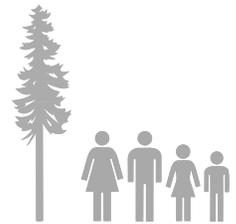




"STEWARDSHIP IN FORESTRY"

Committee for Family Forestlands Meeting Minutes March 17, 2016



Pursuant to public notice made by news release with statewide distribution, a committee meeting of the Committee for Family Forestlands [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on March 17, 2016 in the Santiam Room, Bldg. D, ODF Headquarters, 2600 State St., Salem, OR

CFF Committee members present:***Guests:***

Ed Weber, Chair, Voting
Evan Barnes, Vice Chair, Voting, SW Rep.
Bonnie Shumaker, Voting NW Rep
Scott Gray, Voting Industry Rep
John Peel, Voting Landowner-At-Large
Evan Smith, Voting, Environmental repr.
Mike Cloughesy, OFRI, Ex-Officio
Scott Hayes, Tree Farm System Ex-Officio
Lena Tucker, ODF, Committee Secretary
Meg Mitchell, USFS Ex-Officio
Rex Storm, AOL, Ex-Officio

Members not in attendance:

Peter Daugherty, ODF, Ex-Officio
Roje Gootee, Voting, EO Rep.
Janean Creighton, OSU Extension Ex-Officio
Jim James, OSWA, Ex-Officio

ODF Staff:

Susan Dominique, Committee Support
Ryan Gordon, Family Forestlands Coordinator
Angie Lane, Ops and Policy Analyst
Thomas Whittington, Incentives Coordinator
Ryan Gordon, Family Forestlands Coordinator
Jennifer Weikel, Wildlife Specialist
Bob Young, Fire Workforce Capacity Administrator

Call to Order 9:10am**1. Welcome**

Chair Ed Weber, opened the meeting and reviewed the agenda topics: Legislative updates; Report on the status of the Riparian Rulemaking; AFF Report; Fire Liability, CFF Role in RLMT collaborative; Tax Symposium draft summary to the BOF; Fisher Candidate Conservation Agreement, and the CFF's USFS Ex-Officio appointment.

2. Roundtable Introductions**3. Approval of the December 2015 and January 2016 Minutes**

Motion was made by Evan Barnes to Approve the Minutes from January as presented. Scott Gray seconded the Motion. All members were in favor, January Minutes were approved.

The approval of the December 2015 minutes was postponed from the January meeting as there was not a quorum present. The December minutes were reviewed here and a Motion was made by Evan Smith to accept the minutes from December's meeting as presented. Evan Barnes seconded the Motion. All were in favor, December Minutes were approved.

4. Public Comment

No formal public comment offered.

5. Legislative and Department Updates – Lena Tucker

We didn't see a lot of action for our agency in the Short Legislative Session. Two bills did pass that were under our concern: 1. banning the use of sky lanterns statewide; 2. allowing counties to establish their own Rangeland Protection Associations. There were also State Forest bills: SB 1517, a wetlands bill that sponsors wanted to make wetland creation subject to Land Use decisions so went through many iterations. The main intent was not to lose agricultural lands and remove the liability shelter for landowners. Our concern came in on the work we do on CREP so forestry was exempted from the bill language. So the final outcome, was it was turned into a pilot program in Tillamook County that applies a Conditional Use Review for creation, restoration, or enhancement of wetlands on lands zoned Exclusive Farm Use.

Smith: The bill on wetland restoration, is an issue that the Coalition for Oregon Land Trusts is tracking. It's already difficult to get the permits for the landowners. It will make it harder for all landowners to engage in voluntary restoration work. The Coalition and some of the watershed councils are opposing this. Oregon Land Use laws are already complex enough. People are concerned with downstream impacts. Most of the farmers and land trusts are being proactive in outreach to neighbors, so it seems to be an unnecessary piece of legislation. Placement of Large Woody Debris for habitat development, can cause some system changes in the stream channels beneficial for aquatic health with immediate positive benefits but Large Woody Debris placement in streams has some liability along with it if there is a flood event and woody debris goes downstream and creates damage.

Gordon: The concern with the bill itself, originally, is that it would have been a one-size-fits-all approach that would impact restoration statewide, when in fact, the primary issues initiating the need were coastal wetland issues. In the last few sessions there was an attempt to pull it out of legislation because of the additional working group proposed, so the bill got pared down to pilot programs in Tillamook County.

