

Northwest Oregon Regional Forest Practices Committee Meeting Minutes – October 29, 2020

Pursuant to public notice made by news release with statewide distribution, a combined committee meeting of the Northwest and Southwest Oregon Regional Forest Practice Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on October 29, 2020 as a virtual meeting hosted off-site.

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| <i>NWRFPC members present:</i> | <i>Not present:</i> |
| Mike Barnes, Chair – Retired Scott Gray, Stimson Lumber Candace Bonner, Landowner Randy Silbernagel, Industry, retired Jon Stewart, Raincloud Tree Farm | Jim Hunt, The Campbell Group Steve McNulty, Weyerhaeuser Tally Patton, Industry, retired Wendell Locke, retired |
| <i>ODF Staff:</i> | <i>Guests:</i> |
| Eric Hartstein, Interim Deputy Chief of Private Forests Division Josh Barnard, Deputy Chief of Private Forests Division Greg Wagenblast, Operator of the Year and Civil Penalties Scott Swearingen, Field Support Unit Manager Thomas Whittington, Water Quality Specialist Adam Coble, Monitoring Specialist Susan Dominique, Admin Support Kristin Whitney, Office Specialist Keith Baldwin, Forest Practices Field Coordinator Ashley Lertora, Forest Practices Forester Michael Curran, District Forester of West Oregon Quincy Coons, Stewardship Forester - Western Lane District Paul Clements, Training & Compliance Coordinator John Krause – Stewardship Forester | Mike Haasken, Retired ODF Seth Barnes, OFIC Clair Klock, Public Jordan Weiss, Public |

1. Welcome and Introductions – Mike Barnes, Chair

The Chair welcomed members participating online and asked for a roll call of members to verify quorum. It was determined 5 voting members were present out of 9. Quorum was reached.

- **Review of Agenda**

Beginning the meeting, Barnes asked if there was any changes to the agenda. None were offered.

- **Approval of Minutes**

Members had reviewed the minutes from the June 4, 2020 meeting. No one had any comments/corrections to the minutes as they were sent. Randy Silbernagel motioned the minutes be approved as presented. Scott Gray seconded. All voted to accept the minutes.

- **Public Comment**

The Chair encouraged any public comment at that time to be brief and to the point.

Jordan Weiss, a member of the public asked to make a general comment on forest management and the concept of having volunteers work on a co-op basis on small forestlands. Weiss introduced himself as an avid mushroom hunter and educator who was had interest in seeing if there could be a trade of forest work in return for mushroom hunting privileges in specified areas. Kind of a share program where some of the mushrooms and other forest products could be sustainably harvested and along with an educational program to teach sustainable forestry and helping to manage some of some specific spots that are traditionally places where people go to collect mushrooms’ and other forest products.

Barnes agreed with Weiss' intent as he himself had experience harvesting forest products as well. He thanked Weiss for sharing his ideas with the members. Bonner suggested that Weiss share his idea with the local Soil & Water Conservation District folks as they run projects similar to that.

2. Private Forests Division Update - Josh Barnard

Barnard updated the Committee on how the Agency is operating within the COVID environment. Since their meeting last spring, all of our offices are closed to the public and only accessible via appointment. Where possible all employees able to do so are still working remotely. Staff is able to conduct field visits and those sorts of things following all of the proper guidelines but all meetings as held virtually including the Board till there is official guidance to return to normal.

Previewing the policy items on the agenda Barnard gave a high level update on the Division's work load. Senate Bill 1602 implementation has priority with it's effective dates coming up the first of the year. SB 1602 came out of the Timber and Conservation MOU that was announced by the Governor's office back in February of this year. A collaborative effort between Timber and Conservation groups to make some substantial changes to the Forest Practices Act. And in June 2020, the first special session of 2020, they did implement several parts of that MOU in statutory language. So a new workload for Division staff so they have changed staff assignments a little bit to accommodate that work. This began before the large fire effort and the impacts of that. He was called to lead the SB 1602 implementation effort full time. Eric Hartstein, OWEB's Legislative Coordinator had come over to ODF to help out in the interim as Deputy Division Chief because there has also been a huge increase in workload for fire recovery/landowner assistance after the catastrophic Labor Day fires. Hartstein introduced himself and noted he will be working in the interim capacity until the end of June. At OWEB he manages some of the agency's Focused Investment Partnerships which include some dry type forest restoration partnerships in Southern Oregon, Ashland, and Rogue Basin so he came with some familiarity with forestry.

