



Southwest Oregon Regional Forest Practices Committee Meeting May 2, 2018 Inn at the Commons, Medford, Oregon

Pursuant to public notice made by news release with statewide distribution, a committee meeting with members of the Southwest Oregon Regional Forest Practices Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was hosted on May 2, 2018 at the Inn at the Commons, Medford, Oregon from 9:00am to 3:00pm..

Committee members present:

Jay Christensen
Dave Erickson
Eric Farm
Dan Fugate
Dana Kjos, Chair
Garrett Kleiner
Adam Stinnett
Dale Cuyler
Jacob Groves

Members not present:

ODF Staff:

Lena Tucker, Private Forests Division Chief
Jennifer Weikel, Wildlife Biologist
Adam Coble, Monitoring Specialist
Marganne Allen, Forest Health & Monitoring Manager
Kyle Abraham, Deputy Chief
Terry Frueh, Monitoring Coordinator
Ariel Cowan, Monitoring Specialist
Susan Dominique, Administrative Support
Keith Baldwin, Field Coordinator
Bob Marcu, Stewardship Forester, Medford
Jay Walters, Field Coordinator

Guests/Public

Attending:

Seth Barnes, OR Forest Industries Council
Rex Storm, Associated Oregon Loggers, Tree Farm System

Welcome and Introductions –

Private Forests Division Update -

Abraham began the update with some news on the Division staffing. He was pleased to announce that they are pretty close to capacity with (almost) all Salem and Field positions filled which hasn't happened in a long time. The Division had just recently hired about 10 Stewardship Foresters in the field. Along with that we had two training and orientation sessions with those new folks. He reported that he was pleased with the feedback provided that new hires appreciated an introduction to the business of forest practices administration and getting an overview of all the positions and connections that they will be using in the course of their jobs. Kyle announced as well that they are planning a Private Forests Division Conference over in Central Oregon. So this is another opportunity for us to bring together everybody across the State that has some connection to the Private Forests Division within ODF and do some networking, team-building, get another overview of all the connections that we have within ODF. This is a two day conference and a lot of people including many of the folks in the room here have been putting a lot of time into. Something we haven't done for a number of years in terms of an overall training, maybe not even a training session but just a general conference idea. That's pretty exciting for us right now. We are hoping it will be fun and eventful and folks will have some pretty good takeaway messages there. We will also take advantage of the venue to hold the Eastern Oregon Regional Forest Practices Committee Meeting and have some of those folks on a Landowner Panel on the last day of the Conference. In terms of positions in Salem we are back into the recruiting phase for our Water Quality Specialist position and hope to get that position filled fairly soon. Forest Health and Monitoring Unit has one vacant position as well.

Abraham shared that Thomas Whittington, our Incentives Field Coordinator, had taken a developmental assignment with NRCS as their Interim State Forester in the Portland office. While on that assignment he's been doing quite a bit of work on trying to align how we do Stewardship Plans between NRCS and ODF. We see this as a pretty big opportunity for us to help NRCS with their business and hopefully align our programs to work with greater success in their system in the future. Nate Agalzoff Stewardship Forester from Forest Grove, is filling in behind Thomas as the Incentives Field Coordinator till

Thomas returns. Another change, this in the Governor's Natural Resource Office, Lauri Aunan's will be leaving the Governor's Office and taking a position with DEQ as their Implementation Manager and so the recruitment for the NRO position is underway.

On that note, Tucker added that she didn't have much news to report regarding the vacancies on the Board. The Department still has a vacancy in Gary Springer's position. Then Sybil Ackerman's last meeting was in April. Seth Barnes, OFIC offered that they have put out the names for other Commission appointments but none for the BOF. Tucker surmised that there probably won't be BOF member(s) appointed until November as there are Legislative Days in mid-September.

She announced that the Agency was busy preparing for the next budget process. They have submitted only one Legislative concept this past spring and that was our standard Harvest Tax bill that we have to set the rate for every biennium. Managers are working on an Agency-Request Budget typically due the end of August. Within the Agency-request budget are Policy Option requests (POPs) but this budget request will be putting together one Agency-wide Strategic Initiative to address the challenges our Agency has been facing in terms of long, extended, catastrophic fire events. As all program staff are part of the militia concept she noted and was verified by the Secretary of State Performance Audit that we tend to drop our core business when called to assist with extended attack and Large Fire emergencies. The audit determined that we are not able keep up with Core Business and still manage Large Fires. She explained that the budget strategy is to put together a capacity request to address our Agency's ability to manage the militia concept and manage current workloads. So there are still full workloads that go undone for that period of emergency. There is really no break, especially for the Stewardship Forester side. So the capacity request is rather unique. It's looking at putting together positions across all the Programs in the Agency that provide support to the militia and still be able to provide the capacity to serve our customers.

Specifically for the Private Forests Program as part of that we are asking for a dozen Wildland/Urban Interface Foresters that will be really focused in on the rural residential zone where most of our fires come from. And the bulk of their work will be educating landowners, providing technical assistance, fire resistant landscapes and Firewise Communities, that realm. Fuels treatment, but also with a focus on Invasive species, water quality, insects and disease. Reaching those typically unengaged forest landowners in the interface. The Department-wide ask is a pure 100% General Fund Ask and that is what we are going for so as not to increase financial burden on landowners. This Strategic Initiative is all rooted in creating a sustainable organization for ODF. The Board will make a decision in June whether or not they give their 'nod' to putting this budget forward to the Governors Recommended Budget.

