

# Eastern Oregon Regional Forest Practices Committee Meeting

## Transcript – October 14, 2021

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 virtually on October 14, 2021, hosted by the ODF Private Forests Division

<p><b>EO members present:</b></p> <p><i>Bob Messinger, Chair Patrick Marolla, Hancock Forest Management Paul Jones, Wyeast Forestry Bobby Douglas, Green Diamond</i></p>	<p><b>Not present:</b></p> <p><i>Ed Fallon, Green Diamond Elwayne Henderson, Henderson Logging Brandon Wood, Murphy Plywood Chris Johnson, Shanda Forest Management Irene Jerome, Jerome Consulting</i></p>
<p><b>ODF Staff:</b></p> <p><i>Josh Barnard, Interim Division Chief Thomas Whittington, Water Quality Specialist Adam Coble, Forest Health &amp; Monitoring Manager Joe Touchstone, FERNS Project Manager Ryan Miller, Interim Asst to the Area Director Kirk Ausland, Stewardship Forester Ross Huffman, Stewardship Forester Chase Duncan, Stewardship Forester Keith Baldwin, Field Support Coordinator Susan Muniz, Private Forests Admin Support</i></p>	<p><b>Guests:</b></p> <p>Dave T.</p>

**1. Welcome and Introductions – Bob Messinger**

Messinger: By my watch it's after 9 so I am going to go ahead and call the meeting to order. And we won't take any action until we get a quorum if we can find one. So I'd like to welcome everyone. Are there any additions to the agenda that anyone has? Any members of the public that wish to speak to the Committee? Hearing none, I will close public comment. Do we need to do introductions? Well let's do introductions. I'm Bob Messinger, I'm the Chair. I live in Eastern Oregon and have been the Chair for a long time.

Marolla: My name is Patrick Marolla. I live in LaGrande and am Area Manager of Hancock Forest Management over here in Northeast Oregon.

Jones: I'm Paul Jones, I'm the CEO of Wyeast Timber Services out of Hood River Oregon and I represent small landowners.

Barnard: Okay, and I believe we've also got Bobby Douglas, who was appointed last year as a committee member. Do you want to go ahead and introduce yourself Bobby?

Douglas: Yeah, Bobby Douglas, I work for Green Diamond Resource Company out of the Klamath Falls office, East District Forester.

Barnard: So, I'll go next. So Josh Barnard, I work out of the Salem Private Forests and am actually currently serving as the interim Division Chief for the Private Forests Division. My day job is normally Deputy Chief and serve as Secretary to this Committee. Nick Hennemann who is currently serving as Deputy Chief would normally be here covering this meeting, is off on vacation today. With that let's move to Greg.

Wagenblast: Greg Wagenblast, I am in Salem for ODF, Civil Penalties and Policy and I'll be presenting Operator of the Year stuff for you today.

Muniz: Susan Muniz, I'm your Administrative Support for the Committee.

Coble: Good morning! I'm Adam Coble, I'm the new Forest Health and Monitoring Manager. I've been in this position for about 6 weeks now and I will be presenting on our Implementation Study.

Miller: Good morning everyone. A few of you I've met before but a few of you I haven't Ryan Miller, ODF. I am currently rotating into a detail as the Asst. to the Area Director to the Eastern Oregon Area.

Baldwin: Good morning everybody. I will be presenting on the Reforestation After Fire Salvage and am the Forest Practice Field Coordinator.

Huffman: Good morning everyone. I am Ross Huffman, Stewardship Forester based out of Sisters.

Messinger: Thank you very much. So, Josh let's jump right into your presentation on the Private Forests.

## **2. Private Forests Division Update – Josh Barnard**

Barnard: Alright, so I thought I would start with some of the things we walked through last time. And provide an update. Since you' all know since the spring of 2020 our doors have been closed to the public and accessed by appointment only. And the last communication that I saw as a statewide announcement is that we plan to re-open doors on January 1<sup>st</sup>. There is a couple of months between now and then so I guess that will be subject to change but just keep this group updated for the moment based on communications I'm expecting ODF's doors to be re-opened to the public on January 1. Along with that just noting a few challenges the Agency has been working through in addition to a lot of transition stuff... the Oregon Department of Forestry being an Executive Branch Agency we are subject to the Governor's Executive Order on vaccine mandates and so we have been navigating that process. And that process should come to a close on October 18. Just wanted to note that has been a challenging time for all folks at ODF and we are getting close to navigating that piece. For, as you probably noticed based on our introductions, there's been a significant amount of leadership change at ODF. Both in the field and in Salem we have folks in acting positions. So, what I thought I would do is start with last spring, Peter Daugherty, State Forester stepped down. Which has launched a State Forester recruitment which I'll talk about in a minute. But also following that event, in September, Lena Tucker decided to retire as well. Two key positions for the Agency are currently vacant. Nancy Hirsch is currently filling in as Acting State Forester. And Kyle Abraham has been asked to serve as the Deputy State Forester. Until those positions are filled Kyle asked me to serve as the interim Division Chief for Private Forests. So those are some of the high-level transitions, a couple of others to note are that Doug Grafe, Protection Division Chief will be taking an assignment working directly for the Governor's Office in a position created by SB 762, and the person that will fill in that capacity has not been identified yet, but that is currently being worked through. So, with all these moving pieces I wanted to talk specifically about Private Forests Division just for a second here, I thought I might do a screen share with what our current organization chart looks like with the various positions. Also noting that Adam is new in his role as a manager. He's been working in the Monitoring Unit the last several years. So, leaving off, I'm serving here in what would normally be Kyle Abraham's role as Division Chief and we have Nick Hennemann came in from our Public Affairs Department for the next couple of months. I should describe that these interim roles through about the end of this year, just the next 2 to 3 months as they wrap up the State Forester and Deputy State Forester recruitments. And our positions in Salem, this is the Forest Health and Monitoring Unit Manager position, this is Adam's new role. He supervises both our Forest Health staff and our Monitoring staff. We do have one new person on board for Forest Health a new pathologist, Gabriela Ritokova and also re-structured a little bit because we did get three new positions from the legislature this session, we ended up getting a Roads Specialist, a Geotech and an Aquatic Specialist. So those new positions will reside in the Field Support Unit, at least two of them will. Two in Field Support and the Riparian & Aquatic Specialist will be under Monitoring and Forest Health. With that additional capacity we've asked Mike Kroon to come in from the Seed Orchard and oversee what we will call the Landowner Assistance Unit for now. We currently have Ryan Gordon away under assignment as well in the Partnership and Planning Division as Director for that for the next couple of months. So, we have staff here and based on the response to the 2020 wildfires we are working on bringing on additional

NRS2 limited duration capacity to help with EFRP and also, we were the recipient of \$5 million dollars from the legislature General Fund to increase nursery capacity following the 2020 wildfires, one time funding but we did get the authorization to add a limited duration position or two to help get that program off the ground and get those funds awarded. So added a little more capacity to Salem, so we brought Mike in to help supervise that branch of our work. Maybe I'll stop there for a second to see if there are any question about how we are currently structured using that transition stuff. Okay, I'll stop screen share here. So I couple of things I mentioned probably a good update and I think the information was posted here this morning, but the State Forester recruitment is currently in progress and is still on schedule based upon the original plan developed by the Board. I believe there was a press release that went out this morning that identified who the top three candidates are. As part of the information for a Special October 20<sup>th</sup> Board Meeting to cover a couple of things, part of it is rulemaking relative to Senate Bill 1602 but also a portion around the new candidates for State Forester. Those three are listed. I will tell you their names, as posted on our external website at this point. I'll put a link here for folks if they want to go and check out the information. So the top three candidates currently are Calvin Mukumato; Tere O'Rourke; and Jim Paul. So what I will do here in the Chat is I'll drop a link in there to those materials if you have an interest in taking a look at that. A

Messenger: So along that line, Josh, there was an email sent out that we could provide questions that may or may not have been asked previously, is the intent to ask those candidates those questions?

Barnard: Yes, it is. There is an agenda in the Board packet posted. And I'll dip into those details briefly here. So that meeting is set to start at 2:00 on Wednesday October 20<sup>th</sup> and if you go to the link, I dropped in the chat there, it will take you to the overall page that has their Board meetings, and it is the October 20<sup>th</sup> Board meeting. So first up is SB 762 Wildland/Urban Interface Definitions and then starting at 2:45 is the State Forester public panel and that will include those public questions to the candidates. And then the Board will go into Executive Session to discuss the, considering the employment of the Chief Executive Officer as characterized. And as I understand the process at this point there will be a subsequent meeting on October 29<sup>th</sup> where that final decision will be made. So, there's a couple of steps left in the process, but that is still on track. Any questions about the process or any other information?

Jones: Bob, this is probably more of a question for the Committee, but we had worked with Lena for I don't know how many years and really got to know her and watched her career and obviously for her retirement. Is there anything from the Board that we could send her a thing of flowers or a thank you note or a congratulations on retirement? Just for all of the years of service we have gotten to work with her. Is that something we should consider or do?