There were positive budget changes that went through. Fire Protection received a GF increase and other funds to cover fire protection funds. That is a yearly ask from the Emergency Board funds (a Special Purpose Appropriation). Some other work that is funded to be conducted in partnership with other agencies, is development of a new e-procurement system.

Storm offered another perspective on the activity of the legislature. He expressed concern regarding the trend of legislation as unfriendly to business in the private sector. There were many comprehensive and lengthy laws were introduced, many about increasing costs to private business. One contentious issue was the mandatory escalation of the minimum wage. Higher wages affect small business whose margins won't be able to absorb that cost. Increase of wage minimums will affect the wage scale in positions above those minimum wage workers and also will increase costs to the consumer to cover the costs of doing business. The other bill is the Carbon Cap and Trade bill. Increasing the ratio of renewable energy will increase the electric costs. Electric rates do affect the timber industry and has a big impact on landowners. But, long term, the idea that it will dis-incentivize fossil fuels is a positive and will increase the desire for biomass energy.

Tucker continued leading discussion on the Legislative session. The Board of Forestry appointments went through. Cindy Deacon Williams, Tom Inesco and Nils Christofferson were re-appointed. Gary Springer is asking to resign in June and I believe the legislature will address a new appointment. Gary has been a key person at this table and as an advocate for family forestlands has been directly engaged with all the committees the agency has.

Hayes: The American Tree Farm had a resolution passed and went to the Senate and read on the floor regarding our 75th Anniversary.

Smith asked about BOF recognition for Board and former CFF member Gary Springer. Tucker added that the Committee could send a letter of appreciation in addition to any Board plans.

Action Item: Lena/Susan to draft a letter of appreciation.

Tucker: At the March BOF meeting we recognized 2015 Operators of the Year. Loggers or other contractors can be nominated for operations; roads, stream improvements, harvest and restoration operations for FPA compliance above and beyond the rules. Nominations close in September, then we do Operator of the Year Field Tours in October. Deliberations are done in November and December for announcements of the awards beginning in January at various venues.

Action Item: Angie to provide Operator of the Year nomination information to members, nominations are welcomed anytime. If you need assistance in the nominating process contact your Stewardship Forester.

Tucker: On another note the Board typically approve their Work plans in March. But they pulled the work plan for Private Forests, to reconsider one of the items, Eastern Oregon riparian policy. That issue has been on hold for capacity reasons but changes in that status will be discussed at the April BOF meeting. It may be a topic that you should follow based on the CFF effort on the Eastern Oregon White paper.

The agency will start our prep work for the 2017-18 budget request. We are putting forward some Policy Option Packages (POPs) on our Strategic Initiatives that include Family Forestlands, Water Quality, Coho Recovery, Urban and Community Forestry and Administrative improvements. Also ODF Divisions have Fire Severity requests and Capital Construction for the State Foresters Office Building and a few facilities in Klamath. By your April meeting we should have some specifics on the POPs.

Tucker then provided an update on the Private Forests organizational changes. (*Handout: Private Forests organizational chart.*) Jim Cathcart has moved on to a different employer with the West Multnomah Soil and Water Conservation District. With his position open, the Division decided to take a look at re-organization. They decided to consolidate Forest Health and Monitoring under Marganne Allen's lead. It has been announced that Terry Frueh is moving to the Monitoring Coordinator position (once held by Jeremy Groom). Jim's old position is in recruitment and will manage Field Support. In the meantime, Ryan Gordon has assumed a lot of work from Jim. We have worked through a division of duties. Ryan will be the ODF liaison for the RLMT (Ritter Collaborative) and the Partnership for Forestry Education. We are drumming up a lot of business with the Farm Service Agency and the Emergency Forest Restoration Program for Baker and Grant County. Ryan will be the programmatic lead and Thomas Whittington will do the field coordination. Ryan is also lead on all NRCS work we are doing. Thomas will be working on Accomplishment reporting and field assistance. Amy Singh is our Forest Legacy Coordinator covering the Community Forest Program under Peter's management. All things CREP will go to Thomas as well as Stewardship Plans and Monitoring. Meeting representation will be: Thomas is our official liaison with Tree Farm; Ryan and I will cover OSWA Board meetings. And the State Stewardship Coordinating Committee and CFF will be Ryan, Lena and Peter as staff representatives and other staff as needed. A change to Forest Health Program, Alan Kanaskie has retired as our Pathologist but is working part-time getting the new pathologist up to speed, her name is Sarah Navarro.

