She thought that members would get the Agency's support on the actual bill, unless the Governor requests that ODF stay neutral.

Creighton inquired why there were different land use rules for forestry and agriculture. Woodward shared that from what she heard it was based upon the annual income coming from the property and the additional worker requirements of row crops. Forestry didn't have a formula to account for the longer term investment or to show that the second dwelling contributes to the annual income. James agreed that it was an annual revenue threshold to qualify for additional housing on Ag land. Timberland can't do that because there aren't necessarily revenues every year.

Shumaker asked about what the qualifications were for NRCS money or what qualifies you to have forest deferral for tax reasons.

Shibley clarified that the amount of hours or dollars come from the Federal rules about income and whether it could be considered a business or not. But the key is that they ought to get equal treatment. Farm and Forestland should get equal treatment in respect to housing even though their economics are on a different time scale. Shumaker recalled that there was a requirement to show active management. James agreed that is true for NRCS funding, you actually have to have a management plan.

Peel asked what the minimum acreages are on the west side of the state for one dwelling. He knew that Wallowa has always been 240 acre minimum for a dwelling. Shumaker said it is 160 acres on the west side, but James said, down to 80 acres in some areas.

Shumaker added its 160 acres unless you can pass the Template Test. Which means they have developed around you already by 1996 and if you can prove that within a quarter mile there are x number of houses depending on the quality of your timberland or the soil quality then it could be less than 160. And the second family dwelling would be part of the original parcel and owned by the principle owner. You cannot divide into different tax lots. That dwelling will always be part of the original lot. Looking further, fire is the one argument that she saw needing to be addressed. There is concern with more people on the land. Farm rules have a lot of fire safe regulations that the second dwelling has to pass.

Cognizant of the legislative processes, Barnes thought conditional use permitting may be a good short term fix. He reminded the members that this would be a big project to achieve by 2019 Session and one that will need a great deal of support from the BOF and others to go further. James furthered that the timing of asking for that support would need to be after more detail could be worked out. It's a lot to ask for support without knowing the details around it. It will be a touchy issue.

John Tokarczyk of the Partnership and Planning Division was introduced and had been invited to join in this discussion and help provide some insight. He shared that this subject comes up in a variety of different circles. There are two ways to get an approval for a house. Which is either by acreage or the Template Test, which is actually the most common way. And that eligibility will continue to grow. As members think about building out a concept, fire is one of the biggest ones that continually comes up from the DLCD perspective in wildland/urban interface areas. He added that has to be a big component of whatever concept was put together that fire safety requirements would address those concerns. He recommended good side rails to the concept. The Template test it doesn't lend itself to smart growth. So if the concept included a positioning requirement that it must be within an acre of the main house or along those lines, It could be looked at as a tradeoff. He advised positioning it in a way that would also limit application of the template test but would still allow those folks that have a demonstrated interest or need to put an additional dwelling in to have a process that makes the concept more palatable to a variety of groups that are typically opposed to any additional dwellings. There are two major views there, one from a forestry perspective the continuity of forests is obviously the goal and preferred in a landscape as opposed to fragmentation. On the flip side, fire is another big consideration. If you, dot the landscape with more structures there's more ignition points and more considerations of when fire does emerge and cross into other ownerships, how do you address that concern? He referenced language that says, 'upon the same acre' or 'within an acre' and I see that in a lot of the agricultural requests. On the Ag side there are pushes in the same way to get additional dwellings for a lot of the same reasons. And so the side rails that come on are typically are that the other home will be within an acre or on the same acre as the primary home to maintain the continuity of that agricultural land. He thought the same thing could be said here. It

seems like a very good concept on its face. He continued emphasizing that it is a contested issue. It would probably require a fair amount of internal discussion to figure out what the side rails would be that would hit the mark of what you are looking to achieve relative to fragmentation and fire.

Barnes expressed that he didn't say they are asking for a zoning change. 160 acres is good. And thought it necessary to clarify that you are running an operation with a need for caretaker occupancy. Because it's not always going to be family. If the homes are together on the same base lot, no parcel change it wouldn't be fragmenting.

James assured the members that OSWA will be working on a bill for 2019. Barnes shared that the vision is to have sideboards regarding the width of road; grade of road; culverts or bridges; turnouts on the road; fire water supply; access; various things will come up in this discussion. But thought that those would be the sort of standards needed to proceed with it.

In terms of timing, Tucker provided some background on BOF process. She suggested that the July Board meeting is when the CFF presents their Annual Report and you will have agenda time in front of the Board. She advised that could be the time to talk about this policy issue in context with all of the other issues you've tackled over the year. That way this discussion could be put into context with all of the other Committee work.