Abraham noted that staff has been working with DEQ and ODA related to pesticide monitoring in NW Oregon. He was pleased to announce that so far FPA administration and landowner efforts have resulted in forestry use in a low risk category to aquatic life in forested streams based on the detections and the concentrations that we have seen thus far. There is a really good baseline of information there. And the monitoring has been beneficial in building momentum for additional testing in South Umpqua forestlands. At this point he reported all of the detections were well below any of the benchmarks available from the EPA. In terms of rough numbers detection frequency was around 5% of the times we went out and looked for pesticide we actually found it but the levels of concentration were really low. From ODF's perspective the report was positive, and aligned with other work NCASI has done.

Siskiyou Streamside Literature Review – Allen, Frueh, Cowan

Allen introduced Terry Frueh as the Project Manager and Ariel Cowan the heavy lifter in the review of this information. Frueh emphasized that they would be presenting information on the status of the Siskiyou Streamside Literature Review but there is also work going on in the other Western Oregon georegions as well. The whole Monitoring unit is doing this big push to keep both of these analysis efforts moving forward. These are two distinct projects yet, there is some overlap and requires a lot of internal coordination to make sure that folks are on the same page.

Cowan introduced herself as new to the Program and her role on the new Siskiyou Streamside Protection Science Review is to conduct the science literature review and put together a set of key messages to inform you about what this science review is and its origin regarding increased stream buffer standards in Western Oregon based on the RipStream Study. The Siskiyou georegion was not included in that rulemaking and then in November 2016 staff were directed to begin work on collecting information and data to help the Board determine what the scope of additional study should be as well as estimating capacity needs and resources necessary to begin another study in another georegion. Once a direction was agreed upon by the Board members at the March 2018 Board Meeting and considering the recommendations provided by staff, decided upon the second recommendation as having the potential to be achieved with current capacity. Based on that decision the Program was instructed begin by conducting a focused science literature review. Which would be on stream shade; temperature; and riparian forest condition in the Siskiyou georegion. And in addition to that, contextual information will be added from partner agencies such as DEQ and ODF&W on fish status and trends. This is a Systematic

Review, with all the transparency and benefit of ongoing stakeholder input. The Board will use the results of this science review to decide if the FPA rules are working as designed; whether they are meeting the stated objectives; whether additional study is warranted or no action is needed. Anyone who is interested can keep up with the progress of this science at the September 2018 BOF meeting as we are aiming to complete the review by early 2019. Our next step is to develop a rigorous protocol that is part of the process of a systematic literature review in which we set the sideboards to the search; on what literature to include, assessing the evidence in that literature, and reaching out to stakeholders in definitive steps along in the process. Cowan is the one who will be conducting the science review. Terry Frueh and Marganne Allen will be managing how she conducts that. So there's a whole series of steps where we review literature against inclusion criteria already determined and also include outreach to find any other literature we might have missed. She clarified that only science that meets the inclusion criteria will be considered. And true to the transparency of the process stakeholders will have an opportunity to let staff know of any pertinent study material is missed. These protocols are used to remove any bias in the process.

Cowan went on to describe that the Review will occur in two Phases: Phase 1 for Developing the Protocol; and Phase 2 for Conducting the Science Review. Later in the summer when the Protocol is developed it will be shared out for input. And an update brought to the Board in September. Later for Phase 2 we will actually conduct the actual review. And hope to have work completed in the spring of 2019. As far as the second project working with the RipStream data, it will have a similar timeline for Phase 2 of the RipStream project as well.

Member inquired how the protocol was to be determined. Frueh explained that for the Siskiyou georegion we are asking the Board to make two sufficiency calls. One focused on shade and temperature and one focused on what we are calling 'riparian forest conditions' a lay term we are using for Desired Future Condition. So, the DFC is the more holistic look at riparian stands. What are the suite of species, tree heights, basal area, snags, and downed wood? These types of things that help us to determine if these riparian stands are on track to meet the desired future conditions. That we generally consider to be conditions similar to that of a mature stand approximately 120 years old. So we are also going through the science from other sources: industry, watershed councils, and others as well without the current intention of analyzing raw data but hopefully be able to rely on summaries and conclusions.

Frueh clarified that we are going to be looking at studies that involve temperature, shade and then the contextual information, we are not here to say, our FPA rules are either accomplishing the vision or it is not. He then offered that the contextual information will be where we work with ODF&W and other partners. Some of this contextual information has already been provided to the Board to inform the choice of question.

There was a question of whether Desired Future Condition can actually provide the water quality and fish habitat goals desired in the future, if it is not part of our rules to make that determination. Allen responded that the assumption under the FPA is basically if we build it they will come, we are not evaluating whether or not the assumption is true that's why we rely on other organizations and agencies to provide us with that contextual information. We are just evaluating whether the Forest Practices Rules are working as implemented. In addition, the science review is not reassessing any of those assumptions but providing context. The monitoring process is not designed to change rules. It's designed to say whether the rules are working as designed. And if the rules *are* meeting the objectives, then great let's move onto the next. Allen added that the yardstick is the FPA and the FPA draws from the DEQ Water Quality Standards because that is what the FPA was asked to do. There is a full suite of options that the Board is going to have to decide on when provided that information.

