

Northwest Oregon Regional Forest Practices Committee

Meeting Minutes – May 9, 2018

Pursuant to public notice made by news release with statewide distribution, a meeting of the Northwest Regional Forest Practice Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on May 9th, 2018 in the Tillamook Room, Oregon Dept. of Forestry, Building C, 2600 State Street, Salem, OR

NWRFPFC members present:

Mike Barnes, Chair
Tally Patton
Randy Silbernagel
Candace Bonner
Jim Hunt
Steve McNulty
Scott Gray

Guests:

Seth Barnes, OFIC
Gary Springer, Starker Forests

Member(s) Not present:

Jon Stewart
Wendell Locke

ODF Program Staff attending:

Kyle Abraham
Josh Barnard
Lena Tucker
Marganne Allen
Keith Baldwin
Jennifer Weikel
Terry Frueh

Nate Agalzoff
Ryan Gordon
John Hawksworth
Ariel Cowan
Danny Norlander
Adam Coble
Brooke Burgess

Welcome and Introductions - Mike Barnes

Mike Barnes, Chair of the NWRFPFC opened the meeting. (Roundtable introductions – noted above.)

Approval of the Minutes

The members were asked if they had time to review the drafted minutes from November 28, 2017 and if they had any additions, corrections or comments to note or the Chair would entertain a Motion to accept as written. Member motioned to accept. Patton seconded, all members were recognized as in favor of accepting the minutes from the last meeting.

Public Comment was invited. None chose to comment.

Private Forests Division Update – Kyle Abraham, ODF Private Forests Division Deputy Chief

Abraham began by introducing Brooke Burgess as the new Civil Penalties administrator, coming in behind Linda Price who retired. And Janet Stevens, the new Office Specialist. They have also been able to hire a number of monitoring folks back in the unit. The recruitment for the Water Quality Specialist was continuing. All of the Stewardship Forester positions in the field were filled and Staff provided orientation sessions with those folks in January and again in February where they attended the Board of Forestry meeting. 10 Stewardship Foresters which is about 20% of our workforce in the field. Bringing them up to speed quickly was a priority. So far things are doing well. There will be other trainings scheduled for those folks in terms of some priority issues around landslides, public safety, and pesticide compliance. He shared that there are some big ticket items we need to make sure we are clear on in terms of how people function when they get those sorts of situations. We solicit and try to build those relationships with the field staff and promote their relationships with landowners who have told us that the key things they see in terms of that relationship is continuing to work with people before there is a problem so that relationship is built.

McNulty observed that their biggest challenge with new staff is the disconnect between training and experience with active operations, logging systems, and road maintenance activities. Part of Stewardship Forester training should include an opportunity to pair them up with operators so that they get some education on practices and

operations. He offered that they are open to pairing up folks. Anybody interested in going on ride-alongs with our foresters, harvest folks and engineers are available for that. It's great to get together and talk about it in a room but to actually go out and see it it's a different animal. And if you've got those relationships built up, then when you have a situation, you have that relationship. Patton added that it creates trust when the landowner is a willing partner. Barnes agreed that should be part of the training as many of the soon to be retired ODF folks have a lot of institutional knowledge and it needs to be passed along to new staff.

Hunt suggested that Stewardship Foresters need to be open to new relationships when a property sells as well. Not bring along issues with past practices into a new relationship. Allow for new landowners to have time to evaluate their land management goals for a new property.

Barnes strongly encouraged suggestions on how we might do that. I think that RFPC Members are probably willing to facilitate those personal introductions to the dominant players in their area. The better introduced they are, the better their career will go. And it will be easier on landowners as well.

Abraham reminded members to report voluntary measures taken to OWEB, as there is an annual call for data with a deadline of May 31st to report. Allen added that the timeline is only for their Annual Report, if the report is in too late for that report it still does count within the analysis of the data.

Continuing with the Program update with the now, two vacant positions on the Board of Forestry. As Gary Springer's position on the Board has been vacant for 2 years and Sybil Ackermann-Munson ended her term in April. At this point they are hoping that there will be two new Board Members announced at the September meeting. Springer (who was attending as a guest) shared his understanding that Tom Insko accepted a membership on the Business Development Committee and would be leaving the BOF in June. Another development was that Lauri Anan with the Governor's Natural Resource Office has moved to a position with DEQ as their Implementation Administrator and the GNO is recruiting to fill her position.

The other thing he reported on was the Private Forests Conference that is scheduled in May in Bend. The Program does an All Areas Conference every other year inviting all the Stewardship Foresters, Unit Foresters, some District Foresters come as well as some of the Area Directors and other Exec Team members. It provides an opportunity for all of our staff to network and see all the other business lines we have in Private Forests. Board member Nils Christoffersen has agreed to be a keynote speaker. On the first day we have a Sheriff Shane Nelson from Deschutes County coming and speaking to the group as well as 'Timber Jim' Serrill, from the Portland Timbers. They scheduled the EO RFPC Meeting at the conference site after lunch on the last day. A few of their members participated and were introduced to the Stewardship Foresters during the Conference.