Messenger: I would certainly agree that we should send her a letter or note. I don't know what our ability to provide any flowers or anything. Any read on that Josh? Is there some way we can send flowers or something to her via the Committee? We don't have a budget of course, but...

Barnard: I think at a minimum Susan and I could work together to come up with a letter or something to that effect. And we can follow up with you Bob as the primary point of contact following the meeting if that makes sense to you.

Messenger: Okay, Committee members would you like to donate to our thing personally?

Jones: I would.

Messenger: Alright, we will follow up on that, thank you for suggesting that Paul.

Marolla: And I'm fine helping out with that too.

Messenger: I'll just proceed with that on behalf of the Committee then and assume that we can say the right thing, and no one has to approve it or something. That okay Paul?

Jones: Yeah, that works for me, we worked together for years and it would be nice to send a note on behalf of the Committee if we can and I'll pitch in \$25 bucks on a bouquet of flowers would be nice.

Messinger: Okay. Back to you Josh.

Barnard: Alright a few things I mentioned but will re-highlight here, the Agency did receive some significant resources during the legislative session. One of the largest investments in the history of ODF. Primarily a lot of that investment was in the Protection Program and the Partnership and Planning Program. Both around capacity or suppression efforts and also for mitigation. So there is lots of ongoing work for recruitments and other things within the Agency. And wanted to note, I mentioned the \$5 million dollars for increasing seedling capacity that we've received, I know that that has been of interest to the Committee. And how we deal with post-fire recovery, so I wanted to note that as well. It's one time funding but is a tool in the toolbox that we will be working through trying to help to increase the availability of seedlings over the next almost two years. So I will pause there and that's really what I had for an update. So if there are other questions about outstanding ODF business I am happy to answer those too if I didn't cover them in the update.

Marolla: Josh, I was curious, what's going on with the negotiations with the Private Forests Accord right now?

Barnard: So what I know about the process, I don't have insight into any of the details, but I know the process is still ongoing. What I have heard in a couple of different forums is that in the next couple of weeks we should begin to hear what the outcomes of that process are. I am anticipating getting some sort of success and agreement. As I understand it, they are still on track, I think if they get to agreement to target the 2022 Legislative Session so there are timelines associated with that so we should know what is going on before the end of the year for sure. And probably in the next couple of weeks what's occurred in that process. But still moving forward as I understand it.

Jones: Josh, I don't know if you have this information or someone else would but every year around this time, I always ask for fire update and suppression update as far as acres burned, where you guys are at with your Lloyd's of London premium, where you guys are at with insurance and all that information regarding the fires.

Barnard: Yeah, we can reach out to our Protection Division. I know that they provide updates on that pretty frequently. And there is probably some information that we can pass on to you all.

Messinger: Does that conclude your update Josh?

Barnard: Yes.

Messinger: Okay, great. So then Keith, I guess you're up with FPA and Post-Fire Reforestation?

**23:13**

### **3. FPA and Post-Fire Reforestation – Keith Baldwin**

Baldwin: Okay great. So, I'm just going to go over some background on reforestation guidance, the work we've done, and you guys have done reviewing that over the years. Our current approach in using that guidance and the current status in information I've gotten from the Klamath-Lake District. And then some opportunities for the Committee to engage in rulemaking or comments to the Board. So, as you guys are aware the reforestation rules are rear-view rather than forward-view. The rules require reforestation after harvest rather than focusing reforestation efforts where there is a high probability to establish and maintain healthy resilient forest stands. And the Committee heard presentations on this reforestation guidance after fire salvage in 2013 and an updated version in 2016 I presented in December. I appreciate your engagement with this important issue. So the major landscape fires that occurred in 2015 and 2012 have inspired these guidance documents. And the updated guidance in 2016 addressed reforestation after salvage on transitional forestlands, where fire exclusion and favorable climatic conditions have helped

establish pine on low site lands not historically forestland so that has created some complexity as reforestation is required in those areas. So, the current approach with the 2016 guidance uses a Plan for Alternate Practice which is approved by the Stewardship Forester and validated by another experienced forester. It has three major components. It identifies those lands where there is a low or high probability for reforestation success. If its low, reforestation is not required. An example would be Site 6 lands. If a high probability, they can use the standard trees per acre requirement or modify the trees per acre to fit the site situation. The second component of the plan, identifies a landowner's reasonable effort to reforest by comparing similar sites and similar land ownership, involving site preparation, vegetation management, the reforestation method (whether its natural or planting) and animal protection and necessary follow-up. And the third component is after the reforestation effort evaluating if the landowner implemented a reasonable effort. And if they have met the reasonable effort, the reforestation failed, the reforestation enforcement wouldn't take place. So that's been the workable solution over the years. The current status and the input I've received from the Klamath-Lake District, mainly from the Lakeview Unit, this summer we had over 184,000 acres of private land that burned. Of that, 24,000 – 27,000 acres was grazing, and timberland was about 157,000 and most of this is industrial land about 25% 184,000 of non-industrial. What is interesting to note is there is over a thousand non-industrial landowners that our Department will be working with potentially. So the District, Klamath-Lake District will be holding a meeting here in the near future to set strategies on focusing reforestation efforts where there is a high probability for reforestation success. There immediate attention is assisting landowners with hazard tree removal and operations related to... recently the emergency funds from NRCS and the Farm Service Agency were recently offered to landowners and that is focusing on grass seeding, hazard tree removal and tree seedlings. It's important to note that there is going to be a joint meeting here hopefully in the near future, with federal, state, local and natural resource agencies as well as private landowners and organizations to evaluate the Thomas Creek Forest Health Project. It's a Lake County project which covers over 200,000 acres and includes over 60,000 acres that were burnt this summer. So they will be discussing salvage, priorities, and reforestation efforts. So what I've heard from the Stewardship Foresters is that there are lots of post-fire challenges landowners are facing as well as operators obviously everyone is aware of the labor shortages, operators, log trucks, even planting crews. There's a lack of seedling availability, seedling growing space, I heard that from Collins Timber. And tree coolers, if you have the seedlings, where are you going to put them before you plant them? And with the extended drought issues we are facing there is a narrowing of this planting window for favorable weather conditions. Again the salvaging of these transitional forest/grazing lands is complex with identifying those areas with low probability/high probability where are you going to focus or not focus on reforestation? There is some lack of funds for fuel hazard treatment of unmerchantable standing timber and slash there is a need there. And one of the things we've heard is that landowners are facing conflicting objectives. Grazing or long-term timber production. So they have these different options. Do they grass seed now to control invasive plants and allow grazing? Or do they grass seed and reforest? With additional cost to plot spray grass and protect seedlings from grazing? And the third option, that they have is reforest now and delay grass seeding until trees can withstand grazing and, in the meantime, invasive plants may become established? The landowners are facing some complex issues there. And I think this provides an opportunity for the Committee here to, a couple of opportunities at least, to amend this 2016 after-fire reforestation guidance, its workable, however looking forward, landscape fires will likely increase or persist as they are now with the drought conditions appear to be persisting. So there may be a better long-term solution that the Committee could weigh in on with the Board to modify the reforestation rules to move away from a Plan for Alternate Practice (PAP) to better address the landowner's long-term objectives with their lands. A second area that the Committee could be involved in is their participation in comments and discussions with the Climate Change and Carbon Plan that our Department has drafted with input from the public as directed by the Board. That draft plan is going to be presented at the November Board meeting and the Plan seeks to promote climate-smart forest policies, ensure resilient forests, and a viable forest products industry and vibrant rural communities. It addresses the maintenance and conservation of forests through reforestation, restoration, afforestation. So I gave you a little bit of a background and the current approach using the Plan for Alternate Practice and some current status and opportunities. That's all I was going to cover. If there are any questions?

32:19

Douglas: Yeah, hey Keith, this is Bobby. We had about 110,000 acres burned this year in the Bootleg Fire, Green Diamond did here in Klamath and Lake County. So this is of particular interest to me for sure. I guess I would like to get my hands on that 2016 Reforestation Guidance language. I don't know if you could put a link in the chat or email me something directly. That would be great if I could get a copy of that.

Baldwin: I'll send a copy to Susan and she can distribute it.

Douglas: That would be great, thank you!

Messinger: I think it is appropriate to widely distribute it to the whole committee if you would please, Susan. And the other one is the other report you were referring to Keith?

Baldwin: The Climate Change and Carbon Plan?

Messinger: Could you send a link to that as well?

Baldwin: Okay, I'll send that...

Gersbach: Keith, that is being edited at the moment. We should have the final version ready to go out with the Board packet probably next week, in the formatted version.

Messinger: What is the opportunity for our Committee to be involved in that before it is before the Board deals with it?

Baldwin: Josh probably has a better idea on that.

Messinger: Are we too little, too late? Or what?

Barnard: So there is always an opportunity to provide comment to the Board. They viewed a draft of that in September and there was a significant amount of feedback they've received I think from all sorts of entities on that. But the Board will always accept comment if we want to submit some. They are planning to approve that at the November Board meeting, so depending on what would be useful, I know there are updates ongoing to the document so we can wait until that draft piece is ready that the Board will be reviewing if that is the most useful to take a look at.