Moving on Frueh indicated mapped outlines of the georegions specifically pointing out the Siskiyou region but also the outlined Western Oregon georegions where the SSBT rules went into effect. The Board made a determination *not* to include the Siskiyou at that time as the georegion ecology was different. Frueh provided a visual representation of 3 work products to come from these efforts to help the Board make a sufficiency call on the Siskiyou Region:

- a. The Siskiyou Riparian Forest Condition, or Desired Future Condition Science Review.
- b. The Siskiyou Temperature/Shade Science review with the contextual information on fish status and trends.
- c. DEQ's Water Quality evaluations.

The other project is focused back on the Western Oregon georegions which you can think of as a continuation of some of the RipStream work but through the same set of protocols as used in the Siskiyou using the data collected during the RipStream Study. Two more sufficiency calls for the Board on:

- a. Western Oregon Georegions Forest Conditions (DFC) Review
- b. RipStream Western Oregon Large Wood Science Review.

Frueh clarified that they are looking at the field data against the current Type F rules on Small and Medium, as well as the SSBT Small and Medium rules. Where the two projects overlap is in the use of the same protocols for each review.

Tucker reiterated that the Western Oregon georegions work that was used to determine whether we met the Water Quality Standards also provided RipStream data regarding Large Wood and DFC. Staff were instructed to finish this work. So now that we are staffed and have a budget, we are making progress to finally close the loop and finish up those last two components of RipStream. She advised that Eastern Oregon is not off the table in terms of monitoring projects. It's just not there now. But we will continue to have conversations with stakeholders in Eastern Oregon about what future studies might look like.

Allen briefly touched on the Compliance Audit reporting that they had wrapped up the current version of the Compliance Audit contract to date which has been focused on harvesting roads and a smattering of the Riparian rule Divisions mainly the 20' no cut. She hopes to have that out to Regional Committees soon. But strategizing a new contract, they had been proposing a significant expansion of the Audit but part of the Board's decision was to focus on the Siskiyou instead but because of workload capacity we chose to reduce the scope of the audit to a sampling of reforestation renewals. She wanted the Committee to be aware that the next time we ask for permission to check on operation units it will be under a new contract for Compliance Audit focusing on reforestation.

BREAK

Tethered Logging – Josh Barnard

Barnard, the Field Support Manager for the Private Forests Division wanted to revisit the situational aspects of tethered logging and then talk about a few of the next steps on the operational front and long term overarching policy considerations. He reported seeing a multitude of different machine configurations even some cut-to-length equipment out there using this technology and the wide variety of different outcomes on the landscape. He wanted to discuss the rules and where on the landscape the Plan for Alternate Practice applies. There has been some confusion in some cases and he wanted to help provide some certainty and improve landowner/operator dialog so everyone know when that requirement is triggered for cable-assist logging. Staff has been looking at the FPA for areas of potential conflict where the rules may or not be able to account for this new technology.

- a. 629-630-0150, the ground-based harvesting rule thresholds of 60% on steep slopes and erosion-prone slopes are 40%. So as soon as you hit those slope metrics on either one of those two conditions you would start to trigger that rule set.
- b. The other one was harvesting on HLHL locations. The thresholds for triggering that were 75% in the Tye Core Area on open slopes and 65% on draws or headwalls and then in the rest of Oregon it is 80% on all locations and headwalls or draws steeper than 70%.
- c. Atypical slope conditions (as identified by a qualified geotech).

So digging into 630-0150 the steep and erosion-prone slopes portion of the rule. The purpose of that rule set is to reduce the potential for erosion from steep or erosion-prone slopes to enter Waters of the State. So it's embedded underneath the rest of the Ground-based harvesting rules which focus a lot on soil productivity as well. But this statement veers a little closer towards the water quality piece of this as it was originally intended. So basically if there is any kind of disturbance there on those kinds of steep slopes if skid trails are located on steep or erosion-prone slopes then operators shall locate them at least 100 feet from any stream channels. So we interpret that as if you are going to be operating on steep slopes, regular open slopes that's fine you don't need a Plan for Alternate Practice but if you are going to be within 100 feet of any stream channel that would trigger the need for that Plan for Alternate Practice. If you are operating on open slopes all the rest of the rules do apply. If you've got skid trails that are exceeding 100 feet up and down the slope you need to have effective drainage in those. And operators shall limit the amount of ground with disturbed soils at no more than 10%. With the varying outcomes that we've seen on that, our stance has been to require a Plan for Alternate Practice when there is disturbance in that zone.

Barnard continued that the next piece is harvesting on High Landscape Hazard Locations (HLHL), where again the purpose of this rule is to prevent timber harvesting-related serious ground disturbance and drainage alterations on all HLHL, and to reference additional requirements when there is public safety exposure below the HLHL. The piece that really matters is when there is harvesting-related serious ground disturbance and drainage alterations. In that rule set, it also has a default exclusion of ground-based equipment on HLHL so that would also trigger a Plan for Alternate Practice. At that time they couldn't perceive the technology that we are using. But we also don't know for sure the impacts long term on slope stability, water infiltration and those sorts of things. The apparent route for us is having the appropriate BMPs in place allowing a Plan for Alternate Practice to take place in these areas and can mitigate the risk by requiring a little more precaution and focus on what those outcomes are going to be.

