

Work Plan: ODF Private Forests Division

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## **DIVISION OVERVIEW**

### 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.

### Current Issues and Focus

A significant task for the Private Forests Division is administering the FPA *and* providing wildland, urban, and community forest education and technical assistance across all of our business lines in the Division. ODF field staff spend an increasingly disproportionate amount of time working with complex natural resource situations and conflicts in forests already at risk of conversion and fragmentation. The Department continues to deliver a mix of services that meets the diverse needs of Oregonians, landowners, communities, developers, regulators and stakeholders across a broad diversity of forests while promoting and conserving forest land and forest values.

Current issues include increasing public pressure on the role of private forestlands in aspects of water quality, fish and wildlife habitat, and other desired outcomes from forests. To help meet these challenges the Private Forests Division remains anchored in the Board's 2011 Forestry Program for Oregon, which supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a

commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11; OAR 629-635-0110).

### **DIVISION TOPICS FOR THE BOARD OF FORESTRY 2020-2021**

A key objective is ensuring privately owned forests are responsibly managed under Oregon's Forest Practices Act. Division staff also provide technical assistance to forest landowners, protect clean water and wildlife habitat, detect and respond to threats to forest health, support work to safeguard and improve our urban forests, grow high-quality tree seed, and strive to develop effective biomass markets.

1. Water Quality Topics
  - a. Siskiyou Streamside Protection Review
  - b. Western Oregon Streamside Protection Review
  - c. ODF-DEQ Sufficiency Review Alignment
2. Forest Practices Act Rule/Policy Review
  - a. Specified Resource Site Rule Analysis: Marbled Murrelet
  - b. Specified Resource Site Rule Analysis: Coho Salmon
  - c. Specified Resource Site Policy Review
  - d. Implementation Study: Review and Reforestation Phase
3. Implement Legislative Direction
  - a. Complete Rulemaking for HB 3013, Wildlife Food Plots
4. Board Updates

## **ISSUE: Water Quality Topics: Siskiyou Streamside Protection Review**

### Overview

In March 2018, staff presented the results of stakeholder and tribal input on proposed monitoring questions. The Board voted in favor of the department's recommendation of conducting a systematic review (SR) on stream temperature and streamside desired future condition (DFC) for small and medium fish streams in the Siskiyou region, and discuss associated contextual info (i.e., fish status and trend, water quality evaluations). In September 2018, staff presented an update to the Board on this review. In January 2019, staff presented input on the SR protocol received from stakeholders and tribes, and the next steps in the review process. Partner agencies presented contextual information on fish status and trends. In June 2019, staff presented the results of the Systematic Review to the Board. The Board found there was insufficient evidence to make a sufficiency decision on either stream temperature or DFC at that time. In September 2019, the Board voted to expand the geographic scope of the literature review and recommended the department form an advisory committee. In January 2020, the Board approved a charter work plan, advisory committee objectives, and requested a synthesis of climate change information.

### Purpose

The goal is to insure that to the maximum extent practicable forest practices meet water quality standards with the following objectives:

Support the Board in making a decision on the sufficiency of FPA streamside rules for small and medium fish streams in the Siskiyou Region to achieve goals for:

1. Water quality standards for stream temperature;
2. The stand structure and shade components of DFC.

### Board Deliverables with Timelines

The Division is planning to bring contextual information about climate change impacts to the April 2020 meeting, a review of statutory authority and decision making processes with Department of Justice (DOJ) in June 2020, and the results of an expanded literature review on stream temperature to the July 2020 meeting for a sufficiency decision by the Board.

### Outreach and Public Involvement

The Division is in the process of forming an advisory committee and has hired a facilitator for this project. We will continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: Water Quality Topics: Western Oregon Streamside Protection Review**

### Overview

In 2002, the Oregon Department of Forestry (ODF) initiated the Riparian Function and Stream Temperature (RipStream) study throughout the Oregon Coast Range. The study objective was to evaluate the effectiveness of FPA rules in protecting stream temperature, and meeting DFC. Previous RipStream analyses (e.g., reports, analysis, and peer-reviewed publications) focused on harvesting effects on stream temperature and shade, as well as meeting state water quality standards. This phase of the RipStream analyses will assess the effectiveness of FPA rules at meeting large wood and DFC objectives (per OAR 629-642-0000). This analysis is one component of the larger project, the Western Oregon Streamside Protections Review, which will include data analysis of Ripstream data, systematic literature review, and modeling analyses.