Barnes asked how bills get in front of the legislature. James shared a bit on the legislative process. Find a legislator that will actually take ownership of your bill. (Legislators are limited as to how many bills they can have, so that is not always easy to have happen.) And then you try to get some co-legislators to agree to it as well. And then there's a tremendous amount of lobbying behind the scenes to get support from members on the Committee that the bill is going to go to. You need to lobby that Committee so that the Chairman will take the bill. The Chairman of those Committees have the authority to say no, and the bill dies. So there is a lot of lobbying that needs to take place behind the scenes even before you get to the stage where you are looking for people to testify in support of the bill.

Norlander emphasized that even before that, having a bill that is very well written is really important. Containing all the different options and making sure it's addressing the actual need. Making it so that it rises above with thoroughly considered detail is very important in gaining support.

Shibley suggested that working ahead of time with at least one of our most likely opponents might be advantageous.

James assured members that OSWA will be reaching out to 1000 Friends and hopefully get them to be neutral if it's done properly. In the past opposition lobbying killed their initiative.

Norlander advised that it is vital to address both sides and consider all the options including those in the writing as partisan bills are more likely to have support. First we have to find a Legislator to support it, the GAC will create the ideas for it. And there's a Legislative Council that writes bills. Shibley added that we should be satisfied with getting a clear statement of our goals and let someone else worry about all the other steps necessary to its future. Part of that is including it in our Report to the Board.

Abraham offered that they may have contacts with 1000 Friends if the members wanted to provide some time on their agenda to hear the other side. If there is value to the Committee to doing so. [[Agenda Item](#)]

## **8. Agency Strategic Initiative – Doug Grafe, Lena Tucker**

Tucker introduced Doug Grafe who is taking the lead for the Agency Strategic Initiative. The CFF is the 'go to' group he is sharing this information with as represented landowners. He presented a high level reminder of where the effort currently is. And the project Problem Statement as: "*Oregon is experiencing an increased severity, complexity and duration of fire seasons, which has challenged ODF's ability to respond to the wildfire workload and sustain its other core businesses, while proactively protecting Oregonians, Forests and Communities from wildfire.*"

The Study Phase for the Initiative was complete with the 2016 Fire Program Review and the 2016 Secretary of State's Performance Audit. This is the first opportunity they have had to address this issue with the Legislature, as the reports needed to be concluded. So they are now in the Implementation Phase for the recommendations the reviews provided. This effort is to deal with Agency capacity to respond to fire on ODF-Protected Lands. He provided the following data: Average Acres Burned by Decade 12,000 acres/per year average burned from 1990 to 1999. The average increased to 25,500 acres in 2000 to 2010 with a high of 100,000 acres in 2002. Next from 2010 to date the average has increased to 40,000 acres burned on ODF-Protected Lands with high acreages in 2013, 2015 and 2017. So the average rate is doubling since the late 90's. He had the data on Personnel Distribution on Incident Management Teams graphed out. The IMTs pull 37% from Protection, 44% from State Forests and 16% from Private Forests with the balance in other programs. All fire-qualified personnel engage during fire season across programs, so it's a whole agency issue. This is the defining factor for ODF's Militia Concept. To solidify the personnel issue, State Forest employees operate at 190% actively engaged and qualified. This concept is used only in Large Fires. ODF's Initial Attack success rate is 96%. The Legislatively Approved number of FTE currently is 867.30. State Forests is 190 FTE; 110 Private Forests; 394 in Fire of which 222 are full time seasonals and 174 permanent employees. The Agency Initiative will look at supporting fire and all program work in the 2019-2021 Budget through Policy Option Packages to address FTE and funding creating a General Fund justification to address current and future needs. This initiative is framed in Agency response to the National Cohesive Wildfire Strategy of Fire Response; Fire Adapted Communities and Resilient Landscapes efforts. He shared that each program's contribution to Large Fire efforts is captured through payroll coding. The trend of increasing regular hours appearing as overtime is happening unsustainably since 2013. Overtime has close to doubled, as the workload has shifted into fire and is not meeting the Agency's core business functions without substantial overtime work to catch up between seasons.

Woodward suggested telling the story of what it is that State Forests (as an example) does, what these hours mean to their regular duties, especially as State Forests funding is already tight with the core program work they have to accomplish.

The members noted that the graph he provided on Protection Related Hours (All ODF) was a good visual of regular versus overtime hours increasing over time. In addition, he noted the fire activity is increasing in 'shoulder' seasons, starting earlier and lasting longer. There has been an increase nationally in fire season duration to 78 days. 64% of ODF-Protected Land Fires are within the wildland/urban interface (WUI). 87% of those are human-caused. Acreage for all ODF fires was 31,906 and of that 20,296 acres were within one mile of the WUI.

