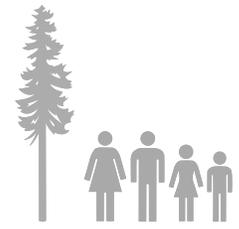




# Committee for Family Forestlands Meeting February 19, 2020



Pursuant to public notice made by news release with statewide distribution, a 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 February 19, 2020 hosted in the Clatsop Room of the ODF Administration Building, 2600 State Street, Salem, Oregon

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## *CFF Committee members participating:*

Evan Barnes, Committee Chair & SW Landowner Rep. (Voting)  
Josh Barnard, Deputy Chief Private Forests (Secretary)  
Kaola Swanson, Conservation Rep. (Voting/Vice Chair)  
Barrett Brown, NW Landowner Rep. (Voting)  
John Peel, EO Landowner Rep. (Voting)  
Glenn Ahrens, OSU College of Forestry Ext. Ex-Officio  
Jim James, OSWA Executive Director Ex-Officio  
S. Mark Vroman, Industry rep (Voting) Hampton Family Forests  
Julie Woodward, OFRI Ex-Officio

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## *ODF Staff:*

Josh Barnard, Deputy Chief Private Forests Division  
Susan Dominique, Committee Administrative Support  
Scott Swearingen, Interim Field Support Manager

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## *Members not attending:*

Rex Storm, AOL/OTFS Ex-Officio  
Janelle Geddes, USFS State & Private Forestry Ex-Officio

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## *Guests:*

### **1. Welcome and Review of the Agenda**

Barnes called the meeting to order and welcomed everyone. There were no changes to the draft agenda but it was noted that some items may be moved around to accommodate people's schedules. Then he called role.

### **2. Roll Call**

(See attendance list above.)

### **3. Approval of the January 2020 Minutes**

Barnes asked for a motion to accept the January minutes as drafted or offer any edits or corrections. Brown so moved that they be accepted. Peel seconded the motion. All were in favor, January Meeting Minutes were approved.

### **4. Public Comment**

Barnes noted no public was present to comment. That lead to a brief discussion about how the Committee meetings are advertised. Public Affairs posts and distributes the meeting announcements to a listserve and interested parties have an opportunity to re-publish to a broader audience. Meeting announcements are also posted on the ODF (External) website. Brown suggested finding out how Public Affairs can help the Committee promote public participation and whether it would be useful to do so. Members weren't sure they recommended aggressively promoting public attendance. Barnes reported he was still working on getting a Governor's signing ceremony for HB 2469 as a way to get some publicity out there. Especially when the Committee is looking to fill vacant positions.

James suggested finding a platform for notifying the audience at Board meetings about the existence and function of the Committee and that these are also public meetings. Dominique added that Jim Gersbach is the Private Forest/Public Affairs liaison and could answer many of those questions regarding outreach. Woodward suggested that just ensuring that the public knows there is a forum for small woodland owner concerns is probably the right level of promotion. Short articles in newsletters as well with contact information included. As OSWA already has a CFF section in their newsletter it is easy to put together a regular notice and news. Peel noted that from his experience there are many forestland owners in Oregon that don't know the Committee exists. Ahrens suggested that it might be useful to have a brochure or larger display that identifies the Committee to take to the Tree Schools to let landowners know that they are represented and can channel any concerns they may have about their forests to the Department. Also introducing the Committee's function to new Board members.

## 5. Private Forests Division Update – Josh Barnard

Barnard began the update for the Division indicating he would be tying in the legislative update as he progressed. He expected some additional discussion on the MOU that was signed recently. So he reported that there are open positions in the Division that are going through recruitment and are providing some interim developmental opportunities. Scott Swearingen is the interim Field Support Unit Manager. Marganne Allen took a new position at the Department of Agriculture. In the interim Kyle Abraham (Private Forests Chief) is overseeing the Monitoring Unit staff and Mike Kroon will be taking over the interim Manager duties on Forest Health Unit. Barnard is looking to permanently fill those open positions as quickly as possible. Looking ahead to the March BOF Meeting the Division he reported that Private Forests has a couple of different topics on that agenda. Kyle Abraham, the Division Chief along with Jennifer Wigal from Department of Environmental Quality will be reporting out on the process aligning ODF with DEQ processes. The Board will also be discussing their work plans and may call out a separate section to include climate change. The various Division Chiefs will be discussing that with the Board and seeking final approval at the March meeting. Also on their agenda will be a discussion on the legislative concepts (including the Harvest Tax).