One other thing, he reported on was that they were doing some work with DEQ and ODA regarding Pesticide Monitoring in the West Oregon District. That monitoring study was an opportunity to look at some aspects and answer some questions about forestland contributions to pesticide loading in a pretty unique area where we could focus really on forestry activities. He offered that he will be bringing the results of that analysis after all that work has been completed. There were detections on forestland, but he recalled that the highest percentage frequency of detection was only about 5% for one of the chemicals. So about 5% of the time there were detections found in the water. Which it's not supposed to be. Then they compared those concentrations against benchmarks. The highest detection was still only about 14% of the benchmark. All the samples were tested at the DEQ lab in Hillsboro. The Grand Ronde Tribe actually collected the water samples for the project. At the end of the day, the data showed us that on forestlands we've been in the Category 1A consistently which is *low risk to aquatic life*. It's pretty important work for us, as you know in the pesticide rules there is some suggestion that we try to monitor the effectiveness of our rules and to do continued pesticide monitoring as we can working with partners. We will be looking to some areas down around southern Oregon, looking at a different situation, different environment to see if there is any different story there. A guest reiterated that the toxicity from Forest operations is much less than other watershed components and aquatic life is the most sensitive indicator.

Allen shared a bit more that it would be great to bring in more details about this because she really liked the framework that the Pesticide Management Plan sets out because it lays out in advance how we'll think about, respond to and assess findings. It makes it clear and sets expectations from the 'get-go' about how we are going to look at and respond to the information. And it's clear to anyone who looks at it, what that lens is.

Siskiyou Streamside Literature Review – Private Forests Monitoring Staff

Allen introduced Terry Frueh as the project manager for the monitoring efforts on the Siskiyou and RipStream Projects. Adam Coble is doing a lot of the work for the RipStream analysis being supported by Mark Meleason in the State Forests Division, and Ariel Cowan is the main workforce for the work associated with the Siskiyou project.

Coble provided members some key messages on the Riparian Forest Conditions and Large Wood in Western Oregon: Science Review and Data Analysis. This project continues studying the data collected in the RipStream project that was initiated in 2002 to evaluate protecting stream temperature and promoting riparian forest structure. Up to this point the work is primarily focused on harvesting effects on stream temperature and shade. But the Board also directed ODF to address whether these rules are effective in achieving desired future condition of riparian forests and large wood in western Oregon. The Desired Future Conditions refers to retaining vegetation similar to mature streamside forest which is based on an age of about 120 years. Some of the attributes of mature streamside forests include live trees of various species and size classes; abundant large wood for snags and downed wood in streams.

First, he will be doing science reviews of literature addressing both DFC of riparian forests and Large Wood recruitment in streams. Staff will also analyze the RipStream data already collected which includes pre- and post-harvest field data on riparian vegetation; stand structure and large wood recruitment. And the third component to this is running the data through a model to predict how management will affect riparian forests and large wood recruitment by simulating conditions over time. They would be looking at stand growth, mortality regeneration and large wood recruitment up to about 120 years. Mark Meleason, Aquatic and Riparian Specialist in State Forests, is the modeling expert on this. He is using a stand growth regeneration model and linking that with stream wood for the aquatic large wood recruitment component. We are working with Mark to develop different modeling scenarios based upon FPA and current harvesting practices. The modeling component we are using is the field data from the RipStream study.

Coble announced that they plan to provide an update to the BOF on the science reviews and data analysis at the September 2018 Board of Forestry meeting. Staff are developing a protocol for reviewing the science and just to maintain consistency and transparency throughout the process. They are also working to refine the research questions and approaches for the data analysis then develop a timeline for work products, stakeholder and tribal engagement. Abraham clarified that this finishes the RipStream Project work.

Frueh outlined the work product(s) in each project, all of this will feed up into Board sufficiency decisions approximately a year from now.

- Siskiyou region, we have three work products:
 - Riparian Forest Conditions Science Review. (We are using that term, because it is a little more accessible for folks, it really means Desired Future Condition (DFC) Science Review.)
 - Stream Temperature and Shade Science Review *in the Siskiyou*.
 - Contextual information working with ODF&W and DEQ.

A question came forward about what is the preferred amount of Large Woody Debris? How is that determined? Frueh said that answer would come through consultation with ODF&W and their data on what volume of LWD is appropriate, looking at 120 year old stands with differing ranges in volume to determine whether leave tree requirements will satisfy that expectation.

Bonner's understanding was that LWD was having to do with being able to have a constant cycle of resupply. That mature trees of the desirable species and size were over time continuing to grow and die and fall in the RMA, decay in a continuous cycle. Frueh reiterated that riparian forest condition is another name for DFC and Large wood is really a component of that. So, the FPA rules say, if we are growing our stands to meet the DFC

one of the functions of the DFC is putting wood in streams. Hunt admittedly overthinking the DFC, noted a lot of landowners dealing with the new rule are just pushing to the default buffers. Patton and Hunt both questioned the regeneration factor of leaving riparian buffers unmanaged, considering that the trees may fall and not have natural regeneration replace them. Bonner countered with the recognition that when you have big wide RMAs there are baby trees and 10 and 30 year old trees at least, so trees at various ages as part of DFC so it does replenish itself.

