

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes – May 29, 2020

Pursuant to public notice made by news release with statewide distribution, a combined committee meeting of the Southwest 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 May 29, 2020 hosted via ZOOM virtual meeting.

<i>SWRFPC members present:</i>	<i>Not present:</i>
Dana Kjos, Roseburg Forest Products, Committee Chair Dan Fugate, Retired Darin McMichael, C&D Lumber Co. /Silver Butte Timber Co. Mikaela Gosney, Hancock Forest Management Jay Christensen, Weyerhaeuser Dave Erickson, Lone Rock Timber Resources Eric Farm, Farm Unlimited Garrett Kliner, Stuntzner Adam Stinnett, Seneca Jones Timber Co.	
<i>ODF Staff:</i>	<i>Guests:</i>
Josh Barnard, Deputy Chief of Private Forests Division Terry Frueh, Monitoring Coordinator Dave Lorenz, SOA Director Greg Wagenblast, Operator of the Year and Civil Penalties Scott Swearingen, Asst. to the Area Director for SOA Jay Walters, Forest Practices Field Coordinator Keith Baldwin, Forest Practices Field Coordinator Jennifer Weikel, Private Forests Wildlife Specialist Adam Coble, Monitoring Specialist Susan Dominique, Admin Support	Rex Storm, Assoc. Oregon Loggers Seth Barnes, OFIC Dan Brown, Natural Resource Advisor, EPA Region 10 Meghan Tuttle, Weyerhaeuser

## 1. Welcome and Introductions –

Kjos: Opened the virtual meeting and asked for a roll call. (Attendance reflected above.)

- **Review of the Agenda –**

There was a review of the agenda items, no changes requested.

- **Approval of Minutes**

There was a Motion to Approve the Minutes from the last meeting. Erickson seconded the Motion. All were in favor.

- **Public Comment**

The floor opened for public comments, none were offered.

## 2. Private Forests Division Update – Josh Barnard, Private Forests Deputy Chief

Barnard began the Private Forest Division Updates with **staff** changes announcing that last fall Scott Swearingen was selected to fill the Field Support Manager position. Marganne Allen, Forest Health and Monitoring Manager accepted a position at Oregon Department of Agriculture as the Water Quality Program Manager. Her position had not been permanently filled to date. But split the roles with Mike Kroon managing the Forest Health Unit and Kyle Abraham, Private Forests Chief managing the staff in the Monitoring Unit temporarily holding those positions open to see what may play out in terms of rebalancing the budget and the COVID-19 emergency. He also reported that the Forest Health unit is at about half capacity as the Forest Pathologist, Sarah Navarro has accepted an opportunity with the Forest Service as the Regional Pathologist covering SOD (Sudden Oak Death). And Danny Norlander, our Aerial Survey Specialist is also on another assignment for a long term duration. So those two units are working at about half capacity and we're down at least one manager in the division.

The most pressing topic to fill members in on was how ODF has been operating in this environment. Agency measures have been to shift all folks that they could to teleworking as long as the duties were applicable and able to be conducted in a telework environment. Currently all ODF offices across the state are open by appointment only, they haven't officially closed any business but in terms of the public being able to walk in it's by appointment only at this point. Stewardship Foresters are able to get out into the woods as long as they are maintaining social distances required. He noted that the Board of Forestry met virtually for the May meeting and plans to continue that format until restrictions are lifted.

Barnard continued the update by reporting that the **Board of Forestry** will have a change in members this year. The Governor has sent a list of appointments to the senate rules committee for confirmation scheduled June 10<sup>th</sup>. The list nominates three new members and one reappointment to be approved by the Senate Rules Committee. Nominees are: Debbie Johnson who has a connection with OSU Forestry, Chandra Ferrari, who is connected with Trout Unlimited and Karla Chambers, who was connected through the Governors Wildfire Council. The reappointment would be for Jim Kelly. So they are replacing: Tom Imeson, Nils Christofferson, and Cindy Deacon-Williams. Those changes would also shift the geographic representation of those Board members. The resulting makeup of the Board would be two from Eastern Oregon, four from Northwest, and one from Southwest, Mike Rose is currently the representative from Southwest but his term expires later this year and he cannot be re-appointed. There was a member question about affiliations and background of the newly appointed Board of Forestry members.

