



Committee for Family Forestlands Meeting November 21, 2019



Pursuant to public notice made by news release with statewide distribution, a conference call 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 November 21, 2019 hosted in the Santiam Room of the ODF Operations Building, 2600 State Street, Salem, Oregon

CFF Committee members participating:

Josh Barnard, Deputy Chief Private Forests (CFF Secretary)
Kaola Swanson, Conservation Rep. (Voting/Vice Chair) Pacific Forest Trust
Rex Storm, AOL/OTFS Ex-Officio
Barrett Brown, NW Landowner Rep. (Voting)
John Peel, EO Landowner Rep. (Voting)
Glenn Ahrens, OSU College of Forestry Ext. Ex-Officio
Janelle Geddes, USFS State & Private Forestry, Ex-Officio
Julie Woodward, OFRI Ex-Officio

ODF Staff:

Lena Tucker, Division Chief Private Forests
Josh Barnard, Deputy Chief Private Forests
Marganne Allen, Forest Health & Monitoring Manager
Susan Dominique, Committee Administrative Support
Bodie Dowding, Developmental Field Support Coord.
Ryan Gordon, Family Forestlands Coordinator
Mike Kroon, J.E. Schroeder Seed Orchard Manager
(filling in for Kyle Abraham)
Kristin Whitney, Office Specialist

Members not in attendance:

Evan Barnes, Committee Chair & SW Landowner Rep. (Voting)
S. Mark Vroman, Industry Rep. (Voting) Hampton Family Forests
Jim James, OSWA Executive Director Ex-Officio

Guests:

1. Welcome and Introductions/Roll Call

Swanson opened the meeting as Vice-Chair and called roll (lists above). Quorum was reached.

2. Review of Agenda

There were no topics added to the agenda, only a request to leave some flexibility around the order of presentation to accommodate speakers.

3. Approval of the October 2019 Minutes

Brown made a Motion to approve the October Draft Minutes as presented. Swanson seconded. October's minutes were approved.

4. Private Forests Division Update – Josh Barnard

Barnard began by providing updates on the Board of Forestry's activities and actions Division's work. Looking ahead to the January Board meeting, the Monitoring Unit is on the agenda to provide an update on the Siskiyou Streamside Protection Review. And get clear intent about what the Board's objectives are for a project advisory committee. The Agency is in the process of setting the group's objectives and affirming the project outline.

Staff will also be informing the Board that they will be initiating the official Secretary of State rulemaking process for Wildlife Food Plots to begin public hearings sometime next spring. One of the other pieces to be discussed at the January Board meeting is the Division's FYOP (Fiscal Year Operating Plan) and how to prioritize multiple important projects with heavy workloads. The Board is also scheduled to have discussion around the Agency's legislative concepts. For Private Forests one is centered on Field Support increasing capacity with 12 wildland/urban interface foresters and another centered on increasing the Monitoring Unit capacity by 6 additional positions. And our typical legislative concept for setting the Harvest Tax rate. Those concepts will move forward as part of the official process with the rest of the Agency Request Budgets which is summer/fall next year. During the Legislative Days the Protection Division gave a Fire Season Close-Out Report. And updates on the Governor's Wildfire Response Council were provided as well. His understanding is that the Agency has no plans to move any Policy Option Packages forward in the Short Session. But there is interest by the Legislature to respond to the Wildfire Council Report. Barnard emphasized that ODF will obviously participate and join in supporting those responses. Other items for the Short Session that ODF is tracking are several ballot initiatives that propose significant changes in the Forest Practices

Act. (Those can be viewed at the Secretary of State's website.) Storm offered that there are a total of 9 ballot initiatives filed so far but none have had a title approved to this point. Member expressed frustration with the ballot initiative process trying to resolve scientific questions, policy questions, especially on complex issues. Brown advocated that CFF members look for opportunities to communicate and discuss initiatives affecting family forestland owners. He ventured that in being informed in these early stages, the CFF could stay abreast of potential issues affecting family forests, which would promote more active engagement. Swanson recognized that the Legislature continues to be a place where small family forest owners are not as well-represented as larger owners are, and don't have the same interests. Brown agreed that to the extent that ballot initiatives drive the legislative process, it would be beneficial to help make the public aware of the downstream effects of legislation, and identify potential consequences to family forestlands.

Member asked for clarification on the policy option the Division is working on for the wildland/urban interface. Barnard answered that as the overall Agency Strategic Initiative package delivered in the last session wasn't funded and depending on the outcomes of the Wildfire Council's work, the same policy option package for Private Forests will be presented at the next Long Session to be included in the Governor's Recommended Budget for FY2021.