### Purpose

The goal is to insure that to the maximum extent practicable forest practices meet water quality standards with the following objectives:

Support the Board in making a decision on the sufficiency of FPA streamside rules for small and medium fish streams in Western Oregon to achieve goals for:

1. Large wood recruitment;
2. Stand structure component of DFC.

### Board Deliverables with Timelines

The department provided an update on data analysis, plans for a systematic literature review, and future modeling work at the September 2019 Board meeting. An update on the combined literature review on DFC (stand structure) covering western Oregon and the Siskiyou is planned to be brought to the Board in September 2021 and September 2022. The department is tentatively planning to bring the full suite of western Oregon analysis results for a sufficiency decision at a winter 2021-22 Board meeting.

### Outreach and Public Involvement

The Division has previously developed and utilizes an external review team for this work. We will use this group and continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: Water Quality Topics: ODF-DEQ Sufficiency Review Alignment**

### Overview

In March 2018, the Oregon Board of Forestry (Board) directed ODF to conduct a literature review to inform the Board's determination of sufficiency of forest practices act (FPA) stream protection rules for water quality temperature standards, and the shade and riparian stand structure components of desired future condition (DFC).

ODF completed the literature review (using the systematic review approach) and presented it to the Board in June 2019. The Board expressed a desire to use DEQ's Total Maximum Daily Loads (TMDLs) as a basis for assessing sufficiency of riparian rules for the stream temperature portion. The Board directed ODF to collaborate with DEQ, and to formulate a range of other approaches to study sufficiency of FPA rules.

### Purpose

ODF and DEQ have different legal and policy frameworks within which they operate to assess sufficiency of rules in meeting water quality standards, and implementing total maximum daily loads (TMDLs). These differences lead to misunderstandings on sufficiency that impedes effective and efficient collaboration between the agencies on this work. This work will address these differences so there is agreement about testing for rule sufficiency and implementing TMDLs.

### Board Deliverables with Timelines

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

### Outreach and Public Involvement

We provide updates on this work to the Board and the Siskiyou Advisory Committee. In addition, we will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Specified Resource Site Rule Analysis: Marbled Murrelet**

### Overview

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 the Department 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 department will next be gathering input from stakeholders, using a facilitator, to help identify preferred resource site determination and protection strategies. This input from focus groups will be summarized and submitted to the Board.

### Purpose

The purpose of this review is to complete specified resource site rule analysis for marbled murrelets. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites
3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

### Board Deliverables with Timelines

The Division is planning to provide an update to the Board in November 2020.

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Specified Resource Site Rule Analysis: Coho Salmon**

### Overview

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

The department is currently working to define the resource sites and working with other natural resource agencies to help establish the inventory of the resource sites.

### Purpose

The purpose of this review is to complete specified resource site rule analysis for coho salmon. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites
3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

### Board Deliverables with Timelines

The Division is planning to provide an update on progress made in July 2020

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Specified Resource Site Review**

### Overview

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. Changes include the development of a Federal recovery plan for spotted owls, effective implementation of the Oregon Plan for Salmon and Watersheds, Oregon Department of Fish and Wildlife’s development of a statewide conservation strategy, Ballot Measure 49, and the development of a programmatic Safe Harbor Agreement for Spotted Owls. Overall there is also a growing recognition that species-by-species approaches to resource protection, as opposed to more holistic landscape level approaches, may not be the most effective or efficient means to achieve specified resource site protection goals.

### Purpose

Assist the Board in a policy-level review of the current approach to special resource site protection.

The policy review should address the following topics:

- What is the most appropriate role of the state / Department in relation to the Endangered Species Act and federal regulations for species protection?
- Does the implementation of current policy remain appropriate given the evolution of economic, social, and environmental issues in Oregon since the policies were adopted?

### Board Deliverables with Timelines

The Division will provide information to the Board in March 2021 on previously completed work.