Tucker added that the public offering phase for the nursery has ended. We are working on the closing process.

6. Riparian Rulemaking Advisory Committee Report – Angie Lane

Angie is the project leader for the Riparian Rulemaking project and will be running the Secretary of State Process.

On Nov. 5, 2015, the Board of Forestry voted to increase streamside shade buffers on small and medium salmon, steelhead and bull trout fish-bearing streams west of the Cascades. They determined that indeed we need to increase temperature protections for Salmon, Steelhead and Bull Trout (SSBT) in small and medium streams. The extent of the SSBT protection would extent up into the harvest unit. There are several terms that the Advisory Committee needs to discuss. One thing is that the trees within the RMA should be 'well-distributed' and we are grappling with that definition. Can we describe it in rule effectively and would it be enforceable? So the Board has appointed a Riparian Rulemaking Advisory Committee. Instead of bringing it directly to the RFPCs as this deals with policy recommendations more stakeholders will be included in an Advisory Committee as well as RFPC representatives. (Angie showed the Committee site on the public external webpage.) Their first meeting in February was the grounding meeting discussing their charter and how they would make decisions. Because of the short time frame needed to create rules, if the members don't reach consensus the Board reserves the right to decide on a course of action after being provided summaries of each position.

Their next meeting is March 22nd and they will tackle what stream layers and data to use, how it will be updated; a definition of ‘well-distributed’ and clarity of the equity relief option for small landowners. Jim James has been doing some of the work on this and will present it to the Advisory Committee.

Lane summarized what the Board decided in November. The rules will apply up stream within the immediate harvest unit above the end of the SSBT along the main stem of the Fish-bearing streams. The geographic regions are: Coast Range, South Coast, Interior and West Cascades. Not the Siskiyou or Eastern Oregon.

- The first option is a 60 ft. No-cut on Smalls and 80’ No-cut on Medium; and up to 50% of the wildlife trees can be counted in the RMA.
- The second option is a Variable Retention where all the basal area targets and standard target for smalls and mediums are described. Targets should be met with trees well-distributed in the RMA. Hardwoods can be counted equal to conifers, up to 50% of wildlife trees as well. There’s a minimum conifer tree count, for smalls it would be 15 trees in the zero to 60’ on SSBT. With medium its 30 trees.
- Option C RMA Thinning is voluntary and is to promote early/mid rotation thinning to promote wind-firm trees and understory development.
- The other options are Alternate Practices Prescriptions. So Option D, if folks want to do a ‘south-sided’ buffer prescription we would have to determine what the general valley azimuth is. It has to be within 30 degrees of east-west. You could do a 40’ no-cut on the north side and use the no-cut or variable retention on the South side.

Lane: One issue is we are going to have to rely on County Planning in applying the rule’s exemption for providing Small Landowner equity to determine if a person has a legal parcel. Parcels are formed by a legal sales contract. Not all parcels are legal. For us, if people are submitting a Notification they are going by tax lot and legal location, which is easy for us to determine. But with the parcels, it’s not mapped. It’s just something that the county does through their planning. It’s my understanding that the term, parcel, was specifically selected in the decision.

So, in order to write the rule language we are going to need decisions on some pretty key things. The timeline, we go to the Board in April with a Committee Report. In June or July we will be going to the Board with proposed rule language and after that we will file with the SOS and plan to file in August. We will go through the whole public hearing and public comment process. There are 5 planned public meetings, which is a lengthened comment process with extensive outreach to get people to hearings. Next comes the Hearing Report to the Board; then finalizing the rule language with consideration of the public comment January through September. In doing permanent rules, you draft rules that go to the SOS. Any changes in rules *have* to follow the intent from the draft. If not, you have to start over the public comment process again. The Department is allowing for that. We hope to have the rules finished and finalized and to the Board to be effective September 1, 2017. After that we have some work to do internally getting guidance ready for the field and provide training to the field foresters and updates to our FPA.

Tucker noted that Jim James and Rex Storm are members of the Advisory Committee and she asked if they could provide any perspectives on the first meeting.

Storm: There are a half a dozen definitions and questions that the Board will expect recommendations on from the Advisory Committee. It’s in the early process, we have another couple of meetings to work those out. The first meeting just laid the ground rules down and identified main issues, and questions to be determined.