Stewardship Foresters in the field are currently reviewing Plans and keeping a dialog with folks that are submitting these. For the most part tethered logging can fit within the existing rules. Basically, the Plan should describe what rule the operation is deviating from. Within a 100 feet from a stream, the Plan should clearly identify which rules that they are looking to modify. And it also requires that the Plan will yield the same results as the current FPA rule. The local Stewardship Forester is the one that typically approves those it's little more than just a written plan type of comment and review. It is an actual approval so both us and the operator are carrying some liability in term of approving that plan.

If the Plan is denied? There is an appeal process that the Landowner and the Operator could go through to challenge that denial but there is a real short timeframe to do that. Baldwin offered an example of a denial would be Operations exceeding the 10%. If a Plan says that we intend not to exceed 10% but likely will. We wouldn't approve that. Barnard said if an operation is proposed, given a numeric threshold he hasn't seen one yet that could propose exceeding 10% threshold and still meet the rules.

Erickson offered that they are filling out a lot of Alternative Plans for each unit that we do. And shared that the Stewardship Foresters have been good to work with. Foresters are trying to learn the system and understand the rules themselves and how it applies to cable-assist. He considered cable-assist logging a very useful system for a lot of reasons and hopefully we can do what makes sense based upon BMPs approach and prescriptive approach going forward.

Storm added that what he has seen with the technology on these feller/bunchers is that they are getting more and more purpose-built to be more stable. There may provide different track configurations to be less disturbing so over time there is greater and greater success because of the technology and also the methods.

Walters specified that regarding the footprint of the machine, a typical machine is a Tiger Cat 855 with a 28 foot boom so the operator is maximizing that on both sides. A machine with a 24 inch, 2 foot track would be covering 7% of the ground. And with 3 foot track its covering 10% of the ground. It doesn't mean it's all disturbed but that would be the maximum footprint of that machine, going down and coming back up that same route.

A member wanted to confirm if you could have a track print on the ground, maybe not a rut but those tracks that are difficult to identify as long as water is infiltrating through that track it's not necessarily disturbance. Baldwin agreed that is how they would like it to be.

A guest inquired if these Plans are uploaded into FERNS, and viewable to the subscribers? Baldwin qualified that it would be uploaded as an Approved Plan but the subscriber may not be able to view because it's classified as an 'Other Plan'. In addition, Walters added that the Stewardship Foresters will submit a Formal Comment when approving the Plan which wouldn't be subject to the 14-day public comment period unless there was a statutory requirement otherwise.

Barnard moved the discussion ahead into the next steps. Right now ODF is using the [Plan for Alternate Practice](#) as the mechanism to allow us on the landscape. We are coming up to speed as quickly as possible in terms of next steps. We got the Plan template out there. And we've been compiling a list of BMPs. Then we are planning to convene a small workgroup on the west side to review what we have pulled together to date. So 1) the Plan template and 2) a list of BMPs. (He wants to get everyone on the same page with the suggested BMPs). So, that's one piece on the operational front that we are going to propose. The other piece is long-term, focusing on the growing popularity of tethered logging, [Plans for Alternate Practice](#) is not the standard way you want to deal with business. So there is obvious interest in figuring out what we should do in terms of rules. And that leads to needing to collect more information to assess how these practices actually do fit in the rules.

Barnard introduced Adam Coble as the lead working on a [Literature Review of Tethered Logging](#). As a still relatively new technology he is only finding a limited number of studies. So to gather more information he has participated in tethered logging tours to observe the operations and get a better sense of what is happening on the ground. And solicited feedback from ODF and Weyerhaeuser geotechs to get their input on how to approach the literature review and other relevant information or studies. He met with a few folks with Oregon State University that are doing research related to tethered logging. Woodam Chung and Ben Leshchinsky are leading key projects on tethered logging. Right now they are looking at things like compaction, soil displacement, water infiltration and sediment delivery to streams. He will also be reviewing the literature related to land forms that are prone to landslides or to the effects of soil moisture and soil mechanics and slope stability. Coble is developing a set of clear science policy questions as a product of the literature review by spring 2019. So the outcome of that will determine if rules need to be modified.

Erickson offered some industry perspective. From his experience it is the repeated trips up and down the same tether. **It's better to keep taking it up in terms of not getting your wood** and tracks not concentrated in draws. There's just all kinds of things you can do on a tether. A lot of it probably depends on how experienced the operator is. But we are not seeing the

long sustained ruts on the ground. You see spots that are concentrated and short but not long. What we've really found is you can actually reach into draws and pull stuff up out of draws, side draws and actually create a lots better situation in draws than you would when you hand cut and stuff just ends up sliding anyway, especially when you've got domestic water sources in the bottoms of the draws. We are finding we can actually create a much better situation for the downstream landowner staying in compliance with the FPA both ways by actually reaching into the draws and bunching them.