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **ISSUE: FPA Rule/Policy Review Implementation Study: Review and Reforestation Phase**

### Overview

The Board was introduced to the Implementation Study (e.g., Compliance Audit program) in the September 2012 Monitoring Unit update. The department hired a private contractor to collect data used to determine compliance. This study provides rates of compliance with the FPA for forestlands from which timber was harvested during the previous two years. The data collection protocol and site sampling process allows for reporting results at the statewide and FPA Area, and by ownership type (industrial, private non-industrial and other (e.g., county, state)). The department reports on FPA compliance as an annual Key Performance Measure. The department presented the 2013, 2014, 2016, and 2017 compliance reports to the Board at the annual Monitoring Unit updates (there was no study in 2015). Annuals levels of compliance at the statewide level across all ownerships continue to be high, 97-98%. Closer evaluation of compliance at a rule level indicates low compliance ~50% for specific rule applications.

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 potential analysis 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. The review process is under development and the first phase has been contracted out. Future work includes review of the expected goals and objectives of the implementation study to ensure alignment throughout the department and Board and developing a range of approaches to meet desired outcomes. This work will require participation of department staff to provide information and support for the third party review, goal and objective development, and determination of next steps.

### Purpose

The purpose of the implementation study is to evaluate compliance with the Forest Practices Act. The Department uses this information to:

1. Help guide training efforts.
2. Provide effective and efficient administration of the FPA.
3. Use results to report to the Board on implementation rates and to the legislature as a key performance measure.

### Board Deliverables with Timelines

The results of the third party contractor will be available likely by spring 2020. The Division will then review the range of recommendations provided by the review. Additional work will be required to define the goals and objectives of how future implementation studies are developed and analyzed. This futuring work will be brought to the Board. In addition, based on the results from the third party contractor additional work will be needed to determine how

best to address the concerns that were raised on the 2013-2017 compliance audit. Current resources are limited and focused on other projects in the Division and additional work on this project will take time. The Division will bring an update on this work in September 2020 during the annual monitoring update.

#### Outreach and Public Involvement

The Division has previously developed and utilizes an external review team for this work. We will use this group and continue to use our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

### **ISSUE: Implement Legislative Direction, Complete Rulemaking for HB 3013, Wildlife Food Plots**

#### Overview

HB 3013 allows small forestland ownerships (at least 10 acres, but less than 5,000 acres) subject to reforestation requirements under Forest Practices Act, to establish wildlife food plots within the boundaries of the ownership. The bill defines “Wildlife food plot” as a small forestland area that, instead of being used for growing and harvesting of forest tree species, is planted in vegetation capable of substantially contributing to wildlife nutrition. The bill specifies limits for combined size of the wildlife food plots on an ownership and defines establishment of food plots as a forest practice and forest operation requiring notice to the State Forester. The Bill requires the Board to adopt rules to carry out these provisions and to consult with the Oregon Department of Fish and Wildlife to identify vegetation capable of substantially contributing to wildlife nutrition.

#### Purpose

Complete final rule language and amend Oregon Administrative Rule. The Board has approved draft rule language in January 2020 and will need to approve final rule language.

#### Board Deliverables with Timelines

The Board will be asked to approve final rule language in July 2020.

#### Outreach and Public Involvement

The Committee for Family Forestlands has served as the rule advisory committee throughout this process and updates have been delivered to the Regional Forest Practices Committees and stakeholders.

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	i	i	D											
❖ Western Oregon Streamside Protections Review				i							i			D
❖ ODF-DEQ Sufficiency Review Alignment		i		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			i						i					
❖ Specified Resource Sites Policy Review							i							
❖ Implementation Study: Review/Reforestation				i							i			
<b>Issue: Implement Legislative Direction</b>														
<i>Milestones</i>														
❖ HB 3013 Wildlife Food Plots			D											
<b>Issue: Board Updates</b>														
❖ Operator of the Year						i							i	
❖ Committee for Family Forestlands Report and Appointments			D							D				
❖ Forest Practices Agency Meeting Report							i							i
❖ Forest Health Report				i							i			
❖ Forest Practices Monitoring Report				i							i			
❖ Urban and Community Forestry Report				i							i			
❖ Non-industrial Forest Landowner Report				i							i			
❖ Regional Forest Practices Committee Appointments				D							D			

**Matrix Key:**

- TBD – To be decided
- i – Informational item
- d – Preceding Decision item
- D – Final Decision item