Messinger: Okay, thank you.

Barnard: I can highlight a couple of pieces that were in there just off-hand that I recall specific to Private Forests. As Keith noted there was a section on afforestation. There is also a section on climate-smart forestry incentives. So, one of those would be some form of climate-smart forestry award so, it is important to note that I mentioned to the Board that that is something that the Private Forests Division could probably take on and try to develop a climate-smart forestry award thinking it would have some similar template to the Operator of the Year? So, that is out there in terms of a commitment. There are other pieces in their relative to an ask that we do, when we work through rule changes that climate change is considered in that process. Those are the primary pieces that come to mind. There are other asks in that conversation in terms of us as Agency in terms of tracking our carbon footprint or greenhouse gas emissions. So that's another component that I think we will see some modifications to in the next version of the report. At least there was a fair bit of feedback to include something holistically like that in the Climate and Carbon Plan. So those are the highlights I remember without looking through the document, but we can certainly get that out there to the group once we have the next accessible copy.

Messinger: Okay, great thank you. Bobby, since a lot of this is in your country that we are talking about now is there some interest in looking at those interim rules and see if we need to do something as a Committee to talk about that some more about...?

Douglas: Yeah, we are extremely interested in this topic right now, we have our own kind of taskforce together within Green Diamond to talk about this. And all the stuff that Keith was mentioning even about the grass seeding to avoid invasive plants and stuff like that, increased grazing opportunity. A lot of the ground that burned on our property in the Bootleg Fire is what I would consider is this transitional timberland or forestland low productive sites pine and juniper mix and stuff like that so anything we could do to address; I know Keith mentioned possibly discussing modifying the reforestation rules instead of just this 2016 guidance. I'd be open to all that.

Jones: Bob, we spent a significant, almost a year in this Committee, doing this reforestation stuff with Lee, and I believe myself and you. Kind of drafting a document to ODF after the Ips Beetle had come through Hood River, some fires out in Lakeview. Remember we went out there and toured that large ranch out there? And I know we also looked at some reforestation stuff out in Baker City as this Committee with this low site ground and some of the reforestation post-fire and also post-beetle thing. And we spent a lot of time on this Committee drafting some guidance on what we thought was obviously much different from the westside. So I don't know exactly if that stuff is available? Or if it fell by the wayside?

Messinger: I think it was instrumental in developing the guidance that Keith talked about so, maybe what we ought to do is put together a small sub-committee maybe, Bobby, yourself, Paul and maybe Patrick if you guys would be interested in putting together a little position paper that you might submit to the Board? Bobby would you end up chairing that little committee?

Douglas: Yeah, that's fine. That would be great.

Messinger: And Patrick your experience with reforestation would be invaluable if you could take some time?

Marolla: Yes, that's no problem.

Messinger: And Paul how about you?

Jones: Yes, I just literally looked at my desktop and saw the reforestation rules paper that I submitted to the Committee back years ago. So I literally was just clicking over and found the paper that we all worked on with Lee at Collins Pine was also instrumental on it as well too. Because they were basically facing this thing that we thought was a one- or two-year problem that has just been... and all of us are now saying is not going away.

Barnard: And the dot I think I would connect if the Committee has an interest in this is the Climate and Carbon Plan. I agree with what Paul said, we developed some guidance for the current situation at the time, but it does seem like, I guess we are still sizing up the Bootleg I don't know if Ryan or others have any better impression at this point, but that situation is still unfolding before us, but we know what I think was Barry Point and the fires over in NE Oregon and seems like the magnitude has continued to increase there. So internally we will be reviewing the Bootleg situation and determining how we move forward there as well. What I would say, is we have the current template where folks are allowed to move forward but it does beg the question of do, we need to back up and take a look at that other step? I'm wondering if there is another point where we need to connect as we try to formulate and figure out what that looks like? Just kind of thinking through it as we talk but just wanted to let you know that there is ongoing work, right? The Department is still sizing up what's going on for Bootleg and that'll will inform a new picture for us from that standpoint. And probably Bobby and others will be engaged in that effort...

Douglas: No, you're fine, I was off mute since the beginning there, but Paul if you could send that out whatever you have there that you folks worked on a few years ago, that would be a great starting point. I don't know if everyone in the group wants that. If it goes through Susan again, or if you want to just send it to the sub-committee it would be appreciated.

Jones: Yeah, let me go through my stuff, we all kind of worked on it individually and then collectively came up with one paper and sent it out but it was basically addressing all the things that Keith just brought up about these transitional areas if you try to re-plant for 3 or 4 years in a row and aren't getting anything to grow, at what point is it throwing good money after bad money type of thing and again just all the things that Keith just brought up, seedling shortage, labor shortage, climate, the green line has changed and to do the things correctly.

Muniz: So will you send to the sub-committee directly, or do you want me to send out?

Jones: Susan, I will go through my emails right now and I'll look for the paper we came up with and send it to you directly and you can send it out if that works.

Messinger: And so Bobby as chair of the sub-committee if you would work with Keith and Josh as you go along just to make sure we cover the important points and then we'll develop something for the Board from the Committee. Some kind of little thing. I don't know if it will have some specific recommendations or if it is just considerations, whatever the sub-committee thinks. And we can review it as a Committee, and I'll sign it and send it on.

Douglas: Sounds good to me, I'll lean on Patrick and Paul a little bit and figure out which direction we need to go since I haven't done this yet.

Messinger: Okay, great. Thank you.

Barnard: Yeah, that would be great, and I am seeing some connections with the Climate Change plan that Keith mentioned so...

Messinger: Keith thank you very much. I appreciate your presentation for sure. Greg, I think you are up with the Operator.

43:51

#### **4. Operator of the Year Selection – Greg Wagenblast**

Wagenblast: Good morning! Sorry we don't get to go pile in a van and drive around for two days, but hopefully next year we will get that opportunity to go kick some dirt and take a look at some nominations. So, trying to run through the program real quick and then we've got the nominations, I'll go through those and got the videos and then after that, I'll summarize stuff and you guys can take your action on doing some selections so. Operator of the Year, the objective of it is to publicly recognize operators that are consistently exceeding or working within the Forest Practices Act and hopefully to improve public understanding of the FPA and its accomplishments going on out there. Our authority for it comes out of ORS 527:630 and there are three levels of recognition that the Program does have. One is Operator of the Year itself and there is one Operator for each region of the State. There are three regions, eastern Oregon, southwest Oregon, and northwest Oregon. And these regions, just so everyone is familiar, do not match up exactly with our operating areas. Northwest, Southern and Eastern Oregon. There is some slight differences in that. The second level of recognition is a Merit Award which both the operator of the year and merit award are selected by the RFPCs. The Merit Award winners come from the folks that were nominated for Operator of the Year but not selected. And then the third level is a Letter of Commendation which comes from the ODF Districts themselves. So, the RFPC isn't involved with those and the BOF isn't. The Committee's do select the Operators of the Year and it's up to the BOF to present the awards and do the Recognition Ceremony for it. So the Board takes you guy's selection and acknowledging that winner at their January Board meeting. We've shifted things around so that's new last year was the second year we did it. But we are now during the recognition at the January Board meetings at the start of the year rather than waiting till into the year. You know the folks that can be recognized for this are companies, contractors, individuals typically not landowners unless they actually performed the operation itself. But there is another program that we do have in conjunction with ODF&W that is called the Landowner Recognition Program through Stewardship Award and that is a joint thing between ODF&W, so this year

