

Committee for Family Forestlands Annual Report to the Board

Fiscal Year 2018-2019



Annual Report presented to the Board of Forestry July 24, 2019
By Evan Barnes, Chair, Committee for Family Forestlands

The Committee for Family Forestlands is a standing committee established by the Oregon Board of Forestry to assist the State Forester and the Board on issues relevant to some 70,000 family forestland owners in the state on the formulation of policy and evaluation of effects that changes in forest policy have or will have on those lands.

The Committee for Family Forestlands (CFF) is pleased to provide a report of their activities over the past year (July 2018– June 2019). This report outlines the work of the Committee in gaining a thorough understanding of the issues at hand before the Board. Understanding filtered through their personal experiences enable members to feel confident in their ability to act in an advisory role and to be deserving of the Board’s trust that any recommendations made are backed up with considerable discussion and critical thought. In giving advice to the Board and State Forester, they remain mindful of, and strive to be consistent with, the objectives of the Forestry Program for Oregon and the Oregon Indicators of Sustainable Forest Management.

The 2018-2019 membership of the Committee for Family Forestlands included:

Evan Barnes, (Southern Oregon Family Forestland Owner) Chair, Voting Member
Bonnie Shumaker, (Northwest Oregon Family Forestland Owner) Voting Member
John Peel, (Eastern Oregon Family Forestland Owner), Voting Member
Gilbert Shibley, (Landowner At Large) Voting Member
Kaola Swanson, (Conservation Community Representative) Voting Member/Vice Chair
Mark Vroman, (Industry Representative) Voting Member
Vacant, (Citizen at Large), Voting Member
Kyle Abraham, (Deputy Chief Private Forests Division) Secretary (non-voting)
Glenn Ahrens, (OSU College of Forestry) Ex-Officio
Linda Lind, (Public Land Management/USFS State Liaison) Ex-Officio/Brad Siemens, Alternate
Julie Woodward, (OFRI Representative) Ex-Officio
Rex Storm, (AOL, OTFS, Forestry Interest or Consulting Group Representative) Ex-Officio
Lena Tucker, (Chief Private Forest Division, State Forester Representative) Ex-Officio
Jim James, (OSWA) Ex-Officio

CFF Membership Items

- Evan Barnes, Southern Oregon representative Approved as Chair.
- Kaola Swanson appointed as Conservation representative.
- Bonnie Shumaker and Gilbert Shibley declined a re-appointment on the Committee.
- Barrett Brown was nominated and appointed as the new NW Oregon Landowner Representative.

Acknowledgments

Members acknowledge the support received from the Department as a whole, but specifically the Private Forests Division staff, Protection from Fire Division staff, Partnership and Planning Division staff, the State Forester, Board Chair and members of the Board of Forestry. CFF's efforts for the year would not be as successful without our Ex-Officio members representing:

- Oregon Small Woodlands Association (OSWA),
- Oregon Forest Resources Institute (OFRI),

- Oregon Tree Farm System (OTFS),
- American Forest Foundation (AFF),
- U.S. Forest Service, State and Private Forestry
- OSU College of Forestry and Extension

In particular, members want to individually thank invited guests who provided information and support on a variety of topics:

- Kirk V. Cook, Department of Agriculture
- Kevin Masterson, Department of Environmental Quality
- Meriel Darzen, 1000 Friends of Oregon
- Daniel Leavell, OSU Extension
- Tim Murphy, Department of Land Conservation and Development

Introduction

We have had a very productive 2019, with many great guest speakers and presentations ranging from the Marbled Murrelet to the formation of the Governor’s Council on Wildfire Response. We are eagerly awaiting the Council’s findings in September of this year and feel strongly the Board of Forestry should pay very close attention to this pending report. One of our Committee members Kaola Swanson was selected for the Council and we are hearing steady progress is being made.