BREAK

7. AFF – Western Water Threatened By Wildfire Report (<http://www.forestfoundation.org/western-water-forests-report>) - Scott Hayes

Hayes first provided background on the American Forest Foundation. The Tree Farm System is having its 75th Anniversary this year. It was born in the 1940’s by industry to promote good forest management. It spread throughout the country. They decided to create a foundation to administer the Tree Farm System and Project Learning Tree. AFF received \$160 million in a Canadian lumber settlement. The Board of Trustees looked for ways to maintain that fund into perpetuity. As part of that, the Tree Farm System needed a vision and mission going forward into the future and realized

that we have to align the markets to support desired outcomes and some policy reforms were needed. We had to get partners involved; not just USFS, NRCS, Industry, but other partners. The AFF Board adopted a new vision in the last month. Part of that is to grow the System to 200,000 landowners. Currently we have 30,000 that are certified. In Oregon, we have 650 Certified Tree Farms. Unfortunately, that number has gone unchanged since the 50th Anniversary. Causing us to question the model we have been working on, we need to find what the other 140,000 will be really interested in. We have 70 tree farm inspectors in Oregon so the capacity to increase certifications is an issue as well. The Board of Trustees developed these outcomes. AFF will protect clean drinking water for 22 million Americans. That is what this report is about, providing clean water and forest habitat for 26 at-risk wildlife species (mostly in the NE part of the system.) Certified Wood Supplies are most valued the most in the South. AFF got a \$250,000 grant from a conservation organization in the Northeast to do a Wildlife Habitat Conservation project. In the west they are looking at the East Face project as a model. The AFF Board also set up a \$5 million dollar trust endowment fund to be used to match grant monies for projects nationwide. That's where the vision that the Tree Farm is going to be going into the future. We are working with 'brand-owners' and met with GreenBlue (brand) which overarches McDonalds, Staples, Georgia-Pacific. They met with representatives of those companies to show major brandowners that Tree Farm Certified lands and products that come with Certified packaging could be options to market the Tree Farm brand.

The Board of Trustees decided to start by putting up \$5 million of the \$160 million settlement to start with. Working with that money, partnering with other cooperators to see about putting up large projects for wildfire mitigation, etc. What they did a year ago was look for these opportunities to have measurable projects regionally. Obviously, fire on the west coast was the major issue. They took data from USFS, State of Oregon, and other agencies and overlaid it with watersheds across 11 western states and found there was 145 million acres of high risk fire areas on private family owned lands affecting 45 million Americans drinking water. They sent out a survey to 20,000 landowners in those western states asking their level of activity reducing fire risk, and their motivation and what barriers they faced. Out of the survey returns, 62% said fire was their highest concern but only 25% were going to do anything about it. The survey responses indicated that high cost was the biggest barrier to treatments. And 77% of those thought costs were a barrier to forest management. 60% said if I'm going to do it, is what's the point if my neighbor isn't doing it? That and other findings are working their way into other projects in Oregon and other partnered western states. Currently we are grappling with how to do this and looking at pilot projects like the Blues. NRCS is doing Woodland Carbon, and there is a part in there for fire mitigation. If partners put money together we could attract more landowners to get that landscape level work done and with a side benefit that landowners would be exposed to Tree Farm Certification. Hayes asked for advice on the prioritization effort surrounding watersheds. The AFF have to figure out who is in the game, prioritize and identify willing partners and watersheds especially where you have these large catastrophic wildfires, your watersheds are damaged, affecting runoff and drinking water.

Evan Barnes: Water Resources, is into its second year of funding watershed enhancement to increase water supplies.

Cloughesy: The Partnership for Forestry Education is starting a new project partnering with Tree Farm and ODF based on the MyBlueMountains project and using the data they generated there on the fire risk. Our enhanced database of landowners can facilitate outreach to the Landowners in Oregon at Risk and focus on education and funding. We are hopefully going to be organizing in April or May. It's interesting on the survey that it was not only money that was stopping them but also the lack of information.

Weber: Have you had discussions about assessing the social side of the collaborative capacity and governance?

