

Eastern Oregon Regional Forest Practices Committee Meeting

Minutes – October 17, 2019

DRAFT

Pursuant to public notice made by news release with statewide distribution, a combined committee meeting of the Eastern Oregon 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 October 17, 2019 at the Shilo Inn, The Dalles, Oregon

<p><i>EO members present:</i></p> <p><i>Bob Messinger, Chair</i> <i>Elwayne Henderson, Henderson Logging</i> <i>Chris Johnson, Shanda Forest Management</i> <i>Patrick Marolla, Hancock Forest Management</i> <i>Stan Benson, Public Member</i></p>	<p><i>Not present:</i></p> <p><i>Ed Fallon, Green Diamond</i> <i>Irene Jerome, Jerome NR Consultants</i> <i>Paul Jones, Wyeast Forestry</i></p>
<p><i>ODF Staff:</i></p> <p><i>Kyle Abraham, Division Chief of Private Forests</i> <i>Josh Barnard, Deputy Division Chief</i> <i>Marganne Allen, Forest Health & FP Monitoring Manager</i> <i>Nate Agalzoff, Incentives Coordinator</i> <i>Keith Baldwin, FP Field Coordinator</i> <i>Bodie Dowding, interim Field Support Manager</i> <i>Jim Gersbach, Public Affairs liaison</i> <i>Greg Wagenblast, Policy Analyst/Civil Penalties</i> <i>Jay Walters, FP Field Coordinator</i> <i>Thomas Whittington, Water Quality Specialist</i> <i>Jamie Paul, EOA Assistant to the Area Director</i> <i>Brian Reel, Stewardship Forester</i> <i>Susan Dominique, Private Forests Admin Support</i></p>	<p><i>Guests:</i></p> <p><i>Rex Storm, Associated Oregon Loggers</i> <i>Kregg M. Smith, Fish Passage Coordinator ODF&W</i></p>

1. Welcome and Introductions – Bob Messinger

Messinger opened the meeting and delayed roll call awaiting latecomers so quorum was established. There were no additions offered to the agenda.

- **Approval of Minutes**

Chair called for a Motion to approve the draft of minutes from May 14th, 2019. Henderson moved to Accept. Johnson seconded the Motion to Approve. Only minor corrections were needed on typo errors. He called for a vote. All were in favor, the Motion carried.

Then the Chair called for introductions. (Participation reflected above.)

- **Public Comment**

Public comment was invited and none was offered.

2. Private Forests Division Update

Barnard began the update reviewing recent Division and Executive staffing changes noting them on the provided organizational chart. On the Executive level there were a series of successful recruitments which became official in July. Lena Tucker was selected to be the Deputy State Forester and Kyle Abraham was selected to fill the Division Chief role. Josh was the successful candidate for the Deputy Chief position for Private Forests replacing Kyle. So Josh’s former role as the Field Support Unit Manager is being filled for a 6 month interim. They are splitting interim staffing of the position into two time periods while recruitment and selection occurs. Bodie Dowding from the State Forests Division is filling in during the first half of the vacancy. Don Everingham, Asst. to the NW Oregon Area Director will be filling in the second half till the recruitment process is finished and a permanent manager is selected. The interim backfilling of the position has provided developmental opportunities to Dowding and Everingham.

Next, Barnard touched on the status of the Marbled Murrelet Rulemaking Process. Although not a rulemaking that would affect the east side, he wanted members to be aware of the required processes in rulemaking for threatened and endangered species. In April the Board accepted the Technical Report on the Murrelet which provided biologic detail and outlined potential resource sites and protection strategies for the species but didn't provide any recommendations to this point. The Board will be asked to make a decision in the near future on what the resource sites will be and the associated protection strategies. Staff plans on doing some stakeholder outreach to gather feedback on potential options to help inform the Board's decision. The Board will receive an update in November. Another issue that could have a potential nexus to the eastside, the Board received a petition in April for rulemaking for Coho and last July the Board did accept that petition. So there is a lot of staff work in terms of charting a pathway forward on that. The Chair asked if the petition link could be sent out to the members. (It is available online under the Board of Forestry Meeting Attachments for the April meeting.) Susan would send out the link.

Following the petition items Josh talked about the Board of Forestry Planning Retreat that occurred October 8th and 9th in Salem. The Retreat allowed the Board members time to discuss the group dynamics and function in context of the current work plan and get a first look at the upcoming strategic initiatives. The Board's work plan for the Private Forests Division? RipStream Analysis will continue over the next year; The Siskiyou Streamside Protection Review; determining the specified resource sites for the Marbled Murrelet. Also finalizing rulemaking on the Wildlife Food Plot statute; The Operator of the Year process and others. There have been a couple of items that have been on the Board's work plan but have no planned agenda items for the balance of 2019. Those items on the backburner are consideration of creating an overarching resource site policy review for all T&E species and reviewing rules for Landslides and Public Safety. For either case the capacity isn't there to work on additional topics. Messinger asked about the Board's support. Josh could only infer that he saw some interest from the Board members in revisiting the Compliance Audit, and delving into how climate change will relate to the FPA.