Barnard continued with the various budget developments that have occurred over the past year regarding the Division and Agency as a whole. At the last meeting members were informed that ODF was preparing budget cuts for the biennium. Private Forests dealt with those cuts by holding open some already vacant positions. With the occurrence of the Labor Day fires, those reductions have since been vetoed by the Governor's Office so essentially they are back to the pre-budget cut service level. Most of those newly available funds will be focused on capacity and trying to accomplish the work before them. At the field level they are shifting some staff to different locations adjusting the workload to reflect the capacity needed on the fire-impacted Districts. The Protection Division received some funds back as well. One other bright spot in terms of overall picture budgetarily, is there is some discussion around the next biennium 2021-23 and the negative economic outlook that had been put forth in May. Most recently the September Revenue Forecast was more positive than May. At least that was a positive sign for the next biennium at least at this point. Also of note, is that there was a plan to vote on appointment of new Board of Forestry members replacing those termed out in the December Short Session but it is not certain.

3. Operator of the Year (Action Item) – Greg Wagenblast

Chair Barnes introduced the next agenda item by noting that it was amazing how many Operator of the Year nominations NW Oregon received for 2020. He thanked all that participated in that process and noted it would have been a great year to tour the operations but with the pandemic it just wasn't possible so staff highlighted the 6 nominations for Committee consideration through presentations on each.

Wagenblast then ran through a quick synopsis of the program prior to introducing the nominations. He emphasized that the Operator of the Year program is for the public recognition of the operators that are out there doing a great job. Video presentations of the nominations are put out on YouTube. Last year nomination videos had almost 5,000 views. In 2018 there were 8944 views. So that that's a considerable number of people that are taking a look at the great work being done.

He reminded members of the Award structure. That there is only one Operator of the Year selected in each of the three regions (Eastern Oregon, Northwest Oregon, and Southwest Oregon). Any nominations not selected can be awarded for Merit. (But that is limited to one Merit Award per District.) Letters of Commendation can be given to operators by the Districts themselves. He noted that the timeline for the program had been changed with nominations open in November and closed in June. He reflected that it seems to have been a welcome improvement to avoid fire season and enable the Districts to get their nominations in early. This year they had 10 nominations statewide. With the new timeline the recognition ceremony with the Board of Forestry has been moved to the January Board meeting. He acknowledged the great work that Jim Gersbach and Carl Jamison had done for pulling together the videos and a shout out to everybody with the committees charged with the selections. And he appreciated the support and the participation this year from our stewardship foresters and landowners putting in nominations.

Wagenblast proceeded with the first nomination, **Hart Custom Cutting** on a piece of ground up Gate Creek, up the McKenzie. [*The video wasn't available at the time of the meeting.*] A tethered cutting operation, tethered shovel logging and then they brought in a grapple loader logging operation. The unit had a Medium Fish and two Small Type N streams, and steep slopes. They do great work and are able to provide environmental protection measures leaving the units really nice and clean when they are done. Hart made the decision to limit machine activity within 30 ft. of the Small N streams, and protect the vegetation to limit the risk for sedimentation. The operator has been moving forward with technology and they've got a compliment of equipment and tethered system setups to really focus on resource protection especially for the steep slopes with their equipment. They're able to fall the timber away from the slopes, the streams, the wetlands, and reduce any disturbance that is out there. Especially on some of those steep challenging slopes they build slash mats for the equipment to keep from doing any ground disturbance wherever possible. On the financial risk side the operator has invested heavily in these systems and getting converted over to the mechanized operations which has increased their safety and capacity. [Unfortunately the whole unit burned during the Holiday Farm fire as well as burning equipment that was still onsite.]