Another member added that they have their own research people and we tell them where we cable-assisted and even draw it on the map for them and they are having a hard time even finding in the plots where the cable-assist machine was. Sometimes it's more obvious, it depends on the type of soils.

Christensen noted that when they are not connected on the 0 to 35% slopes they are having to work harder to keep from slipping around so they have actually found there is more disturbance in the 0 to 35 than 35+. Because the cable keeps them there, they are not sliding around. In terms of next steps from an Industry point of view, whatever rules that we work under we want to make sure that we continue to have the flexibility in the system [So the rules don't limit future use of new technology that will be less and less abrasive to the environment]

LUNCH

Marbled Murrelet Rule Analysis – Jennifer Weikel

Weikel provided a briefing on the status of the analysis and some background. As background she reminded the group that this effort was kicked off in June 2016 when conservation groups petitioned the Board to engage in rulemaking for Marbled Murrelets. Ultimately, the Board directed us to begin work on this project in November and then we came back to the Board in March of 2017 with a summary of the work that needed to happen for this project but also importantly a review of the petition. In April we submitted a draft Technical Report on this species. The Board directed us to initiate an expert review of that draft technical report.

Behind the scenes, 629.680 Administrative rules direct the BOF and the Department on the very specific process we have to take when a species is petitioned to be added to the FPA for protection. One of the key components that has to happen is that a Technical Report has to be completed on the species. And the Technical Report is typically submitted by whoever is asking for protection. So that is why we conducted a review of the petition, the Department was provided a document about Murrelets but it didn't meet the Administrative criteria. The following content by rule has to be included information in any species Technical Report.

- (1) It has to identify the resource sites that are going to be included for protection.
- (2) It has to identify the specific forest practices that conflict with that resource site.
- (3) It has to evaluate the biological consequences of those concepts.
- (4) It has to propose protection requirements.

So the petition submitted hit some of those but not all of them. One of the key ones that were missing was number (1) which didn't do a good job of identifying what exactly was to be protected. One of the other components of the 680 rules specifically says that the Technical Report has to go through an Expert review.

Weikel walked the members through one confusing element of the petition, which was that on the same day we were petitioned for rulemaking, ODF&W also received a petition from the same state conservation groups to up list the species from Threatened status to Endangered Status under the State ESA. She wanted to point out that as our two projects are running parallel. The ODF&W project is specifically related only to the State ESA listing. One of the things to know about the Oregon ESA in Oregon is that only applies to State owned and managed lands. So there is no direct nexus to private landowners.

Weikel went over a little bit on the species, information that is mirrored in the Technical Report draft, and discussed the ecology, habitat and population status. (Which can be downloaded off the BOF website from the April meeting materials.)

Murrelets are important because they are a unique species, a sea bird, that spends most of their life in the ocean but they fly inland to nest in trees, the only seabird in the species to do so. Their plumage has adapted to forest nesting habits and it helps them to be more camouflaged when they are inland nesting. As far as range, in the ocean they are really near shore and inland the range is considered to be within 50 miles of the coast. But down in SW Oregon the official range recognized by USF&W excludes the drier forests inland. So part of Curry County and not much of Josephine at all.

Members and guests had interest in the habitat distances and actual detections in distance from the coast. Weikel acknowledged that they are getting detections further inland but this is partially based on and just hearing birds, but as far as nesting or signs of nesting it is within 25 miles that the few detections that have occurred. She continued that they only

lay one egg per nesting attempt, so they are not a prolific breeders. Young are left unattended at the nest for most of the time. Parents obviously do come in to feed them one to eight times per day.

So the Murrelet populations are studied with at-sea surveys, because that's where it's easiest to monitor. And the surveys are part of the Northwest Forest Plan, so there is federal effectiveness monitoring. The birds range from Washington down to central California so throughout the range of the species. A couple of things to note; one is that the population appears to be relatively stable but the margin of errors is huge on these estimates. I think these are probably 95% confidence intervals. And the reason for that is they are really, really hard to monitor even at sea. So there is a lot of variability with the data. So no statistical evidence of a trend. Populations travel from California to Washington so counts are pretty variable state to state but throughout the PNW the populations seem more stable.

But in answer to a question on the ODF&W State Endangered listing is that they would have had to come up with tangible goals and that is still in the works. The listing status federally is Threatened. So habitat-wise they need old growth and very mature conifer forests and potentially younger forests if there is a residual old growth component retained. And on the north coast of Oregon they are known to nest in mature hemlock forests that have mistletoe infection. What these all have in common is basically large branches with horizontal branch platforms. Typically with moss or debris with an average limb diameter of at least 4 to 9" pretty high up in the tree, with vegetative cover adjacent to their nest which helps protect it from visibility. Nest predation by corvids is considered one of the key threats to the species inland. Finding the nests of these secretive and cryptic birds can be extremely challenging. Today there is only 75 known nests in the State of Oregon. She also mentioned there is a new study at OSU putting transmitters on birds at sea. So they are capturing birds at sea and hopefully will be able to follow these birds inland and find their nests and gather some good information and build our study sample size here.