In regards to member's opinions and outreach, Woodward pointed out that as ex-officio members and State employees they walk a fine line between educating and advocating because they are required to remain neutral politically. So the Committee should ensure that any personal advocating for a position on an issue should genuinely be in the interest of family forestlands but overall Woodward agreed it is always good to educate the public and stakeholders about the needs or concerns of family forestland community. All in all she finds it challenging when talking about ballot measures and other types of legislation because the State just can't engage or officially favor one side over another. Storm agreed that the citizen's initiative process is tantamount to lobbying and from a governance standpoint the role and charter of this committee is not to advocate or lobby but to advise the Board of Forestry. Swanson reiterated that regardless of potential politics it is CFF's function to remain as informed as possible on the implications are of pending legislation in order to advise the Board. Woodward offered one way to start would be with the Family Forest book as well as other publications promoting the Committee for Family Forestlands so the public can recognize there are advocates to their needs. Barnard assured members that as things become pertinent, staff will keep you all as informed as possible for any conversations that you choose to have. His take now, and similar to what has happened in the past, folks have engaged with their individual constituents how they choose to. And obviously there is information sharing that goes on after folks leave the meetings. He assured members that, as things are relevant, staff will try to provide whatever context and information that they have around forestry related items. Ahrens clarified he sees the role for Extension as an ex-officio member is to understand the full breadth of what family forest owner's issues and needs are. Outreach is a major role for Extension and their researchers help fill the gaps in the knowledge. Barnard continued that the Forestry Program for Oregon which is currently under revision communicates out how important family forestland owners are for the many benefits they provide to Oregonians. Swanson offered that seemed like the place for CFF to be engaged to make sure that family forest owner's objectives and values are clearly identified in that Program plan.

5. Governor's Wildfire Council Update – Rex Storm/Kaola Swanson

Storm led the update having had an opportunity to participate in the Wildfire Response Council and being a member of the Mitigation Sub-Committee. Swanson was a member of the Sub-Committee as well. He called the members attention to the Executive Summary of the full 90 page Council Report. The Council was convened by Executive Order to address the wildfire situation in Oregon with stakeholders from all sides. A first-ever comprehensive look at an statewide issue where solutions must be cross-jurisdictional. The Executive Order dictated for it to be completed by September of 2019. The Council actually issued their Report in November. Storm and Swanson wanted to report back to the Committee on the where the efforts go from there.

Storm began that the report includes 37 recommendations broken into four categories. Goal 1, Goal 2, Goal 3 and Goal 4. Goal 1 was Create Fire Adapted Communities. Goal 2 is Restoring and Maintaining Resilient Landscapes. (Mitigation/Prevention) The Mitigation Committee recommendations are still in process. Goal 3 is Responding Safely and Efficiently to Wildfire (Fire suppression). Goal 4 is Cross-functional Support Assistance, this Goal didn't have a

formal sub-committee in the beginning but later they determined that there was a need to tie all three of those other goals together. That Goal involves public engagement, organizational engagement, research and funding. It's a big report from the Executive branch in the Governor's Office with involvement from ODF, Oregon Fire Marshall's Office, the Department of Agriculture, Department of Environmental Quality, the Oregon Health Department (OHA) as well as the Oregon Office of Emergency Management, Public Utilities Commission (PUC) and many other agencies that are also engaged in some aspect in how we manage, reduce and mitigate wildfire risk and how communities should prepare.

Swanson's impression was that the Governor requested this process so that she could make a significant meaningful ask recognizing Fire as a priority and lifting up the level of recognition needed to fund and provide framework for statewide planning efforts. Storm continued that right now the Council's work is housed in the Executive Branch of the Governor's Office and the recommendations do include specific governance over the effort. Many recommendations are pretty specific regarding requests for people and money. So over the next two legislative sessions starting in February's Short Session, the Governor's Office and Agencies have already begun work to draft some legislative concepts. The February 2020 Short Session will be a chance to push urgent issues forward that need to get started right away. There are specific regulatory changes recommending change to the PUC regulations about how utilities address fire hazards and creating authorities for fire hazard decisions. Clearly, based upon the experiences in California. Work for the Long Session in 2021 will involve many of the recommendations including some statutory funding and people, agency authorities and FTE. Storm replied that suppression efforts have a long history of having a extremely well-developed and structured organization and those processes could be a model for other efforts. Swanson added that there was discussion about how the State Agencies and response systems can be further supported by the Forest Service and BLM. Many family forestland owners are located in the Wildland/Urban Interface (WUI). So the Report contained a couple of recommendations, making changes in land use regulations and establishing changes in the recommended building codes for rural/residential structures. Rex agreed with Brown that there isn't a clear view of how these recommendations will be coordinated through the Governor's Natural Resources Office at it stands now. So whether a Special Office is created or assigned to a specific agency to handle the coordination. Maybe even expanding the coordinator's role to the Fire Marshall's Office. He expects that will be determined during the Short Session. Many of the recommendations involve very targeted policies which naturally would fall to agencies currently overseeing those policies. Barnard added that ultimately changes to statute or funding would have to go through the legislative process. Storm continued that the solution is money, more agency talent investment, hundreds of millions of dollars and lots of FTE and State governance but also involvement of citizen committees. So for every dollar of new money, that new money has to be generated somewhere and so it will be a multi-year effort to implement major changes. But he sees lots of opportunity for this Committee to advise the Board of Forestry on things they will be addressing that come out of this report. So it would be good for this Committee to continue to be updated on those actual advisory processes and decisions as they occur.