He continued to update members on the current **budget** discussions. The State was asked to develop an 8 ½% biennial budget reduction scenario relating to General Funds. Which really amounts to about a 17% reduction within the last half of the biennium. ODF developed a scenario to meet the Governor's request and it is available externally as a public document. It walks through the specific reductions for each one of the Divisions. So a request comes from the Governor's office. The Governor has the authority to reduce budgets or increase them across all agencies by General Fund allotments in an effort to balance the budget. For ODF we were able to count is savings accrued in not filling vacant (but budgeted) positions. Rather than reducing our permanent staffing levels. Another option the Governor has is to defer the decision until the next full legislative session to rebalance the budget. Or the Legislature could convene a special session to adjust the budget and the legislators have the ability to adjust the budget in a focused manner rather than across the board. He clarified that these potential budget reductions are being driven by the COVID-19 health emergency and the projected economic impacts and recent revenue forecast. There has been speculation that decreased revenues to the State would be somewhere near \$3 billion dollars. For our part this includes a decline in Harvest Tax revenue which matches to the General Fund. That decline of Harvest Tax is estimated at 20% for the remainder of the biennium. But holding vacant positions doesn't negate the impact but will be losing our capacity to do our regular jobs. The Forest Health Unit will be at 50% capacity as well as the same in the Monitoring Unit.

### **3. Siskiyou Temporary Rule Update**

Barnard began reporting on the situation with the Siskiyou georegion with a little bit of history of the MOU which was developed between conservation and timber interests facilitated by the Governor's office. The MOU contained short term and long term pieces of work in it part of which was a request for a 48 hour notification via FERNs for helicopter pesticide application and proposed language for helicopter spraying buffers near streams that contained water. Another immediate request was that the Salmon, Steelhead, and Bull Trout Western Oregon rules to be adopted in the Siskiyou region. At that point in time the group envisioned an 18 month timeframe to work through some larger changes to the FPA around streams and potentially in the end working through mediated sessions towards an aquatic HCP with support by the Governor's office. At the March Board meeting the Board of Forestry expressed some interest in supporting those entities seeking agreement and changes. And as it was recognized that we were on a pathway with the Siskiyou Rule Analysis with an efficiency decision due in July. There was dialogue about continuing the current efforts and recognizing that the work may be duplicative. The parties to the MOU decided to send a letter to the Board, requesting that we adopt temporary rules that were basically the SSBT rules that have been implemented everywhere else in Western Oregon and adopt them in the Siskiyou. Setting up temporary rules don't necessarily follow our traditional rule making process and could only be in place for six months with the concept that it would provide some sort of bridge until the next legislative session when they can take action as they had originally planned

with the MOU. At the June Board meeting the parties sent a letter requesting that we develop temporary rules and stop the Siskiyou Sufficiency Analysis process and the Board did approve that concept. The way temporary rules work is to begin you have an urgent need for the rule and some justification as to why we would implement it temporarily and can only be in place for six months and only once, no extension. The traditional degradation analysis that goes into our normal rule making is exempt from this process. So basically we need to justify and file the rules with the Secretary of the State and identify when those rules will be in effect, to develop and update the database for the Siskiyou region regarding Salmon, Steelhead, and Bull Trout streams regulatory layer and to plan outreach and training on the rule. He reported the concept had been approved to add Siskiyou georegion to the regions where SSBT rules currently apply within a tight timeframe of January 1, 2021 when the Legislature is back in session. Some of the challenges that they face with meeting that January 1 Effective Date is that the Department is entering into fire season, with typical staffing draw downs and priorities and the COVID-19 health emergency that limits outreach and training opportunities. He noted that he will coordinate closely with the Southwest RFPC/CFF as we get ready to implement these rules. He then passed the floor to Terry Frueh, Monitoring Coordinator speak to address the status of the Siskiyou Literature Review that had been underway as there is work to complete to close the Review, but it was being finalized at this time.

