



"STEWARDSHIP IN FORESTRY"

# Committee for Family Forestlands Meeting Minutes May 16, 2019



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 convened on May 16, 2019 in the Santiam Room of the ODF Operations Building, 2600 State Street, Salem, Oregon

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

Kyle Abraham, Chief ODF Private Forests Division  
Evan Barnes, Committee Chair, SW Landowner Rep. (Voting)  
Bonnie Shumaker, Landowner, NW Landowner Rep. (Voting)  
Kaola Swanson, Environmental Rep. Ex-Officio (Pacific Forest Trust)  
Rex Storm, AOL/OTFS Ex-Officio  
Julie Woodward, OFRI Ex-Officio  
Jim James, OSWA Executive Director Ex-Officio  
Brad Siemens, USFS State & Private Forestry Ex-Officio  
S. Mark Vroman, Industry Rep. (Voting) Hampton Family Forests

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

Susan Dominique, Committee Administrative Support  
Josh Barnard, Field Support Manager  
Amy Singh, Forest Legacy Coordinator

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### ***Members not attending:***

John Peel, EO Landowner Rep. (Voting)  
Gilbert Shibley, Landowner-At-Large (Voting)  
Glenn Ahrens, OSU College of Forestry Ext. Ex-Officio

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### ***Guests:***

Barrett Brown, OSWA member  
Gary Springer, Starker Forests

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

Chair Barnes opened the meeting noting an abbreviated agenda to allow interested members to attend and provide testimony for the Legislative hearing scheduled for HB 2469.

## **2. Introductions/Roll Call**

(See participant list above)

## **3. Approval of the April 2019 Minutes**

Barnes asked for any changes or additions to the April minutes. Dominique noted that she had received feedback from John Peel (who wasn't in attendance), that the use of acronyms became confusing at times. She remedied that and said those were the only changes he had requested. Shumaker moved that the minutes be approved with the requested edits. Vroman seconded. All were in favor, the Motion carried.

## **4. Public Comment**

Public Comment was invited. None was offered.

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

Abraham began reporting that Ryan Gordon is back in his Family Forestland Coordinator position after 6 months as Acting Public Affairs Director. Ryan was expected to join the June meeting. Some legislative news, ODF did have a hearing in the House Revenue Committee on the Harvest Tax bill. HB 2073 was submitted with the current 60/40 split of General Fund/Harvest Tax. At the time of the meeting the bill was still in the Revenue Committee until the Department gets the final General Fund Budget for the Agency. The State released its economic forecast for May which by all accounts looked really good with a decade old high in terms of tax revenues, but as to how that will play into plans for the 19-21 budget making process was unknown and the last piece needed to start getting the General Fund budget out for the Natural Resource Agencies. He anticipated that the discussions would start ramping up soon on the Agency budget. He reported noting an interesting tension between HB 2073 and HB 2495 being open at the same time as related to the Harvest Tax and funding the fire program. The Department also sees some tension with the Governor's Wildfire Council

on how Large Fires are paid for. SB 931 dealt with Aerial Spray announcements relating to providing a 24 to 48 hour notice for aerial pesticide applications to neighboring landowners. That bill didn't make it through committee and didn't go to a vote this session. James added that it was interesting as ODF's FERNS is already available to people to get that information if they subscribe but most of the subscriber requests come from urban areas and that it's not actually neighboring properties requesting that information. Springer noted from the industry side that the vast majority of neighbors get notified personally and it makes sense to him that they wouldn't be subscribers.

Kyle went on to report that there are other pesticide bills related to chlorpyrifos and neonicotinoid use but forestland owners don't tend to use those, and he presumed that they are not labeled for forestry use. HB 2469 the OSWA bill on secondary dwellings on forestland did pass the House and at the time of the meeting was in the Senate with a Hearing scheduled and possible work session that some of the members were going to. Brown thought it was worth pointing out that having the scrutiny of 1000 Friends of Oregon early on had provided a pressure test for the bill and their criticism prompted subsequent amendments that were quite positive to the effort even as they stayed neutral in their support. There was also a House Energy and Environment informational session on water quality that included ODF, ODA, DEQ and League of Oregon Cities that was interesting. Many of the representatives had some really good questions for agencies on how they work together in terms of regulations and authorities.

At the April BOF meeting Josh and Jennifer presented the final technical report on Marbled Murrelets and reported that the Board accepted the report. The next steps involve what products and deliverables staff need to produce as the Board will be making decisions along the way. He noted that this second Phase will be more challenging. The current timeline is tentatively to go to the Board in November with a draft plan to be finalized next spring. Staff have been keeping the Regional Forest Practices Committees up to date on this process soliciting their feedback as advisory.