Woodward tagged on to the topic reporting that OSU Extension got funding for 6 new Extension Foresters. Ahrens explained that they are similar to ODF's WUI forester concept. Those positions will fill out the new Oregon State Extension Fire Program which has been funded and is proceeding. But the short of it is they are immediately recruiting for a campus Fire Program Specialist to be a leader as well as a program manager. And then 6 Regional Extension Fire Specialists around the State. Those Regional boundaries will be defined by the geography and based on the Statewide Risk Assessment and the social ownership patterns. They expect to have the hiring process for the campus folks going on by January and the Regional Specialists by June. The Fire Program Specialist will function as a broker, facilitator getting partners together to tackle the next level look at strategic landscape planning. It also is part of Goal 2 Resilient Landscape and making this happen across boundaries faster. Goal 1 Creating Fire-Adapted Communities is obviously in there. So they are getting folks onboard and positions coordinated for whatever comes out of the Wildfire Council. Ahrens admitted being really curious about ODF concept of WUI foresters and how they would fit in these different territories. Barnard shared that what was currently discussed is that they would be designed to help implement any sort of cost share, landowner assistance programs specific to those under-served urban interface areas and also add to ODF's firefighting capacity.

Closing out the Wildfire Council update, Gordon wanted to shine some light on the work of the Oregon Prescribed Fire Council. Most of that work has been coming out of Klamath and the work Extension's Daniel Leavell has been doing. The Prescribed Fire Council has organized behind a real interest in making prescribed fire more accessible as a tool to forestland owners, particularly for non-industrial private forest landowners in the east and southwest Oregon. This obviously has a pretty big nexus with the work of the Mitigation sub-committee. The two key issues in prescribed fire are liability and technical capacity. Currently Oregon is a full liability state. So if you light the match and something goes wrong, you accept the cost and liability of that. Some other states have a gross negligence statement, which offers some protection for folks that have taken appropriate measures to plan and implement their prescribed burn. That technical capacity piece will require building out field capacity at ODF and getting staff qualified as burn bosses. But the external efforts in Klamath have also included discussions about a Certified Burner Program. Then there have been questions regarding whether it should be governed by the Fire Program or Private Forests Program? He pointed out that there are some interesting contradictions in statutes. The 527.477 statutes for Protection are all about suppression of fire. 527.526, the statutes for Private Forests recognize prescribed fire as a management tool. So a contradiction exists between Protection's part of the statute that says we will put out all fire and Private Forests language saying that we recognize, fire in some cases, as a legitimate management tool. This discussion is in its early stages and with many stakeholders involved and obviously require having the technical capacity and the right legal framework to back it up.

6. Update on Seed/Seedling Availability – Ryan Gordon

The seed and seedling availability issue has included Committee efforts over time. But is still a unmet need for many private non-industrial forest lands. As background for newer members, CFF efforts included authoring a position paper which identified the need and provided framework for convening a small work group of ODF, industry, nursery industry, Forest Service and OSU Extension to look for solutions. Historically, that specific need was addressed by the State operating a seedling nursery to provide seedlings on spec for small non-industrial landowners but the issue returned in 2010 when the Phipps Nursery closed down in the midst of the recession that was occurring. Many nurseries statewide closed as well compounding the problem. Emerging from the recession, timber markets improved but there was also a lot of fire on the landscape and so quite suddenly That created a lot of demand for seedlings. The spec nurseries, that survived the recession quickly went to capacity. In 2016 the Department had made a couple of efforts to get an LSR (Landscape Scale Restoration) Grant around the seed/seedling topic but were unsuccessful in getting funding. But the Forest Service subsequently provided us a \$50,000 Stewardship Grant in 2017 to assist in the effort. At this point we still have that funding on the books and are looking at re-engaging the topic again as those non-industrial forest landowners are still needing a dependable supply of seedlings to meet reforestation needs. Non-industrial folks only harvesting once or twice don't necessarily realize that they will need to replant within two years, but seedling orders need to be submitted two years in advance. And then to complicate it further nurseries can have minimum orders ranging anywhere from 1000 to 20,000 per order which for many is more way more trees than they need. And there is always pending demand for unplanned events like wildfire. And where there is need in unique seed zones there may not even be seed stock available. There are some efforts trying to address that, at least for supply on regular annual operations. The Forest Seedling Network (FSN) is an online clearinghouse to connect landowners with nurseries that have stock available speculatively and often those folks are willing to sell in smaller lots of 500. And a great model in the northeast, the non-profit Private Land Forest Network (PLFN) has created some pretty good infrastructure around acquiring, transporting, storing and selling seedlings on a regional basis.

