

Work Plan:	Private Forests
Primary Contact:	Kyle Abraham, Private Forests Division Chief
Date Approved:	March 4, 2020
Date Revised:	January 6, 2021

## **DIVISION NARRATIVE**

### **Purpose & Objective**

The Oregon Department of Forestry (ODF), Private Forests Division, provides resource protection and landowner assistance on Oregon's 10.3 million acres (34 percent of Oregon's forestland) under private forest ownership. Oregon's privately owned forests are diverse in size and character, including large industrial ownerships, family woodlands of many sizes, and treescapes in cities, suburbs and rural residential areas. To support such diverse ownerships, the Private Forests program provides landowner assistance in the areas of forest and stream health protection and enhancement, urban and community forestry, enforcement of forest practices laws, research and monitoring, tree improvement, and incentive programs. These forests provide values for all Oregonians, including watershed protection, ecosystem services, economic activity, fish and wildlife habitat, and recreation.

### **Achievements**

#### **Siskiyou Streamside Protection Review**

ODF completed work for the Siskiyou streamside protection review that included contextual information on climate change from outside experts and the expanded literature review with comments and input from the Siskiyou Advisory Committee. This project consumed significant staff resources over the first half of the work plan. With the passage of Senate Bill 1602 (SB 1602) the planned sufficiency decision for the Board of Forestry at the July meeting was unnecessary as the legislation that was passed directed the Board to develop permanent rules similar to those already in place in western Oregon for salmon, steelhead, and bull trout streams in the Siskiyou geographic region.

#### **Wildlife Food Plots**

The Board approved final rule language in July 2020 with rules becoming effective September 1<sup>st</sup>, 2020. Wildlife food plots originated in the 2015 Oregon Legislative Session and enacted as ORS 527.678 in 2016. As required by the statute, ODF developed rule language for implementation. Input from the Committee for Family Forestlands, Tribal Resources Cluster, Oregon Department of Fish and Wildlife, and the Regional Forest Practices Committees, and interested public was incorporated throughout the rulemaking process.

### **Current Issues and Focus**

### Western Oregon Streamside Protections Review

ODF provided an update on the RipStream vegetation and large wood report, plans for a literature review on Desired Future Conditions (DFC) and large wood, and future modeling work or additional field work at the September 2020 Board meeting. These topics were identified as high priority in the Division's 2016 Monitoring Strategy. An update on the combined literature review on DFC (stand structure) and large wood covering western Oregon will be brought to the Board in late 2021/early 2022. This project has been delayed due to the focus of staff resources on the completion of the Siskiyou streamside protection review and post-fire response. The department is tentatively planning to bring the full suite of western Oregon analysis results to the Board for a sufficiency decision at a Board meeting in the middle of 2022.

### ODF-Department of Environmental Quality (DEQ) Collaboration

ODF and DEQ have different legal and policy frameworks for assessing the sufficiency of rules in meeting water quality standards, and implementing total maximum daily loads (TMDLs). These differences lead to misunderstandings in completing that work which impedes effective and efficient collaboration between the agencies. The departments are considering revisions of an existing MOU between the agencies to address these differences and seek agreement for testing for rule sufficiency and implementing TMDLs.

The Division and DEQ will continue to bring approximately quarterly updates to the Board, as well as the Environmental Quality Commission (EQC). These updates may be presentations or written reports to these governing bodies.

### Specified Resource Sites Rule Analysis: Marbled Murrelet

In June 2016, the Board received a Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet. In November 2016, the Board directed ODF to initiate a rule analysis for marbled murrelets and as one of the initial steps for this project, to develop a technical report on marbled murrelets as guided by Oregon Administrative Rule (OAR) 629-680-0100.

The draft technical report was presented to the Board in April 2018. Findings from an expert review of the draft technical report were presented to the Board in November 2018 and the final technical report approved by the Board in April 2019. The approved final technical report lays out a range of options for both the definition of resource sites for marbled murrelets as well as a range of protection options the Board may want to consider to protect those resource sites.

In order to inform the Board's future decision-making work, ODF plans to seek input on the range of options from tribal governments and stakeholders. With the help of a facilitator, the meetings are designed to help identify preferred resource site determination and protection strategies. This input from focus groups will be summarized and submitted to the Board when completed.

The department has experienced delays in gathering input from stakeholders due to COVID-19 restrictions. Initial feedback from stakeholder groups indicated they would prefer in-person meetings so ODF chose to temporarily pause the work on gathering further input. With continued in-person meeting restrictions, the department recently reached out to stakeholders to better

understand how moving forward with gathering the aforementioned information would be received.