Barnes reminded members that there is no requirement under the FPA to place woody debris. Allen agreed it's all voluntary and suggested, if interested, they should look at Tech Note 1 that was the basis of these rules, and discuss again at the next meeting. She planned to send it out electronically to members but will also walk the group through it together.

Allen wanted to be really clear that this is not just about modeling. There are several products here and all are meant to be parts of the information for the Board to digest. But we aren't even purposely looking at Large Wood in the Siskiyou to keep the scope of the projects within staff capacity. She reiterated that it's important to understand that these *are* 2 separate review efforts.

Frueh returned the discussion to the Western Oregon Science Review products just reiterating what Allen began regarding the three work products going to the BOF to inform a sufficiency call.

- Science review;
- Field data analysis;
- Model analysis.

But the two projects *will* share the same protocols. Once staff get the review protocols in draft form, they will be sent out for input from stakeholders and tribes. Based on those protocols they will identify the studies to include in the review. They will be providing that information to the Board in September as part of the Monitoring Unit update. So that's Phase 1, developing the protocol. And then Phase 2 is the actual review of the scientific studies. A synthesis of that will go out to stakeholders and tribes probably around next fall or winter. Staff plans on providing regular updates to the Board as it's been our experience that they like to see the information at different points along the way, to digest the parts and converse about it rather than bringing everything at once.

Allen tagged on to the discussion with a brief update on the Compliance Audit. She introduced John Hawkworth who is the lead staff person along with Paul Clements working on the next part of the audit. Data collection is done on the 2017 Audit and John is analyzing that data and working on bringing the 2017 Report to conclusion. This Audit looked at the compliance on harvesting; road rules and a little bit of riparian rules. The next big push will audit a different rule set, right-sizing the focus relative to the big box of monitoring work you were just introduced to. They are narrowing the focus of the audit to the reforestation rules. Really just trying to hone in on a very narrow question whether or not trees got put in the ground when they needed to be. She wanted to give members a heads up that they can anticipate requests for access of their lands as we develop the sample sites. So they are working on the protocols and the Request For Proposal as this will go out for bid. Development of protocols for gathering the data has been a little challenging in removing any subjective decision-making as to what is acceptable to count for stocking.

Abraham asked Cowan to spend a minute describing what the Board chose for the Siskiyou georegion.

Cowan noted that members can refer to the talking points/key messages about the Siskiyou Streamside Protections Science Review. But in summary at the March BOF meeting they gave us the green light to go ahead and do the science review just on that region. The Review would be looking at trees, shade, and temperature and desired future conditions for riparian forest conditions. So in an effort to be transparent they will be asking people for input on protocols. In addition, they have Siskiyou contextual information that we obtained from partner agencies on fish status and water quality. It will take about a year to produce this review and State Forests will use the results from this literature/science review to decide whether the FPA rules are working as designed; whether they may not meet the stated objectives; or perhaps that additional study is

warranted. Or they could also decide no action is needed. But the first thing they do is look at what is already available; whether somebody already has done a study that could answer the questions. We are trying to pull everything together that would address that question and bring it to the Board for their decision on sufficiency.

BREAK

Tethered Logging – Josh Barnard, ODF Field Support Manager

Barnard began a discussion noting the primary purpose of their information gathering is determining where tethered (cable-assist) logging fits or doesn't within the FPA. He acknowledged that there is a little bit of confusion and lack of certainty on where some of the nuances in the rules may apply that might trigger some language changes for adhering to the FPA. He provided a couple of pictures that illustrated examples of equipment configurations and the potential slopes they may be operating on. He pointed out that tethered logging enables logging over steeper slopes. One type of equipment configuration that has an anchor up on the road and feller/buncher style piece of equipment working down on the slope. But there are varied combinations of equipment used to achieve different goals, and each configuration has a different outcome on the ground, areas of greater or lesser disturbance. So, we started looking at the rules directing harvests on steep slopes and High Landslide Hazard Locations in the Forest Practices Act, what those said and how we might identify this equipment. He was referring to 629-630-0150 which pertains to ground-based harvesting equipment on steep slopes which is 60% or erosion-prone slopes that are 40%. The other category is harvesting on HLHL which is open slopes greater than 75% in the Tye or 65% on the draws and the rest of Oregon is 80% any open slope or 70% on headwall or draw. There is also a clause in there regarding any slope with atypical conditions identified by a geotechs. Using HLHL in this language is purely referring to the slope categories that qualify irrespective of the downslope public safety risk.