Our success with HB-2469, a forest land use allowance we presented to the Board at the July 2018 BOF meeting is a huge step forward in family forestland succession. This accomplishment has heartened us to the fact that “you can make a difference.” It is becoming more difficult for older landowners to maintain forest holdings through multiple generations. Planning for the future management and stewardship of their timberland can be troubling when extended family is disengaged from daily forest management activities. There didn’t seem to be a viable route to keep the younger generations involved because there wasn’t a way for them to raise their families on the land. HB-2469 gives small woodland owners the ability to have a second residence where family can live on the property and begin to learn the day-to-day work required to manage forestlands and promote a family legacy of stewardship. Thank you for your support.

In closing the committee would like to thank the staff of the Oregon Department of Forestry for their unwavering dedication and support for our committee during 2019. Our committee has assembled a priority list of topics for the coming year, but are ready and able to quickly shift gears and work on any other issues pursuant to our advisory responsibility to the Board. We look forward to a productive year of meetings in 2020 and as always welcome members of the Board of Forestry to attend our meetings at any time.

Sincerely,

Evan Barnes, Committee for Family Forestlands Chair

2018-2019 Priority Issue Summary

Water Quality/Stream Monitoring

- **Siskiyou Streamside Protection Review**

Members received regular updates regarding the Siskiyou Monitoring Project. ODF staff set the stage by recapping that the function of the Monitoring Unit is to be the adaptive management ‘arm’ of the Board of

Forestry. Monitoring and scientific review is done to determine FPA rule effectiveness in achieving the State's goals for resource protection. In this case, how effectively are FPA rules maintaining water quality in the Siskiyou georegion? Staff shared the protocols established to guide their literature search of science in that region that could inform the Board's decision on the efficacy of the current rules on vegetative desired future condition, stream temperature and shade specific to Small and Medium Fish-bearing streams. Members were informed about contextual information on fish status and trends in that area (by ODF&W) and the status and trends on water quality and temperature by DEQ with their TMDL (Total Maximum Daily Load) procedure. Staff emphasized that their core assumption was if landowners managed riparian buffers according to the FPA there should be desired outcomes for water quality and fish. Staff explained the stream temperature numeric criterion with the Protecting Cold Water Standard of 0.3 degrees C. The Desired Future Condition and resulting Shade is a narrative standard that is interpreted subjectively. Key gaps in the available science were identified. The Department has to meet the evidentiary criteria required by statute along with evidence that forest practices contribute to the problem. Staff presented the information to help inform Committee members in advance of the June BOF meeting as preparation to inform the members' recommendation to the Board. A letter from the Committee was composed to provide recommendation and added to the Board record. It is attached here as Appendix 1.

Maintaining Family Forestland Continuity

CFF began working on a formal legislative concept in January 2018 by reviewing Oregon's Land Use Planning Goals, and Goal 4 in particular which restricts forest land development. The restrictions work protecting resource lands but family forestland owners face aging demographics and intergenerational transfer of those lands. Older landowners may struggle physically managing their working lands without family help and successful intergenerational transfers would consequentially include the transfer of knowledge needed to maintain working lands.

CFF members developed a potential legislative concept that would provide an allowance, similar to what is available for agricultural lands, of allowing a second dwelling unit for a relative. Oregon Small Woodland Owners Association agreed to draft and support a bill that would allow a second dwelling within the footprint of a current home site in forest land zones. In March of 2019, Evan Barnes, Bonnie Shumaker, Gilbert Shibley and Jim James testified before the Board of Forestry about the intergenerational transfer issue and continuity of family forestlands in Oregon. Their testimony was informational only with the intent to keep Board members informed on the status of the Committee's efforts. [Appendix 2]