Wagenblast introduced the next nominee, Christine Buhl, ODF Entomologist nominated **Greg Johnson Logging**. [*Greg Johnson Logging video played.*] Bonner remarked on forest owners shifting species because of climate change. In this case from Doug-fir to Incense Cedar. Wagenblast shared that Buhl as part of the Forest Health Program was heavily involved in the operation, taking out the dead and dying trees and integrating tree species to adapt and mitigate potential climatic changes. He noted it was a balancing act as planting for a different future condition along with maintaining forest health in the present can be a gamble. As they had'nt removed the dead and dying timber prior to the Labor Day Fires there would probably have been higher losses.

The next nominee was **Wayne Stone Logging** up in Mapleton. Fortunately, the unit was not involved in the fires. [Video played.] After the video Wagenblast shared that Wayne Stone Logging was nominated by Nancy Vandercook and Jared Simmons from Alpenglow Forestry Consulting and Stewardship Forester, Quincy Coons. Coons was present to provide background and answer questions he began that many in the industry in that area knew that unit in particular, and log buyers and foresters had evaluated it. Everyone thought it had to be a helicopter logging show and with the original parcel it was 80 acres left after a prior harvest in 2005 that logged everything they thought possible. Coming from the bottom, they figured it was about a six figure road construction cost and operability just wasn't there. There were 47.9 acres that were notified for but only 3 acres needed to be retained for the Small Fish stream buffer and also over 6 acres retained for the high landslide hazard locations. There were more challenges aside from those, that could have created a mess. They left a retention buffer along the ridgeline as a viewshed. Coons was impressed in the amount of planning and skill it took to do well. Financial Risk as included machinery bought specifically for that job. All that and getting the work accomplished during COVID restrictions. So it was very interesting, so the planning for this started in 2018 with the consultant, feasibility, we brought the ODF Geo-Tech out there which produced some memorable GIS reports. And it took some very talented fallers for that unit. So with the exceptional resource protection and complimentary public reaction, and a involved landowner. Summarizing he shared there was very little room for failure and they succeeded with no complaints and no FPA issues. Coons was very impressed and was moved to put in the nomination.

Moving on Wagenblast announced the next nominee, **JM Browning Logging** that was submitted by Ashley Letora out of the Astoria office. [*JM Browning Logging video plays.*] After the video Ashley Letora provided a background and recommendation. She noted the stiff competition this year and wished all nominees luck. Jay Brown has been logging for 50 years with a very good consistent crew that take pride in their work. The unit was very difficult and they operated it safely. It had been harvested 20 years ago but the difficulty required much larger equipment. Jay Browning has the largest yarder in the county and consistently works Hampton lands. He was suspended out 4800 feet to the furthest back road and had an extremely large D8/D9 that was the tail hold but he was also having to bury dead man anchors in the ground and had a special cable system that he rigged up to protect the wire rope that was holding the CAT in place, that was the tail-hold and because the log pieces were so huge. They used drones to fly the wire out there and that saved a lot of time also gave them a way to look over the area. They actually walked the loader down through some narrow 12' wide corridors. They spent close to \$58,000 just in moving costs to build the landing and a short spur road that was necessary but saved on the landscape by reusing an old landing. Some of the Large Wood was used in a Big Creek Large Wood Replacement project for fish habitat.

The 5th nomination, was **Greenup Enterprises**. The nomination was submitted by Mike Haasken, now retired Stewardship Forester from our Molalla office. [*Greenup Enterprises video plays.*] After having had the opportunity to work with John Greenup, Haasken was glad to be able to have the opportunity to talk about the operator. He shared that he considered Greenup basically one of THE best operators in Clackamas County. Heavily invested in growing his business. But both the unit that the video was shot on and the unit that Greenup logged and was nominated for were burned over in the Beachie Creek Fire and Mr. Greenup lost a considerable amount of equipment in those in the fires. He was phenomenal in terms of helping fight the fires with the equipment he had remaining in Clackamas County. He directed the members attention to the 'tour' packet with the description of the unit. The Poopanelly Junction unit. It was a lot of downhill yarding over a Medium Fish stream Poopanelly Creek which drains into Copper Creek. He built a very steep 35% skid trail so that he could limit or reduce the amount of downhill yarding at his own expense. Haasken emphasized Greenup's consistency over the years. He takes *really* good care of his people and during the COVID breakdown he kept his crew going because they were out of work for about a month or so. Haasken emphasized the operator is just a top notch guy.