### Implementation Study: Reforestation

Annual assessments of implementation of the Forest Practices Act (FPA) is an ongoing core business practice. Over the years, the Private Forests Division has monitored implementation of the FPA on private industrial and non-industrial lands throughout Oregon.

The current study is focused on FPA Division 610 – Reforestation. This Rule Division applies to forest operations that reduce stocking of free to grow forest stands below site-productivity based standards. The purpose of this Division is to assure continuous growing and harvesting of forest tree species. Reforestation was selected as the next focus of implementation monitoring to align with Division workload. Additionally, stakeholders requested we examine it, and the 2016 Monitoring Strategy identifies reforestation as a medium priority.

This work has been delayed due to staff resources focused on the Siskiyou streamside protection review, maintaining vacant positions in the monitoring unit and one-time budget reductions for the 2019-2021 biennium. However, work is continuing on the reforestation implementation pilot study through existing resources.

### **ADDITIONS TO DIVISION WORK**

#### SB 1602

SB 1602, passed in the June 2020 special session of the Oregon Legislature, put into law components of a memorandum of understanding and changes to the FPA that had been reached by a coalition of environmental groups and forest landowners.

SB 1602 includes several significant changes to protection requirements for non-federal forestlands in Oregon. The bill:

- Increases pesticide spray buffers along certain streams, certain water intakes, and near homes and schools when application is by helicopter.
- Requires applicators to provide announcements the day before a planned operation to nearby residents and water users with certain conditions of water use within certain distances of aerial application of herbicides by helicopter.
- Directs the Board of Forestry to adopt permanent rules in the Siskiyou area of southwest Oregon similar to those already in place in western Oregon for salmon, steelhead, and bull trout streams. These rules will go into effect Jan. 1, 2021.
- Describes mediation sessions for developing an approach to evaluate and jointly recommend substantive and procedural changes to the FPA. ODF expects the Governor's Office will organize the mediation sessions over the next several months with representatives of the forest industry and environmental interests.

To address this workload, the department has developed a project team to implement the legislation, associated work with other agencies, and education and outreach to internal and external partners. The department is pleased to support this work, but it was unanticipated and

there are some significant delays to other projects which will continue to impact our work plan over the next year. In addition, there may be requests of technical staff to participate in some fashion during the mediated sessions.

### **FIRE RECOVERY**

Fires in 2020 impacted over one million acres in Oregon. Within the fire perimeters, approximately 343,000 acres of private (industrial and non-industrial) forest land has been impacted to varying extents. In response, the Private Forests Division has needed to shift priorities in order to focus on fire recovery at a landscape scale. Fire recovery issues that the Division is addressing include:

- State and federal agency coordination. The Division is playing a leadership role in the state recovery response to the 2020 fires. The Division convened the Erosion Threat Assessment Reduction Team, along with the Federal Emergency Management Agency. This multi-agency team conducted flooding, landslides, and other natural resource assessments focused on non-federal land impacted by the fires. These assessments will help guide the work of the Natural and Cultural Resources Task Force, co-convened by ODF that will help determine immediate environmental stabilization needs, as well as longer-term restoration priorities within the fire footprints.
- Post-fire salvage harvesting. The Division has developed guidance to the field to assist in processing salvage harvest notifications that began to be submitted to ODF in September, and are expected to continue for the next 18 months. This guidance assists Stewardship Foresters and operators in processing salvage harvest notifications, particularly with those that require site specific plans for an alternate practice. These plans need to meet or exceed protection of forest resources otherwise found in the FPA, and associated administrative rules. The Division has also brought on additional staff on a short-term basis from the Oregon Departments of Fish and Wildlife and Environmental Quality. Staff will provide additional capacity in reviewing plans for alternate practices, as well as provide resource protection assistance to forest landowners impacted by the fires.
- Reforestation. The 2020 fires are expected to exacerbate issues in Oregon involving access to adequate tree seedlings, as well as nursery and contractor capacity. Division staff is working with stakeholders to address the short-term need to reforest fire-impacted areas as soon as possible, while examining potential longer-term ideas that may help solve future seedling shortage and capacity issues.

### **Changes to Work Plan**

#### **Specified Resource Sites Rule Analysis: Coho Salmon**

In April 2019, the Board received a petition to initiate rulemaking under the specified resource site rules for coho salmon. In July 2019, the Board accepted the petition and directed ODF to initiate a rule analysis for coho salmon.