In November, a Legislative Concept was drafted by OSWA. Arguments for and against were discussed by CFF members to prepare for possible roadblocks. Members determined it would be beneficial to start a dialog with 1000 Friends of Oregon as they too had a bill they were sponsoring regarding forest zone dwelling allowances involving a tightening or sun setting of the template test zoning requirements. In January, 1000 Friends of Oregon, accepted an invitation to attend a CFF meeting and discuss the possible connections between the 1000 Friends legislation and OSWA's bill regarding a family forestland second dwelling allowance. As they shared a common concern for wildfire risks, Darzen provided a summary of the recently completed 1000 Friends Wildfire Report and noted that nationwide 60% of the homes built in the last 10 years are being built in the wildland/urban interface (WUI). She expressed concern that even with FireWise designations and landscape treatments those prevention efforts can create misconception that a community is safe for additional building in the interface and strongly suggested creating an official fire risk map for community planning purposes. Darzen completely recognized the need for succession planning for working landscapes. 1000 Friends reaffirmed that members would like to collaborate and find a solution that meets everyone's needs. Darzen offered that 1000 Friends has an Advisory Committee made up of ranchers, farmers, and forestland owners to look at the kinds of policy that 1000 Friends should be promoting to support working landscapes and left an open invitation to members to present CFF's concept to that group. Former CFF member, Sarah Deumling is a member of that Committee. CFF members and Meriel Darzen provided informational testimony to the Board on March 6th

regarding HB 2469 so that the Board remained aware of the Committee's efforts and the intent of providing some solution to continuance of working forests with an aging landowner base. Members testified before the [House Committee on Agriculture and Land Use](#) as well. After amendments HB2469A was passed unanimously from the House Committee and subsequently passed the entire House. Then in May, CFF members testified at the [Senate Environment and Natural Resources Committee](#). After that work session, they too moved it forward for a full Senate vote where it passed unanimously. On June 7, the bill was signed by the Governor. CFF is very pleased with the result and what they felt to be an important concept has now become a reality.

Input to the Board of Forestry on Key Topics

- **Marbled Murrelets**

Members have received several updates and provided input related to next steps in the rule analysis process for Marbled Murrelets. The Committee has reviewed the draft technical report and is interested in thinking through recommendations for Voluntary Measures. The Board's own statement in the [Forestry Program from Oregon](#) prefers the use of voluntary methods in lieu of regulatory measures. Forestland owners can make a difference to the acceptance of a course of action and members were encouraged to engage in more discussion relative to the possible impacts to family forestland owners.

- **Wildlife Food Plots**

Staff provided several updates on the Wildlife Food Plot rulemaking. ODF staff met with Oregon Dept. of Fish and Wildlife who were on board with the effort and willing to provide needed technical support for implementation recommending seed mixes for target species, forage types. Staff have plans to reconvene with CFF this fall. There was also a meeting with the Dept. of Revenue to discuss Food Plots and potential interaction with forest deferral determinations. DOR didn't see a nexus with them at the State level but communicated that the County Tax Assessors might be interested and a determining factor in the end result. ODF will provide information to county assessors, gather their input, and clarify that the food plot areas are not being withdrawn from forestland use but just an activity change as an allowed forest practice. Draft language was presented to the Committee for comment and recommendations.

Forest Health

- **Emerald Ash Borer**

The Forest Health and Monitoring staff brought several updates to the Committee. Staff provided an update on the status of the Emerald Ash Borer in Oregon and the statewide response planning that has been ongoing. Staff provided a history of the insect's spread, eradication efforts and infestations currently in 30 states that have killed over 100 million Ash trees. EAB only eats 'true Ash' (*genus Fraxinus*) which is all over the Willamette Valley from Washington down to California. Staff provided copies of [The Emerald Ash Borer Readiness and Response Plan](#) published last year and is available online. The Plan is a tool kit containing readiness, risk assessment, risk mapping and current efforts for detection and monitoring for community planning and preparedness. As part of that planning tool, the Oregon Pest Detector Program was work done under a USFS Forestry Grant partnering with OSU to provide training and planning deliverables. Detection is their main concern at this point. He shared that the pheromone traps aren't proving to be effective in detection so the goal of the program is educating the 'boots on the ground' forest and nursery professionals on detection and reporting. The [Urban and Community Forests Program](#) and the [Forest Health Program](#) help Public Affairs push out additional messaging. The Response Plan provides tools necessary to prepare local communities. The USFS has a [Fraxinus Genetic Conservation Program](#) and have started collecting native seed sources. ODF has received some of this funding to start seed collection in the fall.