In June the Board will be asked to make a sufficiency decision on the Siskiyou Streamside Protection Review. He was able to share the staff's recommendation which will be presented within the context of the four sufficiency options. Those options are whether the rules are working as designed; not working as designed; there is more study needed to determine sufficiency or that due to capacity limits additional study would be re-prioritized under the current Monitoring Strategy the Board had already approved. The staff recommendation is that there is insufficient information for the Board to make a decision and staff recommends re-prioritizing additional study in that area. So if the Board agrees that there is additional study that is needed, what does that look like in terms of principles and process? Barnes questioned whether the CFF members wanted to weigh in on the recommendation with a letter of support from the Committee to the Board. A member asked about what would happen in the interim with further study. Abraham responded that the current rule requirements for stream buffers and basal area continue to apply. Study findings in the Systematic Literature Review ranged from way beyond what the FPA requires, to way less than the FPA requires. But there were only 13 studies found acceptable. One member was unconvinced that more study was necessary and questioned if further study was the best expenditure of State resources. She felt that the body of evidence found in other geographies were conclusive enough to pertain to this georegion as well. Another agreed that the original assessment during the SSBT rulemaking process determined that the Siskiyou georegion was unique enough to warrant a closer look. Still another stated that without evidence of some urgency the Department shouldn't jump to any conclusions impacting landowners. A guest at the meeting advised that any option regarding further study should include the costs of further analysis and the Department's capacity to do the work. So in making a determination it should be clear exactly what is being proposed and the consequences of cost in doing so. Abraham explained that they have deliberately made this a two-step process because the decision, the sufficiency or insufficiency of the rules, is a challenging piece and the decision shouldn't be made dependent upon what the next study might look like. If the Board accepts the staff recommendation then those questions can be considered. Others remarked whether there can ever be any certainty possible. Abraham ended by encouraging the Committee to provide a recommendation and/or testimony to the Board at their June meeting. Reiterating the decision space he reminded them that only a degradation finding would launch the Department into a rulemaking process. He reported that the Board materials on this topic would be sent out to the members to review to inform their recommendation. That will include the Staff Report and Decision Support Tool being provided to the Board. Members in general were supportive of the staff's recommendation but may include some possible sideboards confining the study timewise and with specific scientific goals determined to answer the sufficiency question. Shumaker volunteered to begin a draft to be circulated to the members electronically for feedback and completed in time for the Board meeting. She made a Motion that the written

recommendation be delivered to the Board. Clarification was still needed as to which member would present the recommendation. The Motion was seconded by Vroman.

The last thing Kyle wanted to report is that the Board received a petition from several groups on April 24<sup>th</sup> regarding Coho resource sites. This petition will undergo the same process that the Board currently has underway for the Marbled Murrelet petition. This new petition has been submitted to designate resource sites for listed Coho species. Oregon Coastal Coho, Southern Oregon Coho, Northern California and also the Lower Columbia Coho which are all federally listed species. Statute 527.710 clearly says that the Board will develop rules for Threatened and Endangered Species. The Board has 90 days to make a decision whether to accept or deny the petition. July 24<sup>th</sup> is technically 92 days after the receipt of the petition but we have agreement from the chief petitioner that we don't need to call a special meeting to make that decision, and an answer can be provided at that July 24<sup>th</sup> BOF meeting. As there is work related to fish streams ongoing, staff is unsure what the options would be for accepting or denying the petition at this point. The petitioners are looking for additional requirements for stream buffers and harvesting in watersheds. One member noted it would prove helpful to provide a side-by-side comparison of the request versus current streamside studies ongoing. Others argued that landowners are already obligated in the current rules to provide stream protections especially with the new Salmon, Steelhead and Bull Trout rules. He shared that a lot of the alleged inadequacies go back to CZARA and the EPA NOAA disapproval of that program but they will be meeting with ODF&W, OWEB and Water Resources as part of the core team next week to get some of their input around this petition. Staff will be putting together work products in describing exactly how the FPA practices meet those requirements and then the Board will determine if it is enough and answer the petition.

Barnes didn't want to let the pause in the agenda pass before conducting some Committee business. That being the nomination for vice-chair. He suggested that he thought Kaola Swanson should be nominated for vice-chair of the Committee, and asked for a Motion or discussion. Motion was made for a vote assigning Swanson as vice-chair. The Motion was seconded by Shumaker. All were in favor, none dissenting. Swanson graciously accepted. Agenda topics continued.