So, 629-630-0150 states that the purpose of this rule is to reduce the potential for erosion from steep or erosion-prone slopes to enter the waters of the State. Sub-Section 4 states, "*Methods that avoid development of compacted or excavated trails are the preferred*"... (5) Says, "*If skid trails are located on steep or erosion-prone slopes, operators shall located them at least 100 feet from any stream channels.*" They were obviously trying to limit some form of ground-based equipment disturbance within 100 feet. And so, that was one of the first potential triggers where we have a conflict to the logging rule set. Our take on (5) is we've been allowing people to operate in those zones as long as they have the Plan for Alternate Practice. So the old terminology not matching the new equipment configuration.

McNulty wanted to clarify how the rules define a skid trail, as in these situations we are only using it to cut. One single pass and not moving any wood, that's not a skid trail. He noted that staff are treating it like it is a skid trail with the way you are applying the rules. Another point is a lot of these rules were based on skid trails where you would be using a skidder or a Cat you'd be dropping a blade, side cast. Again, this equipment isn't doing that. Because a skid is not physically defined in the Act he didn't agree with the definition that the State has adopted to apply where the Plan for Alternate Practice should be applied for this rule. He thought staff should provide some clarity and help simplify how they are operating. If it is only cutting and making a single pass it is not a skid trail and that rule should not apply. If they are swinging wood or its multiple passes then I would say it is a skid trail. But for a single pass cutting only, it does not meet the definition in my mind of what a skid trail is.

Barnard didn't disagree and agreed that the terminology is tough to deal with from his perspective. He was interested in hearing more about what amount of disturbance or if there is any disturbance you see from the tethered cutting. During informational tours they saw varying amounts of disturbance. And from our end it's hard to tell whether that is caused by that exact type of operation, or just reflects the amount of experience that operator has. The terminology is hard but is part of the issue with new technology. Some of the sites they have seen are new enough that we don't know what will happen over time. Looking historically when rules were put in place what they were really intending to do? So far all we are really trying to do is limit disturbance there. Obviously, they were using terminology relative to the conventional equipment at the time.

Silbernagel observed that the goal is to reduce potential for erosion down to enter Waters of the State. He sees the intent as pretty obvious, but he wanted to make sure we don't equate disturbance automatically with materials to waters of the state.

Barnard pointed out that the Plan for Alternate Practice would be modifying subsection (5) the rest of the rules here would still apply as part of the expectation. So, a couple of key points, skid trails will not be located straight up and down erosion-prone slopes for a distance exceeding 100 feet unless they have effective drainage. Even with this equipment you can get a track that starts to channel water, so there should be some way that's over a 100 foot distance to disperse the water off that trail. So that's the expectation. I'm all for the Plan of Alternate Practice but making sure that occurs on the rest of that operation. Operators shall limit the amount of ground with disturbed soils to no more than 10%. So that's the other component.

Hunt commented that in a lot of cases the least impact to the ground for a feller/buncher would be to keep the track straight up and down the slope. But when you start to go side hill that's when you have to create a little skid trail to set on. He the best way to limit disturbance is to keep the tracks straight up and down.

Barnard advised that we need to get drainage for even non-typical skid trails to be sure there is no dispersion of water off that trail. Making sure every 100 feet there is something that's getting the water off that trail rather than funneling it straight down the slope.

Member asked if the 10% is of the whole operation. Barnard clarified that it's 10% of the area that meets the slope criteria, 60%+ slopes, no more than 10% should be disturbed. He is trying to put some language around that to assist Stewardship Foresters in deciding if and when something qualifies as disturbance. The next rule set they are evaluating is the Harvesting on High Landslide Hazard Locations which is 629-630-0500.

Member asked what the FPA's definition is of soil and disturbance. Halfway decomposed needles and limbs or are you talking about mineral soils? Barnard offered that it is still a work in progress but conceptually if it has enough to begin channelizing water but we see tracks, but not mixing of the soil that is not disturbance. But when there is enough depression it may create interaction with water. McNulty offered that they have been developing operator training to recognize and mitigate those spots. So your pass down, you have a disturbance. On your pass out, at the end of the day, you would be knocking that center berm out and dechannelizing the water.

Harvesting on HLHL "*The purpose of this rule is to prevent timber harvesting-related serious ground disturbance and drainage alterations on HLHL and to reference additional requirements when there is public safety exposure below the HLHL.*" Section (4) is a trigger which excludes cable-assist and tethered logging from those slopes. "*Operator shall not operate ground-based equipment on high landslide hazard locations.*" So is basically a complete exclusion. The way we have been handling this one is we've been doing this under a Plan for Alternate Practice as well. But definitely there is a lot more conversation that goes on with geotechs or other when we start to trigger this rule set. We've been working with landowners/operators through the Plan for Alternate Practice process to be able to work on those slopes.

So for the most part tethered logging fits within the existing rule set. It's within Steep Slopes except that 100 foot zone so for now that's how we are interpreting that for the moment. So that and HLHL are where we need that Plan for Alternate Practice. We've generated our own template for that so we can indicate information ODF might need. However anybody can submit their own template as long as it gives the Stewardship Forester the information they need to approve that Plan for Alternate Practice. The Plan should describe what rule the operation is planning to deviate from specifically and then the rest of the BMPs that address that. We are looking for what measures are being taken so the Plan will achieve the same results as the FPA rule they will be deviating from. It does require approval by the Department. And that is different than Written Plan review and comment. It is actual approval or denial. So the Department is on the hook there a bit as well in terms of proving that the Alternate Plan achieves the outcomes of the current rule.