Ahrens emphasized harvest rates are widely variable and the numbers of seedlings needed is a big unknown. Clarifying those factors is important to finding solutions. Swanson agreed having a shared experience trying to source trees for river restoration projects. Woodward emphasized the need to gauge the demand and when OFRI talks to Oregonians, one of the forest practices rules they feel most adamant about is reforestation. But people can't meet the law if they can't get seedlings. And nurseries won't plant unless there is a known demand. Data is needed on the amount of unfilled need there is. Barnard said the Department doesn't have a centralized record at this point, but the upcoming Implementation Study will be taking on the topic with a single focus on the landowner's success at getting seedlings in the ground within the required timeline. Storm emphasized that even aside from the scope of the problem on a base level, reforestation can be a barrier to stewardship and sustainability of the family forestland community. He

saw an urgent need to raise the level of concern to the Board once again. Swanson agreed but supported the need for more data.

Gordon continued with some ideas that are being discussed internally. With the capacity that they have through the grant from the Forest Service and staff time, one idea is creating a plan to maintain seed inventory for the private lands across the whole state. There is a good amount of stocked seeds in the Oregon Seed Bank (minus some of the more unique zones) recognizing that stock must be rotated to keep it fresh. That seed comes from collections at the Seed Orchard, wild collections and sometimes purchasing seed from an Extractory, or other orchards. Mike Kroon, J.E. Schroeder Seed Orchard Manager, who was present at the meeting shared that ODF has a intergovernmental agreement with the Forest Service to purchase seed. There has been discussion on federal excesses or surplus seed. The State can purchase up to 6% of every seed harvest from coop orchard members. He then detailed out what tree species are being produced in the orchards and where he sees the gaps are in the Seed Bank supply.

Gordon returned to the third challenge which has to do with forecasting scope and need. Notifications provide data of only *potential* harvest activity and there might be data that comes out of the Implementation Study that could inform that. Another idea was actually putting a 'button' in FERNS so that when the landowner is notifying it would trigger links to contact nurseries early linking up the buyers and sellers. Number three would be putting together a post-fire restoration playbook and suggested putting a more detailed document together that helps individual landowners think about post-fire restoration and the options that they have as a tie in to community fire preparedness materials. He noted that the Private Lands Forest Network (a 501c3) in the northeast is a great model but not always transferrable across the state. But where it is feasible it could be a model for communities to walk through the process of grouping orders, establishing transportation and storage infrastructure for the distribution. So three primary ideas that have been generated that are feasible with the capacity and resources that we've got right now. A fourth thing in motion, is a little pilot project with the J. Herbert Stone Nursery (USFS) down in Medford. Using some money left over in the Phipps account for seed purchases possibly could be used to consign the USDA/J. Herbert Stone Nursery to grow the seedlings. But as the USFS can only sell to public entities but with the State as customer but then could facilitate the seedling sales to small private landowners. This pilot effort is looking to purchase 25,000 seedlings for those impacted by the Taylor/Klonkike and Chetco Bar fires. If other industry partner would commit to buy any leftover seedlings, that would provide some protection against loss and enables us to sell to folks already in cost-share programs for restoration. If we start losing money over time that opportunity will go away. But it's a nice partnership to build and pilot. And it's a plus for the feds as there is no current demand on federal land for seedlings but they must produce for eventualities so they lose a lot of seedlings. Then Gordon added that he is currently working on a modification to the federal grant focusing on the three deliverables mentioned.

Woodward wondered if these grant dollars could be a stepping stone to look at creating a NW Coordinator and SW Coordinator similar to the PFLN coordination? Where if ODF institutionalized these cooperatives it would be really beneficial. She was really impressed with the NE Oregon model and something as simple as funding a cooler to help landowners get seedlings on their time and schedule their crews. A simple, really smart process. Storm agreed that we have a good model where ODF is the conduit, the facilitator, an entity for landowners to better understand the challenges. And franchising that idea might be another good pilot project but would require some investment.

Ahrens identified that the stewardship foresters are the closest thing to somebody who has their finger on the pulse of what's going on. They know who are in trouble with the requirements. Adding that knowledge with an addition to the notification to help landowners anticipate their seedling needs at the beginning to establish demand. And then providing the seedlings needed will take some project pilots across the State. Perhaps giving Stewardship Foresters a bit more capacity to keep track of that, could start to address identifying demand. Barnard agreed conceptually but noted that current NE efforts are not actually ODF-based but an independent non-profit that works through volunteers. Many efforts are also coming from the Small Woodland Owner chapters. Storm was quick to note that even OSWA's efforts don't satisfy all the need, probably only about 20%. They too only order what they know they can sell. Swanson suggested the conversation be a continuing agenda item. Gordon reported that he will be sending the grant modification to Geddes so the Department can start using these funds.

BREAK

7. Review Draft Changes to the CFF Charter - All

Brown led the discussion around the changes proposed to the CFF charter and began by asking Peel if he had any changes or additional thoughts on the language. Peel recalled that the intent was to have all points of view represented not only the majority view, so the Board could see the critical points of discussion in making recommendations. Brown offered that reflecting the richness of the discussions could actually strengthen the Board's confidence in their recommendations. Swanson said that by clarifying the process of recommendation in the Charter, future members would know that recommendations should reflect a variety of opinion. On the topic of recommendation, Swanson suggested putting the new language after the Conduct of Meeting header. And heading it as "Procedure for Formal Recommendations".