Abraham then summarized the Division's need for the Board's help prioritizing the Division's workload before adding to it. That discussion will continue in January and March. Abraham added that the Board's membership will be changing with two positions up in February 2020 and two positions in December 2020. So, Cindy Deacon-Williams, Mike Rose, Nils Christoffersen and Tom Imeson are all timing out in 2020. It will be a big turnover. The Governor's preference is to nominate members that represent different areas of the State, from diverse backgrounds and be willing and able to serve on a volunteer Board that requires a fairly big time commitment.

So at the Retreat the Board got a first look at strategic initiatives each Division were proposing. For the Private Forests Division that is an initiative Supporting Sustainable Family and Community Forestry. That proposal centers on new hiring capacity to increase the number of ODF foresters specifically to provide assistance to landowners and communities in that wildland/urban interface. 12 full time positions to work across all ownerships helping to provide fire prevention and fuels reduction assistance in the WUI. Those positions would be delivering and administering incentives and voluntary programs and enhance ODF's ability to respond to forest threats that impact those landowners. That initiative would help us restore our technical assistance levels (impacted by reductions in federal funds) so we can deliver on ODF's mission in fire prevention, suppression and forest health, landscape wide coordination and sustainability of family forestlands. That's 12 field positions that would be added potentially funded by the General Fund. The two other concepts we have are the Harvest Tax concept (every year) and monitoring of the FPA effectiveness and implementation. The Department relies on its relationships with landowners, operators and others interested in the forest environment to ensure that the FPA is implemented properly on the ground. Information gained from monitoring how well those rules are implemented and effective are key drivers for the development of new policies and regulations. The second program initiative is FPA Monitoring for Water Quality will be asking for 6 FTE as the availability of technical specialists to perform that work is currently limited. Marganne has had to shift and divide staff time between those two areas. So 4 FTE ask to relieve the need to choose between monitoring and compliance. There is also an ask for an Interagency Monitoring Coordinator as the Board's latest request is to coordinate monitoring work with DEQ on their TMDL work. So adding one management FTE as well.

Allen has been working on a potential reclassification involving those FMT positions especially as contract administration is becoming an increasing need. Re-classing positions would improve program capacity for high level duties like contract administration while also continuing lower level data analysis. Most positions in the Forest Health Unit have federal funding. And it's a struggle to meet the challenge of the Sudden Oak Death Program with only a Forest Management Tech. That job class doesn't meet the need for the bulk of the contract administration work required for Eradication treatments. The Program would like the ability to eventually fill that at a higher more appropriate level of classification.

Barnard then announced that in November there is another two day BOF meeting the first day will have a normal public meeting agenda where they will work through policy topics like the Murrelet piece. But the second day is actually a workshop for the Board. Which is being characterized as a Science, Values & Policy Workshop. A dedicated day to working through the concept of uncertainty in science-informed decision-making. Abraham noted that the November meeting and workshop will be streamed online and minutes from the retreat will be posted.

3. Operator of the Year (Action Item) – Greg Wagenblast

Wagenblast began with some of the key points he heard during the member's tour the previous day and a quick rundown of the program awards and screening criteria. The Operator of the Year Recognition Program, has three levels: Operator of the Year (1 per Area); Merit Award winners (1 per District); then Letters of Commendation presented by individual districts. Operator of the Year and Merit Awards are selected by the RFPC groups. And the Letters of Commendation are provided by the local districts. The nominations are screened for consistency of the operator, having no violations in the past two years. And often exceeding FPA minimums as well as Degree of Difficulty, Innovation, Extra Effort and Financial Risk incurred. He wanted to promote consideration of the general Consistency of the operators over time. The Program has been a great tool to provide the public with information about what's going on out in the woods. This Program is supported by the Public Affairs Program who puts together brief videos of the operators and posts them on YouTube working to promote it as much as they can.

Eastern Oregon Area had one nomination for Operator of the Year. Steve Jackson Logging out of Ridgefield, Washington working on Weyerhaeuser land in the Hood River area. The unit nominated is an example of the great jobs Steve Jackson has done. It was a challenging 101 acre unit involving a Large fish-bearing stream, (the West Fork of the Hood River) and also a Medium Non-fish on Dry Run Creek. Other challenges included managing the operation around a Forest Service road meeting USFS concerns to protect blacktop, manage public access and placing flaggers on the roads as per Forest Service requirements. This unit was one that Weyerhaeuser put up as a timber sale, and the mills and operators looked at it and all of them passed on it so Weyerhaeuser brought in Steve Jackson. There were many factors to overcome in protecting the RMAs, some of which added to the expense and the operation was snowed out for 6 weeks. They did work with the Forest Service on some danger trees along the road system. Some of the conversation on the tour was around Steve's overall consistency, well known to do a great job, takes on difficult jobs. He shuts down early if it comes to rain or fire. When it does rain, he is out there patrolling on his own making sure that water is staying in the ditch lines dropping hay bales where needed. On the fire side he brings out extra equipment, extra water very cautious about all of that. He does multiple pre-operation walk-throughs of the units personally and it's not unheard of to have the landowner back out there two or three times to walk through with him and talk about things. He's always running profiles on the units he is walking through and getting things figured out proactively and consistently provides protection for the resources. Two Stewardship Foresters who had worked with him that had very positive recommendations for his nomination as well.

[Wagenblast played the Operation video.]