Mitchell: Do you have access to layers from the Forest Service on the watershed? There are a lot of layers to that, so you can turn on/off certain layers based upon your interest. It will come up on a general priority based on needs and the ability to do something about it. On the social side, there are people looking at the social capacity issue. There is a map through the partnership office of the Forest Service, of all the different collaboratives in Oregon that gives you one lens, the other lens is through OWEB they also have a prioritization process for watersheds. And then your RC&D are your Ag side which might actually be a good partner. Some landscapes having those entities working together is really good. Those are the social capacity organizations that could match up with your technical side.

Hayes: But we don't have a plan yet. But I think there is enough people playing the same game, CFF could write a grant proposal for a summer intern to work with Jim James. It would be a cool project. Is there a role for CFF to coordinate with these cooperative efforts?

Evan Smith: I think there is a role for the committee to serve as a convener or cheerleader but ultimately the work has to be done on the ground identifying needs for landowner-oriented collaboratives. The idea is that water will be a major driver in discussions. Perhaps we put together a summit to think about what this means, focusing on the landowner collaborative side, incentives and social network that is needed. Perhaps we should ask the East Face folks to give us an update on lessons learned.

Mitchell: One thing that is valuable is a gap analysis identifying where the private landowner is missing in the equation. That might tell you where you can add value to what's going on or see if you can join efforts already going. If there is something we can do to help with that that would be where a group like this could be effective. There is a lot known out there already.

Hayes: Just a note, Roje Gootee (CFF member) is on the Board of AFF now.

8. Fire Liability for Burn Managers – Bob Young, Fire Prevention Policy Manager

Young began by noting that Jeff Bonebrake is ODF's fire investigator and assisted him with this presentation. Disclaimer as well that he is not a lawyer and cannot offer legal advice. Fire liability is complex and it takes a lot of specifics to determine liability. The principles in the law are:

- Landowners/operators are a key part of the whole protection system.
- Forestland ownership carries a lot of responsibility.
- The responsible party should pay suppression costs.
 - Liability doesn't only follow responsibility, some may not be liable unless there is negligence involved.
- Operations are very important but carry additional risk of hazards creating fire.

What is an operation? Any industrial activity, development or improvement on forestland including but not limited to the: Harvesting of forest tree species; Clearing of land; Use of Power-driven machinery; Any use of fire on forestlands; Excluding the culture and harvesting of agricultural crops. A pretty broad definition. In addition, something the department is now facing, marijuana is an agricultural crop and fire prevention is now a topic for landowner outreach of those businesses. And being a agricultural crop does not exclude those people from liability. They have their own fire regulations they have to meet per ORS Chapter 478. (State Fire Marshall Statute) There are also Administrative Rules that cover that. Agricultural landowners are directed to build a control lines around the fields where burning is done.

Young provided the definitions of Operator and Owner as defined in ORS 477.001(20) and (21). Owners and Operators have the same responsibilities and liability. In Oregon, landowners are responsible for their own fire protection. Usually, that responsibility is met by paying the Forest Patrol Assessment or Fire Protection Association. Or met by paying through a contractor agreements with other public agencies. To keep the rates as low as possible, parties pay all or some of the fire costs, if they are a liable *and* responsible for the start or spread of the fire. An uncontrolled fire or fire without proper action to prevent the spread can be declared a public nuisance.

Sectors of Responsibility between non-operational fires and operational fires:

- Non-operational fires (not starting in an operation. Example: Lightning, public causes)
- Operational Fires – Fires resulting from operations, harvesting or other activities and associated actions.

Responsibility is dependent on how a fire started, and what negligence was involved, as landowners/operators could be expected to provide every reasonable effort in preventing and suppressing fires that is very well defined in Administrative rule. Basically, that effort is making use of the resources that are readily available to help prevent the spread of the fire. The operation requirements are having a Permit to Operate Power-driven Machinery/Notification of Operations. To follow all fire prevention rules and provide every reasonable effort/resources as described by the forester.

If fire originates while an operation is in progress there is a presumption that the operation is the fire cause. But if investigation determines the cause was not from the operation and there would be no liability.

There are three kinds of liability:

1. No liability
2. Total liability
 - Did not follow the rules
 - Was found to be negligent
 - Failed to make a 'reasonable' effort
 - Liability charged for all regular district costs + Extra costs
3. Limited liability for suppression costs when an operator has
 - Followed all the rules
 - There was no negligence on the part of the operator
 - A fire resulted from the operation
 - Liability is limited to extra costs up to \$300,000 and no district costs.