we actually have three nominations for that Program and all three of those are up in NW Oregon right now. We did not receive any for Eastern Oregon or Southwest Oregon. The screening criteria that we use when we get the nominations that come in, we are looking at Consistency, Degree of Difficulty, Innovation and Extra Effort, Results and Financial Risk. So that's the screening criteria that we use to make sure those nominations are reviewed and meet some of that criteria before we pass them on to you' all. And then you guys have your criteria that's included in the packets that I send out. And hopefully everyone was able to receive those packets and look through those packets that I put together and Susan forwarded on to you 'all. So the number of awards? There is one Operator of the Year Award in Eastern Oregon, one in Southwest and one for Northwest. Whereas the Merit Awards, there can be one Merit Award for each District within that Region. So, you could have multiple Merit Awards in your Region by Districts. And then there are no limit on the Letter of Commendation that come from the District themselves. The scoring criteria for you guys in the packet, you should find one of those scoring sheets if you are interested in using it. What you guys should be looking at is Consistency, Difficulty, Concern for Resources, Innovation, Effort, and the Results from their practices. As we've talked about over the years, we've been shifting the perspective a little bit in this in the fact that we really want to encourage folks to nominate people that have been doing a great job, in the Consistency side of it, for 5, 10, 20 years and don't have to have that whizzbang operation out there moving big wood or some multi-span operation or anything like that but want to acknowledge those folks that have been doing a great job consistently over and over again. Some of those are what you are going to see as well. You've got some great candidates for this year's nominations. We do have two of them that we will go over here in a second. And the process for today, basically we're going to review the nominations, watch a video, there's going to be a short session where you guys will have an opportunity to ask our nominators, local stewardship foresters there for the two nominees. They are online here with us and then you guys will be able to have your discussion about Operator of the Year, take a vote on that, and same thing with the Merit Award winners. Before we get into the nominations, I do want to thank Jim Gersbach and Karl for pulling these videos together. Jim spends a lot of time with getting the videotaping done out in the field, doing all the interviews, filming and that kind of thing and then pulling these videos together for us. So, I know it takes a lot of time and effort and do appreciate all the work that he does. I know back when I was in high school quite a number of years ago, I did videotape and editing at the local community cable place and that editing is not a simple easy thing to do to get everything to match up. So thanks Jim and Karl. Okay, so, we'll kick it off here with the two nominations, we've got H Timber Contracting, LLC and Sisters Forest Products, LLC. We are going to start with H Timber Contracting. The nomination came in for them. The example was a commercial thinning operation. The protected resources out there was Laycock Creek which is a Small Fish and ran up through the middle of the Unit. The east side of that Unit had no road access, so they had to get the wood across the creek without damaging that stream or the RMA. There were two temporary crossings where the operator put in 36" culverts and logs to be able to get some of the equipment across and they actually just shoveled the large timber across it instead of just skidding it over those crossings and stuff to minimize any risk and protect that RMA and the stream. They did have to reconstruct some old road and do some armoring work on the stream banks with boulders and logs to help protect the stream. This operator has over the past 15 years completed 25 to 30 operations within just the John Day Unit and the reports are that he has done a great job. They've always met or exceeded the FPA under a variety of conditions out there. They were heavily involved in the 2015 salvage efforts in the Canyon Creek Fire and with this Unit the stream in the middle of the Unit was one of the challenges they had to face with the lack of access to the eastside and moving the big wood off that and across the stream and get it over where they could get it to the landings. The topography on the unit was challenging along with that wood that they were cutting. They were doing directional falling to protect the stream and then worked with the ledging and pulling to get the wood out without any risk to the stream as well. Being in some of those tight narrow canyons and stuff the landing and processing area was limited, and protection of the stream and Waters of the State were critical. The other thing was like all of you talked about already the dry extreme fire season and risk of fire over there on that east side when that operation was going. They did take the methodology of hand-falling and bucking. They didn't bring in mechanized to do that. And that does slow things down and is more of a challenge than new mechanized processes people are starting to go to today. And then they did spend quite a bit in effort to re-hab and ensure soil stabilization and erosion protection of the site as well. One of the other challenges there with that shovel movement of the logs over the stream, that does increase the time for them to move wood and slows things down. But they were willing to take that effort to do the protection level that they needed to. Double

handling all that wood from the east side to the west side. And then one of the other things was they were working with an absentee landowner. But they were still in communication with them and all the results and stuff that I've seen are very favorable and positive. So with that, I will start the video here. [Video – H Timber Contracting LLC]

56.02 – 1:01:35

Wagenblast: So that is your H Timber nomination and Kirk Ausland is on with us. He was the nominator and the local stewardship forester so; does anybody have any questions you want to ask about this nomination if Kurt can provide you answers with or? Anything?

Messinger: Kurt could you describe that shovel movement of the logs. I'm not sure I understood that picture.

Ausland: Sure. So Bob, what they did is they kept all the landings and processed all the wood on the eastside of the creek. They did that so that they were not having to skid every log back across the creek. So once they had everything bucked up and processed then the shovel would sit there and swing the processed logs across the creek to be loaded on the trucks. So Greg touched on this already but that really minimized the impact to the stream as compared to having 40 to 50 turns of logs drug across the temporary crossings. Because when you do that evidently stuff gets into the creek. But by swinging, shovel logging everything across that creek in two different locations out there, it really, really minimized impacts to Laycock Creek.

Messinger: So there was that one picture of a culvert with logs on both sides. Did they actually build some structure to put a machine on or what's that?

Ausland: So that was one of the temporary crossings you saw in the picture. And that was put into place simply for getting the equipment walked across the creek to the other side. That's what that was. So that temporary crossing as you saw included a 36" pipe with logs on each side of that for bank stabilization so that is what you saw in that picture, Bob.

Messinger: Okay, thank you. Who marked the timber and who designated the cut?

Ausland: Jeff Maben he was the other gentleman being interviewed. He was on the video. He's the one that marked everything. He's a local consulting forester, he used to work for Malheur Lumber Company for years as a log buyer. That was his involvement, the landowner hired him to mark everything and basically provide additional oversight for the operation.

Messinger: Thank you! Committee members other questions for Kirk?

Ausland: And while I got an open mic here, I wanted to say this wasn't portrayed in the video but the rehab work that the operator did once the job was complete was, he spent a lot of time doing it and he did a very good job. Because we can get a lot of runoff in this country especially in the spring with snowmelt and everything and he tidied everything up and stabilized all the banks and just did a great job on rehab. And sometimes it's hard to get operators to spend the extra time to tidy things up and time is money for these folks. But Tony he just kept going and left that property in really good shape as far as rehab and sediment control for the future.

Jones: Just real quick on the temporary crossings, it seems like those things can get over-engineered and complicated sometimes but just the way it looks like you guys did it with the logs and the culvert pipe in there and really minimizing the damage, those are the jobs that have probably been put off for years and years and years because of the access issues and a little bit of creative thinking and a good operator all of sudden some lands got treated that would not have gotten treated so I think it is was one of those teamwork collaborative efforts where the stewardship forester works with the consulting forester and picks the right logger and because of the circle of doing it correctly landscape is treated compared to that

probably the eastside of the project got ignored for years because of the difficulty of that creek so I think a lot of the credit has to go back to the stewardship forester where, okay, let's not spend \$80,000 on a crossing here and blow this project completely out of the water, let's get creative here to do it and make it work otherwise things can get expensive in a hurry. And all of a sudden stuff doesn't get treated because it is not economical to do it.

Ausland: I appreciate those comments Paul, and you're spot on. There was a reason why that property hadn't been logged in over 90 years, topography, access, and the creek. So you are exactly right in your theories there, I appreciate that.

Wagenblast: And the one thing I would like to say too is I really do appreciate Kirk and his nomination. As you guys know it's hard to get people to place nominations and it takes a little time and effort and coordination to get those done from their part in the field. So Kirk and Ross and Chase and everybody that put in the nominations this year for eastern Oregon I really appreciate the time and effort that they have dedicated to this. And it does show that we have some great operators in the state doing some really good work out there. So thank you guys for doing that. Okay so we will move on to nomination number two. Which is Sisters Forest Products. So this one was a fire hazard fuels reduction nomination slash forest health operation. And it is there at Black Butte Ranch, so they have these urban interfaces, home sites, recreation, all the logistics that go with working in an interface area like that and being under the watchful eye of the public and all those either recreationists or homeowners out in that area. They've been doing a great job at least the last four years they've had consistent and always positive results on their operations there in the District. With the challenges that they face, the urban interface, the home sites, golf courses, infrastructure, operating equipment around that interface area and all the logistics that go with that and having to worry about all the different things going on there. It's a recreation area, heavy public use, dry fuels, over-stocked stands and forest health concerns and protection. So for the efforts and stuff they were focused on forest health and fire protection, thinning things out and reducing the fuel loading in there and creating defensible space for those homes and community area. They were looking at the stand selection and protection while harvesting. Like I said earlier, it had high public view with that the operator did spend a lot of time hosting tours and making presentations to different agencies, Black Butte Ranch community, general public and also with that was also able to meet the desires of the landowner with forest health, fuels reduction, wildlife habitat and since it's a heavy use corridor for Mule Deer and Elk while setting it up for future timber harvest operations as well. The operator has multiple types of equipment in his fleet he could use for there and he'll talk about that in the video. And developing the management plan for that site and doing the selections and stuff was some of the impacts. With that I will show the video. [Video – Sisters Forest Products, LLC]

1:11:37 – 1:18:24

Wagenblast: With that, Ross was on here, yeah, he's still on here. So does anybody have any questions for Ross on this nomination?

Jones: Ross, one of the questions that I have is that it didn't really talk about in depth about where you guys able to take some saw logs off of there? Or is it going into firewood? Or is it going into chips? What are they doing with the material?

Huffman: Most of the material on Dave's jobs are either going to be burned or cut up for firewood. Our sawlog market is pretty minimal in Oregon right now. Just due to the lack of mills that we have. The closest mill is in Gilchrist. So by the time we get our trucking rate, getting it down there is not worth sending it to the mill. So most of the material is disposed of by burning.

Messinger: So, Ross, I understood that the operator had to meet with the public? Please tell us about that.