Frueh set the stage by saying that the Board had directed the Monitoring Unit to develop a summary report of literature that expands on the Western Oregon SSBT review by including a wider geography of the rest of Western Oregon, Western Washington, Coastal B.C., Southeast Alaska and Northern California. They had convened a Siskiyou Advisory Committee made up of a broad spectrum of stakeholders to review this Report and for us to address their feedback and concerns in the document. So it has almost been completed and will be provided as an informational item to the Board without asking the Board to make a decision on degradation or the sufficiency for stream temperature and shade. In terms of the work that the Monitoring Unit has done, the Review may only be informational but essential to development of various work products including an Aquatic Habitat Conservation Plan.

#### **4. Policy Updates: Wildlife Food Plots, MAMU, Coho, ODFW MOA, etc. – Scott Swearingen**

Swearingen began by reporting on **Wildlife Food Plot** rulemaking process. The January BOF meeting consented to begin formal rulemaking. As draft rules have been reviewed by the Advisory Committee and they provided no changes. DOJ had input to focus language at the scope of the statute and not extend it to habitat but rather the forage as focus of the Food Plot rule. Public Meetings were held virtually, one with the Tribes and one Open Public Meeting. In July they will be preparing a staff report and finalizing language and attaching a Summary of Public Meeting response to submit to the Secretary of State's Office. There are no concerns with it moving forward. It has not been a contentious issue.

ODF&W and ODF have been working on a Memorandum of Understanding (**MOU**) regarding fish passage coordination and are hopeful of final approval. In alignment they are working on changes to Technical Note 4 – Fish Passage Guidelines. Two practitioner workshops are scheduled for November, February 2021 and possibly more.

Last year there was a Petition to the Board regarding meeting the Threatened/Endangered status of the **Coho** Salmon in Oregon and recognizing the streams as the Resource Site. They've done some work on that but there is uncertainty around that in regard to the MOU between Conservation and Industry leaders. There was a stipulation that it wouldn't make sense for us to continue a Coho rulemaking effort if we're pursuing a statewide Aquatic HCP.

The Marbled Murrelet Rule Analysis, (**MAMU**) was initiated by petition in 2016 to change the Murrelet's T&E status. In 2017 staff reported to the Board with the Technical Report on the species in Oregon and that was accepted. The Report is waiting on feedback from Tribes and stakeholders but those scheduled meetings have been postponed for the duration of the COVID crisis, with an expectation of fall scheduling. The ultimate outcome of the rule analysis process isn't known yet, it may result in several outcomes including no changes to rule, use of non-regulatory measures, incentives such as the Safe Harbor Agreements, and that sort of thing... or combination or potentially regulatory action.

He continued that there was a 2009 Memo requiring stream buffers including Significant Wetlands despite land use. They are now considering rescinding the 2009 Memo and enacting the use of Plans for Alternate Practice with any site specific conditions. Now there would be exceptions allowed for minimal Ag use, to provide equity with grazed wetlands. So they are developing Guidance and rescinding the Memo. Other areas of focus and guidance development are changing references in Divisions 600, 605, 635, Reforestation, Afforestation, Chemical application, SSBT rule, physical habitat criteria, RMA and Wetlands. The next set of guidance they are planning to review are Division 635 Landslides, Roads, 630 Harvests to add guidance on tethered logging. 642 SSBT streams and 527 Statutes. All completed guidance will be posted to the external public ODF website. But those reflect no changes to current implementation.

#### **5. Good of the Order**

The Chair expressed again the desire to provide Board written comment regarding the temporary rule.

Next meeting date is the scheduled October 20<sup>th</sup> and 21<sup>st</sup> for the Operator of the Year Tour. Wagenblast reported that there were nominations for the SWOA at the time of the meeting.

Kjos adjourned the meeting.