Tucker: This group wanted to focus on landowners using prescribed fire to enhance habitat, restorations, what is the process and barriers to prescribed burns? What is the liability in those situations?

Young: That's an important topic. Landowners who decide to go out and do a prescribed burn on their property need to consider several things. One is liability. They would be liable and other property owners could sue for damages. More importantly, they should be getting advice from ODF or USFS (if close by) on how to develop a plan to do a burn. Have a robust plan covering all the intricacies of putting fire on the landscape. What kind of weather conditions, what kind of equipment? Get expert advice! Considering the liability portion of putting fire on the landscape it would be to your benefit to having a robust burn plan and follow it to the 't'. But liability is a big disincentive for landowners to do anything.

Member Comments:

- The key is once it crosses onto someone else's land that landowner could file a damage suit for many variables.
- There was a lot of landowners that said they want to be reimbursed for any damage from escaped Federal fires.
- The only way to do it is have the legislature accept that risk, if that's what the public wants across the landscape let it be a public responsibility.
- There is no difference between prescribed burning and slash pile burning.
- Maybe an association or group could agree to hold each other harmless and cooperate on the burning together particularly where you have ownership boundaries that don't match the fireshed. Like property boundaries at mid-slope when fire tend to be stopped at the top of a ridge.
- Does the law allow a Hold Harmless Agreement, or could the legislature try to address that possibility in terms of the liability?
- We have a Firewise Community where we are. We are considering building a fire line upslope above the houses and back burning to the new fire line and then protecting those lines. But it isn't a popular prospect.
- The responsibility in Statute that if the fire crosses the boundary it becomes a public nuisance. Its State law. It would be good to look at the statutory framework in the southeast where they do a lot of burning and what their legal structure is.
- If we want to encourage family forestland owners to have defensible space around their houses and reduce overall fuels but are worried about fires crossing boundary lines why not look at amending the EFC fund to assume the cross land liability.
- Have the EFC paying the premium for a specialized insurance for that.
- Family woodland owners pay 67% of the Emergency Fire Costs, we are paying into it. If you want me to have a defensible space and reduce fuel loading then lets tap into the Emergency fund to pay for that liability.
- It sounds like a question for the Fire Program Review Policy Workgroup.

Getting the right kind of help, the right kind of experience is very important, either the department or some contractors with experience. We want people to be fire safe. There are a lot of situations that would benefit a lot of people if we could get that done. ODF does it in some places, but liability is an issue for the State as well. I would say all districts would be interested in partnering up and helping the best they can to help you plan and to a certain extent execute.

Weber: Right now do you have a set of rules or criteria for a well-planned fire? Would you have to come up with new rules or criteria for that?

Young offered that the criteria is already out there. Prescribed Burn Plans are put out there quite often between USFS, BLM and some private landowners. A template for a Prescribed Burn Plan would not be difficult to come up with. If a landowner not familiar with fire a template could show what the parameters are to do that. That's where the expertise would have to come in and help out.

Action Item: Young: Rex Storm will bring this discussion forward to the Forest Policy Workgroup.

9. USFS Ex-Officio Appointment – Ed Weber

Meg Mitchell re-introduced herself as the Forest Service Regional Forester liaison here in Salem for the Forest Service. She had attended this committee previously to discuss the Good Neighbor Authority which is to be signed later this month involving both USFS, ODF and ODFW. Other issues she has been working on are strategic issues having to do with the Good Neighbor Authority and how it intersects with the State's program for the Federal Forest Health Program so funding can work both ways. She works on any barriers that are happening in fund transfers. Some of those are strategic issues. She expressed her interest in climate responsiveness mitigation and adaptation and how Oregon is changing its energy, and ecosystem services markets. She is working on an issue now with DEQ on some mining issues, the State moratorium on Suction Dredging and how that affects Placer Mining. Both the State and Federal lands have mines and permitting authorities over mining and looking at being more effective and efficient in terms of permitting process and mitigating effects. And additionally in the event that enforcement is needed, how that can be done more seamlessly.