Barnard announced that staff have been working with Port Blakely establishing a Stewardship Agreement for their timberlands up near Molalla to be signed soon. Then switching over to the Governor's Announcement last week, he opened the discussion about an "unprecedented" memorandum of agreement reached between timber and environmental groups. Members were provided with the formal announcement and copy of the MOU in their packets. He proceeded to walk the members through the MOU highlighting what he saw as the key points, and welcomed others to share any information they may have. At the time of the meeting staff hasn't actually seen it appear in bill form yet. But the concepts are in the House Rules Committee. James believed it has become House Bill 4045. Barnard continued that the first part of the MOU addresses the current context and work around the petitions, a lot around the initiative part of the process. Then it goes on to say that "*the cooperating parties believe that any compromise must be built on mutual trust and respect and achieve the following overall goals:*" greater business certainty, greater environmental certainty and to have a process to resolve future issues. In addition, the environmental community is to stand down in their pursuit of change through initiative process. James agreed that the goals intend to build a better system, driven by science, within a facilitated structure as agreed upon in the MOU. Versus the current process with dueling science and divergent opinions and litigation. The MOU describes a mediated series of meetings, with science-informed policy discussions. Between the Short Sessions and Long Sessions there has been kind of a timeline laid out here of that will be considered by different legislative sessions but the goal is to have the majority resolved by 2022, a very fast track. In 2021 there should be legislation that outlines the process. And if everything works well we would have agreement on what the riparian rules in Oregon should be and in addition to have federal assurances in a HCP-like approval by 2027 on our rules protecting Threatened and Endangered Species.

So, James continued that for this Legislative Session the group agreed in the MOU to promote legislation that would modify helicopter applications of herbicide on forestlands, with additional requirements for notification of neighbors when spraying is to occur. That legislation is being worked on in this Short Session. Another part of the Agreement was concerned with the Streamside Protection Rules for the Siskiyou Georegion. The Agreement was to implement the current west side rules developed for Salmon, Steelhead and Bull Trout (SSBT) in the Siskiyou region without change. But just because the legislature says we are going to implement those, ODF needs the capacity and time to make that happen. He noted that he thought it would be beneficial to continue with those discussions so people are kept current.

Barnard agreed on the salient points but the Department will have to see the actual bill language to understand all the impacts to ODF business. The assumption at this point is ODF will create a real-time alert system or announcement of pending spray operations to neighboring landowners. FERNS (electronic notification system for forest operations) will probably be the tool to do that. But that system's ability to administer those alerts will have to be programmed. (In a third parties process.) That has its own timeline. But the intent is to have it up and running by January 2021. On the policy side there will obviously be direct impacts for the Department, for example we would stop evaluation of the FPA's effectiveness for that region, and begin a rulemaking process once that becomes official. In addition, this Agreement will pause staff work on the Coho petition that the Board accepted last summer, because if successful in getting an HCP it wouldn't make sense to invest the time at that point.

Brown asked some questions regarding the Governor's appointment of a committee overseeing the process. Jim James explained there will be a mediator coordinating the effort to meet the targets set in the MOU. Each representative to the Governor's committee will be expected to conduct themselves in and outside of the Committee with the same degree of mutual trust and respect to the process as individual signatories to the Agreement. He shared that this group began with industry CEOs meeting with the Governor about taking some leadership to find common ground in establishing forest policy. Frustrated that the initiative petition process wasn't the way to set public policy and didn't provide assurances for being able to do business effectively. Nic Blosser, the Governor's Chief of Staff, with the Governor's encouragement called industry and environmental leaders to sit across the table from one another to create this Agreement. The effort was kept hush-hush, even the Department was unaware until the Governor's Announcement. Barnard clarified that as he understands it, moving forward the appropriate State Agencies will be invited to participate at whatever point seems appropriate in the conversations. He was positive about moving these concepts forward. James praised the secrecy put in place as these meetings were conducted as key to developing the trust necessary to make this happen. He wanted to add that throughout the discussions, the group was all in agreement to reduce whatever disproportionate impacts there will be to small woodland owners.