Barnard shared that a week ago we held a conference call with our Stewardship Foresters on tethered logging. It gave us a good indication of the amount of activity around tethered logging right now. I think I had about

everybody from the west side on the phone and almost every Stewardship Forester now has had some component of tethered logging on their area and several more than once. So long term, using the Plan for Alternate Practice isn't the operating mode that we want to be in. What would need to be modified in 0150 or 0500 HLHL to accommodate tethered logging?

He offered members an opportunity to provide additional input in a small group he is putting together. Josh gave the floor to Adam Coble to describe the rule analysis piece.

Coble shared he was indeed working on developing a tethered logging literature review. With the tethered logging practice still relatively new so the number of studies that have looked at impacts from tethered logging are pretty limited. But at this point he is still at more of an information gathering stage. Not only to understand what is in the literature, but what types of research are occurring related to tethered logging. He also participated in a number of tethered logging tours on private industrial land to get a sense of what's happening on the ground, the different types of equipment used in different scenarios. He has met with ODF geotechs and Weyerhaeuser geologists to get their input on important aspects of operating heavy equipment on steep terrain. He reported there is some research here in Oregon at OSU. Ben Leshinsky and Woodam Chung are primarily leading that work. They have published a study on tethered logging from more of an engineering perspective but it certainly has implications for impacts on soil and things like compaction and disturbance. They are doing research in collaboration with Lone Rock and there is a study to look at compaction, soil displacement, water infiltration, and sediment delivery to streams. So the literature review so far has identified a few studies out of New Zealand, mostly technical reports in addition to the Oregon State research. The focus there seems to be looking at line tension, the cable tension and how that effects slippage of the tracks and displacement of soil. We'll also be looking at the geological aspect of land forms that are particularly prone to landslides. Also effects of soil moisture on soil mechanics and slope stability. And currently setting up more visits with ODF Stewardship Foresters looking at sites during the operation and post-operation as well. He plans to complete the literature review by early 2019. And offered his contact information if there is any other research members are aware of.

McNulty offered that Weyerhaeuser is doing a study, now in it's the second year. They are doing 15 units that are tether-assist cut and then logged and then have 15 conventional units that we are comparing side-by-side. Primarily looking at soil disturbance and also delivery. He added that they have used a variety of different templates, but in general have gone to more of a narrative version working with ODF local staff.

Barnes asked about the frequency of denial or approval in the plans submitted. McNulty said it varies highly and seems to be District dependent. As well the fact that there are 19 tethered systems (companies) that have the OROSHA exemption allowing them to operate in Oregon right now in the State. These are clear-cut systems which improve safety benefits, production benefits and fill the gap created when there are not enough cutters available. Especially within a 100 feet of a non-fish stream is something we most definitely need to tackle because one of the most effective places to utilize that system.

Hunt agreed that it is actually an environmental improvement to use those feller/bunchers as long as you aren't channeling any water, or creating too much soil disturbance. Physically grab that tree and handle it and control it and deck it away from the stream you actually achieve that rule.

McNulty further shared that Weyerhaeuser's goal is that by 2020 when they fully implement these systems to where 70% of our ground that would have been traditional cable will be operated on with these systems. They are about 50% implemented now. So they are looking at doubling the acres where they use these systems within the next two years. Anytime we can keep things we are working on outcome-based rules and avoid a specific prescriptive language or elements we can get the rules to where they are more adaptive as new technologies exist. If that rule just said, prevent soil disturbance so it doesn't enter Waters of the State then they wouldn't have this process to go through which puts us behind the curve. The rules should be more adaptive.

Allen added that we are having to think about rules written for older systems and write them with a new lens. But we have to have all our ducks in a row as far as why that is a good idea.

Hunt suggested having a better distinction between Rules and Guidance. There is no reason why the rules couldn't be very outcome-based and the guidance be the systems mix.

Abraham affirmed that they were putting that workgroup together to help us developing the guidance as we need it now to fit what we are doing and then also continuing to look at the template for Alternate Practice. Currently, Stewardship Foresters have a copy of the template Plan for Alternate Practice and they are communicating well with field advisors and geotechs in Salem regarding approvals. Barnard is compiling a list of Best Management Practices (BMPs) that he will be pushing out soon which will address some terminology and how we are looking at disturbed soils, laying out the process and watch-out situations that we have developed so far. Guidance is still a draft, they are still looking for feedback from that group and from our own field sites as well. Coble then provided additional detail on the ongoing studies he mentioned previously.