- **Bark Beetle**

Staff presented information on Bark Beetle and best mitigation practices, including the biology and behavior of the native Bark Beetle which provided a more realistic view of forest health factors and why the beetles are proliferating on the landscape. Many think beetles are the cause of trees dying when it is actually environmental conditions such as drought and storm damage providing an abundance of weakened trees. This undefended food source causes those insect populations to grow significantly aiding in the decomposition and nutrient cycling process that is necessary and inevitable in the forests. With continued drought, more and more trees are dying and beetle populations increasing. Staff went over diagnosis techniques for the presence of bark beetle and pine beetles, and emphasized a good mitigation practice is to remove struggling, suppressed, sick and damaged trees because those are going to attract wood-boring beetles. Slash management is essential for control. Staff noted the same situations apply in pine stands with the IPS beetle, Pine Engraver, California 5-spine beetles whose populations grow really fast with multiple broods per generation. Staff provided advice to landowners to do pre-commercial thinning and wide spacing to avoid over-stocking pine sites.

- **Sudden Oak Death (SOD)**

Staff provided the Committee an update on the containment effort on Sudden Oak Death (SOD) caused by *Phytophthora ramorum*. The presentation highlighted current efforts underway to contain the pathogen in conjunction with the USFS, BLM, OSU, ODA and the Association of Oregon Counties with the formation of a Sudden Oak Death Taskforce. SOD is a non-native pathogen, with Tanoak as the key host species. All strains seem to have been introduced from a now closed nursery. In Oregon the pathogen is currently contained in Curry County by quarantine. California has 15 counties quarantined. Aerial, ground and stream surveys are done to monitor and contain the spread. The SOD Program in Oregon has 5 parts: Survey and Detection; Delimitation of Infected Sites; Treatment; Regulation/Education and Monitoring and Research. At this point they are trying to slow the spread of the disease through quarantines and treatments. The treatment regime removes all host species with a 300' buffer (approx. 6 acres). ODF has paid for treatments on private lands. USFS and BLM pay for their own treatments. No compensation however is given to private landowners for their loss. Staff have been following and providing support for a bill in the Legislature for continued funding of treatment efforts.

Fire: Prescribed Fire Liability/Smoke Management

In February, members were briefed by staff on the extensive interagency review of smoke management rules. As a result of the review, changes were made to the Oregon Smoke Management Program Rules effective March 1. Jim James and Rex Storm, both ex-officio CFF members were on the Review Committee. Significant changes included re-defining "smoke intrusion" as a nuisance to seeing ground level smoke as a health hazard. This change could provide for increased prescribed burning which reduces the risk of extreme wildfire smoke creating a significant health risk. Local planning measures would include notifying the public of a scheduled burn so people with the greatest health risk may take precautionary measures. Another change creates a Special Protection Zones (SPZ) designation as an added layer of protection during times of temperature inversions to areas that routinely hold smoke due to the landscape features. Prescribed fire significantly reduces ground fuels slowing the wildfire to allow responding crews to get ahead of the fire line.

Forest Chemical Use

Kirk Cook, from the Oregon Dept. of Agriculture and Kevin Masterson from Department of Environmental Quality were invited to provide information on the Pesticide Stewardship Partnership (PSP) which was created to deal with pesticide issues relating to water quality. Cook described the levels of statutory authority agencies have over water quality protection. The Water Quality Pesticide Management Team (WQPMT) providing basic oversight, guidance and direction to PSP areas and have also developed a common framework with which to evaluate results. The Partnership authors final and biennial reports and approves water quality monitoring plans. When problems are identified during monitoring, efforts can be voluntary or regulatory. The EPA has agreed to allow the Partnership's voluntary efforts to continue as long as the state achieves its goals.