## 6. Forest Legacy Program

In response to a member's question at the previous meeting, a brief on the Forest Legacy Program was put on the agenda. Amy Singh, ODF Forest Legacy Program Coordinator and Brad Siemens, USFS State and Private Forests Region 6 Landowner Assistance Program Manager were invited to provide an overview. Singh began the discussion with a high level overview of the Legacy Program which is run through the Forest Service. The purpose of the Forest Legacy Program is to identify and protect environmentally important forest land that is threatened by conversion to non-forest uses. This incentive provides landowners a way to keep their working forests and encourage sustainable forest management supporting strong forest markets. The Program uses two tools to accomplish those goals. The primary tool is conservation easements which keep land in private ownership and place legal restrictions on the property to ensure there is no development, subdivision or conversion that threatens identified conservation values. The second option is through a simple fee title purchase which would move ownership from private to public holding. Under Legacy, the ownership would be maintained at the State or local government level. It would not become part of the federal estate. The Program is funded through the Land and Water Conservation Fund using a small portion of off-shore drilling fees dedicated towards conservation. There are not taxpayer dollars involved. Legacy is a pretty robust and active program on the national landscape. Almost 3 million acres have been protected so far with Forest Legacy funding and the Program has just passed its 25<sup>th</sup> year nationwide.

Answering a question about the competitive nature of the funding Singh shared that it is a nationally vetted process with specific criteria. Oregon has been successful in getting funded and completing 3 projects: South Eugene Hills, fee title now owned by the City of Eugene. Gilchrist State Forest, and the Blue Mountain Heritage Conservation Easement. There are two in the vetting process now, East Moraine of Wallowa Lake, fee title for Wallowa County, and the Hood River Fish and Forest Conservation Easement on Weyerhaeuser land. There is another Oregon project coming on board with the Community of Arch Cape protecting their drinking water supply through a fee title acquisition.

They described the competitive ranking process for Forest Legacy Program evaluates projects on three elements: Importance, Threatened and Strategic. Briefs are restricted in the number of characters, a map and limited number of

pictures. The Importance section looks at the economics; timber; non-timber; management plans; and 3rd party certification; T&E species habitat, fish and wildlife, and unique forest resources. It evaluates the importance to water supplies; aquatic habitat; watershed protections; public access (whether that's allowed); scenic values, historic, cultural and tribal values. All factors supporting the project's importance either nationally and/or locally. Threats to the subject lands are evaluated for the landowner circumstances; development; parcelization or conversion threats nearby. A landowner may have economic constraints that make parcelization or sale the only option. The last component the National Panel considers is Strategic. Panelists consider if the parcel has been identified in national or state planning as a priority for conservation or whether it complements other nearby conservation initiatives. So all things consider how important the parcel is in achieving greater conservation goals. Siemens provided that there generally is bipartisan support of the Program in the national budget. But that appropriation has been uncertain at times. The panel that reviews and awards projects is a mix of state and federal representatives. The State Stewardship Coordinating Committee in Oregon issues a Call for Letters of Interest, and then evaluates Oregon projects for eligibility. Each State may submit 3 projects for national consideration for a total of no more than 10 million dollars. Any single project would be limited to 7 million. These grants have a 2 year timeframe and Legacy is a 75% funding source. The other 25% has to come from non-federal matching sources. There was some discussion on different funding sources and the importance of having strong project partnerships.

### **7. Annual Report/Testimony Planning**

Members were provided a rough draft of their Annual Report to the Board of Forestry. Dominique pointed out what input was still needed. The report summarized the Committee's work for the past year, and acknowledgments. Homework for the June meeting included an introductory statement from the Committee Chair, and prioritization of topics for the upcoming year composed in a new work plan. Members were encouraged to request any additional information to be added, or changed. As many of the Committee's priorities mirrored the Board's, some topic summaries were significantly abbreviated as information had already been presented to the Board through their own work plans. There was some concern on the numbers provided regarding the percentage reflecting family forestland ownerships whether industry would be included in those numbers as well as whether to include all small woodlands (1 to 4999) or as defined by 10 to 5000 acre ownerships. Members would continue to review the draft report and be prepared in June to discuss their work plan for the next year, 2019-2020.

Abraham asked members how they envisioned presenting the report at that July Board of Forestry meeting. It was generally agreed that it was valuable to the Board members and the family woodland community to present the report in person. Several names were floated as available to do the presentation. Bonnie Shumaker reminded the group she would be ending her term in July and made a Motion for a new NW forestland owner representative nominating her invited guest Barrett Brown to the Committee in her stead. Swanson seconded her Motion. All were in favor of putting Brown's nomination in as a consent agenda item to the Board in July. Abraham would compose and deliver a Staff Report and biography for Brown as a potential member for Board approval. Brown shared that he and Rex Storm have been Charter members on a State Forest Advisory Committee for almost 20 years and has gone before the Board on many occasions on State Forest issues. Brown, being present at the meeting was willing and strongly supported to join this committee as well.