The last nomination presented was **C&C Logging** which was nominated by John Krause out of our Columbia City office. [*C&C Logging video plays.*] Krause was present to share some additional background. First he shared he didn't envy the work of the members in choosing between high quality operators that have been nominated. He went on to provide background. C & C Logging is a family-owned business going back to 1967 in Vernonia. They now employ 103 people, they have 14 logging sites and they harvest approximately 180 million board feet per year. This a particular unit was difficult to log with steep slopes over 80% and highly dissected ground with numerous seeps, springs, and small wetlands throughout, with over 2,200 ft. of Fish streams. He shared it wasn't a coincidence that the landowner had C&C Logging log this unit. Frank is consistent in doing a walk-through of the unit before starting. He then inputs all of this information on the unit onto a Geo reference map and gives a copy to each one of his machine operators, (this way everyone knows where the protected resources are and more importantly where they are in relation to their machine). On the steep slopes they use their tethered feller buncher to fall the trees in a controlled manor and keep them out of the streams, and with their high reach yarder and carriage with three integrated cameras they can eliminate the need for choker setters and a chaser. They used a large drone allows them to string the the lines over the field and buck safely and efficiently with the lift and deflection needed to protect the RMA and streams. The Results of the operation were that the plans were not only followed but exceeded in protection of the RMA, the streams, the seeps, the springs, and the small wetlands. C&C Logging consistently meets and exceeds the Forests Practices Act. Frank is a founding board member of the Washington Logger Safety Initiative which actively promotes safe logging practices and helps to change the safety culture within the logging community. Then there is his innovation and the use of technology, he became the first logger to use this tethered system in the United States. They are currently working on a ground-based spray rig that will help take place of aerial spray applications. Selecting Operator of the Year is about more than one operation, Innovation, Safety, Consistency, and developing and using the

latest technology has a positive impact the timber industry as a whole. It is for these reasons that I believe C&C Logging is deserving of Northwest Operator of the Year, thank you.

Wagenblast wrapped up the presentation and opened the floor for discussion of the six nominations leading to a vote. He offered his personal view of the difficulty of their decision, as each one of these nominees is very deserving. There was one District that had 2 nominations, so only one operator from that District could be awarded Merit. Hart Custom Cutting and Greg Johnson Logging were both nominated by the South Cascade District. So if one is *not* selected as Operator of the Year, the other would default to a Letter of Commendation from the District.

Chair Barnes reminded members that the nomination materials had been sent out previous to the meeting which gave ample time for members to have reviewed the operational details that indicated how well the operator met the criteria for nomination. He then opened the floor for discussion and questions.

Bonner suggested that with so many nominations to consider perhaps they don't need to put as much emphasis on just the technical difficulty as some of the other criteria like community involvement, climate adaptation, consistency, etc. Stewart agreed, and having spent his career working in the woods, has been amazed to see how these operations have changed over time and particularly how much safer logging has become in the past 30 to 40 years. The ODF foresters and the landowners have really stepped forward to nominate excellent operations and that says a lot as well. The Chair added that he was impressed that the industry is trying to get away from aerial applications in terms of the use of chemicals. So innovation is pretty important. So if these recognitions can push that a little further by focusing on operators who focus on safety, and innovation and technology, all the better.

Members discussed their rankings and rationale. Bonner Motioned that they should award C & C Logging as Operator of the Year and Greenup, JM Browning, Wayne Stone, and Greg Johnson receive Merit Awards respectively and recommend that the District do no less than a Letter of Commendation to Hart Custom Cutting. John Stewart seconded the Motion. All were in favor. The Motion carried.