The idea was to look at prioritized watersheds then drive localized mitigation efforts where testing finds significant detections. Testing is done on both surface and groundwater. The process identifies stream segments and the land use types specific to those segments to test for pesticides so they can approximate where that chemical entered the stream. That narrowing down of potential contributors allows them to focus on voluntary assistance and outreach only where data drives it. He emphasized that data can be friendly to the social license to do business as many times the monitoring proves additional measures are not necessary. Pesticide Waste Collection events further create public trust by getting rid of legacy chemicals. Water quality goals are achieved with a variety of counter-measures such as: the use of weather station reports providing daily wind speeds to inform spray drift reduction; use of biological controls and integrated pest management switching out chemical controls to less toxic products and maintaining buffers near streams. Determining cause and effect in the wildland/urban interface is challenging as there are many land uses including residential use and crop types making it more difficult to find the correlation between what is being detected downstream and where it enters upstream in the watershed so identifying land use is the first part of the effort and can facilitate determining where the pesticides are entering the stream course. Another recommendation that came from the Partnership is the need for a definition of what constitutes a water quality baseline for all land use types. The Team tries not to identify any particular landowner but pointed out that it becomes an issue with very large forestland tracts with one owner. Cooperation is vital to working collaboratively. The intent of the program is not to find and prosecute but to work cooperatively with landowners to increase water quality. He also noted that what they are seeing so far indicates that forestry land use has been a continuous story of fairly low detections and fairly low concentrations. Members inquired how detections are reported and handling of human health concerns. Staff reported that concerns, reports and questions are handled by an interagency effort, the Pesticide Analytical Response Center (PARC). PARC addresses any specific complaints and directs them to the appropriate agencies to be involved. As this topic is ever-changing and a political hot button issue members benefited from a thorough understanding of the state's efforts to protect water quality.

Seed/Seedling Availability

The issue of seedling availability had been a consistent priority for the Committee. Their executive summary provided to the Board outlined the problem, current resources and suggested solutions members formulated. Reforestation is a foundational component of sustainable forest management over the long term. Seedling availability doesn't have the same priority shown to it as other FPA rules but for small woodland owners reforestation is the most difficult part of owning and managing their working lands. Industrial owners may have their own nurseries and even still are scrambling for bed space and by the sheer quantity of their orders monopolize any space available. Most small woodlands don't harvest frequently enough to understand what it takes to be successful. The upcoming Compliance Audit focus on re-planting may put into focus how widespread the struggle is for forestland owners to find seedlings to plant. Landowner members on the Committee reported their own experience and what they have heard from others. Not only has speculative supply dried up due to small profit margins but whatever is available is gone within a day. The CFF will work on this issue in 2019-2020.

The members also received regular updates from staff as follows:

- Division Updates
- Legislative Updates
- Agency Budget
- Fire Season Updates/Wildfire Council
- Member Updates

- Incentive Program Updates
 - Statewide Agreement with the Natural Resources Conservation Service
 - Post-fire Restoration (Farm Service Agency – Emergency Forest Restoration Program)
 - USFS State & Private Forestry
 - Federal Forest Restoration Program

2019-2020 Work Plan

Considering the success in the past year on HB 2469 relating to the Secondary Forest Dwelling Allowance. And active recommendations to the Department on the Wildlife Food Plots Rulemaking and the Siskiyou Streamside Protection Review, members propose that the following topics inform their agenda(s) and work in 2019-2020. These are the issues that members see as a high priority to the small woodland owner community.

1. **Water Quality**
 - Stream Monitoring/Siskiyou Streamside Protections Review
 - Valuation of Ecosystem Services
2. **Family Forestland Viability**
 - Wildland/urban interface opportunities
 - Eastern Oregon specific needs
 - Outreach and Education on new legislation on Secondary Forest Dwellings
3. **Forest Landowner Recreational Immunity**
4. **Input to BOF on Key Topics**
 - Wildlife Food Plots
 - Marbled Murrelet Rulemaking
 - Protected Resource Sites
 - Emerging Issues
5. **Forest Health**
6. **Fire**
 - Prescribed Fire Liability/Smoke Management
 - Landscape Scale Treatments
 - Wildfire Council/Committees
7. **Forest Chemical Use**
8. **Seed/Seedling Availability**
9. **Climate Change**
 - Cap & Trade
 - Carbon
 - Adaptive Management
 - Opportunities and Impacts

Committee for Family Forestlands
2600 State Street
Salem, OR 97310
503-945-7200
Fax 503-945-7490