Messinger opened the floor for discussion before entertaining a Motion. Member's comments were all positive and supportive of his nomination. Henderson moved that Steve Jackson Logging be the Operator of the Year for Eastern Oregon. Benson seconded the motion. Messinger asked for any further discussion

and called for a vote. None of the members abstained or opposed the nomination. Benson closed the vote by noting that he really couldn't find a place where he would have considered anything less than a perfect score.

4. Proposed Changes to OOOY – Greg Wagenblast

Wagenblast reported that along with the Department's Operator Recognition Program, ODF&W has resurrected its Fish & Wildlife Stewardship Award for Forestlands, a landowner recognition program. Landowner nominations don't fit into our Operator of the Year Program and there have been nominations submitted more suited to that. He shared that northwest has at least two or three nominations for it and southwest has at least one. He wanted to be sure that members know the ODF&W program is out there so deserving landowners can be recognized for their stewardship. This landowner recognition is a joint program between ODF&W and ODF. It's housed over at ODF&W but the Board of Forestry is still involved jointly presenting the awards.

The Directive outlining the Forest Operator Recognition Program dates back to 2000 and staff has begun looking at the process to move the Directive into the new format and review the language and make it current. The biggest challenge the Program has is in the timing of deliverables to the process. They have been emphasizing the importance of getting multiple nominations but coming from the field folks the feedback has been that the timeline for the nominations makes it difficult not only to get those nominations in within fire season but also to have the ability to video operations in better conditions and over a longer time period. Situations that have been a limiting factors to the program when nominations close in September. So a changed timeline is being proposed. Closing the nominations in June prior to fire season. This will give staff time to go out and get quality video and have it put together for the RFPC vote in October. So the tours and voting will be held at the usual time, there won't be any changes to that. But if everything is prepped earlier, tour schedules can be set well ahead of time so members have more notice. And the Division can get the Operators recognized at the January BOF meeting ahead of the other venues that generally promote the recognitions, like the Associated Oregon Loggers meeting and Logging Conference. Nominations don't have to be for current operations within that 12 month window and if that window is missed it can be nominated for the next year. Wagenblast wanted to be optimistic that the new timeline will solicit more nominations per Area without the rush and pressure we have currently. And as always anyone can provide a nomination.

5. Monitoring Update – Marganne Allen

Allen began with the Western Oregon Streamside Protections Review. Regardless of the obvious focus on western Oregon she considered it important to share the process with eastern Oregon members as these processes may apply on the eastside eventually. She began by acknowledging Adam Coble as the principle investigator for this review. He is continuing the data analysis from the RipStream Study looking at the data related to Desired Future Condition (DFC) and whether we are meeting the goals for the Forest Practices Act for Small and Medium Fish bearing streams. Are we on track to meet the goals for a mature streamside forest condition? Large Wood Recruitment to the streams as well. What did we grow and what is there to fall into the creek? This review is on the Board work plan and will ultimately come before the Board for a decision whether or not the Forest Practices Act is sufficient for meeting its goals for streamside stands and wood recruitment. The Review has three facets. One, looking at data analysis from the RipStream Study. A lot of descriptive statistics tell us what you get in the immediate pre- and post-harvest picture. Coble has been looking at the results from tree cores, basal areas and heights and determining how we did on site index predictions based off assumptions for RMA's. So far, the assumptions seem valid. Some core assumptions that went into that set was important base work. Other parts of the review told us that stands in those RMA forest conditions don't have a wide range of diameters. They are mainly 40 year old stands, so looking at 30" or less. So these are legacy stands from earlier regulations where some RMAs had been harvested right down to the stream. So we are starting from younger stands where we know the baseline in comparison to what we wound up with.

The second step is building a literature review researching what other studies have seen with harvesting changes and riparian areas or gathered data on mature forest conditions and the assumptions we have.

Modeling with the data is the third part. That will be contracted out. Once we have a budget we will export that data to the contractor to actually take that stand information and project it into the future. So, if we continue to harvest over time to Forest Practices Act Standards what does that result in as far as stand characteristics and what's available to go into the stream for wood recruitment over time? So those are the three key facets.

The intent of providing these updates is to engage stakeholders in that process. That stakeholder engagement has been helpful in crafting the data analysis protocol for the Literature Review, and the protocol for modeling. Once Coble drafts the report on the data analysis and the literature review that report will also be send out again for public comment. But the modeling effort needs feedback from stakeholders and includes the Request for Proposal (RFP) before it's put out for bid. Allen reminded members once again that this isn't an eastside study, but if it was we'd going through this process on the east side. Staff are aiming to have the data analysis report done, this winter. The literature review is farther out, 10 to 15 month-ish timeline. After some market research estimates, median on the timeframe and costs would be anywhere from 8 to 12 months and somewhere in the \$100,000 and plus range.

Messinger asked whether the geographic scope of the literature review has changed. Allen responded that it is still west of the Cascades but broadening the area to southern Alaska and northern Sierra Nevadas. The standard language allows for more than just peer-reviewed literature. It would include 'white or gray' literature. If we can understand the methods used we will take it. So, part of the process is we want to be able to do some kind of evaluation of the quality and relevance of the information we include.

Reforestation Implementation Study – Marganne Allen

Of the things Allen hoped members would take-away from this presentation is a better awareness of The dynamics going on with the Board and stakeholders concerns about the validity of the results. And secondly understanding how we are responding to those concerns and moving forward based off of that. Staff invited any and all feedback to help them improve on the protocol for the reforestation study. The protocol directs data collection techniques contractors will use when determining reforestation rules compliance after clear cut harvesting.