#### **6. Legislative Update – Scott Swearingen**

Swearingen led the members through a legislative briefing on those bills Private Forests are following as priority. The first one, House Bill 4023 basically requires the State Board of Forestry to seek concurrence from the Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ) before adopting any rules related to water quality. (That bill hadn't been heard in the Rules Committee at the time of the meeting.) There is a possibility that it will be superseded by the MOA. The other one of interest is House Bill 4025 for Operations near Forest Waters that would put in place increased spray buffer requirements. But James, offered that bill maybe nixed, or used as gut-and-stuffed for the herbicides bill. Coming from the Governor's Office, House Bill 4168 has a broad relating clause adding statutes regarding woody biomass to the chapter regarding forestry administration. Another 4167 dealing with the carbon emissions. He briefly tacked on priority bills for the Fire Program. House Bill 4054 a clean-up bill creating a land use and wildfire policy advisory committee which will include ODF, OSU and DLCDC implementing the recommendations from the Wildfire Response Council on fire funding. Senate Bill 1516 would modernize the Division a bit, creating additional full time positions in Fire moving up some seasonal positions. James interjected that OSWA is opposed to that bill although it would generate \$10 million for the Department their concern was that family woodlands would have a \$3 million dollar hit from a surcharge on all improved lots and parcels. OSWA is encouraging that the \$10 million come from the General Fund. So OSWA does support the dollars for the Department but just not the way it would be funded. A lot is hanging on the climate change bills and whether or not they are successful. James noted another bill dealing with powerlines and increasing authorities to get vegetation management accomplished long term. Barnes offered that their Co-op in southern Oregon has over 1500 miles of transmission lines to maintain. Most of their damage is from storms, squirrels and birds tripping circuits.

Swearingen continued that another House Bill 5204 would move money from the General Fund to State Agencies and Emergency Board to move money in to pay for the last fire season. That's one of the requests in the Joint Ways and Means Committee. So I think there are three different requests we put in there. One of those is \$31 million added to our base budget another \$700,000 to cover the contractor NGO that is looking changes as to how the Agency deals with its finances. There are other asks as well for the upcoming fire seasons, those address another part of the business directed by the Wildfire Council recommendations. Swearingen described it as a very dynamic situation. Last week brought a big change in the bills and getting amendments. But any bills in Rules or Ways & Means don't have a drop dead date until the end of the Session.

#### **7. Woodland Owner Facts – Julie Woodward, OFRI**

Woodward had prepared handouts which were distributed. Oregon Small Woodland Owner Facts, Woodland Owner Profile based on the National Woodland Owner Survey (<https://www.fia.fs.fed.us/nwos/index.php>) done by the USFS. And profiles developed by the Sustaining Family Forests Initiative (SFFI). So a look at nationwide and specifically Oregon numbers. In addition she passed around an OFRI one-pager on Forestry and Wood Products in Oregon. She prepared a small presentation on the pertinent numbers in Oregon in response to a suggestion on creating a brochure/flyer