Those present thought it more appropriate to affirm the language at the next meeting when the the Chair and others were in attendance. That led to some discussion about how they should be defining a quorum. Barnard shared that after a little research you need half of the voting members (present or not) as the official number for quorum. Currently there are seven voting members but that doesn't include vacant seats. Brown suggested the possibility of defining quorum in the Charter document. Gordon spoke to what he understood that Oregon law is silent on exactly what quorum means and therefore the Department of Justice's guidance is to take an overly cautious approach that in order for issues voted on to move forward, the majority of the members of the body must agree. So in the case of this Committee where you have 7 voting positions, in order for anything to move at least 4 of you must be present together and must agree on how that moves forward. So right now even though there are two vacancies his understanding was it would still look at 7 as the total number, so therefore you would need 4 for quorum. Then Kroon shared that from his experience on a watershed council they had defined what quorum meant and actually put it in their guidance. Swanson agreed with counting of the empty seats (which seemed impractical) but noted it would be good to define it formally. Gordon cautioned that the group can only set rules about quorum and other things if the statute allows that. The Committee for Family Forestlands established by ORS 526.016 is a statutory committee. So unless defined in the Charter it would follow any default definition. Swanson proposed considering it a majority of *seated* voting members. Barnard reiterated that 'seated' would mean counting filled committee positions for quorum whether the positions were present at the meeting or not. Barrett concurred with respecting the non-attending but existing members. So there would currently be 5 seated members. And that would make the quorum required 3 as a majority. Swanson asked if information could be brought back whether there were legal terms of art for defining 'occupied, filled or seated'.

There was some feedback on the language itself. One reviewer had a difficult time separating 'recommendation' from the 'content of the recommendation'. Also that 'the Committee will seek consensus but will formalize its conclusion via the poll'. Consensus is formalizing opinion, and agreement. Brown suggested that language intent would refer to 'seeking' consensus but not to be constrained by that. Swanson added that the new language is an effort to reflect discussion in the way the meeting notes do. Peel agreed to do some additional editing and Dominique offered to help insert and format the revised document for discussion at the next meeting. Barnard verified that as a change in the Charter it should be provided as a Consent Agenda item for the Board. But if something came up in the meantime they could start working through this process as it is generally acknowledged as a viable concept.

8. Discuss Committee Vacancies - All

Barnard led off the next connected discussion regarding the two vacant positions on the committee are Citizen-At-Large and Landowner-At-Large. Both voting member positions. He shared that in the past the Citizen-At-Large position also served as Chair, as maintaining a unbiased position not being a forestland owner, Usually the Citizen position has been filled from academia. And the Landowner-At-Large can be a landowner anywhere in the state that is interested. Typically, suggestions for those roles come from either the out-going member or from the other members. Peel offered a couple of suggestions, Joe Bowersox, Director of the Center for Sustainable Communities and Dempsey, Chair of Environmental Policy at Willamette University. Or Karen Arabas, Professor of Environmental Science, Associate Director of the Sustainability Institute, Willamette University. As Joe's family has a small forest plot on the westside he would only be eligible as Landowner-At-Large.

A suggestion from Gordon and Barnard was around combining the work of CFF and the State Stewardship Coordinating Committee, as (another advisory committee) which has members that would potentially fill those positions. They noted that SSCC covers a lot of the same topics and given that those members have access to potential funding solutions and incentive programs, having that information could be very valuable when discussing solutions to family forestland issues. And the committees do have shared membership. The general logistics of combined meeting was discussed. The SSCC's purpose is to advise and provide oversight on the Forest Legacy Program and Stewardship Program. They were created by the Federal Cooperative Woodland Management Act as a necessary component of our funding through State & Private Forestry. The Statute allows us the flexibility to have either a standalone Stewardship Coordinating Committee or a similar group with the appropriate representation. CFF really has that appropriate representation. As there are some membership holes in the representation on both committees, Barnard was supportive of trying to align both committees to make the process more efficient. (Common members include: Rex Storm, Jim James, and Janelle Geddes in their ex-officio roles.) Storm expressed having some concern about combining efforts. He felt that each committee has different roles and different membership (for the most part). Gordon remained optimistic and recognized there would be a period of overlap for a time trying to fly this idea. Woodward, who had spent some time on the SSCC, shared her sentiment that perhaps if participation was voluntary it would reduce workload but to keep the Forest Legacy process of review and recommendation separate, essentially splitting off those duties to sub-committee. Closing, Gordon noted something else to consider was some of those on the SSCC could potentially be candidates for the open CFF positions. Ongoing, Gordon said that as they are in the process of updating the State Forest Action Plans, those new roles could be identified in that. That Plan needs to be finished in June. Dominique suggested perhaps asking SSCC members about their interest in filling the CFF empty positions and invite them to join the next meeting, that way they get a feel for the Committee prior to any official decision on who to have fill those seats.