LUNCH

Marbled Murrelet Rule Analysis – Jennifer Weikel, ODF Private Forests Wildlife Biologist

Weikel provided an update on Marbled Murrelet Rule Analysis focusing on items within the draft Technical Report that was presented to the Board April 25th. She reminded members that this process was initiated in 2016 when the BOF was petitioned by 5 conservation organizations to initiate a rulemaking for Marbled Murrelets. In November 2016 the Board directed us to begin work. Staff returned to the Board in March 2017 with a short report that included an assessment of the petition that was submitted. In assessing the petition it was determined that the petition did not contain enough details and the correct information to suffice as a technical report to help direct the Board's work. So we were directed us to go forward and develop our own technical report, a draft of which we just finished and presented to the Board a couple of weeks ago. The next step is an expert review of the technical report. Rules 629 Division 680 which were developed in the 90's when our statutes first addressed Specified Resource sites and they set criteria on what we need to consider when species are petitioned for rule under FPA. The Technical Report must include:

- (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.

She addressed some confusion regarding the petition to ODF&W to up list the species authored by the same conservation groups on the same day. The two petitions are not directly related but are parallel projects dealing with the same species with different mandates and deadlines. If and when ODF&W makes a final decision there will be some survival guidelines established for the species. The State ESA listing really only applies to State-owned and managed lands. There is no direct nexus or requirement on private lands.

The tech report has two parts to it. One is summarizing what we know about Murrelets, a little bit about their life history and ecology and habitat. And the second part is addressing the four criteria required by our rule. Weikel provided a detailed summary of the ecology of the Murrelet, their elusive and secretive behaviors, habitat needs, range and reproduction. The population trend data that we have from 2012 to 2015 it comes from the effectiveness monitoring happening per the PNW Forest Plan from Washington down to Central California. What we see for Oregon is that we really have a non-trend. Error margins all overlap each other with a lot of variation in this data.

So habitat-wise, most of what they are using is old growth conifer forests. They also will use younger stands that have a residual component of an old growth. Their basic nesting requirement is a platform. These birds don't build their own nests. They just come inland, find their suitable mossy limb, make a divot and lay their egg. So what they are needing is the big horizontal limbs.

The survey protocols focus on behavior of the birds and what you end up with at the end of your surveys are areas classified based on the type of detections that you have. And so, the first possibility is if you had no Murrelets detected, it's called '*probable absence*'. The second would be if you had Murrelets detected but just

flying over the canopy or just heard them flying by, it's called '*presence*', which just mean they are there but you don't know what's going on. And the last one is a term called '*occupied*', or another term that goes with that is '*significant detection*'. So that's when birds are observed flying below the canopy, landing in trees, stationary calling. That's thought to indicate that the birds were either nesting in the area or likely to be nesting in that area, or that they are using that stand for some component of courtship or other aspects of their breeding behavior. What happens is that the survey area gets classified as typically it's the 'occupy' area or site or habitat is what is considered significant to the birds and what is recommended for protection by the protocol.

She pointed out that the FPA currently with all of its bird resource sites focuses on nest sites so it's a point center, and so without that it makes it more challenging to specify the site protections. So how well do those behaviors predict that nesting is actually occurring? Or where? Those information gaps are identified in the technical report. What's the spatial relationship from where that detection occurs and where actual nests occur? The report also identifies that we don't yet understand the temporal relations and habitat use, which will come to play regarding abandonment criteria and whether specific individuals come back to the same area to nest year after year. She then fielded questions regarding critical use periods, documentation of unsuitable habitat and what forest practices that they would consider disturbance. This bird is quite different from most other seabirds as they live at sea but 'nest' on land. So most population studies are done at sea when they are easier to find.

Weikel returned to the criteria for the Technical Report. Identification of what the resource site is. So in the technical report, rather than identify a single option for the Board to consider, we feel like there is a lot more work, information gathered and discussion that needs to happen. So the report, includes a range of possible options for the Board from the most conservative to something much less. So the three options that are included in the report would be:

- Protection of known nest sites only.
- Protection on nest sites and the locations where these occupied detections are observed.
- Identification of suitable habitat and using that itself as a resource site.

The last requirement of the Technical Report is addressing protections. This relates directly to the identification of the resource site. As far as the report, again it describes a range of options, not suggesting to the Board that 'this' is the answer, but providing a range meant to reflect the full spectrum of possibilities. It's described under two overarching possibilities. One would be prescriptive BMPs and with the prescriptive approaches there is room for either regulatory or voluntary approaches. Also, a programmatic approach which would be non-regulatory and look like Safe Harbor and other types of agreements that would encourage landowners to conserve suitable habitat or future potential habitat on their land.

The current version will now go through the Expert review to identify if there is any missing pertinent literature that should have been included and to review our interpretation of the science. The main outcome is we want is for the report to be well-rounded and unbiased to help the Board members make those decisions. The Expert Review group is going to be about 4 or 5 individuals coming from or nominated by a suite of interest groups or backgrounds. The members that are going to participate on this have to have a background with Murrelets. So, technical background, science background, or if that's not available then definitely a management point of view. Barnes suggested that staff should include some of the people in this room on that Expert Review team. Abraham advised that if there are suggestions about who will be on the Review panel to contact Jennifer Weikel. Jennifer.weikel@oregon.gov

Hunt voiced a warning that the survey protocol for Murrelets is exceptionally expensive. Weikel assured him that she very much recognized that and if that winds up as an option for the Board there will be an economic analysis that goes along with it.