Huffman: So Dave being close to Black Butte Ranch, and the property adjacent to it, Dave hosted quite a few meetings for landowners, members of the Board of Black Butte Ranch, Forest Service just talking about operations going on. Taking them on a tour showing them how he is working on getting rid of those

ladder fuels around the Ranch so when a fire does come through, it's going to come off Forest Service property and on to through a landowner he's working for its going to fall on its face and go to a low intensity ground fire which will allow for ODF resources to go in there and snuff those fires out.

Jones: Just another comment is this is the type of work in my opinion that doesn't get enough credit or not enough publicity. There's not enough guys. There's so many acres like this that need to be treated and gone through. Look at the Bootleg and other fires on transitional grounds and you have to have the right mind set to be in this position of not production, not doing this, it's God's work basically, treating the landscape, you are actually landscaping out there and the overall product they leave behind is in such good condition compared to what it was. And this is the stuff on the forestry side of this in my opinion does not get talked about enough. And to look at good operators like that and solid treatment on a very low value thing is literally just hundreds of thousands of acres in my opinion that need to be treated like that. And people like that are just really doing the right thing.

Duncan: I'll just jump in really quick after that. My name is Chase Duncan, I'm the other stewardship forester that nominated Dave and Sisters Forest Products. And Paul like you were saying that is a big reason why I wanted to nominate Dave, was his consistency in these projects, and that these projects don't get the big view like a big logging show does or something, doing it in a place where there isn't a lot of market for the materials he is pulling out, and he's put a big emphasis on this property because physically it does wrap on 3 sides of Black Butte Ranch and all of those communities and he's working with the family that owns the property for a long time and has helped guide them in the management of the property not only for future harvest and wildlife management and protection of the community from fire. So it's a really important thing and I just wanted to jump on and make my case again that he does a great job and is a wonderful operator here in Central Oregon. I really hope he gets the recognition for it that he deserves.

Jones: Yeah, and on a different note, for Ryan and Ross, this is the kind of stuff, whether it is a story for OPB or the Oregonian or your local news sources down there, this is the stuff that really needs to be brought out into the public. And talked about. It just doesn't happen as much.

Huffman: And one thing to add too is the financial side of it is because we have such a low market around here there is a lot of risk for operators like Dave. There is not much money to be made. He's been very great at talking with these landowners and having them do those fuel reductions. Because there is really no financial gain for these landowners to do the work. And he goes out and educates them on forest health and fuels reduction for fire and really is implementing such a great program around Sisters and Central Oregon that we are going to be able to build upon that for years.

Wagenblast: Any other questions? I really do appreciate Ross and Chase you guys taking the time and putting in the nomination. It's another great nomination so the Committee now will have the challenge of having to decide who they are going to select here. So thank you guys. So, we have two great nominations worthy of Operator of the Year. They both are coming from a little different direction but they both are promoting forestry the continuous growth and harvest of forest tree species and maintenance of forestland. They both have demonstrated their passion for forestry and working with their customers and working towards the future for their landowners they are working on. So with that I'm going to remind you here your scoring criteria that you want to consider: Consistency, difficulty, concern for resources, innovation and effort and overall results from those. And with that now we have the process for you guys to have discussion about the Operator of the Year, then vote for a selection and then after that if you would like to award a Merit Award to the one that is not selected as Operator of the Year you can vote on that as well. And those results we'll take to the BOF meeting in January 2022 Board meeting to make those presentations for Operator of the Year. So with that I will turn it back to you Bob and let you guys have your discussion and vote.

Messinger: Josh, I have a process question. We don't have a quorum, so this is problematic as far as actually having a vote, but it seems to me that we need to do this and I don't know exactly how to proceed as I don't want this to come back, because you guys didn't have a quorum to vote this in... so, what do you think?

Barnard: I think my recommendation Bob is we go ahead and move forward with it. I think this meeting is set up to make a decision and a selection on that and I think we should do that with the members that are present to keep this process on track.

Messinger: Yeah, I think that is accurate. So at some point in time let's just make a point to go back and look at the rules under which we operate and see if we can adjust that so that we have a majority vote of those present or something like that. Anyway, so let's turn it back to the Committee is there some discussion or comment about that? Anyone want to jump in?

Marolla: Bob, are you talking about discussing the points and scoring now?

Messinger: I don't know if we needed to go into that kind of detail Patrick, I just wanted to see if we could get a conversation going. We could go into the scoring if we need to, but I don't think we need to necessarily. Unless you want to, whichever. In the past we haven't always done the scoring.

Marolla: Just to compare the two operators, I think they are both offering consistency and results, they are quite two different treatments. In terms of like the criteria used for Operator of the Year, in terms of difficulty, concerns for the resource, innovation the commercial thinning would probably stand out a little more in my eyes than the fuels reduction treatment.

Messinger: I think the innovation in protecting the stream really stands out for me. So, the other one was certainly a good job and certainly needed treatment and I agree with what Paul said there's thousands of acres of that, but I think the difficulty of resource management certainly stands out in the first one.

Marolla: I would agree with you their Bob.

Douglas: I was also leaning towards the first operator for H Contracting but started looking at the story and glad we talked about that a little bit because this is only the second time, I've been involved in this voting process. And I guess just with the difficulty of the job is that just in the resource or the financial burden as well? That fuels treatment is great its just hard financially for people to even consider some of that and I think that Paul was hitting on that a little bit too, there are a lot of acres that could use that but then the concern for the resource and innovation and stuff that kind of leaned more towards the second contractor, but I was originally thinking about H Contracting as well.

Messinger: Paul are you there?

Jones: Yeah, I agree with everyone's comments as well, but I don't know how we move forward with this but my recommendation to bring to a vote is that H Timber would be awarded Operator of the Year and the other one would get a Merit Award for their work too to recognize their consistency and what they are doing with the Merit Award also comes a mention of them and video as well. So, definitely for resource protection and difficulty of that job, like everybody else, H Timber Contracting or H Logging is more difficult job.

Messinger: So I think I heard a Motion that we should award the Operator of the Year to H Timber Contracting and the Merit Award to the other operator.

Jones: That is officially my motion.

Messinger: So Susan would you put the correct names in that motion so that it looks exactly correct and then read the Motion back to us?

Muniz: Yes, so the Motion was made to bring H Timber Contracting LLC as the Operator of the Year for Eastern Oregon and the Sisters Timber Products LLC be awarded Merit for their efforts.

Messinger: Is there a Second to that?

Marolla: I'll second that Motion.

Messinger: Okay, so moved and seconded that we would... any discussion on that Motion? All those in favor say aye. Opposed? Abstentions? Okay Greg, we'll leave it in your good hands to move forward?

Wagenblast: We will get the awards engraved and certificates put together and get that on the Board of Forestry agenda for January. Just a quick reminder for you guys, RFPC members are also able to nominate Operators of the Year so I will expect to see something from each of you guys for next year. We are opening up the nominations for 2022 in November of this year and they will close in June of 2022. So, if you know somebody or have some thoughts contact your local stewardship forester and start now thinking about it and we can also get Jim out videotaping while they are actually doing some work out there and get some footage for you' all in the videos. Like again, as I said earlier, I really do appreciate all the work that Jim did with the video work and our folks putting in the nominations because that does take a bit of time and effort for them to do that, so thanks to all those folks. And we will get it taken care of.

Jones: And Greg thank you from the Committee as well, I know a couple of years ago we weren't able to get a nominee from anybody. And I think whether it was your leadership or the Oregon Department of Forestry really putting an emphasis on the Operator of the Year it has been nice for the last two or three years to get multiple nominees that we get to choose from compared to a couple of years ago when we had no nominees. So thank you for continuing to push this needle and make it happen for us.

Messinger: I second that Greg. And so to the stewardship foresters, thank you very much for doing the nominations, I know that is a lot of work, but we really appreciate it because we think it's important that we recognize good operators. So with that I guess we'll close that piece. And Thomas I guess you are up next?