She is also involved in the Fire Review representing the Forest Service and the Federal Forest Working Groups, the State Governor's sponsored collaboratives and is available to answer questions about the Forest Service or help people with issues. *[Mitchell stepped out of the meeting as the members discussed her appointment.]*

Tucker explained that Ex-Officio members are appointed for two year terms with no maximum number of terms. We switch our terms July 1st every two years. Mitchell would be taking over Cindy Glick's term. Committee members discussed Meg Mitchell joining the Committee as an Ex-Officio USFS representative. Evan Smith Motioned to appoint Meg Mitchell as Ex-Officio for the Forest Service. Motion seconded by John Peel. All were in favor, none opposed. **The Motion passed to appoint Meg Mitchell for Ex-Officio to the Committee.**

LUNCH

[Agenda changed to facilitate speaker's time.]

10. CFF Role in the Ritter Land Management Team (RLMT) processes – Ryan Gordon, ODF Family Forestlands Coordinator

Gordon visited Ritter Valley and has had communication with Emily Jane Davis, OSU. From his perspective, as a social scientist, and having worked collaboratively with Natural Resources, this is a unique project both in inception here in the committee and the way that the collaborative has really grown and taken ownership to drive their own development. Which is what you want to see with a project like this. With collaborative groups working across the landscape there is not a one-size-fits-all plan. We have an opportunity to learn some great things about how these social processes can be successful. There are a lot of 'ingredients' depending upon where you are working. This particular group especially as it is in Grant County is very unique. And that uniqueness is part of their success. It's a really great model. If we look at doing this in other places we need to know what that 'recipe' includes.

The Collaborative has been a lot of work for OSU Extension. He reported in talking with Emily Jane Davis and Jim Johnson, OSU is actually helping subsidize the project covering the coordinator's time as well as Emily Jane's. It is high on their list of priorities. Ryan sees his job as helping to get any obstacles out of the way and coordinate the resources they need from ODF to get where they need to be and find ways to do the work they want to do. The only closing thoughts that I had are; thinking into the future, it's always a challenge to determine what the ramp down process or next steps is. They have made some great groundwork to bring in some additional funding for work on the ground and some kind of coordination. But funding capacity for collaborative groups is very difficult because they don't want to pay for it. Capacity dollars are the challenge. Once the Western Competitive Grant dollars run out, what does the financial situation look like, and can they maintain the same level of coordination as they have had? Have they had that capacity funding long enough to provide a foundation to piece together these grants? It may be a challenge for them. For CFF? It depends on the role this group wants.

Some basic updates:

- Worked with the Grant SWCD to finalize their Strategic Action Plan and I believe it's done and approved. It will work with OWEBs FIP funding or a RCPP (Regional Conservation Partnership Program) Grant through NRCS.
- They continued working through the Discovery Tool, at last report they had completed work with 22 landowners with over 60,000 acres. Which far exceeds the original grant narrative described, with 12 landowners and 10,000 acres.
- There are moving forward on the next phase with 9 additional landowners with 7800 acres.
- They also adopted an initial Mission and Vision Statement and complete Operations Manual. Having those basic governance structures in place are incredibly important and the most difficult to pull together. That is some really amazing progress as well as simultaneously getting some work done on the ground.
- The landowners have been working with NRCS and enrolling in their cost-share programs for fuels reduction, juniper abatement and aspen restoration work. That's ongoing.
- Worked last summer some ODF fire crews did some pro-bono Juniper removal as training for fire crews out of John Day which was match for one of their grants.
- They are working on a Title II Grant. Initially, for \$200,000 to the County and now they have backed it down to \$60,000 to 80,000 dollars and is close to being approved.
- Looking to OWEB for help with juniper and riparian projects.
- With ODA working on noxious weed projects.
- Eyeing the Focused Investment Partnership Program (FIPP) and RCPP through NRCS.
- Created an agreement with the Monument SWCD and they are going to help them assemble an OWEB proposal.
- On the communications side: they have been working on regular communications, the Ritter Ramblings twice a year and are moving it to quarterly. We are helping them develop a website. Some more workshops are coming up working with OSU Extension.
- To supplement their funding, we have the Ritter Collaborative Western Competitive Grant and Partnership for Forestry II Grant which is also I think, Western Competitive. We are working at leveraging some of the Partnership II grant funds to support the outreach work and workshops that OSU is doing. Also to free up their other funding.
- In terms of ODF involvement some of the cost-share work that was done with the Juniper Abatement.
- Ryan Miller, Stewardship Forester out there is going to be some photo-point monitoring for them.
- Rob Pentzer, John Day Unit Forester is interested in remaining involved with them. Everyone is stretched pretty thin with the Canyon Creek Fire out there last year.
- Also, the group has expressed the desire to work more closely with Extension rather than with a State or Federal agency.