ODF has paused work designed to define the resource sites and work with other natural resource agencies to help establish the inventory of the resource sites. Work on this topic is paused due to intersection directly with potential revisions and consideration of SB 1602 mediated sessions designed to address endangered fish and aquatic species.

#### Specified Resource Sites Policy Review

After more than a decade since the adoption of special resource site protection policies, Board review of such policies—related statutes and/or rules—is needed in light of changing circumstances for private forests in Oregon and species protection efforts.

Work on this topic is paused due to intersection directly with potential revisions and consideration of SB 1602 mediated sessions designed to address endangered fish and aquatic species and lack of staff capacity that are currently focused on implementing guiding legislation and rulemaking from SB 1602.

#### Implementation Study: Review

Annual assessments of implementation of the FPA is an ongoing core business practice. Over the years, the Private Forests Division has monitored implementation of the FPA.

ODF presented the 2013, 2014, 2016, and 2017 compliance reports to the Board at the annual Monitoring Unit updates (there was no study in 2015).

Some concerns have been expressed with the level of statistical inference of compliance rates due to landowners who choose not to participate in the study. Also, concerns with statistical analysis and sampling bias with respect to lack of independent sample sites has also been expressed.

At their November 2019 meeting, the Board directed the State Forester to provide for a statistical review of the previous (2013-2017) compliance audit sampling design and analyses. A first phase of the review process was recently completed and presented to the Board in September 2020. Ongoing work includes review of the expected goals and objectives of the implementation study to ensure alignment throughout ODF and the Board, and developing a range of approaches to meet desired outcomes.

ODF is also developing a request for proposal to hire a contractor to complete by the end of the current biennium:

- Review the 2013-2017 compliance audit methods and data, including issues identified in past comments;
- Assess utility of those data relative to Private Forests Division goals;
- Describe alternate approaches to improve both analysis and reporting of those data, and similar future compliance assessments; and,
- Recommend preferred approach for improving these analyses and reporting.

Depending on the outcome of this work product and department budget, we anticipate the contractor implementing one of their alternatives, including re-analysis of the data, and presenting their results to the Board.

Private Forests Division Work Plan	2020					2021					2022			
	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Water Quality Topics</b>														
<i>Milestones</i>														
❖ Siskiyou Streamside Protections Review	█	█	ⓓ	█										
❖ Western Oregon Streamside Protections Review				█							i			D
❖ ODF-DEQ Sufficiency Review Alignment		i	█	i	█		i		i		i			
<b>Issue: Forest Practices Act (FPA) Rule Policy Review</b>														
<i>Milestones</i>														
❖ Specified Resource Sites Rule Analysis: Marbled Murrelet					i									
❖ Specified Resource Sites Rule Analysis: Coho Salmon			█						█					
❖ Specified Resource Sites Policy Review							█							
❖ Implementation Study: Review				█							i			
❖ Implementation Study: Reforestation											█			
❖ Senate Bill 1602 Implementation (as needed)					D			i						
<b>Issue: Implement Legislative Direction</b>														
<i>Milestones</i>														
❖ HB 3013 Wildlife Food Plots			█											

**Matrix Key:**  
 TBD – To be determined  
 i – Informational item  
 d – Preceding Decision item  
 D – Final Decision item

**Color Key:**  
 █ – Milestone Completed  
 █ – Milestone Change  
 █ – Milestone Tabled or Stopped

Private Forests Division Work Plan	2020					2021						2022		
	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Board Updates</b>														
<i>Milestones</i>														
❖ Operator of the Year						<b>i</b>							<b>i</b>	
❖ Committee for Family Forestlands Report and Appointments			<b>D</b>							<b>D</b>				
❖ Forest Practices Agency Meeting Report							<b>i</b>							<b>i</b>
❖ Forest Health Report				<b>i</b>							<b>i</b>			
❖ Forest Practices Monitoring Report				<b>i</b>							<b>i</b>			
❖ Urban and Community Forestry Program Update				<b>i</b>	<b>i</b>						<b>i</b>			
❖ Non-industrial Forest Landowner Program Update				<b>i</b>							<b>i</b>			
❖ Regional Forest Practices Committee Appointments				<b>D</b>		<b>D</b>					<b>D</b>			

**Matrix Key:**  
**TBD** – To be determined  
**i** – Informational item  
**d** – Preceding Decision item  
**D** – Final Decision item

**Color Key:**  
**Green** – Milestone Completed  
**Yellow** – Milestone Change  
**Magenta** – Milestone Tabled or Stopped