### **8. Food Plot Draft Rule Review**

Josh Barnard covered for Danny Norlander who was lead on the Wildlife Food Plot rulemaking. He provided background that the exemption for wildlife food plots was legislatively mandated into statute in 2015 as an acceptable practice under ORS 527.678 in the Forest Practices Act. In addition the legislators directed the Department provide rules to implement that practice. There was a staff report Consent Agenda item to the Board beginning the official rulemaking steps. Staff determined that the Committee for Family Forestlands should be the advisors on the rule writing as it pertained only to forestlands below 5000 acres. Norlander had drafted some rule language which is still undergoing internal review but he wanted to get CFF feedback prior to the Committee's last meeting for the season in June. Barnard suggested that a final draft should be ready in the Fall 2019 finishing the rulemaking process in the Winter of 2020. Since the statute was written the Department has been operating on these requests under interim guidance on how someone would enroll and what meets the parameters of the statute. That guidance included that landowners need to identify the 'target' species for the habitat and document what forage and feed would be planted and maintained for that '*wildlife guild*' or species. Barnard asked members to review the draft from a landowner's point of view and whether the language needed to be

clarified or more detailed to support the success of this practice. Shumaker recalling previous discussions thought the draft handled the monitoring concerns well. *'The landowner shall provide for credible maintenance activities and checks in each 24 month period'*. She was also glad to point out that the draft dealt with the issue of requests about fish being viable species, as establishing a pond would not be in keeping with forest practices and subsequent reforestation of the area if plots are not maintained. Barnard emphasized that these plots would not be a conversion of forestland. Storm offered that the drafted language covers plot establishment and maintenance well but didn't fully address the consequences of discontinuance or abandonment. And what would happen if landowners disqualify themselves. There are any number of ways plots could be disqualified, abandoned or discontinued. Shumaker added that she didn't feel the draft addressed management of invasive species encroachment. The Division has been working with ODF&W and the Department of Revenue on the draft. Barnard concluded that the next steps will depend upon how much needs to be addressed after the June meeting. When the language is sufficient that would open the public hearing portion of the process which would lead to finalized rules to be brought to the Board in the fall.

Woodward added that it will be important to provide information and resources to the Stewardship Foresters. Some kind of outreach package regarding appropriate species and forages.

### **9. Good of the Order/Next Meeting**

Barnes asked if the members had anything additional for the good of the order. Then when the fall meeting schedule would begin. Abraham shared that there is usually a conference call to catch up on the summer progress made and a fire report in September with the first in-person meeting in October.

Barnes asked Swanson if she had anything she could share as a participant on the Suppression Sub-committee to the Governor's Wildfire Council. Swanson offered that most of the early agendas were providing context for future discussions. Most of the concern was about how the Wildfire Council is going to leverage all the work previously done on this very similar topic. The Suppression Sub-Committee had not expressed interest in this biennium's funding so much as they are thinking about what is appropriate and what are some new ways to fund large fires in the long term. They talked pretty extensively about the current funding mechanisms and the collaboration between private landowners and ODF and how that all gets done. There is a lot to do in a very short amount of time. She shared that there seems to be consensus that believes the Mitigation Sub-Committee and the Recovery Sub-Committee will continue their work at least into December if not into 2020. She thought that the Mitigation Sub-Committee is pretty clearly committed to adapting the Washington 20 Year Plan in Oregon. At least that's the model they are looking toward. But the first work session isn't until the end of May. Swanson expressed concerned about communication between sub-committees and making those connections. She believed that there are some great recommendations from 2016 but the question would be how does the State operationalize those? Also the concern by most about the insurance policy being available over time and the risk of depending upon that. She offered to accept any feedback from the group to share at those meetings. Then Barnes started a discussion of the role of fire safe home building codes in the Wildland Urban Interface (WUI) which would need the support of the counties to be effective and suggested there should be revisions to the State Building code to require it.

Swanson continued that there had been suggestions of increasing capacity by including other agencies to fill response capacity but added that would require a lot of cross-training and handicap ODF's ability to do their long term work by requiring full time firefighters and could hijack core functions of the agency. In general she thought it is clear that there needs to be more funding if capacity is going to increase. And then who is to pay? These are public costs that shouldn't fall directly on forestland owners. Storm agreed that the landowner community is frustrated at attempts to pay more than their fair share, and the General Fund needs to pick up any extra funding. Shumaker added that she thought that there was fire safe building requirements added as an amendment to HB 2469. Barnes agreed that there are NFPA Standards that comply with the Oregon Residential Specialty Code relating to wildfire hazard mitigation. But they aren't always applied uniformly in the counties.

Barnes adjourned the meeting by noon to facilitate travel to testify at a hearing at the Legislature.