LUNCH

9. Monitoring Program Update – Marganne Allen

Allen had four topics the Monitoring program staff are working on currently. Talking Points for each were provided to the members. She started off with DEQ's Willamette Mercury TMDL. (Total Maximum Daily Loads for water quality) and the mercury advisories out of ODF&W for fish consumption from the Willamette River. There is already a mercury TMDL in place in the past but a court case triggered a re-do and in response DEQ are reviewing their load determination which and those determinations will back up into the watershed. DEQ's goal was to have it finished in the middle of this month. The TMDL defines what current loading is and where its coming from. Forestry comes into play because the size of the land base is a key part of it. There is some amount of mercury that naturally occurs in the environment, particularly where there is volcanic geology. But predominantly the largest source of mercury is human-caused from things like coal emissions and the like, and actually quite a bit comes from overseas through the air currents. When these emissions that are in the air come down (either with rain, or through dry deposition) the majority of the landscape in forests or agriculture mercury isn't immediately washed off and concentrations grow. Forests become a good sink for collecting that deposited mercury. Mercury is problematic because its contained in sediment within the forest environment. Elemental mercury in the atmosphere is not the toxicity issue. It takes is a chemical transformation for it to become biologically active and problematic. That transformation occurs in low oxygen environments, wetlands, the sediments behind dams, things like that. In an environment that is highly oxygenated, cold, it tends to stay in its elemental form. But when it gets into slow, warm, low oxygen environments the 'methylation' goes off. That's what makes it biologically active up the food chain through the fish. So, when we have erosion processes that happen on forestland either naturally or where human management causes runoff the totals in the environment accumulate over time. She added that there have been great improvements in air quality to address that point source compliance doesn't happen equally across the globe. So science focuses on the aspects of mercury that can be controlled like surface erosion processes or landslide rates. Allen predicted that sometime soon forestry will be identified along with agriculture as one of the main sources by virtue of contributions from those large land categories. So the implementation of the TMDL will ask what we do under the authorities of the Forest Practices Act to minimize erosion?

The next Monitoring project she provided an update on is the **Implementation Study**. Originally part of the Division's work in auditing compliance, she noted that they are doing some creative marketing with the new study trying to use friendlier language to describe the projects. She spoke about the last 5 year contract was looking at harvesting, roads and some riparian rule sets. After reporting out that study some concerns were raised about the statistical methods used to collect the information. Concerns from both the public and some Board of Forestry members that there's potential sample bias because of the way we designed the data collection. The big challenge in these studies is getting permission from the landowner to collect information from their property. ODF does not have the authority to go onto private lands without permission. So lands that for whatever reason we didn't get responses from or refusals were left out of the sample pool leading to the concern that those sites that didn't provide permission may have had a lower rate of compliance. So the assumption by those critical of the process was that data was skewed to the 'more compliant' landowners that participated although she argued that from a purely statistical perspective no assumptions can be made about those lands. So at present that places uncertainty on future studies and with past completed work. Prior to these concerns being raised, staff had begun establishing the protocols for a focused look at reforestation. She reported that they have engaged OSU StatNet to help us with some of these issues and we have done a first round of consultation with that group. It was evident that the conversations with them be continued. Other options are being looked at. Staff have a rough draft of our proposed Phase II consultation with OSU StatNet, and are moving forward with that but she assured the members they will be kept informed on the progress as well as anything else that we may be asked to do on the previously collected information.

Swanson commented that changing the name from Compliance Audit to the Implementation Study should be helpful. When people hear the word 'audit' they may assume a methodology and statistical significance that doesn't match the intent of the original study. A mismatch to the expectation. If ODF's goal is to do a survey of voluntary landowners to assess and support educational efforts that is what an implementation study can achieve. A statistically significant audit to assess actual compliance would need a different approach and may potentially get different results. If the Legislature has asked for an actual statistically significant compliance audit, then out of the current options a satellite view seems really appropriate.

Ahrens asked about responding to landowner questions he gets, how the Stewardship Forester visits that are done during a active operation. Allen responded that the foresters are trying to get a broad sweep of their customers but in particular will try and focus on operations that have more of a likelihood of having compliance issues or areas where there are particular resource site issues or complaints. They cannot go on lands posted, No Trespassing. The vast majority of industrial landowners, say here's the keys, and let us know if you have any problems. Barnard added that if there is any indication that the property is closed we don't enter. Allen continued that in the event that there is a potential problem and it's posted and or they have not been given permission when they ask, then it comes down to whether or not there is enough information to get a warrant. Kroon offered his insight as a field forester for 18+ years, he was always told that if you don't have permission you don't go onto the land. He sees success gaining permission as needing a special talent and effort to create local relationships and gaining the landowner's trust. All in all he thought it is a small percentage of people that actually decline.