To: Oregon Department of Forestry, Board of Forestry
Subject: Siskiyou Streamside Protection Review

Date: May 31, 2019

Dear Board of Forestry members,

The Committee for Family Forestlands is a standing committee established by the Board of Forestry to assist the State Forester and the Board on issues relevant to some 70,000 family forestland owners in the state, including the formulation of policy and evaluation of effects that changes in forest policy have or will have on those lands. Our Committee has followed the Siskiyou Streamside Protection Review with interest. In March, 2018, John Peel, our Eastern Oregon landowner representative, presented the Committee's recommendation that a review of peer-reviewed publications and research that is found relevant and consonant with the climate, forest types and desired outcomes of the study was a logical and finite first step.

The Committee for Family Forestlands has heard presentations on the implementation of this review. Over the past year, Marganne Allen, Manager of the Forest Health and Monitoring Unit, has provided the Committee with updates as well as the opportunity to discuss and provide input into the review. We have also been able to review the contextual information on fish status and trends in the Siskiyou region provided by ODF&W and water quality status and trends on water temperature by DEQ with their TMDL (Total Maximum Daily Load) procedure.

We feel the systematic review was quite thorough and transparent in examining rule effectiveness relative to stream temperature, desired future condition (DFC) and shade. We understand that at the June BOF meeting, a decision will be made as to whether the rules are working, not working, or there is not enough information currently to evaluate based upon the literature review and corresponding contextual information without new data collection.

Based on the information provided to the Committee we support the Department of Forestry's recommendation that there is inadequate evidence in the current regional field studies from the literature review to decide on sufficiency of the FPA rules in the Siskiyou region in meeting water quality temperature standards and DFC with respect to stand structure and shade.

However, we also feel strongly that the Board of Forestry's range of approaches moving forward utilize the current body of peer reviewed studies establishing the relationship between streamside vegetation and temperature, and that future field studies be designed to adequately prove certainty regarding the rules effectiveness. Additional data collection should also consider the Division's capacity to do further studies, have the funding to do so and be prioritized accordingly.

The Committee for Family Forestlands thanks the Board of Forestry for the opportunity to share our position on the Siskiyou Streamside Protection Review.

Sincerely,

The Committee for Family Forestlands

cc: Tom Imeson, Chair Oregon Board of Forestry
Peter Daugherty, State Forester
Lena Tucker, Deputy State Forester
Kyle Abraham, Private Forests Division Chief

Committee for Family Forestlands

2600 State Street
Salem, OR 97310
503-945-7200



Date February 20, 2019

We, the Committee for Family Forestlands, are heartened by the formation of the Governor's Council on Wildfire Response and eagerly await its findings in September of this year. The Small Woodland community is however very concerned that the Council does not apparently have a member of the Family Forestland or Small Woodlands community.

12% of all Oregon timber lands are managed by small woodland owners, and these lands yielded 466 million board feet in 2017 (2018 & 2019 numbers not available yet but sure to be higher) They are each comprised of acreage from 10-5000 acres. These holdings, many held by families for over a century, are exposed to uncontrolled fire to a much larger degree than industrial timberland as they are typically at lower elevations and closer proximity to urban populations.

Furthermore, given the crisis in both human casualties, the destruction of timberlands and critical infrastructure that is being destroyed, our new normal what we now call "Mega Fires" we believe the council should adopt a much quicker pace. Given the current constituency of the council, who clearly have other important responsibilities, the stated completion date of this work could lead to an abbreviated report and not be thorough. To move forward with implementation of any recommendations we must get this right.

In closing, the committee would like to also stress that many other agencies have studied this problem. By thinking outside the box and making full use of the trove of resources that already exist such as the book by Gary Ferguson, aptly titled "Land on Fire" published in 2017. It should be required reading for the council members.

Finally, the CFF has a very deep bench of experienced Forestry experts who are willing and able to help in any way.