Grafe opened up a conversation on what role CFF could play. He is currently scheduling stakeholder meetings. And plans to introduce the framework of the Initiative to the BOF April 28<sup>th</sup>. At the June 6<sup>th</sup> BOF meeting he hopes to bring the framed draft proposal back and suggested then would be the first opportunity for CFF engagement. They will be taking the final package to the Board for inclusion in the Agency Budget in July. The CFF would also have an opportunity to support it then. He agreed that it would be good to look at the data of the capacity consequences to the Programs during IMT engagement. Consideration would also need to include the additional stresses of long repeated deployments. But he wanted to make sure all stakeholders are included in drafting this initiative to implement the recommendations of the Agency reporting and SOS Audit.

## **9. State Forester Comments – Peter Daugherty, State Forester**

Daugherty began by summarizing his understanding of the Committee's current effort around forest land use regarding second dwellings and sensed that members feel they are discriminated against because the rules allow it in agricultural use. He noted that forest industry and environmental interests tend to discourage relaxing the land use laws. He himself has been a big proponent of land use laws because of the success that Oregon has had retaining 98% of our forests since 1974 when they went into effect. He compared that to California and Washington. Those States are dealing with urban sprawl everywhere with some real consequences both to fire protection, water quality, and any number of things that go along with development. So he views that success as being a result of a strong land use laws, an efficient and effective Forest Practice Act and voluntary measures as being what really provides protection for Oregon's forests. So those three together. Peter stated that he had read the draft letter relating to Goal 4 and asked if members knew approximately how many landowners this would effect.

Shumaker offered that she didn't have a number but didn't think it would be very large as it would be requested by families for their specific need. There wouldn't be any land division for the second dwelling and the occupant would not own the land under it so it couldn't be sold independent of the entire parcel. Any additional dwelling would be close to the primary dwelling so there wouldn't necessarily be any extra driveway needed, none of those kind of things.

James agreed and added that we do know there are a lot of families becoming older and if family members have an interest and an opportunity to live on the property with their parents there is a higher probability that they would take over the property when the parents passed. He explained that the process that would help facilitate succession planning. But all the dots would have to line up.

Daugherty raised the question as that would be part of the data he would need to feel confident requesting support from the Director of DLCDC. He suggested finding those kinds of answers for what type of parcels would be eligible. He recalled there are approximately 100,000 family forestland owners in the 0 to 10 acre class. Which might create a lot of response. They are not generally OSWA members. He recommended thinking about a establishing a lower limit acreage size.

James agreed with that, it made sense to have a minimum acreage size to be eligible and would help define a parameter to count the number of landowners in a category. Daugherty suggested we do have access to the Forestland Owner Database we used in the Riparian Rule process. And it would be advantageous information. But counting on just that data wouldn't necessarily reflect current interest. But it is somewhere to start.

Creighton thought that providing data from the Ag side might be able to support the idea of successful land transfer. Abraham agreed it might be possible to get those numbers. And Barnes offered that the volatility of timber product markets is something else they could use. Keeping to the standard of 160 acres could be a possible starting point. Daugherty didn't want to presume a starting point but noted that a higher acreage limit would drop many that are mostly rural residential rather than what you look at as traditionally working forests. He acknowledged Tucker's being supportive of the concept and as the member's efforts focus on keeping it in one parcel with the primary residence keep it simpler. He suggested reviewing any information that OSU might provide related to succession planning, Ties to the Land or any specific studies being done. It would probably be worth following up on that.

In addition, Daugherty noted that Land Use Goal #4 is also used in the FPA. "*Efficient and effective forest practices ensure the continuous growing and harvesting of trees as the leading use on private forest lands.*" It's the policy statement in the FPA which adds some credence. As far as going to the Board, as this concept is in its preliminary stages and as OSWA intends to work on a bill for 2019 James recognized that they don't have the meat on the bones yet, but once that happens members will ask for the Board's official support and have a Legislative concept drafted. He emphasized that it would be particularly useful to have the Governor's support. Daugherty offered that it would be great to have it in a timely enough manner to where we can ask the Governor's office to allow us to support it. And then he would like to work with Jim Rue of DLCDC and also bring it up at a Natural Resource Cabinet meeting when we have some of those issues worked out and the numbers about the potential impact. He included that being a strong supporter of land use, any good exception should relieve pressure for subdivision or conversion, which is what your argument is.

Daugherty thought an informal conversation with Jim Rue and Jason Miner (Governor's NR Policy Advisor) to see what their initial concerns might help as well. Jason Minor came from 1000 Friends and was Executive Director. He continued that the eligibility acreage being larger would help in terms of acceptance because it would not be subject to the argument that this is some kind of a back door weakening to allow for development in existing areas. It would be a good point to say it has to be on the same acre. But you may have an exception, like you just raised where topographically, its needs to be a little further away than would be defined in one acre. Shumaker offered that current rules state that on a hardship dwelling it has to be within 1000' of the primary dwelling.