Marganne highlighted a language change they are using. What was the Compliance Audit, is now an Implementation Study. They are re-branding the concept to encourage landowners to engage in the study. Not many people have a positive view of "audits" or "compliance" so we'll see if that language change helps at all. After the last Compliance Audit Report, staff and the Board received comments from the stakeholder groups crying foul that they didn't think that the statistical approach used was good enough to support the final determination about statewide compliance. Even though as part of the contracting process DAS consultants to do a review on the contractual language and turn that into us. There was press attention on the topic from OPB around those concerns. That has also come up in conversations with some Board members. And this monitoring effort is likely to end up a Board agenda item because of these concerns. So now the challenge is getting into a nuanced conversation with the Board about statistical approaches. As the Board directs policy, what is the policy decision needed? Staff wants to respond with a process and assurances that will satisfy the Board and stakeholders. Mostly Allen described that the doubts surrounded the statistical analysis, sampling protocol and data collected.

Allen continued focusing on two key issues. Whenever we engage in these kinds of efforts there is a decision as to whether to use a descriptive statistical approach or an inferential approach to the data. The descriptive approach pulls the data and show the results. Versus using the same data but inferring that the results are indicative of units outside the sample sites. So, we stepped into an analysis where we were making an inference about areas we did not sample. Unfortunately, staff cannot suspend Search and Seizure private property laws so we are unable to collect data in every circumstance. So that's a challenge that not just ODF, but any law enforcement agency faces when they are trying to measure compliance is the inability to actually access areas without express permission or warrant to do so. So if ODF collects data from only from those willing to be a part of a study can those results be extrapolated to harvest units Area wide? How can we account for small sample size of certain groups and low participation in certain landowner types? Industrial landowners have very high participation rates. Private non-industrial there are

a high number of non-responses, refusals and didn't harvest. Marolla suggested it comes down to marketing to reduce the number of refusal/non-responses. Unengaged forest landowners are a challenge to provide services for. That is not unique to ODF. So trying to reach Private Non-Industrials (PNI) trying for at least a 50% permission response rate is really tough. We make a lot of contacts. So that is a key challenge. How do we gain permission to gather data from landowners we can't reach? How do we report out statewide compliance to the satisfaction of folks who are concerned about it and be able to report the rate as a Key Performance Measure for the Agency?

Allen continued that there are two ways to think about that. The statistical response is to identify who should be in the sample and have equal access to any individual in that population. So the goal is to have perfect stats. The other response to your question is the 'so what' factor. Do our sample sites provide enough data to infer that those results also represent harvest activities of dis-engaged landowners? Marganne felt confident that it does. Does it apply well enough to portray the whole population of private non-industrials? That is the question. Does it adequately capture the full range of how they behave? Allen agreed that it's a struggle to be able to report out a compliance rate without having access to every operation. But do the results from those that willingly participate indicate effectiveness? Yes. She noted that they currently emphasize acres, not individual units, so the bias favors the greater acreages in western and southern Oregon. But we have been hearing that instead of using acres we should simply look at individual units. So looking at the percentage of harvest units (regardless of size) versus the number of acres reforested. And staff capacity is also a factor. Gaining permissions staff has to inflate the number of potential sites prior to the permissions process to try and get statistically sound numbers where we can get permission to reach the desired sample size. The prediction is that we will be turned down 3 or 4 times by private non-industrial landowners for every 'yes'. So we boost the initial numbers of inquiries to wind up with what we need. The successful part of the effort is that many private industrials with multiple harvested units give us permissions in bulk on a series of notifications. Even if we select randomly, if a group keeps turning us down it makes it difficult to make inference to the population.

Marolla asked what solutions are being considered. Marganne responded technical solutions are worth investigating but still would have to pass feasibility and public perception risks. Challenges to sampling are recognition that the actual harvested unit may be different than the notified areas on the map or ignore unsuitable sites. Directions to the contractors are winding up with a pretty manual process to correct the notified number of acres. So that is step number one.

The next step then (just for awareness, we are not sampling RMA's so they are excluded) is to determine whether or not landowner/operators met the reforestation standards for clear cut operations. Then we overlay this grid. They have to locate the plot centers but then do random sampling to avoid the potential that there may be geologic features that happen to perfectly align with that center that would indicate that it was unplantable. If we sampled at those points you'd say there was no plantable areas in the unit. If they stand at a plot point and it's a rock field, they are going to categorize that as a rock field or if it's a wetland that clearly you can't successfully plant trees they'll classify that. There are a series of categories in there that they will classify as non-plantable. And they will just keep randomly selecting until they both run out of points and plantable areas and then subtract unplantable acreage from that harvest unit.