1:35:37

## **5. ODFW MOA Update – Thomas Whittington**

Whittington: Good afternoon Bob. Going through this here, should be within my allotted time here. So good afternoon everyone at the Eastern Oregon Regional Forest Practices Committee, again Thomas Whittington, Water Quality Specialist for the Private Forest Division. I think I have updated everyone here a few times on this, but here is another update as we move into the end of 2021 here and move into 2022 on fish passage. First off, I want to thank everyone for continued patience and feedback we've had from the Practioner Workgroup which has members from all three of the Committees as well as the committee members themselves, so I want to appreciate that as we work through this fish passage coordination with ODFW and ODF. So the purpose for today is to provide an update on the status of the coordination work on fish passage as it applies to non-federal forestland. Again that is between ODF and ODFW that includes a couple of pieces including the Memorandum of Agreement that is between those two agencies as well as Forest Practices Tech Note number four which we'll give an update on that process as well. Just a couple of things we will talk about today, where we are at with those items and the timelines and then moving into 2022 what to expect as well. First off, the current draft of the FPA Tech Note #4, this is kind of the second draft there was another draft that we had this spring that was shared with the Practioner Workgroup as well as other small groups. So that was revised. So what we have is what I'm calling version 2.1. And that is the one that was shared with the Committee in the invite so hopefully everyone has a copy of that. Susan sent that out. Thank you, Susan, for doing that as well. And so some of the process updates, we sent that version out to the Practioner Workgroup as well and we had a meeting last Friday to discuss the new version and we received feedback and suggestions and I'm still working through some of those now as far as what we heard from everyone in that Workgroup. And hope to compile that here in the next week or so. I appreciate the feedback and suggestions as well. We have to work through some of those things and make sure and see if they need to be incorporated to that draft moving ahead. Feel free to ask questions as we go through here and I'll provide time at the end as well. But that is where we are at and where we are going and what we will talk about today. I wanted to make sure again why we are doing this to make sure, why we review this, purpose, and goals of what we are doing as far as fish passage across the state. Again, like

I mentioned we want to complete that MOA regarding fish passage again that's still pending. A couple of things going on there outside of ODF's influence, but I'll provide an update on there as well. So its not signed. It's pending and in its final draft form awaiting some other actions I'll mention. The goal there is to have that signed by the new State Forester once they are in place and get up to speed. We don't have a specific timeline to get it signed but we do want to get it signed when those other processes are complete, and we get the new State Forester up to speed on that. So it will be signed by whoever that is and the ODFW Director as well. The other thing, some external factors going on, that we don't know what will happen but again everybody is aware of the Private Forests Accord. We don't know what impact that will have on any of the rules or guidance, but we are going to make sure we have something in place for 2022 so we continue to work on Forest Practices Tech Note #4, that will be again effective moving into 2022 for the in-water work periods. I just wanted to mention that we are the implementation of ODF rules and statutes in the FPA with the provisions that any MOA and Forest Practices Tech Note #4 which is outlined in the MOA as well.

Messinger: Thomas, I have a question on bullet point number 2. Are you getting pushback from someone that it is not correct?

Whittington: No, that is one of the main goals, or purposes of the Agreement, that it continues to affirm and maintain ODF's role so that is actually documented and written in the Agreement. So we are not getting any pushback.

Messinger: Okay, great.

Whittington: So I wanted to mention some of the timelines. The MOA, as I mentioned that is in final draft. But the other piece I alluded to is that ODFW is undergoing a process to revise their entire Division that addresses fish passage within their rules and that is currently ongoing. And unfortunately just started right about the time we had our MOA in final draft form. And so this is a small connection there to some of the rules with ODFW we want to make sure that process is wrapped up so that we can take a look at those rules and make sure there is no impact to the MOA as it is drafted now. That timeline has been pushed back a little bit. ODFW is taking a pretty big bite there, doing the whole Division and moving methodically through there and with public comment. They go through a process of public comment on suggested changes, and they are talking with their RAC fish passage task force about those and agreeing on any changes to the rule language. And that process won't be complete till, the last info I got from ODFW won't be complete until mid- or early next year as far as draft rules and they won't be taking them to the Commission until mid-2022. What we worked out with ODFW is once they have draft rules, we will take a look at those and the MOA and compare and make sure, we don't anticipate any changes so far, as we said there is a small connection to some of the rules but again, they are not looking at those in the Agreement. Then the other piece is where we are now with Tech Note #4, that like I mentioned we have this draft we shared with you that was a group effort with the previous draft and then feedback from the Practioner Workgroup in the spring and also shared with the Private Forests Accord so there are two main groups working through that including the two stakeholder groups, the timber community that group provided feedback as well as the conservation community. Their feedback was routed through some of the federal agencies, and we got feedback from them. So we incorporated where we felt there was good feedback and put that into the Tech Note. A lot of that was through the Practioner Group, the majority of the feedback changes came through there. So at this point, the implementation will begin in 2022 with correlating in-water work periods so you will see in Tech Note #4 is January 2022 and of course that would be in effect in the summer when we are actually doing the projects. So just a thing I wanted to make sure that all of the committees were aware and the practioners be aware of that revised Tech Note and think about incorporating any of that guidance in plans for the summer in terms of these projects. We did have feedback and input from multiple groups, but the majority was the Practioner Workgroup which has the representatives from each of the Committees on that as well. And we've worked through that and that's where we are at now with version 2.1 and this version is not by any means final. It is a draft, and we want to continue to receive feedback and improve that so it's a good guidance for everyone. Now just to give you an update of what we are doing here, is providing update to all the committees and share this draft, Tech Note #4 draft to everyone. And the Committee, we did want to provide an opportunity for the Committees

themselves, and separate committee members to provide that feedback or comments. And as we run through the rest of the month with the meetings we can go ahead and send any comments or feedback on this draft to me or other Private Forests staff, probably myself would be the best contact. November 12<sup>th</sup> is the date we are looking at right now to get those in and continue. The other big piece of this I wanted to make sure everybody was aware of is that the revised Tech Note has a lot of what I've heard from other people is there are some new concepts in there, new things so we really, the goal for 2022, early 2022 is to make sure everyone is aware of that. Have a good outreach plan and have continued communication from Private Forests staff and that we are here to help the ODF Staff in the field and landowners, and practioners to be successful with continued implementation of fish passage in the streams. I just wanted to mention that. We don't have any definite plans yet on when we are going to have training yet, and that has to do with other stuff going on this fall, but we are working towards developing that training and I would say it will be a communication and outreach plan as well with everyone involved with fish passage moving ahead. A big part of that is working with the stewardship foresters on some of the concepts in Tech Note #4. If you look at the draft, its pretty long, I think without the appendices its 50-55 pages if I recall. And it is fairly technical, and it is guidance to implement the rule. That's to make sure everyone is aware that that is what the document is trying to do so providing guidance for everyone to know how to implement the rule regarding fish passage on stream crossings. With that, that's all I got. I appreciate all those on the Practioner Workgroup and providing feedback working through the process to update this new Tech Note, again each of the members on each of the Forest Practices Committees as well. We have a pretty small group here today but is there any more questions I'll try to answer those as best I can.

Messinger: Patrick are you our rep on that?

Marolla: Yup. I think it comes down to updating changes. I'm thinking eastern Oregon since we have far fewer streams to deal with for us its pretty minimal. From my perspective, the biggest changes were around fish salvage and trying to ask, the stuff we haven't had to do much of.

Messinger: Do you think the Committee needs to weigh in?

Marolla: No, I think its all gone pretty well a pretty good group of people across the state, kind of more west side engineers dealing with fish passage more often. I don't really think the Committee needs really needs to add to the process at this point.

Messinger: Okay, let's leave it then that the individual committee members want to respond or send something to Thomas that would be great but as a Committee we won't weigh in at this point. That meet your needs Thomas.

Whittington: Yeah, that's good I'll try to provide more updates as things move along. And probably work through each of the Chairs, Susan and Josh or Nick Hennemann to provide any updates to the Committees as things move along in between meetings. I appreciate everyone. Thank you.

Messinger: Any other questions for Thomas before we move on. Okay, thanks again Thomas. Adam it looks like you are up.

1:53:21

## **6. Implementation Study Update – Adam Coble**

Coble: Yeah, thank you. So I am going to provide an update on the monitoring implementation study and so I thought I would start out with an update on the work we've done to date on the last year or so and then touch on current work and future work as well. So our implementation study that is formerly known as the Compliance Audit, which I'm sure you are familiar with, and so in our Compliance Monitoring Program timber harvest operations are monitored for adherence to the FPA rules and our compliance results are reported through the implementation study. Our most recent work included a series of four reports from 2013 to 2017. That included compliance rates for different landowner types, rules, and geographic areas including Eastern Oregon. Then following the 2017 Report we did receive critiques about the reports

regarding things like the study design, data analysis and the results that were reported. So, with that we paused the study to work towards improving the study and our work. Our most extensive efforts in that regard included a contract with Mt. Hood Environmental. So they have been working with us and conducted an independent review of our 2017 Implementation Study. They evaluated critiques and also proposed solutions and recommendations for our Implementation Study. A little bit more details on that, the independent review by Mt. Hood they identified some issues of the study design similar to what we saw in the critiques. Things like how sites were selected, how data was collected at those sites and subsequent analysis. In their critique assessment I think they evaluated 11 of those critiques and basically yielded the same issues. And within their report to us they evaluated whether those critiques were scientifically credible, whether they effected the results, and whether that was relevant to the study. In terms of the solutions that they offered they organized it by past studies and then future work as well. With the past work, the 2013 and 2017 reports they did point out some benefits of a re-analysis but ultimately, they recommended against the re-analysis of those previous studies. In terms of the future work, they proposed a suite of solutions for future work. I believe it was eight solutions to the piece and our plan is to address all of those solutions. And then they provided three options for recommendations and as I understand it the main difference of those recommendations are how they address agency goals and the costs and assessment of the study design. It basically ranges from a basic option to a more complex and extensive recommendations with higher costs. So, we have a Board of Forestry meeting coming up on November 3<sup>rd</sup>. Mt. Hood Environmental will be there and summarize their recommendations and then we'll be providing, laying out our next steps forward. That will be in our response to the Mt. Hood Report. And then our plan for implementing solutions and recommendations will be summarized in that response plan. So that's a summary of the work that's been going on up to date. Before I jump into current and future work, I can pause there for a minute and see if there are any questions.