about the Committee from Forestlands. What is the Committee's role? Who are being represented? Then, what is the big picture of forest ownership in Oregon? She emphasized that there needs to be some agreement on how family forestland is defined in the data (by size) then the numbers can tell us trends over time. There was conversation between members on the differing criteria. Woodward suggested that the starting point OFRI uses is the data provided in the USFS Forest Inventory Analysis (FIA) is categorizing small private woodlands from 2 acres to 5000 acres. That equates to 12% of the total forestland base in Oregon owned by small woodland owners and a lot of that is landowners with less than 10 acres. There is a high confidence in the FIA data as the results are ground-trothed and inventory plotted where the timber cover is. FIA reports that there are 44,000 small woodland ownerships in Oregon that have 10+ acres. Ahrens noted that there has been forestland conversion to non-forest use over time but also non-forested agricultural lands planted back to trees, so losing some and gaining some. Balancing the numbers over time. Woodward provided the statistics as information to consider when describing the Committee and its representative role. Reviewing the data Peel noted that the ownership and percentage of timber harvest have virtually the same numbers. Especially as forests owned federally aren't contributing as much to the economy as they are not consistently harvesting. James added that large private landowners make up the biggest harvest numbers by far. Brown agreed that is good to have numbers that support the credibility of the claims to the public. Woodward suggested that the data can inform the CFF Fact Sheet and perhaps members could work with Jim Gersbach, ODF Public Affairs to put a double-sided fact sheet together to promote the Committee's availability to represent and communicate landowner concerns to the Board. She asked members to consider an outline of what information the flyer should contain. Who are we and why? She thought that it was important for the public to know that the Committee exists and can be a voice for small woodlands within the context of working forestlands and the benefits that private lands provides all Oregonians. And even if smaller landowners don't have the intention to harvest, James was pretty sure the every single landowner knows that they have financial value there. Kind of like a savings or retirement account. Brown agreed that the importance of net worth is something we store as security down the road. Woodward emphasized that it might be more palatable to just list something like the top ten reasons people own forestland, or top concerns, etc.... Swanson suggested just linking to the survey information. Peel saw including the percentages of landowners doing management planning, may prove an incentive for others to do so.

Summing up the discussion Woodward proposed members come up with an outline, or direction the flyer should take. Maybe some overview of the basic facts and risks, drilling down more on the landowner stories rather than the statistics. They should also take a look at helpful data the Department might have. Ahrens reiterated that they need to clarify the target message. What is CFF? Why are family forestlands important? Who are the owners? What are top priorities for small woodlands? He emphasized that the Committee needs a really clear target in putting out this information.

Brown preferred using the weighed survey responses rather than a non-weighed top ten. Ahrens framed up that this is public education to increase public understanding of the significance of family forest owners and the ecosystem services values they provide. Keying into the fact that these smaller forests are what most people experience in their daily lives. The private forests located around where people live that provide a lot of ecosystem services and contribute to habitat, species diversity and is what makes Oregon beautiful to live in. Getting the public familiar with the Committee's advisory importance helps the public recognize the value of the work being done by the Department and importance of maintaining working forests. Just understanding the complexity of ownerships, who owns the places where people recreate helps the public differentiate between State Forest, National Forest, BLM, industrial holdings, tribal lands is key to public understanding of how Oregon's forests are managed, publically and privately. Woodward encouraged using some personal quotes and stories of investment in private forests. Brown responded that much of what woodland owners do with their land doesn't seem quantifiable. Woodward intends to involve Jim Gersbach on the numbers but members could work on bringing enough anecdotes or suggestions draft something up at the next meeting. Woodward hoped they could come up with a draft by March. To her the goal is helping elevate people's knowledge of the Committee and the work that is being done. Barnes suggested perhaps including some fire statistics around fire causes. Woodward suggested Keep Oregon Green as a resource as well. Then there was a suggestion to provide a teaser on the federal opportunities for restoration money and contact links. James added that in acres burned for a small woodland owner it's typically a 100% disaster for them so any incentive or assistance program links should be noted. James noted that climate change was identified by 49% of the owners to be a topic of concern, but it may have been related more to drought than carbon sequestration. Woodward shared that the next set of data from the Woodland Owners Survey should be coming out by the end of 2020.

## 8. Review the Charter

Barnes led off the next discussion reviewing the changes to the Committee Charter regarding the process for making formal recommendations. Members were provided a draft of changes finalized by Barnard.

- Peel suggested a minor change to item 2 where it says, “The Committee for Family Forestlands will seek consensus on the content of *their* recommendation”. He found that a bit confusing and suggested that be changed to “*its*” rather than “*their*”.
- Vroman brought attention to the last two items whether they should be re-ordered in describing the process. More specifically that item 4. Wasn’t adding something to the approved language. Brown agreed it was redundant but it is “any presentation of the information”, striking out “*documentation*”. Vroman expressed concern that additional commentary not overshadow the approved recommendation. Any dissenting opinions not in consensus could merely be addressed by the voting tally.
- Brown expressed that the reason for some of the process was to share how the Committee came to a recommendation and that providing for alternate discourse as bolstering of the credibility of the Committee as impartial to the politics. And as this language stands now it explains that members are not afraid to reach a conclusion by majority vote rather than requiring consensus. Peel pointed out that to say “seek consensus” is not the same as majority vote.
- Peel recommended in item 3 to change the “language” is drafted to “recommendation” is drafted.
- Barnard wanted to be clear that on item 4 where it reads: “*The Committee Chair is obliged to ensure that any documentation or presentation of the Committee’s recommendation (inserting) to the Board of Forestry or State Forester. Also reflect any conflicting, or minority views by summarizing those deliberations.*” Ending the sentence there. But members agreed with leaving in “*This may also include a voting tally on any disputed component of a recommendation.*”