This is all assuming that the harvest was a traditional clean clear cut. What if there is a lot of residual stocking? Was it a clear cut as notified or a thin? Do we bite the bullet and have contractors check on the residual stock? It was agreed we would construct the protocol to have contractors do residual stocking evaluations so more than just counting baby trees now. Particularly in eastern Oregon and southern Oregon you see a lot more residual trees than that in Coast Range kinds of forests. There is a lot of residual stocking so there is a whole new feature added to looking the size, species and quality of the tree that's been left. So in the draft protocol right now (members were provided the protocol) there is a residual stocking protocol that Allen would welcome feedback on. Unsuitability is page 12, and on page 15 as far as describes the suitability of trees. We actually found there is a ton of discretion that Stewardship Foresters have in making these calls themselves. Allen did a shout-out to both Paul Clements and John Hawksworth for this work. They are currently working on very specific criteria to give to the contractor on whether or not a tree passes muster for counting as adequate residual stock. Things like not leaning more than 30

degrees from the vertical; no broken, dead or missing main stem; no significant damage from timber harvesting, and so forth. She again solicited feedback on those criteria. Another addition, in Appendix 2 is the species list of what is considered an acceptable tree for planting. A commercially viable species.

So, Marganne shared that the changes they are considering statistically have been informed as the result of a consultation with the OSU Stat Net Team. Those consultations will continue. But we need to put a bow on the rest of the field protocol fairly soon. Once the field protocol is set they have the whole contract/solicitation process ahead of them to award the work. She is anticipating getting boots on the ground next year. Admittedly she shared that it's a little bit challenging to have to consider what would happen to the process if the Board changes their request.

Siskiyou Project (Including ODF/DEQ coordination.) – Marganne Allen

The Board directed the Agency to do a sufficiency review for the Siskiyou Georegion looking at Desired Future Condition (DFC) of vegetation along small and medium fish-bearing streams particular to the Siskiyou but not to include Large Wood recruitment. It will include streamside vegetation, shade and temperature. This process began by with a Literature Review which was brought to the Board for a decision in June of 2019. The geographic scope of that was limited to information available for the Siskiyou and slightly beyond into the northern Klamath mountains and a little bit north of the Siskiyou geographic region itself. But still fairly narrow in scope. Our staff recommendation was that we didn't feel we had enough information based off of what we could find as to whether the FPA was performing well in that region for streamside vegetation, shade and temperature. The Board voted in support of that. However, they did ask for some additional work to broaden the geographic scope. So staff is going back and doing another Literature Review with an expanded scope. The temperature results from the RipStream study will be combined into the review from 2013. It will also include collected data on Desired Future Conditions (DFC) with streamside vegetation. Staff estimate is 4 to 6 months to get the temperature review done but DFC is more 10 to 15 months. Ideally, staff wanted to move forward with data analysis, both with collecting data on the ground and pairing that with remote sensing, at minimum with LiDAR. They are open to possibly adding PhoDAR (which is basically high resolution aerial imagery) that provides a different look but is not quite as accurate as LiDAR is on some facets. But PhoDAR will allow us to detect changes in tree heights. The Department will assemble an advisory committee for stakeholder engagement in that process. But they also asked us to look at climate change. Staff preference is to look at climate change not just as an individual factor but an individual project and look at the bigger picture of how climate change can be addressed as an issue for the FPA especially around riparian management areas. Staff are concerned that it would be inefficient to view climate change supposition with each individual issue. But climate change remains on the Board agenda. Abraham added that the Board is also going through a process to update the Forestry Program for Oregon and emphasized that might be a place where climate change adaptation discussion gets nested. There are limited resources to host that sort of big discussion within the Siskiyou frame and with the personnel we have to do deal with it.

Allen recapped that they are moving forward the literature review, looking at stream temperature, shade and DFC. Stream temperature will come to the Board sooner. But there is a lot of competition for time and space on Board agendas. We anticipate we could be done with stream temperature in time for an April Board meeting. But there are some very significant April agenda items that they are looking at which may preclude that. But there is a definitely sense that Board members and stakeholders are wanting this decision expedited. So the Division will be going to the Board in January to lay out stakeholder processes. Bring them the objectives for the role that an advisory committee would play. At a high level obviously that would need a range of industrial, family, conservation community, imagine ODFW and DEQ are going to be key folks in that group as well as SW RFPC member representative. Tribes haven't indicated strong interest, and we certainly would have a separate and different effort to engage with interested tribal entities. We were directed to work more closely with DEQ to align with their TMDL (Total Maximum Daily Load) processes. Currently that would be talking about temperature. DEQ just had a very significant court decision handed to them regarding temperature TMDLs where they had one of their temperature standards was thrown out. The Department was told that DEQ has to re-do 14 TMDLs around the State. So you should anticipate 8 years to do that. That is going to be a huge amount of work and they are going to have to meet that timeline. Right now our discussion is focused on the Siskiyou. Be thinking ahead that this

could affect the east side as well. So how ODF engages will be important in laying the foundation of how we consider things like the load allocations when we are doing the sufficiency reviews for the FPA. We have traditionally been looking at those temperature standards but now DEQ is being asked to look at the load allocation, human use allowance factors potentially the shade curves that they have in TMDLs. Key questions we have are with our Desired Future Condition. DEQ has something called System Potential Vegetation that they lay out as a future condition they want achieve along streams and rivers. So how does ODF future condition compare to the DEQ future? We have only started sitting down with DEQ staff to figure out how we are going to align our goals. At this point we're going full steam ahead on the Siskiyou work trying to stay on track for meeting the deadlines we have committed ourselves to. But how we manage to align with the DEQ work is going to be interesting. So this Siskiyou Project may be a precursor of standards into the future that will continue to be refined as we move on.