Daugherty thought that there might be some related conceptual thinking similar to the work around relief with the riparian rules. As far as some of the nuances it might be valuable to look at that language to help address contiguous parcels definitions.

The discussion continued through lunch. Members were also interested in hearing about the big issues in front of the Board now.

## 10. LUNCH

Daugherty emphasized his belief in Voluntary methods. The Board's own statement in the Forestry Program from Oregon says they prefer to use voluntary methods in lieu of regulatory methods. But it says, '*...if they are going to be effective*'. He's assured OWEB we are still interested in some voluntary measures around riparian areas. Possibly through a program analogous to CREP. OWEB put that into their Farm Bill request to have CREP eligible to family forestland owners or a forest equivalent to CREP. Right now we don't take riparian areas out of timber production. We need to determine what the compensation would need to be to motivate giving up wood production as a goal within your riparian areas. And that seems to resonate with OWEB, so that is one idea and a source of funding.

Daugherty noted that carbon sequestration became a hot topic at the Legislative Short Session. There is interest but different schools of science on how to better store forest carbon in forests, either on the stump or in wood products. He described himself in the bureaucratic school. Thinking more information would be useful. James recalled some life cycle analysis on wood 10 to 15 years ago that demonstrated that wood products do store carbon for a fair amount of time.

As far as the Board's current priorities, Daugherty reported there are two major topics. The Siskiyou Riparian Analysis and the Marbled Murrelet. He thought both issues would benefit from stakeholders suggestions about non-regulatory approaches. To both areas to see if we can come up with a better approach than the Administrative Rule approach in particular on Murrelets. With the Riparian Rules, when Private Forests looked at the acreage in the Siskiyou, they found the landscape much more dominated by non-industrial landowners. And he also suspected it could be the same with Murrelets habitat, as family forestland owners tend to go for longer rotations. He encouraged members to think about that and what would be a valid voluntary measure that would achieve those kinds of goals. And what could our expectations be in terms of effectiveness? There was anecdotal evidence of a lot of pre-emptive cutting with listing of Spotted Owls because of the economic risk associated with species occupancy and potential regulations. The importance of this issue has been heightened by the potential Murrelet  listing but that doesn't change what we do under the FPA for private lands.

James concurred when there is a risk of losing the value of your trees, you eliminate the risk by cutting the trees. In that regard, if the landowner community approached the Board and brought up that fact and said, look if you start regulating Murrelet habitat it's not going to last very long and suggested a voluntary measure to start the process rather than end the process. Would that be of value, a viable thing to consider? Daugherty responded in agreement that landowner voluntary measures like Safe Harbor Agreements early in the process might mitigate some of the concern. Tucker agreed that early engagement with the landowner community is preferred rather than going down a traditional regulatory path.

Barnes recalled that the habitat and potential nesting sites were identified as the biggest and oldest trees for nesting platforms in proximity to the ocean. Tucker reported that the habitat needs and landscapes are continuing to be refined to within 50 miles inland from the coast. Murrelets chose trees with the right structural components because they don't build a nest, they glide in and land and they need a wide spot, moss, lichen, an indentation. In addition, lot of different research out there points to there being a fairly stable Oregon population. What they don't know, and what the OSU research brought up, is that the birds can move. They go down to California, or up to Washington. And so are we truly looking at an Oregon population or are we looking at the Pacific Coast population of birds? So, a lot is unknown about the species. The OSU project is trying to tease out some more information that will be helpful to inform us and to inform our Board as we go along.

Daugherty spoke to the success voluntary measures have had in the past. The ODF&W has to come up with what they call “survival guides” for the species. And the State Land Manager would have to come up with a plan to meet those survival guidelines. The State Forester praised ODF State Forests staff as being the best timberland managers in terms of providing a broad suite of benefits, ecological, social, and economic. But hearing from landowners about voluntary measures and getting their support for the Conservation Strategy maybe a helpful part of the discussion.

Tucker provided some clarity on the process. Technically the BOF is obligated under Statute to create rules for any listed species, federal or state. So the Board has an obligation to create rules, as they did for the Spotted Owl when it was listed.