Wagenblast thanked the members and informed them that the videos will be shared through YouTube soon and they will send out the link. Gersbach clarified that the Public Affairs shop will change the titles based on their wins and then close caption them so that they can meet ADA requirements for public release. They plan a release in December to prepare for the Board recognition in January, and ensure all nominees are notified by the Districts.

Chair Barnes felt strongly that some recognition should be extended to the ODF foresters who do the work of nominating these operators. All in addition to their normal duties, perhaps by a letter from the State Forester. A way to encourage others to do the same.

4. Fire Season Update/Post Fire Recovery –

- **2020 Fire Season**

Swearingen began providing an overview and update of the historic fire season this year. It had started off as an average fire season starting with lightning fires in Central and Southern Oregon. But really started picking up towards the middle of August and the first team deployment was on the Moser Creek Fire in the Dalles/Hood River area. A second team was called on the Steet Mountain/Laurel Fire later in August. He reported at that time the State drought monitoring showed drought throughout the State severe to extreme aside for NW Oregon and NE Oregon. Then September 7th, Labor Day, the strong east windstorm event that came through pushing fires west. A historical event, one of the biggest natural disasters Oregon has had in you know recorded history. About 1.2 million acres of fires burned throughout the state. Over half a million acres were ODF-protected. The magnitude of fires this year in size and scope has been incredible. One positive was that 94% of our fires were held at 10 acres or less, by the great efforts in initial attack. ODF-protected non-federal land burned totaled 425,000 acres which is basically private acres, some municipalities, some county acres and state lands that is a total magnitude that hasn't been seen in recent history. There was 63,000 acres of just small woodlands and non-industrial forested acres, other private acreage, small residential acres and non-timberland about

42,500 acres. So the total private lands were a little over 385,000 acres. The Forest Service burned 600,000 acres. Now the effort is on post-fire recovery. A lot of landowners are focusing on salvage as about the only economic benefit that they can take advantage of for a short period of time. But along with the economic benefits the priority need is to maintain the resource protection of water quality, wildlife habitat, resource benefits and then move forward with the reforestation and restoration of the land. He offered that one of the estimates was that there is close to a thousand miles of fish bearing/domestic use streams in some of these fire areas. So they are providing extra guidance in the field, helping set up and inform Plans for Alternate Practice and moving foresters from one area to another to add to field capacity in hard hit areas. Then responding to a question about leniency in reforestation timelines, Swearingen replied that they are aware of the seedling shortage they are sure to run up against the two year reforestation requirement. He shared that there are efforts to expand nursery capacities and distribution efforts and can consider leniency on a case by case basis.

- **Post Fire Recovery**

Hartstein took the floor to report on the post-fire recovery effort. Current efforts are really focused on infrastructure, human health, and public safety. Concurrently, there's been a lot of movement on coordination around natural resource response and recovery in an All Agency, All Lands approach towards recovery over the next several years. So kicking that off the Forest Service and Bureau of Land Management initiated Burned Area Analysis (BAER) teams, usually just focused on federal lands response to the fires. The products that were put up by BAER now include some mapping and other data around the burn intensity, the vegetation mortality across the entire fire footprint not just on federal lands. The BAER Team with Forest Service and BLM identify where there's an immediate concern that need to be addressed on the federal land that they manage as well as ongoing restoration into the future.

So on the non-federal side of things the FEMA has enabled the state to convene what's called an Erosion Threat Assessment Reduction Team, or you might hear the acronym ETART, so that's really sort of analogous to that second half of that BAER process where the ETART teams will be taking in the data that has been put forth by BAER and others around what has occurred in the fires to identify any data gaps that exist on non-federal lands; do any additional assessment work that needs to occur and then start to identify where the priorities are for immediate restoration or recovery efforts. ODF and OWEB convened a Cultural Resources Task Force. That group is looking closely at the following capacity shortages:

- Seedling shortages, private/non-industrial market access to seedlings
- Lack of nursery capacity to produce forest seedlings
- Lack of ODF staff capacity and resources for field support.
- Capacity already strained for public consultants doing landowner assistance and contractors for reforestation.