Abraham added that the Director of the Department of Environmental Quality spoke before the Board in September about this alignment between agencies. EQC is getting a lot of pressure from their stakeholders to have Non-Point Sources be more of the solution in terms of water quality impairment. We are fully committed to going through this work with DEQ so we are able to answer stakeholders with one voice. There are a lot of things going on and only some of it is related to the Siskiyou, but it is broader than that and generating a lot of interest politically and from stakeholders. Interest in how forestry does business from all sides.

6. Fish Passage MOU Update – Thomas Whittington, PF Water Quality Specialist

Whittington provided a brief update on the Fish Passage Memorandum of Agreement between ODF and ODF&W. First he recognized the working team members from both agencies drafting the Agreement: Jay Walters, Keith Baldwin, and Josh Barnard from ODF. And then Gregg Smith, Rod Kraemer, and Alan Ritchie from ODF&W.

So the questions framing the re-write are: What are the agency roles in providing for fish passage when installing, replacing, maintaining or abandoning crossings in conjunction with forest operations? Updates will reflect our actual working processes and our relationships and respective authorities. What is the intent of the MOA? To affirm ODF's role in ensuring fish passage when stream crossings are constructed, replaced, maintained or abandoned in conjunction with the forest operations that are conducted under the authority of the FPA. ODF's role is to administer fish passage rules on non-federal forestlands to meet ODF&W Fish Passage Rules. Administration will include electronic notification and written plans. Any designs other than a stream simulation need to be reviewed by both agencies to ensure it meets the standards. The Agreement also formalizes a commitment to annual reporting. How many installations go in under our authority each year? There have been 158 notifications to date (of the meeting) for 2019. And 2018 there were 148. Implementation of the new Agreement is going to emphasize understanding ODF&W requirements. Especially, fish salvage. When there is construction/installation of a structure, fish in that area need to be isolated or removed temporarily so they are not harmed. That information along with other guidance will be in a revised Technical Note 4 which is field guidance for fish passage. Staff will also be ensuring operators are following the ODF&W guidelines for in-water work. Those are published for every stream, every watershed designating when in-water work periods are for these installations. The other big thing was establishing that the reporting processes in FERNS properly document inspections and can be shared with ODF&W Fish Passage Team giving them open access (as a subscriber) to those operations notifying for stream crossings and culvert work. It is also possible to document with photos of the resulting installations.

One point Thomas wanted to bring to the member's awareness is the difference in our rule definitions. ODF&W rules focus on native migratory fish versus the FPA focus on protecting anadromous species, game fish, anything threatened and endangered. Just a recognition that there is a difference at this point. Thomas had set a tentative date in November to convene a Practitioner Workshop. They would like a representative from each RFPC be involved. Someone who has done fish passage structures, worked implementing those in the field, including some of our field foresters and staff. That group will go through revising the technical note to meet the MOA and ODF&W fish passage requirements in the field.

Whittington noted there is an ODF&W Fish Passage Task Force Meeting quarterly in Salem. Kregg Smith from ODF&W described the task force make up and mission.

“Very similar to this committee. It’s an advisory board with 9 members appointed by the Director of ODF&W. Their primary role is to provide guidance to our mission and director on how we handle our fish passage authority. So we do waivers and exemptions whenever there is a condition that fish passage isn’t necessary so that committee makes decisions on whether or not that waiver or exemption should be approved. They also provide guidance on fish passage projects like dams, fish ladders, culvert replacements, culvert repairs. So a lot of roles similar to this group that provides us that guidance. We meet quarterly for the meet 2 or 3 locations around the State so they get tours of different projects like tie-gates are a big issue for us right now. We meet quite a bit on the coast and then we also meet in the John Day area to talk about culverts and dam projects out on the east side.” – Kregg Smith

Whittington reminded the group that his goal for presenting this to the RFPCs is to encourage interested members to participate in the Practitioner Workshop. Barnard added that the current Tech Note is in effect until replaced. An update message will be sent out when we do the official transition to the new MOA and updated documents are available.

Henderson asked if there were any changes to how the process will work if there are emergency needs that don’t fall within that in-water work window. Thomas replied that there methods for approval if there is an immediate risk of failure.

7. Food Plots Update – Nate Agalzoff

Agalzoff began with the Statute’s definition of a wildlife food plot. *“Wildlife food plot means a small forestland area that, instead of being used for growing and harvesting a forest tree species, is planted in vegetation capable of substantially contributing to wildlife nutrition.”*

So the purpose of the food plot is to provide forage for your species of interest. Although, traditionally where used the focus is on deer and other game species. In Oregon that could mean non-game species as well. There could be multiple species benefit from the same established plot. This forest practice is a tool for landowners to manage their forestland for a variety of values.

HB 3013 passed through the legislative session in 2015 and became a statute effective in 2016. Shortly after that the Department put together some interim guidance so interested parties could take advantage of that opportunity when it was made effective. The statute provided a lot of the framework and language. And the rulemaking has welcomed stakeholder input in drafting the required rules. That draft we consider now to be 95% complete. He went over the rule basics on who is eligible where and when, eligible ownership sizes (with focus on family forestlands) and can be used when the land is required to be reforested. Once established, the food plot would still be considered forestland. So the plot would be an exception from the default of reforestation. But similar to that would be along the same timeframe. Plots would have to be installed within 24 months. The installation activity must be notified for as a forest operation. Agalzoff portrayed the inquiries received to date and whether they were approved or disqualified by the ODF staff biologist. It would also require a wildlife food plot project plan which is reviewed to make sure that the landowner is eligible and the plot size isn’t over the maximum for the number of acres. And the species of vegetation would be likely to achieve and be attractive to your intended species of interest. There is also a maintenance component. Again, this may follow the reforestation timeline. If the plot is not maintained then the plot must be reforested. The draft rules are being presented to the Committee for Family Forestlands, RFPCs for any final concerns. Staff will be starting the official Secretary of State Rulemaking process shortly after the first of the year with public hearings, the goal being to present the draft to the Board to be accepted as final before fire season 2020.