She then went over some of the protocols for studying Murrelets. After they collect all the data for the season, the area of interest is classified into one of three categories. (1) When you don't have any birds detected its call '*probable absence*'. (2) If you have birds detected by call or observation of flight, that's called '*presence*'. (3) The last category is '*occupied*'. Which would call for significant protections when birds have been observed flying below the canopy. Murrelet surveys don't focus on finding nests but focus on the behavior of the birds. There is data that shows us, where you have nests, birds exhibit these behaviors, these occupied behaviors. The largest concern is in interpretation of the data. Not protocol related, but in general. They have identified some key gaps in the Technical Report, issues we don't have a good understanding of; one of which is understanding the long term temporal relationship with habitat and returning to the same nest annually. Weikel shared that there are more policy questions that we still have to address in this project before we will ever get to the end on what the decision might be.

So the draft Report presents a range of options for identification of a resource site. So the range could be the known nest sites or locations where those occupied detections were observed. Or it could be identifying suitable habitat itself as a resource site. She admitted that the last option was an entirely new approach under the FPA. All protection standards now are based upon a point location with protections around it. But with this option it would be an area of suitable habitat until an assessment of the stand shows it doesn't qualify as habitat or being a resource site. And this last option is basically an entirely new approach under the FPA. If we take a habitat approach and define parameters of suitable habitat then the stand would be protected until additional work was conducted. And that could be either an assessment of the stand that documents that it's not actually suitable habitat or there are surveys done that document probable absence.

Continuing, Forest Practices conflicts. One determination we made was that there is a potential for forest practices to cause conflicts for these birds assuming that they are nesting. The exact types of forest practices that might conflict are described in the report but they would include: harvesting; equipment use, blasting, rock crushing, road construction, and tree climbing. So the first one up there would be more of a habitat impact and the rest of them are all more disturbance-related. So disturbing birds while they are nesting. And we also identified forest practices that we don't think likely to cause a conflict. And that would be reforestation activities; PCT for hand equipment only (not for chainsaws); timber cruising and wildlife surveys if they don't involve tree climbing and standard road maintenance.

State Forests stay 330 feet from the edge of the resource site habitat. But the Board has to decide on what the actual resource site is we are looking to protect. Timber harvest even if not actually impacting the nests themselves may create an edge where there would be risk from wind throw and increased exposure to the nest or nest predators. Disturbance while adults are incubating or disturbance of feeding attempts when the chicks are only getting sporadic feedings can easily starve the single chick.

Weikel reminded members that as the protection strategies in the tech report for the resource site are laid out as a range of options, as there is a lot of work that needs to happen before staff will ever get to the point of recommendations on this. The definition of the resource site is really going to influence how we will define protection strategies. In general the tech report describes two different types of protection strategies dependent on whether the resource site is a point or the

polygon of habitat. One strategy would be prescriptive and seasonal restrictions, the other, the habitat-based protection strategy just to protect the habitat itself. In the creation of prescriptive BMPs she noted that it's important to consider that those BMPs could be either regulatory or voluntary in nature or some combination of programmatic approaches to voluntary actions to promote habitat potentially similar in nature to a Safe Harbor Agreement with USFW Service. The Stewardship Agreements would be another one. This program is specifically developed to encourage conservation, voluntary conservation of habitat for fish and wildlife. It does allow for streamlining and implementation of the FPA rules and can allow for some level of State regulatory assurances. Currently we can't offer State level assurances for Murrelets because we can only do that when we have an existing rule. And since we don't have a rule for Murrelets we have nothing to tie that to. But that could be something we could potentially amend later if there was a rule developed. She wanted to acknowledge that feedback was solicited throughout the development of the Report from internal review to Agency experts ODF&W and USF&W and to tribal government and stakeholders.

The next step is the Expert review to identify any missing literature or gaps we might have. Also a review of the interpretation of the science. Once drafted, Weikel will present it to the Board with corresponding information to help with their decision-making. The timeline for the expert review is out two to three months, but staff hope to come back to the Board in November with an information-only agenda item. Molding the tech report into a final document would then begin after November.

Storm suggested that in defining the habitat he thought the geographic zone would be of some importance. Right now the 50 miles inland is probably overreach and declining to something less than that. It's important to the forestry community and landowners who don't know if they are in or out.

A member asked about whether the report would be providing a definition for suitable habitat? Weikel shared the answer to that is still key work to be conducted. Another volunteered that for all intents and circumstances if the Department was going to try and define suitable habitat protections one of the unintended consequences will be that private landowners may be unwilling to preserve or contribute to that habitat when planning their rotations. There will be no incentive built in to grow that anymore, which is unfortunate. Another shared that there are probably people out there right now harvesting in anticipation of this. Member was also concerned that habitat-wise the bulk of those large limbed trees are on small woodlands as in industrial rotations are under 80 years. And if the limb size defines potential nest sites that is about everything on the coast.

Tucker proposed that this may be a good opportunity for landowners to think about what voluntary management practices may be for this species. What can we do to maintain the sites that are being used by the species without heavy regulation? Landowners can contribute a lot to habitat with voluntary rules. She thought it important for the Board to hear that. Kjos added that implementing surveys are very expensive.