Daugherty prepped a later discussion on the agenda by commenting on the Good Neighbor Authority (GNA) which has become a part of the Agency’s core work now. ODF was essentially doing GNA before they passed it in the Farm Bill. Then it was called it the Federal Forests Restoration Program accomplishing work on Federal lands using State dollars. The Good Neighbor Authority says States can do work on Federal land using Federal dollars. It’s a really important program that has some real potential for expanding the use of our firefighter seasonal crews on the shoulder seasons. We actually have one crew that is full time now in Eastern Oregon. So there is some opportunity creating new pipeline into the Agency for the best of seasonal employees. ODF had the same challenge with EQIP and the NRCS and has been a real success story creating a new line of incentives for family forestlands. We’ve been more successful in some areas, but we are now up to a million dollars in the agreement. Local work with NRCS and our Federal Forest partners have presented some real opportunities to increase the pace, scale and quantity of forest restoration on federal lands. Jim Pena, USFS had shared that he was putting it in his performance measures that every forest supervisor needed to have more GNA projects this year than they did in the last. And so, we already have 1.4 million dollars in signed GNA Agreements. We are about to do our first timber sale and we are talking about five more. Peter praised the Federal Forest Working Group for some real foresight in seeing the path of States being involved in Federal Forest management and more and more states are getting involved.

To wind up his comments, Daugherty recognized the current effort to recruit a new public member as chair to the Committee. He offered to do some outreach on that and to meet with potential candidates.

Storm wanted to take advantage of the State Forester’s presence to express continuing concern for landowners in eastern Oregon. There are multiple challenges that threaten the landowner’s ability to continue growing their forests as forestlands some of which the Department may have influence over.

- Erosion and attrition of markets and infrastructure.
- Erosion of economies of scale for family forestland owners to compete in the market.
- The lack of Federal forest management in terms of wildfires, pests and disease and those sorts of things which threaten adjacent family forestlands.
- Market decline because of the unreliability of the federal programs and lack of timber coming off Federal lands.
- Increasing regulation and increasing fire protection assessments;
- The threat of additional riparian regulations; and potential additional species regulations

Storm wanted to keep attention on these worsening issues. Daugherty thanked him for his candor and offered that he has seen some of the Joint Chief Projects, as All Lands approaches that have really helped. Paddock Butte involves private landowners as well. But how to really incentivize the kind of investment it may take to get new infrastructure out there is something to think about.

#### **11. Food Plot Rulemaking** – Keith Baldwin, ODF Forest Practices Field Coordinator

Baldwin provided an introduction to Wildlife Food Plots back in 2016. Since then staff have put together an interim guidance in response to HB 3013. He focused attention on the interim guidance and implementation. Wildlife Food Plots are to be considered a wildlife management tool, a common practice in the eastern United States. Plots can support pollinators, songbirds, amphibians and game animals and adds more of a stewardship connection. The statute

is tied to forest practices as a policy to enhance fish and wildlife resources. It is not a land use change per se. It does require ODF notification the same as a forest operation to establish, relocate or reforest the lands that require reforestation. The Statute requires rules to be developed in consultation with ODF&W. The Statute itself on Wildlife Food Plots needs some clarification, that's where the guidance comes in. The law focuses on lands in Oregon between 10 and 5000 acres. The text describes the plots be "*Planted vegetation capable of substantially contributing to wildlife nutrition.*" So the law is going to rest on Jennifer Weikel, our Wildlife Biologist's shoulders. ODF&W is going to provide some help as well in defining the vegetation and species needs. The law also talks about maximum acres based upon the ownership class. So it ranges from 10 to 500; 500 to 1000; 1001 to 5,000. Maximum acres are reflected what percentage of that land ownership can be managed as food plots. On some ownerships a plot could be up to 50 acres and still be meeting the law. Which could provide some interesting opportunities for a landowner.

The interim guidance provides some standards for eligibility and landowner plans need to target specific species. Review of the plan would ensure that they meet the eligibility requirements and the project plan that would be attached to the notification. The Plan would describe their practices to establish and maintain the wildlife food plot. Project plans would be reviewed by Jennifer and she may consult with ODF&W. Once the plan is to a point where it looks like it could be successful, the landowner would sign it and agree to establish and maintain it. Or reforest. We would sign it as a reviewer. We are not signing it as approval. It's not like an Alternate Plan where we approve a plan. As this is an approved practice already, we are just reviewing it. And that's an important distinction. And then the landowner would have to notify. It could be part of a current harvest operation which they would identify the plot as another activity area that is tracked over time.