He shared that there is a fairly significant effort to shift Stewardship Foresters around in the field, given the predicted need due to salvage and restoration. The Division will be pulling in Technical Specialists from other agencies to help with the sheer volume of this work given this is at a scope and scale that we haven't seen before. But he added the good opportunities through NRCS and EQIP programs as well as FSA EFRP to provide cost-share for soil stabilization and hazard tree removal. Members noted that this needs to be a public effort. The public needs to know the level of resource concern.

(Recording stopped. The following is a compiled summary of previous presentations and noted comments.)

5. Timber and Conservation MOU/SB 1602 – Josh Barnard/Terry Frueh

Barnard provided a background of Senate Bill 1602 and where the Division is in the process of implementing that. He reminded folks that the bill concept came out of the Timber and Conservation MOU announced by the Governor's office back in February. The bill was signed into law on July 7th with several components. The first was establishment of ongoing Timber and Conservation mediated sessions facilitated by the Governor's Office made up of parties' signatory to the MOU to address substantive and procedural changes to the FPA with the ultimate goal to come up with strategies that would achieve an aquatic HCP. Internally, the Bill directs ODF to implement the Salmon, Steelhead and, Bull Trout Rules in the Siskiyou georegion. We received that direction through statute in July early enough to get on the Board's

schedule and agenda for them to direct us to start the rule making process. The public comment period was held in September and now closed. Staff are finalizing the rule package to be approved at the November BOF meeting for the Salmon, Steelhead, and Bull Trout Rules in the Siskiyou to go into effect January 1st, 2021. Staff are planning internal and external training opportunities and outreach relative to those new rules in late November, early December timeframe.

Another component of SB 1602 directive statute is the implementation of new buffer requirements regarding the application of pesticides by helicopter. That is also due to go into effect January 1st, 2021. There are many components to that but basically on Type F and D streams it sets a 75 ft. buffer or if there is an existing RMA that would provide for a wider buffer whichever is greater. Type N streams with surface water present at the time of application, now require a 50 ft. buffer. It also increases the buffer around inhabited dwellings and schools to 300 ft. as well as for any qualifying water intakes. The third piece is a technical change which requires the operator to notify landowners and water users within a mile that there will be a helicopter spray on adjacent forestland. So ODF needs to build a new process where we can register qualified neighboring landowners and water users of a helicopter spray operation to receive an announcement prior to 7pm the day before it occurs. The statute also shortens the notification for the helicopter spray operations to 90 days including completion reporting once the spray is done. An announcement message is sent through the FERNs system to those registered parties preemptively. The statute also provides civil penalties if the landowner/operator fails to produce any records when requested within the time specified in the bill or fails to announce that they're going to do a helicopter application. But conversely there are also penalties for anyone receiving these announcements if they directly and intentionally interfere in a helicopter operation. In addition ODF will work with Oregon Water Resources Department (OWRD) for data related to registered water users and points of diversion. OWRD will be required to formulate a report for the Legislature on the amount of data that may not be accurate enough to use. The bill defines the first effective date possible as June 30th, 2021 but if the State CIO determines it's not ready for release the Division can defer the 'go-live' date. ODF will be using the Timmons Group as the go-to contractor for the FERNs system and they are just getting that project up and going. Finally the MOU outlines the continued mediated discussions of the Timber/Conservation Group with the goal of obtaining an aquatic Habitat Conservation Plan for private lands.

6. Field Support Unit Update – Scott Swearingen

Adam Coble was present and briefly described the process to shift the Siskiyou monitoring project from the BOF directed Sufficiency Review to the implementation of SB 1602 with the required SSBT rule changes there. He began by reminding members that originally the Board had directed us to assess the sufficiency of the FPA rules for Water Quality standards and Desired Future Condition in the Siskiyou. The Monitoring Unit brought information to the Board from the initial systematic review in 2019 where they were directed to expand the geographic scope. The Board decided that they needed more information at that point and directed Monitoring to expand on the geographic scope of the review and draft a condensed Literature Review on stream temperature and shade. That was due for a July 2020 Board of Forestry decision on sufficiency. The Senate Bill 1602 and Memorandum of Understanding put an end to the Siskiyou work as a decision agenda item but the Unit did go ahead and finished up the report and submitted that to the Board as an information only item.