Food Plots Rulemaking – Keith Baldwin and Danny Norlander

Baldwin began referring to the handout provided on Wildlife Food Plots and provided a quick background and framework for this interim policy and key issues that may come up in drafting rules. So the BOF determined that this is part of our work plan and we are targeting this fall to have some draft rules for them. This Committee will have an opportunity to review the rules. In 2015, Representative Kreger introduced a bill to create wildlife food plots as a forest practice under the FPA. Specifically not a land use change but an allowance to establish a food plot in lieu of reforesting after harvest for a given percentage of the forested acres. A *small* tract of forestland, that instead of being used for the growing and harvesting of forest trees, it's planted in a vegetation that is capable of substantially contributing to wildlife nutrition. As a forest practice it is covered under Statute ORS 527.710 and says, "the rules are to ensure continuous growing and harvesting of forest tree species, they shall provide for overall maintenance of the following resources: Air quality, water resources, soil productivity and fish and wildlife. So this wildlife food plot hangs on that statute. The statute is now in the Forest Practices Act. The focus is on nutritional vegetation and provides an opportunity to enhance the biodiversity either of wildlife or plants. Eligibility is restricted to landowners that have at least 10 acres and less than 5000 acres of Oregon forestland. Danny Norlander is the point person for the rule development. Jennifer Weikel is the lead biologist.

Danny shared that there has been a lack of outreach to this opportunity so far but a small number have shown interest. This is going to be similar to what other foresters are doing now when they work with NRCS to develop a CREP project along a stream to provide trees, or to improve the habitat along agricultural streams. In this framework you'll see that there is a notification of operation, say a clear cut, and they would identify an area of land that they would have had to reforest to use as a wildlife food plot and develop a plan. ODF&W already has a statewide Wildlife Habitat Program but only 50% of the counties participate. The counties and the Dept. of Revenue haven't accepted the Wildlife Habitat Program as a forest deferral. The other pinch point with that ODF&W program is its one of those unfunded mandates which limits ODF&W's promotion and administration of the program. They actually limit the number of applications they receive per

year. So this Wildlife Food Plot is an opportunity to create connection of the landowner and the family to the land. So it's more than just land producing timber, it can produce multiple values, wildlife included.

The framework as we have it now is, there would first be a determination of eligibility. Then a project plan developed by the landowner or through a consultant. Technical assistance could be through NRCS or OSU Extension. The plan would need to identify the focus wildlife species or multiple species and could include pollinators or turkeys or cavity nesting birds as well as deer and elk. The Wildlife Habitat Program with ODF&W actually includes amphibians and reptiles. So this rulemaking would likely narrow the focus of the target species and also help identify what plants would need to be established or maintained to attract the targeted wildlife. The plan would also have to address the establishment and maintenance practices. The project plan would be reviewed by ODF, Jennifer Weikel and as necessary the ODF&W Wildlife Biologist. Then our Stewardship Foresters would work with the landowner and districts to determine how they will monitor these for establishment and maintenance as these plots must be maintained or the reforestation requirement kicks in again. These sites can't be abandoned and revert to brush or whatever. Monitoring of some sort would continue on indefinitely as long as it is maintained until reforested. Frequent monitoring complicates our Stewardship workload. A submitted project plan will be required with details on establishing and maintaining the plot. He emphasized this is not a Plan for Alternate Practice or Land Use Change, but a Forest Practice.

Again, some of the key issues are:

- Do we want to set a minimum threshold to develop a wildlife food plot?
- How much tolerance should we have for non-native plants and invasives?
- How will the landowner work with the County and Department of Revenue regarding forest deferral on these plots?

Staff has presented this information to the Committee for Family Forestlands, Tribal/Cultural Resource Cluster Groups. One concern that came out was that in an urban interface increasing feed opportunities for undulates also may attract predators to that interface where they may not have been before and the resultant unintended consequences. Also that we need to address any conflict with other protected resources. And in competing circumstances which resource gets the protection? One of the key things to remember is this is not trying to create wildlife *habitat*, but wildlife food, nutritional food that attracts the identified, or focused wildlife.

As to when this practice may be applied and notified for, Weikel stated that the Statute is silent on when this option may be applied to the forestland. That will be part of the eligibility. But as they have figured out as this is basically a waiver of reforestation so the land has to have a reforestation requirement on it to use this opportunity.

Tucker shared that staff will be using the Committee for Family Forestlands (CFF) as the Rule Advisory Committee for food plots. But ultimately the RFPCs do need to look at the rule language so this item will be back on their agendas. But in terms of the applicability of this, it's really for family forestland owners with the threshold set at less than 5000 acres. So we thought that CFF is the best group to give advice on the nuances of the policy for family woodlands.