Food Plots Rulemaking – Danny Norlander

Danny Norlander, the Forest Health Survey and Monitoring Specialist had been assigned to help develop wildlife food plot rules. This opportunity for forestland owners to establish wildlife food plots effort was initiated by the State Legislature as Statute in 2015. HB 3013 as introduced, applies to small forestlands between 10 and 5000 acres. It's not the big industrial landowners. The goal is to provide a food source for specific species within forestland and allows the plot(s) as a conditional waiver to reforestation requirements after clear cut harvests on a percentage of the ownership. The size varies depending on the acreage. So from 10 to 500 acres, you can get 2.5% of that land base. So think of a 10 acre parcel, 2.5% is a quarter of an acre can be in designated food plots within that 10 acre forestland parcel. Then it goes up from 500 to 1000 acres is 2% that's a range from 10 to 20 acres and if you have 1000 to 5000 its 1%. So, 10 to 50 acres of that land base could be in Wildlife Food Plots. He reported that there was some interim guidance developed in 2016 which has been in place. We've had 3 applications with 1 approved. So, we've had 1 food plot that has been approved since this went into statute basically in 2015. The Statute also directs the Department to work with ODF&W to develop this. So that is where a lot of discussion will be taking place the next few months figuring out how to implement it. He suggested a number of questions that would need to be addressed in rule. Personally, he liked the idea of keeping it as broad as possible to allow for flexibility and landowner specific objectives. So other things that they will be considering are the effects on the landscape socially and culturally. There are other internal concerns as well. Namely the added workflow on our Stewardship Foresters in verifying the plots are maintained on some determined basis. We are looking at maintaining these plots over a long period of time, potentially into posterity, and because it is withdrawal of forest from the forest base if the plot is unmaintained the reforestation timeline begins and trees need to be planted. Incorporating monitoring concerns will be an important part of how we look at it and probably has significant bearing on whatever rules that get put in place. He brought forward some of the questions that have come up. How ponds might play in? Predator issues. Neighbor issues. Some other questions around native versus non-native plants. Mitigating invasive species. He noted that ODF&W has their Wildlife Habitat Conservation Program functioning in several counties but not all. So another question is how the two programs will interface. The Committee for Family Forestland will be the Advisory Committee for this rulemaking process but Norlander reported that he is bringing up this rulemaking at all the RFPC meetings and he will share draft language with them as it is ready. He hoped for the information to be in front of the Board in November. Springer brought up the question of natural regeneration in the monitoring process. Also suggested was if there should be a minimum size for effectiveness. He referenced that it's anything between 10 and 500 acres it can be 10% of the land base, in one plot or scattered plots throughout the harvest unit? What are the consequences of that? How will maintenance be defined? There will have to be a plan stating what the target species are and how they will ensure the food source for that species is maintained. Bonner brought up early seral habitat and with that a component of natural regeneration. Norlander saw that would have to be a specific stage of growth that it would be held in for a period of time and would have to be described in the plan. But once they want to end that food plot then they will have to do reforestation unless stocking requirements were met with natural regeneration.

Norlander emphasized that this doesn't require a Plan for Alternate Practice, it is a Forest Practice. He asked for questions or comments at any time in the process and provided his contact information as Danny.Norlander@Oregon.gov

Incentives Update – Ryan Gordon/Nate Agalzoff

Gordon introduced himself and his position as the Family Forestland Coordinator in the Private Forests Division and introduced Nate Agalzoff, who's was working with him as interim Field Incentives Program Coordinator. Agalzoff's normal role being Stewardship Forester at the Forest Grove office.

He was appreciative of the opportunity to provide quick overview of part another part of our business that members might not have been overly familiar with. Many are probably dialed in with the FPA implementation piece of the Incentives Program as well as, our Monitoring and Forest Health Programs. We also have an Urban & Community Forestlands Program and Landowner Assistance Program. Gordon works under the Landowner Assistance Program along with the Incentives Field Coordinator, normally Thomas Whittington who was in temporary assignment to NRCS as their Acting State Forester, forestry technical advisor.

As a quick introduction, The Landowner Assistance Program has its roots in the Woodland Management Act of 1979 directed the Department to provide technical assistance to non-industrial private forest landowners in recognition of the multiple public benefits they provide and the fact that those non-industrial private lands make a significant contribution to the State's working forests. So the program has an organizing statute, but not any real dedicated State funding for this purpose. As a consequence we have relied really heavily on partnerships with external partners and external funds, a lot of it Federal.