Barnard indicated he would make the suggested changes and formalize the draft for approval by the Board at the July meeting. In the meantime, members would adhere to this agreed upon process of recommendation.

## 9. Work Plan Review and Future Meeting Topics

Barnard led a discussion around the Committee’s work plan. Dominique had put together a chart for Barnard to cross-walk the Committee work plan items with CFF meeting dates to proactively produce recommendations to fit the Board’s agenda and timelines for decisions. The intent is to keep the agenda’s current with the Board’s decisions and timeline. Barnard suggested that in preparing the agendas he recognizes that there is subject matter that others are driving, as well as issues that the CFF has prioritized as important. So each agenda would provide opportunities to try and address both needs.

He then reminded members their interest in taking the meeting to Eastern Oregon for a couple of days of meeting/touring in May and the need to compile their Annual Report to the Board of Forestry for the Board’s July meeting. As May would be the last CFF meeting prior to fire season, approval of the Report would need to happen in May. The location for the May field meeting will be Wallowa County. John Peel is working with Barnard on tentative locations and tour stops.

Looking forward to the March meeting, Brown asked about continuing to draft the Committee for Family Forestlands informational flyer for the Board (during the Annual Report) and move forward with outreach to unengaged landowners by distributing the flyer to the public via Tree Schools, and other public events.

Barnard offered members that with the MOU that was discussed earlier, the prior plan for the BOF Siskiyou decision (which had originally been planned for July), is pending legislation that might eliminate that decision. So scheduled decisions may change for the Board. Private Forests Updates are usually scheduled to be brought to the Board in September. But he had an expectation that they will be providing informational items on the Marbled Murrelet as that topic will remain regardless of the MOU status. Further updates will be provided on the status of the Siskiyou project as legislation is pending that will inform whether the Streamside Protection Review continues. Barnard’s original intent in this planning process was to prioritize the CFF work plan items, but that doesn’t restrain the introduction of other issues as

they occur. Brown noted that after Woodward's presentation of the survey data, possibly the Committee should dedicate time to reviewing the new survey data to ensure that this Committee is still representing current landowner concerns.

The survey Woodward presented had landowner recreational immunity and liability issues as top concern of those survey respondents. There was some discussion as to whether the survey data should drive the Committee's agendas. James filled in that regarding liability if your land is opened to the public you are protected from liability (unless truly negligence). But if you have closed your property and give permission for someone to access your land, that liability goes away. So family woodland owners are the ones dramatically impacted. Brown advocated for liability to remain on the work plan because it is huge for landowners specifically permitting access for woodcutting and several other means of exposure to liability and that statute is under constant threat. He noted there was a steady pressure from that legal community to try and eliminate that liability protection. Dominique recalled past legislation staff dubbed the Truffle Bill. And that was involved directly with private lands trespass to harvest forest products. Ultimately, people can't just come on your property and start harvesting forest products. You have to give them written permission or the public can be legally charged for theft and destruction caused by product harvesting and loss of value. James noted that OSWA intends to continue focus on this and when pertinent CFF could participate in that conversation. OSWA's efforts are legislative and they will be trying again in 2021 to have an inclusive statute to offer landowners protection but also make the forest products available.

Peel requested looking at Invasives. James and Barnard replied there is a variety of online resources on Invasives but, those resources may not be as visible as they should be. Woodward suggested that one of the Forest Health staff could summarize the current Forest Health situation for the Committee.

## LUNCH

(After lunch, Barnes asked about a proposed date change for their October meeting to October 15<sup>th</sup>. Susan will send out the new calendar link.)