Incentives Update – Ryan Gordon, Family Forestland Coordinator

Gordon began by explaining a little about the Private Forest's Incentives program. He added that there is a Forest Practice piece and Urban and Community Forest Program and Landowner Assistance Program that he works in which relates back to the Woodland Management Act of 1979. A State Statute which directs the Department of Forestry to provide technical assistance to industrial private forest landowners. The challenge with that is since then there has only been one biennium of dedicated State funding for the work that we do. The ability to provide that assistance has been funded by leveraging partnerships and federal funds to try and make those services available to non-industrial landowners as well. This effort has 2 positions in Salem right now, the Incentives Program Field Coordinator, and Thomas Whittington who is focused on providing direct support to the field foresters regarding landowner's incentive programs. Gordon's position has been focused more on the policy end of this effort. He works on building and supporting partnerships that help to make up our Landowner Assistance Program. Part of that role is looking for and developing new funding sources, but also taking advantage of the existing partnerships that we have and seeing to that care and feeding. Our Stewardship Foresters are the most important piece of this puzzle. And staff in Salem work to provide support and create landowner opportunities. In addition to implementing the FPA and being involved with our Fire Program, Stewardship Foresters are also our primary point of contact for providing technical assistance to landowners. They know how to parse it out and match the right programs with the right landowners. But If we ultimately want healthy forests on a landscape scale as working forests we have to be *working* on both public and private land. Non-industrial private lands provide a lot of benefits to the people of Oregon. Gordon believes there are opportunities to consider All Lands approaches and how we can be implementing forest management actions, restoration actions to deal with wildfire or forest health at a landscape scale. So we work closely with the Forest Service, their State & Private Forestry arm which provides a lot of the financial support to State forestry programs for non-industrial forestland owners and urban forestry.

In the last 10 to 15 years with changes in the Farm Bill he has seen a lot more funding actually flowing through the Natural Resources Conservation Service (NRCS) and the Farm Services Agency (FSA) to forestry. That actually has created a change in the way we do business, and some new partnerships. Landowners who would have normally received assistance directly from us, are actually working with NRCS for financial assistance for non-commercial activities that they want to implement on their properties. We're now taking advantage of other unique opportunities that allow us to make larger investments at a landscape scale. Two of those opportunities are The Joint Chiefs Landscape Restoration Initiative and also the Regional Conservation Partnership Program (RCP). ODF has the Federal Forests Restoration Program which actually uses State resources to make capacity investments on federal lands. It's been another opportunity for us to be able to align work treatments on federal lands with treatments on private land. So we are working one-on-one with the landowners to help them identify their needs, concerns, goals and put a plan together and implement those actions on their property. But those landowners have a financial relationship with NRCS or the Farm Services Agency. All of these programs are focused broadly on improving forest health, resilience to wildfire and some of them like the Conservation Reserve Enhancement Program (CREP) which is generally identified with agricultural producers for establishing buffer strips along riparian areas and their Environmental Quality Incentives Program (EQIP).

And so it's our Stewardship Foresters working with landowners one-on-one at the ground level to help them work through an inventory. Help them develop a plan for a practice. Then they can work with a consultant or work on their own to implement that plan and then receive reimbursement from NRCS for the work that they have done. So it's that financial assistance from NRCS. Technical assistance through ODF. He reported that currently we have a unique opportunity to continue to build on the ODF/NRCS partnership as ODF Incentives Field Support Coordinator, Thomas Whittington was asked to fill in at the NRCS State Office serving as their State Forester, their technical expert. Gordon continued describing some of the partnerships ODF is in, like the Joint Chiefs Landscape Restoration Partnership Program. The Regional Conservation Partnership Program (RCP) is an NRCS specific program, it allows them to tie together multiple authorities that they have under the Farm Bill and make some very focused investments on resource needs at a state, regional or national level. Through the work of the Federal Forest Restoration Program (FFRP), we have the authority to work with adjacent private forestland owners using NRCS dollars for treatments and actually do those treatments on Federal lands across the ownership boundaries using the Good Neighbor Authority (GNA). The Legislature agreed to provide permanent funding for those positions and the efforts to increase the pace and scale of restoration on federal lands the health of which has become a hazard to neighboring private lands.

Tucker added that the Partnership & Planning Division isn't part of Private Forests. But Ryan noted that if we are doing projects on the Forest Service land, it's a great way to partner up and leverage all this funding to treat the private lands that need treatment when there are opportunities to do so.

Gordon talked about the other important partnerships like the Partnership for Forestry Education which provides outreach and online educational tools to help forestland owners access information that they are looking for and get connected with consulting foresters, extension foresters, and other local resources. A number of different products and tools are located on the website, KnowYourForest.org hosted by OFRI. Tucker added that the State has been able to bring in an influx cost-share funding for small landowners to treat Bark Beetle infestations and outbreaks, prevention. Southwest Oregon has gotten quite a bit of that funding.

Gordon then introduced a relatively new partner in incentivizing forest management, the FSA or Farm Service Agency. In taking a look at their programs we seized on the Emergency Forest Restoration Program (EFRP), where Ag producers were loaned money for restoration, this was essentially a crop failure program that has been repurposed for forestry. The required timeframes make it challenging but we've been using it pretty extensively for post-fire restoration. It is a 75% cost-share and we provide the technical assistance for that and do get reimbursed for our time. The one oddity is because it is a 'crop failure' program you can only use it for fires that have a natural cause, so human-caused fires don't qualify.

Approval of Minutes

To tie up Committee business, members (now a quorum) were able to review the minutes from the last meeting. Erickson made a Motion to Approve as submitted. Eric Farm seconded that Motion. All were in favor of approving the minutes from the December 5th, 2017 meeting in Roseburg.

The members discussed the Operator of the Year scheduled tour and meeting dates.

Allen asked the members if they wanted an opportunity to review the protocols for the Literature Review. Members all agreed that they would appreciate that opportunity within a meeting or emailed out.

Kjos adjourned the meeting.