Sincerely,

Committee for Family Forestlands

A handwritten signature in black ink that reads "Erin Baum".

cc: Jason Miner, Governor's Natural Resource Policy Advisor
Tom Imeson, Chair, Oregon Board of Forestry
Oregon Board of Forestry Members
Peter Daugherty, State Forester
Lena Tucker, Private Forests Division Chief
Kyle Abraham, Private Forests Deputy Chief

* The Committee for Family Forestlands is a standing committee established by the Board of Forestry to assist the State Forester and the Board of Forestry on issues relevant to some 70,000 family forestland owners in the state. Our committee is made up of family forestland owners from different regions of the state, environmental organization and forest industry representatives, a citizen-at-large and ex-officio members representing the Oregon State Forester, Oregon State University College of Forestry, Oregon Forest Resources Institute, the United States Forest Service, small forestland owner groups, and forestry interest/consulting groups.

TESTIMONY OF GILBERT SHIRLEY, Clackamas County

I am Gilbert Shibley residing on Wallens Rd near Estacada where two great grandfathers settled after a journey over the Oregon Trail. This already hints at why I think this bill is good for Oregon. It takes generations to achieve what a second dwelling can mean for a family to become tied to the land. Some have been at it years, some decades.

When they live there next generations are always family, always learning while helping. They develop over time as members of the work force and eventually have input to management. This child worked with Grandma on light duty, low skill tasks. As a teen I worked with Dad handling machinery and even chainsaws, eventually learning that I might become a partner as he had been with his dad and granddad. I also learned his goal was for us to be partners with the land not just each other

With such ties to the land people love it and will work hard to overcome many barriers to keeping it, like this bill if it passes. They share work with their elders full or part time. Living there the kids will get into the story. We parents are fortunate to have the 5th generation own shares in our two LLCs. As such they already influence management decisions. Some could become on-site managers. They and their children also bring digital skills. We love it.

Grandpa Shibley "grandfathered" us into a 2nd dwelling used for both farm and forest. Happily for most of 155 years those homes have helped us stay, like our oldest trees have.

Gilbert Shibley
24750 S Wallens Rd
Estacada, OR

HB 2469: Hearing for second dwelling, 3-19-2019

Good afternoon, committee members.

My name is Bonnie Shumaker. My husband and I own and care for 160 forested acres in Washington County. We are active members of Oregon Small Woodlands Association and are Master Woodland Managers. Our tree farm is certified under the American Tree Farm System. We are particularly pleased that in 2017 we were able to expand our tree farm to its original 160-acre homestead.

Most of our trees are young – under 20 years. Their maturity will happen beyond our lifetime, and we would love for this little piece of heaven to remain in our family for many generations. I often hear about “Century Farms,” but have not heard of “Century Forestlands.” HB 2469 would help create “Century Forestlands” by encouraging intergenerational continuity.

Oregon’s Land Use Laws were written in 1973 to provide needed statewide protection for farm and forestland. Goal 4 of the land use laws covers forestland. The goal begins: *“To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy...”* This protection of forest land has been successful. 98% of Oregon’s forests have been retained since 1974; certainly, something to applaud. These forestlands provide clean air, water, habitat, jobs and help fight climate change.

This success has been accomplished by restricting development, but new issues have arisen for both forest and farm lands – an aging ownership. According to the OFRI publication “Oregon Forest Facts, 2019-20,” family forestland owners own and care for 3.6 million acres of Oregon’s forestland, about 35 percent of Oregon’s privately-owned forests. The 2004 Family Forestland Survey done for OFRI by CFM Research states that half of the owners are 65 or older. Many have owned their land for more than 25 years. In both farm and forest, the upcoming issue of intergenerational transfer is huge. Forestland needs a tool to help make this transfer successful.

Land that is zoned for agriculture has such a tool: a second dwelling is allowed for a family member on the same lot or parcel as the owner. Goal 3 of Oregon’s land use laws covers agricultural land and this has been allowed for a long time “if the farm operator does or will require the assistance of the relative in the management of the farm.” The thought was that farmers might need daily help on the land. Since this option of a second dwelling was already in place, it was easy to apply it to the emerging intergenerational issue.