The last Monitoring update was on the **Siskiyou Streamside Protection Review** which is currently their most active project. What the Department was asked to do during the June and September Board meetings is form an special advisory committee to provide feedback on the next parts of the project as they move forward. A key instruction from the Board was to expand the literature review to include a broader geography of the science to consider in assessing the sufficiency of riparian protections again within the scope of Small and Medium Fish-bearing streams in the Siskiyou geographic region. Things like our RipStream Study are now *in scope* as far as the types of science that we bring to that review. So expanding from just the Siskiyou, up to SE Alaska and down to Northern California. Allen plans to bring an update on the process to the Board in January and begin collaborating with DEQ on how to link them in on the look at forest practices and their TMDL process.

Swanson who had experience working with TMDLs was optimistic about the coordination with DEQ. She explained that DEQ models what the potential water temperature of the stream would be based upon its aspect and direction to the sun, its topography, its stream volume and depth, its channel morphology. They use a *System Potential Vegetation*

as natural background criteria and temperature but that does not take land use into consideration. So assessing a baseline temperature for whatever would exist in the absence of people with just natural environmental processes. She explained that DEQ establishes those temperatures by looking at what the native vegetation is, how tall it grows, how dense it might be and then develop shade curves to understand how much solar loading can fit the stream in a natural condition. Then they look at what is actually happening in the stream. If the TMDL is not being met they look at what the inputs are from point sources where warmer water is being piped into the stream. She noted obviously agricultural or forestland uses may have shifted from that natural vegetation model and reduced the shade historically. DEQ has allowed for only a .03 degrees Celsius change in temperature load from their assumptions under modeled system potential vegetation. So when you are looking at the non-point source actors, like agricultural and forest owners, instead of just assuming that they have natural vegetation it would be beneficial to update the system potential with a consideration of the land use laws. Maybe develop a better, holistic approach to this than we have had in the past. Allen shared that the Board had just expressed that we hadn't fully integrated the TMDL process into the analysis that we had done. Which points to our needing to do a better job of talking to one another. Peel asked, 'Was the Board under the assumption that there actually are studies out there that could adequately inform the Board on the sufficiency of the Forest Practices Act?' At what point is it enough information to make these inferences? Swanson understood that the reason the Siskiyou region wasn't included in the last literature review was because the Board had agreed that the region was different enough not to have bearing on the streamside protection standards for western Oregon and had no sample sites in the Siskiyou region to inform it.

Allen summarized that at the end of the day, scientifically there *hasn't* been a study that has examined this question specifically for this geography. So, it comes down to a policy decision. The Board decided to split the Desired Future Condition vegetation decision from the temperature decision in the Siskiyou but wanted to combine both in the literature review. Staff anticipates having the temperature decision somewhere by June/July 2020. Staff's perception is that they want to have that decision sooner. But then next fall is when we would talk about the vegetative and shade component of that sufficiency decision. And moving along with setting up our discussions with DEQ at multiple levels, both for the Siskiyou project temperature part and the DFC part. So that question begs how do we coordinate with DEQ into the future, regardless of what the TMDL metric is? She reported that as far as the stakeholder advisory committee for the Siskiyou, ODF is hiring a facilitator to have them onboard before working out the composition of the committee. It is very safe to assume that we definitely would have family forestland owner representation. She asked if the Committee wanted to participate and there was interest in doing so.

Next Allen moved on to another Monitoring update the **Western Oregon DFC/Large Wood Project**. This is a Phase II of the RipStream Data Analysis with the same scope, same samples of Small/Medium Fish-bearing streams. This look is focused only on Desired Future Condition with a new query on Large Wood Recruitment. Adam Coble is the lead on that. The Siskiyou Streamside Protection Review is being led by Terry Freuh and Ariel Cowan. Coble is doing a multi-pronged look at this using the actual data from the RipStream Study to look at Stand Structure, Composition and Re-generation and potential for Large Wood Recruitment with the actual in-stream wood volumes that we have collected field data on. He's also going to be looking at the Literature Review, same scope here from southern Alaska to northern California looking at modeling potential stand structure with that data into the future. So this is a different look with actual data analysis and modeling as part of this. The plan is to outsource the modeling piece and see how the private market responds to that. And they are working out the Request for Proposal process. And of course, ODF&W and DEQ will be part of that as well. So in aligning our processes, how well does DEQ's System Potential Vegetation align with the Forest Practices Act description of Desired Future Condition (DFC)? If we begin that effort to reconcile those and agencies each have a different goal, science won't fix that, so ultimately the answer may involve a policy decision. The FPA itself has already stated from the get-go, that the goal is to meet the Water Quality Standards. But those goals haven't been modeled together for non-point sources.

Barnard shared that when interacting with stakeholders there are questions about how we are authorized to make these findings and make rules that differ/conflict with other agencies. The Department has statutory authority that describes making certain findings in a certain way at a certain scope and scale and not everybody else's work is geared that way. Our findings have to inform forest operations as a whole not just an impaired point in water quality. He explained that it takes a whole lot of reconciliation to make us be able to work in tandem so that same information is

useable in our process. That's an awareness thing, that there are statutes that guide how we make decisions on future rules and whether or not we find degradation. Allen added in the 527.714 statute it talks about if we are going to change forest practices we need to know whether a specific forest practice is leading to the degradation of the resource. We can't negotiate. First there has to be proof of harm then we can talk about how to fix it.