- **Guidance**

Scott Swearingen, Field Support Manager provided a brief update on the efforts of the Unit. Prior to the SB1602 work and recent prioritization of the fire salvage they had been working on concluding guidance updates for the Division 623 Rules on Shallow, Rapidly Moving Landslides, and Public Safety guidance. They didn't make any substantial changes to the guidance but finalized the draft that had been in place. But as it was officially "new guidance" a final review was done before officially adopting and posting that to the website. They did add a piece regarding the definition of habitable structures, (structures that are usually occupied 25% or more of the time) and referenced Tech Note 2 and Tech Note 6 in the guidance. In addition, they had been working on Division 645 (RMA and Significant Wetlands) and there were no major revisions to the RMA portion, but the Significant Wetlands portion had new guidance regarding the agriculture wetlands policy. All new guidance when final will be posted on the Publications tab <https://www.oregon.gov/odf/Pages/publications.aspx> under the Working Forests heading.

So, currently, Field Support staff in Salem have been pulled in a lot of different directions. Supporting the SB1602 project, Jay Walters been re-assigned to that effort which leaves the Unit with 1 Field Coordinator, Keith Baldwin remaining focused on salvage, restoration and core business. And fire salvage and restoration has been priority now, so some of their other work will have to be delayed.

- **ODFW MOA**

Thomas Whittington, Water Quality Specialist for the Division updated members on the fish passage work that's been going on for a while. Two priorities, the Memorandum of Agreement between ODF&W and ODF and the revision of FPA Tech Note 4. The MOA is an interagency agreement establishing a foundation for coordination between ODF and ODFW regarding fish passage on non-federal forestland. The MOA affirms ODF's role in ensuring fish passage when stream crossings are constructed, replaced, maintained, or abandoned in conjunction with operations conducted under the authority of the FPA. We've had multiple meetings with the staff from ODFW and ODF and it's currently in its final stages as the draft is being reviewed by both ODFW's Director Curt Melcher and State Forester Peter Daugherty. The second part is the implementation piece of that MOA described in Tech Note 4 and there has been a process of revising that as well. They have been doing a lot of work on Tech Note 4 drafting and editing content for that revision under an outline approved by a stakeholder sub-group of practitioners from the RFPCs. Progress slowed, of course, in September, but they met again later in October. So they are still on track for the planned timeline with a goal for a working draft before the next work season. There will probably be some more meetings with the practitioners to discuss this big document and they will be using the practitioner workgroup as the venue to communicate some of that stuff with the RFPC's moving forward. There will be new guidance and BMP's in 2021 there will be flexibility and adjustments as we go and ODFW understands that too. One part of the Tech Note as part of the MOA, is a focus on work area isolation. As part of the meeting in February the practitioners described the need to have some kind of programmatic letter or programmatic agreement with ODFW to conduct some of this fish salvage work area isolation work. So the result of that is ODFW is going to provide the landowners/operators a letter that gives them programmatic approval to do some of that work rather than requiring an individual consultation or approval from ODFW that way. But one key piece was the realization that the letter doesn't provide any coverage for streams with ESA-listed species as that's something that ODFW can't do as a state agency. But ODFW is working with the federal services to get some process there for a consult process for individual written plans that would suffice as meeting their requirements and they are working with their respective federal partners on that. When progress occurs staff will provide email updates to the full RFPC committees.

Members wanted it noted that they should be given a heads up on the Division 645 RMA & Significant Wetlands review and updates. Whittington provided an update on the Fish Passage work regarding the ODF&W MOA on Tech Note 4 affirming ODF's role in conjunction with operations under the FPA on non-federal forestlands. The final document is our for signature once signed the MOA is in effect. A small group was drafting the revisions and added content on fish salvage and rescue. The practioner workgroup of RFPC landowners approved the outline then the fire response and COVID restrictions slowed the draft process. The big piece is the ODF&W desires a programmatic approval for fish salvage. Then have an annual letter to operators doing work that does not include ESA-listed species. They will be consulting with Federal F&W. There will be Best Management Practices in the Tech Note. They plan to share electronically with the RFPCs. Whittington stated their goal is to get it in place for a in-water work season. Silbernagel said he fully expects the Tech Note by early 2021.