His position as Family Forestland Coordinator is relatively new, his primarily focus is on helping to maintain and build on those partnerships that help to support this program. Federal partners, other State Agencies, as well as a host of NGOs that are working in this space in statewide Watershed Councils, Soil and Water Conservation Districts. The Incentives Field Coordinator position is really focused on supporting the field implementation of these incentive programs and various grant opportunities that we have. But essentially we are talking about providing both financial and technical assistance to non-industrial forestland owners.

Agalzoff detailed some of the duties involved in providing technical assistance to forestland owners. He liked to think of Stewardship Foresters as the face for education and implementation of the FPA and along with their role in the fire militia organization become the landowner-agency liaison when fire occurs on private land. So joining up technical and financial assistance.

So, Agalzoff reported that historically the USFS through their State & Private Forests Program has been our partner for a lot of landowner assistance programs and going forward they're still playing a role. But it may remain just the base level funding. But NRCS, the Natural Resource Conservation Service, is going to be our template into the future. And what's great about that is, through that agreement we are able to address a variety of landowner needs and also have some increased level of local control for different projects. Other partners to date are:

- Farm Services Agency (FSA). And the work that ODF is doing with them, particularly with the EFRP, the Emergency Forest Restoration Program for projects such as drought, post-fire, ice storms, maybe a few other things.
- NRCS Statewide Agreement which had historically been focused mostly on agriculture and Ag producers, which allows the opportunity to provide assistance to forestland owners.
- Conservation Implementation Strategy, (CIS) which strategizes projects in a pre-defined geographic area with specified resource concerns.
- Collaborative project efforts like Joint Chiefs Partnership with USFS and NRCS which allows both of these agencies to award resources to programs that already exist with ODF continuing technical assistance. The projects there are more at a landscape scale and proposals would typically address things like reduced potential for wildfire, better water quality, or may have a habitat component to it.
- Regional Conservation Partnership Program, (RCPP) this is NRCS only, but again it is another landscape level type of program.

He supposed that the take-away here is that Oregon has historically been very successful in landing these projects. These are both competitive things, so it's an application system. Oregon has done very well at getting these and what this yields is additional, extra money to provide those additional resources to our landowners.

Gordon joined the discussion wanting to pick up the theme of these All Lands or landscape scale projects. He assumed that everybody here is relatively familiar with forestland ownership in Oregon and he wanted to share a bit about some opportunities that we have particularly through our Federal Forests Restoration Program here at ODF. Particularly with Joint Chiefs and those RCPP opportunities we are really seeing the federal agencies moving towards funding larger landscape scale projects. Joint Chiefs in particular gives us the opportunity to make those investments on both public *and* private ground and build those larger projects. And the opportunity to be able to build those projects across boundaries is really important. The Federal Forests Restoration Program creates a nice opportunity for us to internally look at ways to work at that public/private interface, leveraging the incentive, NIPF incentive programs and this new program that's growing here within ODF that allows us to increase the pace and scale of restoration on public lands. He provided some background on the new program.

There are a couple of authorities that come to us through the Farm Bill that actually that helps to implement those strategies. First is the Good Neighbor Authority. Essentially what this allows us to do is actually spend State resources on Federal ground to get projects spun up and ready to go. We can actually use ODF resources to lay out and sell timber and then the receipts from that sale come back to us to help us recover some of our costs and that there are still a surplus of funding after that, and those dollars can be reinvested in restoration work in that area locally. The Wyden amendment which is kind of the opposite of the Good Neighbor Authority in a way actually allows federal resources to be used on private ground. For example, if we are doing some kind of a study on federal ground that would be beneficial to also complete on the private ground in putting some of these larger projects together we'd have the opportunity to use some of the federal resources to include the private ground within that study. Gordon wanted to impress upon the members that this kind of synergy opportunity between programs builds these sorts of projects.

Gordon wanted to give a shout out to the [Partnership for Forestry Education](#) and the website [KnowYourForests.org](#). The site is a really nice suppository of information where folks can find good self-help tools. It also helps connect them with local technical assistance providers, whether its ODF Stewardship Foresters or Extension foresters as well as local consulting foresters. There is a knowledge base library up there and it's the cumulative work of all of the organizations represented.

Good of the Order

- McNulty requested that the ODF Guidance Manual be available online to the public. It is a high priority for them training their newer foresters with 'the template' for how the Forest Practices Rules are interpreted and as such key to them being able to understand what they are trying to accomplish with the rules. He proposed that maybe the inconsistency they see between districts is because there is not a standard manual people can refer to. Abraham noted they are working on updating the guidance but we'd look into posting some of the recent stuff. When our field foresters need assistance on implementation they contact Keith Baldwin and Jay Walters who are the FPA Field Coordinators.
- He added that the call is out for voluntary measures data for OWEB.
- Barnes asked about upcoming meeting dates and Board focus coming up.
- Tucker thought that we would be bringing the draft Food Plot rules in November. September is our normal update to the Board on Monitoring and the Siskiyou update, and Compliance Audit 2017 Report. She reminded everyone that October they are looking at the Operator of the Year Tours.

Barnes adjourned the meeting at 4:25pm.