The bill became effective January 1, 2016 and was 2015 bill. There hasn't been much if any publicity of this statute. OSWA published an article in 2016, but the rulemaking process will no doubt spur greater awareness and inquiry. To date there has only been one Approved plan. And two that have been disqualified. The disqualification process took a little bit of time. It wasn't just a one hour review. It took multiple hours and interactions with these landowners. And then there's been 2 to 3 that have asked but didn't apply because they weren't interested. For your awareness, implementing this, we really haven't gotten into this in comparison to other use changes and how they interact with the FPA's regulations for reforestation or forest conversions. With reforestation there is an establishment monitoring that we do at 24 months for planting or land use changes to have been completed. The reforestation growth compliance monitoring ends after 6 years and the same for forest conversions. At that point we are done with that operation. The Wildlife Food Plot could have similar establishment and maintenance periods, but continues indefinitely. Once the landowner decides either through lack of maintenance or decision to reforest it, then it would have to meet the growth compliance and maintenance as an original reforestation requirement which would eventually end ODF tracking of that plot. Plots can relocate it but that would trigger reforestation of the original site. Some questions we should consider are:

- Should we establish a minimum eligible acres? Maximums are clear in the statute.
- What are the standards for establishment and maintenance?
- Should there be a time extension like we have with reforestation?
- What enforcement actions?

The DOR's Forest Deferral Program has a two acre minimum. And ODF&W has a Wildlife Habitat Conservation Special Assessment program that doesn't define minimum acres. So this is something to consider. How long would it take to consider it established? Should the Department try to piggyback on efficiencies and workload tying it to reforestation checks? There are some questions on desired plant species and percent of cover that the biologist and ODF&W will need to provide answers on. Tolerances for non-native plants or invasive plants? All that should be addressed in rulemaking. Under reforestation rules there is a 24 months establishment standard for 100% minimum stocking. Along with it is a list of acceptable species of trees. For conversions, it is at the end of 24 months that conversion is complete. So for maintenance standards there would be some similar questions. What's the interval for checking? What's the target percentage of the desired plan? Allowance for existing plants or only planted species? Tolerance for non-native plants. For reforestation I think it is 6 years. The definition of free-to-grow is well-distributed trees 80% must meet the minimum stocking. 10% can be between over 50%, 100%, 10% can be less than 50%. So those could be natural or planted. For conversion it has to be maintained as a conversion up to the 6 years

and then we disengage. If circumstances dictate asking for an extension, what kind of circumstances would merit that? With reforestation extensions are allowed. Providing flexibility when circumstances may include but are not limited to: nursery failure, problem with stock, inadequate seedling availability, extreme drought, and insect infestation. Inability to burn slash of because of Smoke Management restrictions; wildfires or diseases. So, the food plot language could be modeled after reforestation considerations.

Enforcement Action, so what do we do if someone fails to notify? What if they decide they are going to develop several acres inside a harvest unit for wildlife. Should we take enforcement action if they don't notify? What if it failed to meet establishment standards? Would they have to go back and reforest it? So reforestation rules now are clear that there are violations for planting failures and failure of trees to be in free-to-grow conditions. And for conversions, our rule says we will enforce if they fail to notify. Given our guidance says it would be a low priority, but if there is resource damage related to it we should cite. Baldwin poised whether we should mirror reforestation and conversion language or create some unique standards?

Abraham acknowledged Keith had identified some significant questions for this Committee. The intention is for CFF to be the Rulemaking Advisory Committee for the Wildlife Food Plot rules. Staff needs some kind of response in terms of how we want the rule language to work. As we envision it, at the April meeting we will probably bite off a few of those things [**Agenda Items**] and at the May meeting the same and just work our way through it. And then bring the draft rule language back to you in the fall as we work our way through this process. Staff will send the exact statute language that is in [**Action Item**] our FPA, so you can review that and see what makes sense in terms of operational constraints that we have, and limited resources.

Baldwin added that ODF&W has a Conservation Management program and I think it's probably a good model or template for language and in that template does acknowledge work load constraints and limits the number of applicants per year. Staff will be researching similar laws in other states. Jennifer Weikel will be working in consultation with ODF&W and NRCS has an established program to help develop wildlife habitat. So there are a lot of good resources there that members could piggyback on there as well.

Storm wanted to suggest looking at any conflicts with protected resources should be considered when reviewing plans. For example: wetlands; lakes; special resource sites and those sorts of things. And the rule should include how we would mediate those kinds of conflicts. He also suggested these plots should go in right next to the riparian areas.

Baldwin welcomed member's participation as we move forward.

## **12. Incentives Update – Thomas Whittington**

Whittington filled in for Ryan Gordon on this Incentives update. To begin he announced that he will be working in a developmental opportunity as the NRCS State Forester for approximately 3 to 3.5 months. Probably, through June or early July. This is a great opportunity to strengthen our partnership with NRCS. Working in the NRCS Office in Portland and out in the field as well with our field offices on both sides NRCS Districts.

The first update was on the continuing topic of post-fire restoration with the Chetco Bar Fire. There has been new progress towards assistance through the Emergency Forest Restoration Program. The Farm Service Agency is working to get a sign-up created in Curry County with the FSA Director down there. There will be an announcement when that sign-up period begins so landowners can apply for cost-share to help restore their lands after the Chetco Bar fire. Simultaneously, NRCS is working on a Conservation Implementation Strategy (CIS) as a broad scale west side strategy to help landowners after fire. That's in a draft form. He added that NRCS has a sign up period through March 16<sup>th</sup> for some EQIP funds for this year.