Goal 4 for forest land excluded the second dwelling provision from the very beginning. Perhaps we did not make a big enough argument about the importance of managing forestland. Allowing extended families to live and work together on their land would help create a seamless intergenerational transfer.

It is important to note that:

- Small woodland parcels tend to be near the wildland/urban interface, making them vulnerable for development, but also accessible for a family member to pursue a career while living on the land and learning forest management
- As they age, forestland owners find they cannot do the work they used to do. The next generation can help fill in the slack and be prepared for the orderly transfer of land and management
- Growing and managing forestland takes generations – trees grow slowly
- “Ties to the Land” attempts to address the intergenerational transfer issue, but not having the option of living on the land is an obstacle. The second dwelling option would be another tool.
- The second dwelling for a relative would be on the same lot or parcel and no more than 200 feet from the existing primary dwelling– there is NO land division.
- The second dwelling must pass fire-safe regulations
- Only forestland 80 acres and larger that already qualifies for a dwelling would be eligible

Please support HB2469 to help with intergenerational transfer. Maybe down the road we could hear about “Century Forestlands.”

I would be happy to answer your questions.

Bonnie Shumaker
bshumaker@coho.net

HB 2469 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. Smith DB

Action Date: 04/09/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 6-0-1-0
Yeas: 6 - Clem, Helm, McLain, Post, Smith DB, Williams
Exc: 1 - Boshart Davis
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Laura Kentnesse, LPRO Analyst
Meeting Dates: 3/19, 4/9

WHAT THE MEASURE DOES:

Allows counties to approve a new single-family dwelling on forestlands provided that: (1) the lot or parcel is no smaller than the minimum size allowed; (2) the lot or parcel contains exactly one existing, lawful single-family dwelling as specified; (3) the shortest distance between the new and existing dwelling is 200 feet maximum; (4) the lot or parcel is within a rural fire protection district; (5) the new dwelling complies with residential specialty code relating to wildfire hazard mitigation; (6) irrevocable deed restrictions are recorded in perpetuity, prohibiting the property from being partitioned to separate the new dwelling from the lot or parcel containing the existing dwelling, and requiring the lot or parcel to be managed as a working forest under a written forest management plan that is attached to the instrument; (7) the existing and new dwellings are or will be occupied by the owner or a relative of the owner; and (8) the purpose of the new dwelling is to allow the relative to assist the owner with the harvesting, processing, or replanting of forest products, or the management, operation, planning, acquisition, or supervision of forest lots or parcels. Prohibits a county from allowing the new or existing dwellings to be used for vacation occupancy if a new single-family dwelling is constructed. Defines "owner or a relative."

ISSUES DISCUSSED:

- Succession considerations for aging forestland owners
- "Century Forestlands" intergenerational transfer concept
- Potential for non-relative dwelling inhabitants following succession
- Relationship between additional forestland dwellings and wildfire risk

EFFECT OF AMENDMENT:

Establishes additional conditions for county approval of a new single-family dwelling on forestlands, including: the lot or parcel must be within a rural fire protection district; the new dwelling must comply with residential specialty code relating to wildfire hazard mitigation; and irrevocable deed restrictions must be recorded in perpetuity, prohibiting the property from being partitioned to separate the new dwelling from the lot or parcel containing the existing dwelling, and requiring the lot or parcel to be managed as a working forest under a written forest management plan that is attached to the instrument. Prohibits a county from allowing the new or existing dwellings to be used for vacation occupancy if a new single-family dwelling is constructed.

BACKGROUND:

In 1993, the Legislative Assembly declared that it is a state policy to provide certain owners of less productive forestland with the opportunity to build a dwelling on their land, while limiting siting and land division on more productive forestland. Counties are authorized to allow certain single-family dwellings to be established on forestlands, and to outline criteria for large tract, alternative, and other forestland dwellings.

HB 2469 A STAFF MEASURE SUMMARY

House Bill 2469 A would allow counties to approve a new single-family dwelling on forestlands near an existing dwelling for a relative of the owner who supports the forestry practices of the owner, provided certain conditions are met.