8. Wildfire Council Update – Jamie Paul, Assistant to the Area Director

Jamie Paul was invited to provide an update on the Governor’s Wildfire Response Council. Starting out with its inception in response to the wildfire seasons that started back in 2013 and the new normal for Large Fires on the landscape, Governor Brown signed Executive Order 1901 the first Executive Order of 2019 to create the Council. The Council as a whole had three tasks: Maintain what is working; fix what is

not working; and make some significant changes where significant changes need to be made. The Council has been chaired by Matt Donegan, a very highly respected professional forester and senior executive advisor. ODF only had a very small number of staff involved. The decision was made to limit exposure of the staff to those processes during fire season but did provide staff support to the Committee and sub-committees providing some public affairs assistance and subject matter expertise in mitigation and fire suppression. So the Council's first meeting was in March after the Executive Order was signed in January. At that first meeting they created the sub-committees to focus on three aspects of response: Mitigation, Suppression and then Community Adaptation and Recovery. So before, during and after a fire. The intent was to base the work of the Council on previous efforts and utilizing the scientific aspects from the Cohesive Wildfire Strategy from 2009, a national vision of collaborative landscape scale sort of work, using the best science to make progress towards improving Wildfire Response, creating Resilient Landscapes and Fire-Adapted Communities. The Council also wanted to take into account work that had already been done by ODF including the very recent 2016 Fire Program Review as well as the Secretary of State Performance Audit, which concentrated on organizational re-design, sustainability, things like that. The Wildfire Response Council was very different effort-wise than what ODF had put together previously. The Council was designed acknowledging that wildfire is no longer just ODF's duty but fire affects all Oregonians and everyone should share in the solutions. Council members were not just the usual government entities but also see people that haven't been included in the conversation before. The trades, the tribes, healthcare, insurance, tourism, commerce, scientists, and art so all of those interests came together. And any statewide solutions therefore would reflect the state's diversity and inclusiveness. Each sub-committee were tasked with providing draft recommendations related to their focus to the full Council.

The Mitigation sub-committee, the 'before the fire' group chose to focus on new and robust public/private partnerships. Chad Davis who is ODF's GNA FFR policy expert staffed the sub-committee. Their recommendation is built on the concept that fire effects all Oregonians and whereas the State invests in prevention and suppression efforts, the State wants to make sure there is commensurate federal investment and also expanding private sector investment. The expansion of a private sector role would be looking for opportunities to sustain jobs in timber or agriculture. Tourism would focusing on investments in rural communities and expansion of markets for wood and other agricultural waste products, and the mass timber industry.

The Mitigation Committee did a large research project over the course of their meetings on the potential of a multi-billion dollar multi-decade fuel reduction initiative that would expand the work with the GNA, Good Neighbor Authority with the Federal Forests Restoration Project work and tying into the new Shared Stewardship Agreement that the ODF just signed with the Forest Service which includes multi-agency work on risk assessments and mapping projects to prioritize projects and watersheds best suited to mitigating fire risk at a landscape scale. Also recognized was the need to improve ODF's business model for mitigation efforts around efficient contract administration and improving performance in that FFR/GNA realm. There were recommendations pushing a new concept called 'PODs' (Potential Operational Delineations) predetermined geographical features denoting roads and features where mitigation work can be the most effective in halting fire spread within a watershed.

In addition to mapping out control features, PODs can incorporate other information, such as values at risk, topography and vegetation. The process incorporates these data into models that then help stakeholders understand the difficulty of suppression, the likelihood of a given control line's effectiveness, and the ecological effects fire could have under a range of conditions. Seeing all of that information on one map allows stakeholders to better understand potential risks and benefits and to develop fire management strategies. In short, it frontloads much of the planning associated with wildfire response, control features and wildfire behavior. – Fire Adapted Communities: Learning Network <https://fireadaptednetwork.org/collaborative-spatial-fire-management-getting-ahead-fire-using-potential-operational-delineations/> Colorado Forest Restoration Institute

PODs do not take ownership under consideration. All of the land ownership in there would work together and be funded together. It's expensive, putting a lot of effort out there.