7. Monitoring Update – Terry Frueh/Adam Coble

- **Compliance/Implementation Monitoring**

Adam Coble, Monitoring Specialist gave a report from the Monitoring Unit starting off by recognizing the current limited capacity. Normally they have 5.5 FTE but are currently working at 3.5 FTE. The balance of the positions are being held vacant due to the budget uncertainty and cost containment measures. Their main priority currently is the Implementation Study. He reported that there were statistical concerns raised by the BOF about the previous compliance audit processes from 2013-2017. ODF has put out a Request for Proposal to hire a consultant to compile and identify relevant issues and find solutions. The next stage would be dependent on recommendations and findings, but may involve re-analysis of the data or the process itself. In addition a Implementation study is being developed, a pilot study to look at reforestation compliance focused on private industrial grounds. Currently that pilot is on hold due

to COVID and funding for travel. They haven't begun collecting data. Another issue is collaboration with DEQ updating the MOU regarding the measures to determine the sufficiency of the FPA rules, implementing and developing TMDL's and how that information can be used to inform decisions on sufficiency of the rules.

Paul Clements, Compliance Coordinator shared that with the budget constraints at the beginning of 2020 they envisioned a pilot study just on industrial lands in the interior region that could be done as day work and within the travel constraints of the budget. Since then we've engaged the stakeholder committee that governs our work and we're getting ready to have a look at the purpose of the Monitoring program. The crux of statistical issues is that the State doesn't have any authority to go on private land to gather data. And the absence of those permissions were the basis of the concerns that were raised about the integrity of the work. Looking at reforestation on industrial lands (which normally do allow that access) may be a way to continue to assess compliance but not on an all landowners scale. Clements noted that there were also concerns raised by industrial partners about the disposition of information that was gathered in the past. ODF worked with legal counsel and came up with a strategy to be able to guarantee confidentiality for those who agreed to participate in the data collection. He shared that the stakeholder advisory committee to the Compliance Monitoring includes representation by OFRI, OSWA and Tree Farm and some of the environmental community as well.

- **Literature Reviews and Reports**

Adam Coble, Monitoring Specialist clarified the status of the monitoring project on Western Oregon Streamside Protections Review that was still in process to determine if FPA rules are effective in achieving goals for Desired Future Conditions within streamside stands, for Large Woody Debris, with the focus on Small and Medium streams in Western Oregon. (He noted that to learn more about the Desired Future Conditions, (DFC) it's under the Vegetation Retention goals for DFC.)

There are three main components of the project. The first component is a field study and data analysis which he had completed of the RipStream vegetation data for sites monitored on private lands. The report was issued as an ODF Technical Report and is currently available on the ODF website <https://www.oregon.gov/odf/Pages/publications.aspx> under Publications and Working Forests Sub-folder. The second component of this study is a Literature Review that covers Desired Future Condition and Large Wood is in progress through a protocol that describes the methods and approach pretty similar to a systematic review. They plan to have drafts completed by the summer of 2021. The third component is a Modeling Analysis to project how riparian stands will change over time. So you know what a large wood recruitment looks like on a matured stand. He is getting out a Request for Proposal (ROP) to bid out that analysis by contract to sign early next year.

In addition, he noted that DEQ and ODF are working out an MOU on TMDL measures and sufficiencies.

8. Good of the Order/Next Meeting Date/Topics – Mike Barnes

There was only a comment for the Good of the Order from Wagenblast that Paul Clements would be providing an Operator of the Year presentation to SAF on the 30th of October.

Barnard closed noting that with the amount of work ahead of the Division there won't be another meeting scheduled till next spring between March and May. They will keep members apprised on their implementation efforts on SB 1602 and fire restoration/salvage.

Barnes hoped for a face-to-face meeting by spring. And also to provide them with any pertinent Legislative news. He appreciated staff's efforts. Meeting was adjourned at 12:33.