He added that the State got an initial letter of allocations for the Forest Service State and Private Program. The initial letter announced a decrease in funding for the majority of the grants coming in for Fiscal Year 19 on the Federal Fiscal Calendar. Staff are hoping funding will get ramped up. One of the big programs, the Forest Stewardship Program took a significant reduction at this point in our ability to provide cost-share to landowners for Forest

Stewardship Plans. In the past we have had a pretty large amount of money to cost-share. But it may be reduced in the next fiscal year based on initial funding letter, which still is subject to change. That conversation will be continued.

### 13. Good Neighbor Authority – Chad Davis, ODF Partnership and Planning Program Director

Davis wanted to begin by announcing that Phil Chang, a relatively new hire at ODF will be taking over the Agency's GNA work and take the program forward as we grow our influence in Federal Forest Land management.

He acknowledged the fact that there are a lot of private forestlands that border BLM or Forest Service lands. ODF has an interest in federal land management because of the impact to private landowners and the transfer of risk onto private lands from disease, insects, or disturbance agents coming off those lands. The loss of mill infrastructure is a significant challenge to manage and ties into this. The State is at a point where we can't afford to lose any more mills. He wanted to make sure to point out that there are obvious effects on the contractor base as an extension of the mill infrastructure. The third reason the State is interested in Federal forests is that the USFS and BLM own 60% of the forest land in this State which can create significant ecological concerns across the landscape. It all has a direct effect on the State's rural economies as it relates to economic opportunities derived from log supply. All those are reasons why ODF is engaged in this work.

To recap, in 2009 the BOF said, we need to take an active step in the State of Oregon to look at how we can help our Federal Partners do a better job of managing land. The former Partnership and Planning Director, Kevin Birch put together a report that the BOF then accepted. That report had a host of recommendations both at the State level and Federal level. A lot of those recommendations have actually come to fruition. Some of the policy that he called for is in place and we still need to determine whether those things are effective; to what degree they are working; and what do they need to take forward. So, the Federal Forest Restoration Program goes back to 2013 when the State put \$2.8 million dollars of Lottery Funds on the table to initiate this process. That initial focus was basically in Eastern Oregon. In 2015 the Legislature increased the scope to statewide and increased the budget to \$5 million dollars. Most recently in the Legislative session, the Program retained its statewide scope and it was placed into the Agency's Budget permanently as core business funded at \$3 million dollars. With State money we've done the following:

1. Supporting local collaborative groups to reach agreements around the scope and scale and type of treatments that need to occur or that they want to see occur on these broader federal landscapes.
2. Used State resources to figure out efficiencies within the planning phases of the environmental analysis process (NEPA) and assist with data collection, stand exams, cultural resource surveys to keep projects moving forward on their project timeline.
3. Funding our seasonal employees on the shoulder periods around fire season to do timber sale layout, data collection and pre-sale layout stuff.

The other thing that was significant in 2017 was the Feds gave the States opportunity to work in partnership with the Forest Service and BLM to get the work done on federal land. We now have the Legislature's approval to spend anybody's money including the Feds under their Good Neighbor Authority (GNA). This authority is where all the political attention is. Both at the Federal level and the State level. So GNA allows the State to implement Federal decisions. Federal Environmental Laws still apply. ESA still applies, Clean Water Act applies; Clean Air Act applies, etc.... Once the environmental analysis is satisfied. Again with the State crews assisting in data collection. Once that's done, we have a project ready to go. So the GNA allows us to step in and implement projects that have been approved and signed by a Federal decision maker. We can do a lot of different things. We can do fuels work using ODF crews, non-commercial thinning work, and sale layout. ODF is actually contracting out some of that work and doing commercial sale layout work within the Forest Service Timber sale.

Paddock Butte is the first such project where we are going administer a Federal timber sale on Federal land. ODF is going to administer it using State procurement and what we do already through our State Forests Program. We also have opportunities under Good Neighbor include the opportunity to do whole or portions of NEPA. A federal decision maker says, that looks good, we'll sign it and now you guys go and implement the timber sale. And we can recoup our costs to do all that work from the timber revenue.

Where there is a timber sale, there is revenue generated from the sale of the logs, and that is used to pay for management costs. With Restoration Services the Forest Service contracts ODF to do fuel reduction, sale layout. The Forest Service and BLM are taking federally appropriated money but don't have a crew to go lay out that timber sale. So they write a contract for ODF to go do that. Sometimes its ODF crews or we can contract that work, or do this through partnerships and agreements. He reiterated that it is an intention of ODF to keep that contractor base healthy and ready to go. We are finding that in different locations the capacity to do 'x' is way different depending upon workforce attrition. The opportunities are different depending on which National Forest or BLM District you are on. But this is us largely being a contracted workforce either using our crews or contracts to get some work done.