10. Promotional Outreach for Bill 2469

[This item was on the agenda as the members expressed interest in continuing the discussion. But Barnes in particular was part of that discussion, and wasn't present at the meeting. The discussion was tabled for another time.]

11. Roundtable Updates/Announcements

Swanson suggested trying to set up dates further ahead in the meeting schedule to facilitate meeting quorum. Barnard began by suggesting a January/February meeting as opposed to meeting in December. Then keeping in mind that the Short Legislative Session begins in February and that the first week of January is the Board of Forestry meeting. Members checked their calendars and worked some dates back and forth. Wanting to wait until after the Board meeting to get some fresh updates. Gordon also added in that the SSCC would be meeting late February or early March. It was decided that the **next CFF meeting would be scheduled on the 9th of January** and probably another mid-February but no exact date was determined.

As far as topics for the future agenda, over and above the Division and Board Updates:

- Seedling Availability
- Charter changes
- Promotional outreach
- Legislative Updates on ballot initiatives, Governor's Wildfire Council, Agency budgets
- Review of the Committee work plan

Good of the Order:

- Woodward reported that the Oregon Forest Practices Act Illustrated Manual the last printing published by OFRI is quickly running out. So they are doing an ask for a reprint which is likely to move forward and new copies should be available again in early February or March. Also the Family Forest Guide is being updated and has proved to be a really critical resource for family forestland owners and others. So now is the time if the members have any recommendations to that as well. She wanted to make sure that this Committee had an opportunity to review it. Another outreach opportunity discussed at the Partnership for Forestry Education meeting was the KnowYourForest website. CFF is a part of that partnership and is listed on the site. Especially for the unengaged, it is kind of a who's who. Their goal is to update information on the site every couple of years.
- Storm representing the Tree Farm System reported on their Annual Meeting at the end of October. At the event they announced the recipient of the Outstanding Tree Farmer of the Year for Oregon. The Culbertson Family in Lane County got the award. Other news, Tree Farm is leading their partners (ODF, OSU Extension, OSWA and other forestry organizations) in trying to develop a proposal for a grant from the American Forest Foundation to develop a simplified Landscape Plan/Management Plan. It is intended to be a very simplified gateway for unengaged family forestland owners on an online interactive venue where they can learn something about their forest and maybe start the first step of a journey towards learning and developing a forest plan. It's in the early stages of developing the grant proposal but proves to be an interesting project.
- Ahrens brought up increasing efforts to update and expand the Woodland Owner Database that was built from county tax assessor data. He emphasized that it has been an important tool for educational outreach. Woodward responded that OFRI has funded the updates every 3 years. Ahrens continued an a gap in the data as property classification alone doesn't necessarily capture all forestland. Ag lands with forest not classified as such that are also important to reach. Those landowners are really passionate as family forest owners but they are not on our list. They don't get the Tree School catalog, etc. So he suggested that as one way we could do more outreach. Dominique perceived a definite nexus in our ask for the WUI foresters. And it would be a

great resource when directing foresters to landowners in that area. Peel shared some educational outreach going on in Wallowa County from Extension that has been holding classes on forest management and planning. Gordon clarified that the project he referred to is funded by the American Forest Foundation (AFF) with NRCS dollars and it's a pilot project and essentially is providing additional capacity for us and OSU Extension and Wallowa Resources to hire more foresters to write those basic forest management plans to keep people in cost-share programs. Responding to a question about NRCS and funding decisions, Gordon emphasized that in terms of funding for forestry, Oregon has a Statewide Agreement with NRCS and has been engaging in that business model. NRCS uses a strategic approach to conservation in Oregon, identifying and prioritizing areas under a Conservation Implementation Strategy (CIS). It's sort of a competitive process that they have developed within the NRCS where the Districts work with the community to identify some key resource concerns which may be forestry-related, or could be related to Ag practices, etc. Those resource concerns are then reviewed and the State NRCS Office who makes the decisions about which ones will get funded. And those are usually funded for like 3 to 5 years.

- Swanson suggested supporting the Oregon Ag Heritage Program's inclusion of forestry lands. It is housed through the Oregon Watershed Enhancement Board (OWEB) and now they are looking for pilot scale funding. They are hoping to get \$10 million to distribute to family farm owners. It has been open to eventually including forests but we would have to say we would like to be included. She thought unless there was strong opposition to that perhaps it could be a discussion topic on the agenda.

Gordon explained that the reason for our Statewide Agreement with NRCS is because they just don't have the forestry expertise to administer that part of their program. He wasn't aware of all the politics as to why forestry is repeatedly thrown out of that Heritage Program. But Barnard offered that NRCS is more of a 'bank' than a technical service provider.

There was nothing else offered for the record. Swanson standing in as Chair adjourned the meeting at 2:10pm.