So, the next is the Suppression Sub-Committee and Travis Medema, EOA Director did Committee support. A big concept that the Governor has agreed with is having fire protection on all lands in the State of Oregon. Solutions to the under-protected or unprotected lands may include bolstering efforts of the

Rangeland or Wheat lands Associations all-volunteer fire agencies. Another concern is whether the Memorandum of Agreement for ODF fire protection of BLM lands will be renewed or not. In response to the sub-committee's findings the Governor has convened a separate committee focusing on fire funding. The recommendation of the sub-Committee was to do a third-party review of how we fund wildfire. One idea is the creation of a fund to pay for wildfires and a figure of \$100 million/biennium. Those funds would be accessible by ODF as well as the State Fire Marshall's Office. Another recommendation was to continue with our Lloyd's of London insurance policy (Keeping what works.) Another suppression issue is capacity. Agreeing with ODF Strategic Initiative ask to add capacity to the fire effort as a whole. Currently what is recommended in the draft is 61 FTE. So 61 positions for ODF. And 6 per OSFM. That recommendation also identifies a boost to the Severity Program. Aircraft, some more private contracts, severity training, pre-positioning, things like that. That capacity recommendation is coming in right now at \$40 million/biennium. All in all the sub-committee engaged with topics like suppression principles, fuels management in the WUI, safety of firefighters, fighting fire in the WUI, allowing wildfires to burn on Federal lands (but only under the right conditions) and then a huge conversation on fire suppression strategies and making decisions that do not transfer risk from one ownership to another. So that's some concepts and continuing conversations with the Suppression Committee.

So the final committee, the Community Adaptation and Recovery Sub-committee didn't have ODF staff support. Their recommendations are holistic, inclusive and centering on public-private partnerships. So, for emergency response they want to take a look at existing state structures of response and increase the capacity there if needed. That includes review of the Oregon Disaster Recovery Plan, from the Office of Emergency Management to improve interagency coordination. There are certainly processes in place for interagency coordination among state agencies, but when pressed no matter how many simulations you run the response at times isn't ideal. More attention to the efficiency of the response was suggested. For disaster recovery they want a State level loan program for to help landowners recover from disasters. One way is to allow the expansion of FEMA assistance to small businesses. Disaster recovery efforts should include more access to resources that can get them back up and running. Travel/tourism and insurance industries are key partnerships in that particular process. To address public education, health and safety, new programs are being considered to facilitate smoke preparedness for vulnerable populations. Not just medically vulnerable but also the under-insured, minorities, children, the elderly and include those under socio-economic disadvantages that may be a barrier keeping people from protecting their homes, their health and way of life. And the big partners are air and water quality agencies and public safety partners. Other efforts suggested looking deeper into land use zoning and building codes especially in the WUIs. Changes to the building codes should look at expanding the use of fire-safe designs and materials. Refreshing and pushing CWPPs (Community Wildfire Protection Plans) will facilitate work in the WUI. And promotion of online resources like [Oregon Wildfire Risk Explorer](#).

Next steps? So the Sub-committees have reported recommendations to the Council. Since then two additional committees have been formed. A Drafting Committee and a Funding Committee. So the Drafting Committee is assessing all of the work group recommendations and combining those separate recommendations into one narrative which take into account needed initiatives, refining all of that into the final report to the Governor. The other group is a Funding and Finance Committee. They are quantifying what the financial impacts of these recommendations would be and trying to design a 20 year strategic funding model with appropriate statewide budgeting timelines and processes. Once the recommendations go to the Governor she'll have time to review it prior to legislative days in late November and prepare for the Short Session in February when the conversations start. So it took 6 years to get the WPA through the Legislature so I don't think anyone is holding out hope that we will have \$40 billion dollars by the end of April. She finished off by noting that the draft recommendations are out publically and can be found by googling [Oregon Wildfire Response Council](#).

Storm contributed his view as a member of the Mitigation Committee agreeing with Paul's summary. (Chris Johnson, EORFPC member was also on the Committee.) He saw this as a very high level effort from the Governor's office to address the whole wildfire issue but still relatively political and idealistic. He reminded members that just in terms of the mechanics of the Council and Sub-committees and the sheer numbers of participants representing multiple views disagree more often than not on issues they not like-minded on.

The threat of the outcomes being seen negatively is very real in terms of hundreds of millions of dollars that has got to come from somewhere. He suggested that typically funds for fire are expected to come from forest landowners and industry. The Mitigation Committee is trying to come out with some positive messages regarding more fuel treatments and active management. No matter what the climate does, we just have too much fuel on the landscape. Another message was that a fair amount of the fuels hazard is on federal real estate. Federal rangeland and federal forestland. So lawmakers need to recognize we are all equal partners and stakeholders and it needs to be a cooperative effort focusing on higher hazard areas in the WUI and on federal forests and rangelands. Paul responded that the Mitigation Sub-committee has done some excellent work on mapping and research that she hopes will continue. But it all comes down to funding. She thinks it is a valiant effort at a very high level with partners we haven't talked to before. Partners that may not hold the same values that forest industry has but would like to see consensus for statewide solutions. She suggested some recommendations will be quickly implemented but others may take some time.

Storm's view was that the money has to come from somewhere, probably from the taxpayers and businesses. He was concerned that whatever money is spent needs to go towards actual on the ground costs of reducing wildfire hazard or improving public safety and health. Reducing fire costs. But he offered that there is always the threat of spending a lot of money on things that don't make a lot of difference. Messinger asked what would be effective spending and on what practices? Storm replied it would probably be a combination of mechanical treatment and prescribed burning, really a mixture of activities that continues over time. Paul added that view ties into prescribed fire and the social license to burn.

Messinger asked for any additional good of the order comments and solicited ideas for the next meeting agenda. No comments were offered. Members were encouraged to contact Salem staff with questions and suggestions.

He adjourned the meeting at 1:30 pm.