With NRCS funds the opportunity for working with landowners in these landscapes to do similar treatments on their lands will mean a continuity of landscape and forest health. The GNA allows ODF to keep the extra timber sale revenues in a trust account for the Federal Government. What we get to do, is take timber sale revenue and then use it for work that we agreed to with the Federal Land Management Agency, which in this case happens to be the Forest Service.

The stumpage value, or what's coming back to the landowner, the American public. So we do have to pay the Forest Service a minimum amount of money. In this case, that is \$3 dollars of what is forecasted to be \$112/thousand stumpage value which will also pay a host of other costs depending upon the project details, such as brush disposal, etc. ODF will send the Forest Service roughly \$6 dollars/thousand from that timber sale. But we don't know how much that revenue will amount to until moved to market. The rest of that revenue we can use to pay for all these services. Restoration services, like Juniper removal, noxious weeds, in particular there is some sale related road maintenance that's going to be done as well. Any balance is then held for the next project. Whatever that project happens to be and will provide some flexibility against market flux and any unexpected increase in expenses.

Back to this, why this white bar is really important...so when we talk about a GNA project. When you hear of a project what do you think of? You probably think of a unit of non-commercial thinning. Or a timber sale unit. Or a prescribed fire unit. One of the things we've learned in working with our State colleagues is the value of that white bar is the following: Some timber sales are going to generate more revenue than there is cost. We showed a small example of that with Paddock Butte. There's going to be treatments that we need to do, that don't have revenue. Because maybe it's surrounded by private land again. And we need to pile burn that because it was logged maybe 2 years ago and never got around to putting fire on the ground, burning the piles and whatever issue there is. We can take the revenue from that timber sale and get that treatment done. If that is something that we deem as important. We can also take that revenue and plow it back into planning the next project area, which is going to include, probably a timber sale, probably more non-commercial thinning; and once we achieve accomplished acres if there is additional revenue we can prime the pump for the next timber sale. Or prime the pump for the next analysis. We have flexibility to do that. And these kind of decisions are important to handle this at the local level. So we are setting these agreements up by forest by forest.

With the State funding we got 5 positions. Phil Chang, as program lead in Salem. 4 District Coordinators in Klamath Falls, LaGrande, Prineville and somewhere south of Salem along the 1-5 corridor. Their jobs within these areas is to come up with these ideas for working with the Forest Service and local partnerships. Those positions are the point people. He provided as an example the experience in Klamath, where the FFR District Coordinator is actually funded half with State money and half Federal. The Regional offices said, we need that extra capacity at the local level to come up with these projects so those positions were funded with their role of putting the projects together.

He mentioned two things that we will see happen in the next three months. One is for us to have forest-wide agreements for both the Willamette and Rogue River/Siskiyou. This agreement is going to be in the neighborhood of \$250,000 of federal money for us to do a lot of contract work with ODF as the contract administrator. Pay for our time and put most of the money out in terms of contracts. It is watershed focus work. It is not in-stream work. Second, we are also scoping out a timber sale to operate just like the Paddock Butte project in the Outlook planning area. Where the NEPA is done or really close to done on that project. So that will be one of our next timber sale projects which I

guarantee with the economics on the Willamette it's going to look very different than it does on the Fremont-Winema. South Cascade District is planning to hire, what we are calling right now, a GNA Forester. This is an NRS2 position. The same level as a Stewardship Forester. Their primary job will be implementing GNA projects on the Willamette National Forest. So, we'll learn something each time we do this. We also are going to take other timber sale projects on a list of National Forests.

Whittington inquired if part of the funds can be used on private lands.

Davis answered that the Farm Bill Authority does allow us to take this program income and to do treatments on the other side of the property line. But it has to have some connection and benefit to the National Forest system. Obviously, those funds can't go to State Forests. This is why it is important to have local ODF connections because we need to initiate a conversation about those opportunities. It is not just federal work. It's not just private lands work. There is a nexus there that we really need to think about with this tool. Of course the Forest Service would have to agree, and put in the agreement that there is benefit to federal lands. But the precedent has been set on the Siuslaw National Forest through a Stewardship Contracting mechanism doing fish habitat improvements downstream of federal lands. It could apply to fuels work or anything else.

Abraham wrapped up the discussion and announced that members interested could stay and attend the State Stewardship Coordinating Committee meeting from 2:00 to 3:30. The next scheduled CFF meeting is on April 20<sup>th</sup>.

Meeting Adjourned.