Recapping the discussion, Barnard noted that they will include on future agendas:

- the CFF outreach flyer,
- Possibly include a Seed & Seedling update if there is new information.
- Schedule Andrew Owen with NRCS when he is available.
- Planning around our Wallowa/Eastern Oregon trip
- More discussion on combining the State Stewardship Coordinating Committee with CFF
- A Legislative update with the Short Session ending,
- Filling in the BOF and CFF work plan priorities.
- Invasive Species reporting.

Focusing in on the field meeting in Wallowa County, the Committee is holding potential May dates of the 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>. John Peel reached out to some of the Stewardship Foresters in the Area, Tim Cudmore and Sarah Andersen out of Wallowa and was starting a list of potential tour stops and meeting locations. Potential speakers? Alyssa Cudmore, Wallowa Resources and possibly inviting Nils Christoffersen, Board member. Barnard offered Jim Zacharias, J.Z. Lumber as a potential stop. Peel offered a stop at his forest, or Hancock ownership. Woodward suggested a MyBlueMountain Project landowner. Peel suggested seeing the East Moraine and the work of Wallowa Land Trust, a Forest Legacy Project finally being signed. (Kathleen Ackley)

Names of other parties to invite were offered. Local Extension agents, District Forester. Peel wanted clarification that May 19<sup>th</sup> would be a travel day. Tour on the 20<sup>th</sup> and morning meeting on the 21<sup>st</sup> and return? Barnard agreed to put a hold on the 19<sup>th</sup> through the 21<sup>st</sup> because everyone will be in travel status. It's about a 6.5 hour drive. We would need to decide on the 1<sup>st</sup> rendezvous point. Note to reserve vans for the travel, accommodations, meeting room, meals, etc.... Peel suggested Eagle's View Inn (541-426-2700) for lodging.

## 10. Committee Vacancies

Barnard brought up the vacant positions remaining on the Committee. One is the Landowner-At-Large and the other the Citizen-At-Large. Vroman shared that he is acquainted with a small woodland owner who is very active, long time timberland owner who is very passionate about forest management. Vroman will approach him and ask about his interest in having his name submitted. Barnard explained that if everyone is in agreement with that, the potential member would be invited to the next meetings to see their level of interest in serving. If so, then they would be nominated and appointed at the July Board of Forestry Meeting.

The other vacancy is the Citizen-at-Large. That position can't actually be a timberland owner but should have some interest or be actively engaged in natural resource issues. In the past the Citizen-At-Large has the role of Committee Chair so maybe part of the consideration is whether someone has some capability to run meetings. Barnard had some names suggested to him for that, one gentleman works for the Multnomah County Soil and Water Conservation District and may be interested in the work of the Committee and bring a different dynamic with regards to the urban/wildland interface. Other names were offered as well. Appointments would begin in September. As an addendum Barnard asked Vroman if he would be interested in a second term as Industrial representative. Vroman agreed to another cycle.

Barnard then suggested that he will establish an opportunity for online connection at each meeting for those traveling long distances. The ZOOM program that ODF uses does give a voice option if you don't have data, or computer access. If folks are agreeable to that, staff will work on figuring that out for all future meetings just so it is there.

Barnes called for any Good of the Order.

- Vroman offered some updated information on the Waters of the U.S. federal rule. He had read there is a second phase analysis to be completed before it actually gets written into the federal register but it is going to have some significant impacts on forest lands and viability. Barnard tagged on that as it is in the official registrar, it would be the equivalent of rulemaking or statute here in Oregon. Basically, it's a revised proposal of what applies to the Waters of the U.S. Vroman continued that it does concern waters and connected water bodies, so ditch lines and non-perennial streams were kind of pulled in. And there were some other issues around the public's ability to bring lawsuits against the landowners.
- Woodward mentioned OFRI is doing a legislative public tour on Friday, June 12<sup>th</sup> on the latest water research and data on drinking water in Oregon and the forests. She will make sure the Committee gets an invite, and recommended saving the date. The tour will be in Tillamook and will last all day hosted by the Coastal Caucus. ODF has a role in the tour as well.

Barnes adjourned the meeting.