Messinger: Just generally speaking, what is your reaction to the Mt. Hood Environmental critique?

Coble: Their solutions I think, those are things we can address and implement into our future work, so it's been really helpful for us to see that from external folks that are experts in analysis and studies of this nature. And I think we have a pathway forward now so that's my overall impression of their report.

Messinger: Okay, thank you.

Coble: In terms of our current and future work we have initiated a pilot study to assess compliance rates with a subset of the reforestation rules of the FPA. That pilot study is going to focus on three things, one is timeliness of reforestation; stocking levels; and acceptability of species. And the pilot study will also help us to refine the methodology, so we have a field protocol fairly extensive protocol that describes the methods for this pilot study. So getting boots-on-the-ground out in the field will help us to refine those methods and also help us to start to look at some of the data and how we do the analysis for future implementation studies. So for the pilot study, harvest units across the state were randomly selected from our FERNS database, so that included clear-cut, overstory removal and it's only going to include private industrial landowner types for the pilot study. So we have right now our target sample is 35 sites, I think we are going to ask permission to access 70 sites in case some of those sites turn out to be unsuitable for survey. As I mention we drafted a field protocol that was sent to, we are working with an external review team. And monitoring staff sent out letters to landowners for voluntary participation and we've started to collect some initial data. So data collection for that pilot study will be for this fall and probably into early 2022. So what we intend to do with that, we'll likely include our preliminary results in ODF performance measures report of 2022 and then we will likely draft a separate project report summarizing the pilot study findings some of the lessons learned and how that has changed our methodology. And we are set, the plan there is to finish that report the end of 2022. So, that's all I've got I'm happy to address any questions that you' all have.

Messinger: I think I misunderstood, who is the sample operations you are going to pick from for your pilot study?

Coble: We are using our FERNS database for that, the notifications for clear-cut, overstory removal as our initial pool of sites.

Messenger: What landowners are included?

Coble: Sure, private industrial landowners for the pilot study. And we are filtering out sites that overlap with the recent fires.

Messenger: Okay, thank you. Any questions from the Committee for Adam?

Marolla: I guess one question on the sampling. How are you justifying the whole question of landowners that don't respond or won't participate? How are you guys addressing that question, that issue?

Coble: Yeah, that's a great question, and that's been a big challenge in trying to address that, because for the study landowner participation is voluntary. And so we do get a pool of non-response so that can lead to potential bias in the study. What MHE recommended and something we will implement is we will implement is what is called a Sensitivity Analysis, an analogy there would be let's say under Condition A or these conditions if we adjust this dial, how much of an effect does it have on the results or compliance rates. So it's a way to look at kind of the potential range for the results of the compliance rates if that makes sense.

Messenger: Typically, it seems like you will get pretty good compliance from industrial.

Coble: Yeah, based on our previous reports we had pretty high participation rates with industrial landowners. We expect based on the industrial there are likely to be high compliance rates.

Messenger: Any other questions for Adam? Okay, thank you very much, we appreciate it. Good luck on your new assignment!

Coble: Thank you!

Messenger: Joe, looks like you are up!

2:06:02

## **7. SB 1602 – E-Notification Demonstration – Joe Touchstone**

Touchstone: Here just in time! Good morning everyone! Joe Touchstone with the Private Forests Division. I'm going to go ahead and share my presentation here. And give everyone an update. I also have a demo that I can give at the end if there is time, or you have any kind of questions or not. Really, I'm here to give everyone an outline of what the notification changes are, registrants and how they differ from subscribers as we know them today, and a little bit of an update on the mobile functionality that is coming. And then talk about the training dates and launch dates. We are only really about 2.5 weeks away from the training dates and about 6 weeks away from launch date. So this is all coming pretty quickly. So again when we are talking about the Senate Bill 1602 functionality it applies to helicopter spray method notification only. It doesn't apply to any other notification type. All those will remain the same. What differs on these types of notifications is really it only is valid for a 90-day window that you define when you submit the notification. There is a 15-day or 30-day waiting period before you can begin the operation. And that is depend on whether there is a Registrant near one of the units or not. If there is a Registrant there is a 30-day waiting period otherwise it is a 15-day waiting period. As a notifier you are notified if there are any Registrants within 1 mile of the unit and you are given their full contact information which is unlike subscribers where we only share basic information, where Registrants you get their email address in addition to the normal stuff. Then you are required once you are about to do an operation, a helicopter spray operation, by 7 pm the day before the operation, you are required to mark it as Pending, that it is going to operate the next day. This will let any Registrants know that there is this operation going to occur the next day so that they can prepare however they want to. Even if there are no Registrants you are still required to mark it as Pending. And then you need to mark it as the operation being Complete, or Incomplete within 24 hours after the spray. And again this is required whether there are any Registrants there or not. And one of the differences between a Registrant and a Subscriber is that the Subscriber information, well I guess, on the

Notifier side of things, you can see if there are Registrants, but you don't get the Registrant contact information until you submit the notification. On the Registrant side you can register either an address, tax lot or surface water intake points. You must provide documentation that you are the legal representative of the address, whether you are renting it or an out of state owner you have to provide some documentation as well as for the surface water intake you have to provide documentation that you control that intake point. You have to provide the location, whether its an address, an actual tax lot or for the surface water intake you have to provide the GPS coordinates. ODF reviews and approves these or sends them back for additional documentation. The difference between Registrant and a Subscriber is really that a Subscriber receives the information immediately when the notification is submitted. A Registrant there is a 14-day delay after the notification is submitted. They don't receive the information until then but also that 14-days allows new Registrants to come into the process and on that 14<sup>th</sup> day it looks at any current or new Registrants within that 1 mile of your operation includes them in the process and then sends them the notification. And they receive that Pending notification by 7 pm the day before. So when you mark it as Pending, they are alerted. And that functionality is new in that we have the ability to text that alert to Registrants. So that is new functionality within FERNS. A little bit of an explanation of the difference between a Registrant and a Subscriber, a Subscriber subscribes to a specific area and get the notification details when it is submitted, they can comment to a Written Plan that is attached there, and that functionality is focused on subscribers. It is for all notification types and there are no 7pm the day before notices sent to Subscribers. A Registrant again, that is either a home or surface water intake point you have to provide documentation, you get the notification details 14 days after it has been submitted. It is only for helicopter spray notifications. And again it is the 7 pm the day before notice that gets sent out, the alert sent out over email or text. That is part of the Registrant and does not apply to Subscribers. I'm going to skip over this and provide a little bit of an update. One of the parts of SB 1602 was really to make the current FERNS website mobile-friendly. So, today if you look at FERNS and you look at it on a phone. It doesn't map right. It somewhat works but is kind of clunky and things don't seem to fit together. What we are working on is making not only the SB 1602 functionality, but all of FERNS mobile-friendly. So this is what it will look like when we launch. So if you are using a mobile device it will be very much mobile-friendly, it flows better, its more intuitive it just looks and functions better. Here is kind of that same screen, you have a drop-down menu, and you can move around and do your searches and all of that. And then also it makes it easier to notify on your phone even with SB 1602 or other type of herbicide notification where you can see here, the chemicals and carriers and additives, this looks really nice on a mobile device versus today it is kind of all over the place. And then, this is a non-SB 1602 just a regular notification I think this is a harvest, and you can see what it looks like here. It just flows easier, and this will apply to all of FERNS. Not just SB 1602. Is there a question in the chat? Okay. So really the next part of this is text messages. This is what a text message will look like. Now this is a test website that we are using to test the functionality so it won't look, have all this development tab, have all this stuff but it tells you which registration you have, who's planning on spraying it, which notification it is and then a link to that notification so as a Registrant you can go there and see exactly what that notification is and the details around it. Here is the email that they receive. It just tells them what is happening and again it has all that information and a link to the notification and has a link to the registration page that they can go and look at the details either way there. As a Registrant you can receive an email, a text, or both. So, the next steps from here, we are finishing development for the December launch. We are doing training the week of November 2<sup>nd</sup>. I'll have the specifics on that. The system actually gets updated on December 1<sup>st</sup>. So, FERNS will be updated and all functionality in there come December 1<sup>st</sup>. And that will allow the Registrants to start getting into the system. New notifications for 2022 can be submitted on December 15<sup>th</sup>. That's when the SB 1602 functionality will be available basically. You can do it for 2021 notifications, but you are looking at only a month and honestly helicopter spray notifications in the month of December are pretty uncommon. The training schedule is the first week in November so November 2<sup>nd</sup> at 9am is our internal training for all of ODF which is a 3-hour training that goes over all the new functionality but also the enforcement side of this. How do we enforce it, what is the process around anything we need to do in there? November 3<sup>rd</sup> at 1pm is our external training. That will be for both Registrants and Notifiers and that is a 2-hour training. And then if you can't make that one then November 4<sup>th</sup> at 9am is also one available for external customers. We will record these sessions, post them, and make them available for people to do. And also available for any additional trainings. That's why we started it early in November because we launch in December, but we want to make sure we provide them as much time as possible to get this

information out there and get everyone trained on the new processes before we actually go live. And that is all I have! Any questions?

Jones: Joe I have a couple of questions, I remember working with Lena on the FERNS three or four years ago when it was first getting launched, and I was like oh, my goodness, wouldn't it be nice to be out in the woods and be able to take a picture on your phone of a crossing, an issue and be able to sent that in through FERNS to your stewardship forester, have kind of real-time data back and forth, and everything was at the next launch, the next launch, the next launch... nice that we are getting there on the mobile. I'm looking forward already, what money has been allocated now to FERNS let's call it 3.0 how can we improve the system even better in a couple of years?

Touchstone: I'm glad you asked that. What has happened with SB 1602 is they have provided an initial \$40,000 dollars/year for maintenance and development. So now we are at a point, previously we had \$60,000 and that was enough to take care of things and keep it going and make sure any kind of Windows Updates or changes to ArcGIS and those kinds of things didn't affect it. And then add some additional functionality. So now we have an additional \$40,000 which gives us \$100,000/year and we have that whole list of functionality requests and things that we would love to have in FERNS that we can start addressing and bringing that functionality forward. Now this is a yearly maintenance, so most of that will go towards maintenance but it does allow a little bit of a buffer in there to bring some of these functions that will make it easier to work with especially in the field. Photos were definitely one of the things that was brought up multiple times even during this project. So I know its out there, its just now we have to prioritize everything we didn't get in SB 1602 development along with everything else. That was actually 7 years ago we launched this!

Jones: I know!

Touchstone: Blows your mind doesn't it? October 1<sup>st</sup>, 2014 is when we launched.

Jones: It's come a long way but what I don't want to do is for the Agency to have this archaic system where its like, basically you have to start all over with a new system so...whatever we can do as a committee to even get from \$100,000/year allocated to put some pressure on so you guys get a \$150,000/year to you can make small improvements along the way.

Touchstone: So, actually I am going to share my screen again and show you some of the things we've done as we've gone in here. So, this is the new look and feel of what FERNS is going to be. We have really taken the opportunity to go in here and refresh it. Because it has been 7 years it was a bit of a stale look. So now here's your first page and there are all these icons across here where you can go and quickly move back and forth. The homepage even this is a new look and feel. We have really used this opportunity to get in there and kind of make it look fresh and flow better and do that. So we did take advantage of this time and development to do those improvements, but I hear you, we need to keep the momentum going.

Marolla: Is it still the case with Registrants that you can't see them until you notify your unit?

Touchstone: That's correct. One of the things that has been requested out of from the notifiers that we've had in the stakeholder meetings is that can we make that notifier layer available publicly? So when you are planning those units, the plans for those happen often months in advance you can at least identify any Registrants that are there and start working with them early. So that is one of the things we are looking at providing after we launch. Just like we do streams, just like we do other resources, make that Registrant layer available to bring into your GIS system.

Marolla: And that would be really helpful for getting ahead and start working with people rather than, typically we are not going to notify a unit that far in advance, but you might start actually working with the neighbors you know a month in advance.

Douglas: The new, and I'm not really into the 1602 helicopter stuff, but you said that viewing it on the mobile application it is a little bit different and updated in relation to the regular notifications. I know I had trouble; I still have trouble just searching notifications on my mobile device just to find a specific one when I'm in the field. Has that been updated at all?

Touchstone: It is yes. When we launch on December 1<sup>st</sup> the only part of the functionality that will not be mobile responsive is the Subscriber side. And that will be in the Phase 2 launch along with some additional functionality that we are not getting in by December 1<sup>st</sup>. So about 90% of all of FERNS is going to be mobile-responsive.

Douglas: Thank you.

Touchstone: You are welcome.

Messinger: Okay, Joe, thank you very much for your presentation!

Touchstone: You are welcome, thanks for having me.

Messinger: It looks like its moved along really well.

Touchstone: We are excited.

2:24:34

## **8. Closing Comments**

Messinger: Absolutely. Okay now we are back to the Closing Comment period here. I think we decided that we better not approve minutes without a quorum, so I think we will postpone that again. Sorry, Susan! Is there any other comment from the committee about our business or anything else you would like to talk about?

Marolla: Yeah, I guess Bob there is one thing I would like to bring up. So just a little background, I was talking to Joe Justice who is my manager and also on the Board of Forestry and we were talking about the relevance of the Forest Practices Committees and it appears they have become more of a communication outlet versus an advisory to the Board. I guess I think Joe has talked to you too Bob, but I guess I'm just throwing it out there, is there anything we can do differently that would make this committee more relevant to the BOF? Because it seems like with SB 1602 and the Private Forests Accord it seems like there is this kind of sidebar now where that's becoming forest practice rules, and it begs the question of what is our main mission here? I don't know its just something I have observed over the last year or so.

Messinger: Yes, I agree with you and Joe and I have had the conversation about it. And I'm paranoid about it of course that Forest Practices are going to be legislated as opposed to going through the process that we've all known to be very effective. So, I don't really know what to do about its Patrick other than maybe sending a letter to the BOF that says we really think that the current process is effective but what worries me is its being legislated away from us. I don't know what to do about that.

Marolla: The only thing I can really think of is if you look at the makeup of the Board right now and the makeup of our Board, like our group definitely is lacking any on the environmental side of the business which seems to be the emphasis of the Board. So I just was starting to speculate that maybe the makeup of the Regional Forest Practices Committees are I guess the BOF isn't recognizing us as much as it should because of the makeup of our Committee. Being more industrial forest oriented. But that is the only thing I really thought about Bob.

Messinger: Josh, what about the other Committees, do they have environmental representation on them or tells us about the other committees.

Barnard: Sure so the way the membership is structured for the RFPC there is not necessarily a requirement. There is a minimum threshold that you got to have 6 individuals that represent landowner basically, but there can be up to 3 what they refer to as public members. Not necessarily conservation. In many cases consulting foresters or others fill that role. I would say, there is a couple that represent, in that public role that represent a conservation interest or actually are a landowner or represent a conservation interest on the NW RFPC. On the Southwest we have an individual, one now that is in the public category. But that is a consulting forester in that role at this point. So a little bit different for each committee so there is that. A couple of thoughts specific to the Private Forests Accord. I think that process is also out of the Board's hands at this point. But some other conversations I've had they're, it doesn't necessarily preclude us, if this committee would like to orchestrate a time or at the next meeting to invite the Chair of the BOF or something to that effect. I think we have the ability to do that if that is of interest or anything along those lines as well. I would offer that as well in addition to any other formal means of communication.

Messinger: Any other comments, Paul, or Bobby? Let's just think about it for our next meeting, Patrick. And kind of watch it is the best thing I can think of doing. We do have some vacancies on our Board and as we start to work with how to fill those vacancies maybe we can give that some serious consideration.

Marolla: Yeah, alright I think that would be a good idea.

Barnard: Yeah, and Bob I will add to that. I've been receiving feedback as part of the public meeting last time in September that there is an interest from the Board, at least certain members, in seeing more of an embrace of diversity, equity and inclusion in our nominations to the Board. I have received that comment so wanted to put that comment out to you as well. So, I received that at the September Board meeting again this year relative to the RFPC appointments so I think there is interest from the Board in what Patrick might be noting there.

Messinger: Thanks for bringing that up Patrick. Any other comments for the good of the committee?

Jones: I don't have any more comments.

Messinger: Bobby, nothing?

Douglas: No, I think I'm good thank you.

Messinger: So next meeting? What are you thinking Josh?

Barnard: So typically, I would think next spring, we would hold that on that regular schedule but that is always flexible if we need to meet sooner than that. I know we've discussed a little bit around this reforestation piece, but I guess for the moment I'd say placeholder for next spring but there's maybe a couple of conversation that might change that trajectory. I'm looking, there is a connection piece, here right. So Bobby is down in that area where the Bootleg Fire was. Brian Pew couldn't be here today but I see Ryan is there and I know as the Eastern Oregon Director he has an interest in the recovery effort around the Bootleg Fire and then myself and the Private Forests Division as well so I think we will all be working towards assessing that and figuring out a pathway forward there so I don't know if that would necessitate a sooner timeline for a meeting. Probably a little bit to be determined but I would be open to that if it was warranted to do more follow up beyond some of the folks in the workgroup.

Messinger: Okay, let's let the sub-committee do some work and then you'll get back to me and Josh on that Bobby. Then we'll figure out what we need to do as far as submission, getting approval, blah, blah, blah.

Douglas: Sounds good.

Messinger: Anything else? Okay, well thanks very much for attending everyone, the good reports and updates I appreciate that and Greg you will take care of Operator of the Year for us?

Wagenblast: Yes, from early November after we get done with the other two RFPC meetings.

Messinger: Perfect. One last chance? Anything else?

Jones: Thank you Bob as always.

Messinger: You're welcome. Okay we are adjourned. Thank you everyone.

2:33:36