RLMT News:

Curt Qual has announced his resignation beginning April 8th. Emily Jane Davis, and OSU Extension are working on hiring a replacement and Ryan Gordon has offered help in that process. The grant is valid through December 2017.

Action Item: Gordon to provide the Strategic Plan to the Committee members for review.

Cloughesy: The real question is what's the role for CFF? We were the Steering Committee, and now the Advisory Committee. Roje has been the liaison, but her term with us is up soon.

Weber: Going to that point, I would like to see an **Action Item** in April, to have us think about what kind of role we as CFF wants to play with Roje leaving we will need to tackle that issue.

Cloughesy suggested another review the Eastside White Paper for ideas. One of the options that we looked at early on, was that NFJD Watershed Council would be the home rather than OSU Extension. In fact the NFJD is very involved in the Umatilla Collaborative but there were some personality conflicts and that didn't work. That's the most functional Watershed Council in terms of the SWCD, The Ritter Land Management Team has contracted a lot with the Grant SWCD and Monument SWCD. So there is are involvement. The Executive Director is a member of the Collaborative. OSU Extension is seen as the unbiased third party in the area. It would be hard to switch it. Grant S&WCD has done exceptional work.

Gordon: What about sharing back office resources? From the management side it makes a lot of sense. The difficulty is implementing those relationships on the ground because there is a lot of resistance regarding agency assistance. Worry that their core identity in the process would be lost to outsiders.

Mitchell: The question is how to maintain identity while still sharing the common resources which are difficult to fund. Is there something we can do to put an "and" instead of an "or". Because ultimately funding will become the limiting factor and also the skill base to become a facilitator in rural areas.

Gordon: I agree with you. For a long time I tried to make the argument that in partnering and collaborating you enhance your identity and enhance your group's credibility. But it is still difficult to feel they are maintaining their autonomy and independence.

Mitchell: If the State could come up with a way to finance groups to try and use the "and" and facilitation resources would but more incentive in the pot. But no one wants to fund the overhead.

Gordon: It takes a lot of capacity to bring those grants together.

11. Fisher Candidate Conservation Agreement – Jennifer Weikel, ODF Wildlife Biologist

I was asked to present information regarding the possible listing of the Pacific Fisher and Candidate Conservation Agreement for Oregon. Pacific Fishers are a cat size animal larger than weasels. My role has been as a tactical member of the group, but there has not been outreach to date to landowners. Weikel provided a handout of talking points and some news articles of action in other states.

Fishers historically resided in Oregon's Coast and Cascade Ranges at relatively lower elevations. Their cousins, the American Marten are at higher elevations. Populations are dwindling because of trapping, habitat removal, road kill and rodenticides. Currently in Oregon there are two populations. A native population in Southwest Oregon from Grants Pass south and to the coast. Then there is an introduced population near Crater Lake. So they were petitioned by the Center for Biological Diversity to add Pacific Fishers to the T&E list back in 2000. In 2004 Fish & Wildlife added them to the Candidate Species List with the determination of listing as warranted but precluded which means that there was informational evidence that the species warrants being added but because of priorities they didn't have the time or resources to do it. The Center for Biological Diversity sued Fish and Wildlife Service over lack of action on quite a few candidate species, the Fisher was one of them. As part of the settlement, they agreed to address the backlog of species. Originally, they were supposed to have a decision in October and it was extended due April 7th. So really quite recently, there has been a huge push for conservation actions for Fishers. A lot was led in Washington where they were extinct. They have been doing a huge re-introduction effort. In California, they have done more recent re-introductions in the Sierra Nevada Range and in Oregon we are not quite there yet, but interest and momentum has increased to have re-introductions into Oregon.

Because of this, there is now a corresponding effort to deal with some regulatory assurances for landowners. Given the momentum on the re-introduction effort and possible listing, very recently, there has been work going on to create a CCAA agreement written. It's been on a very fast track. The CCAA has mainly been led by OFIC as well as subset of the member companies and the Fish & Wildlife Service. The Washington effort was a little ahead of Oregon. Oregon landowners saw that and are pushing that forward. Involved are the Fish & Wildlife Service, OFIC, and ODFW, ODF and Nick Palazzano, Wildlife Specialist for State Forests and myself. CCAA is similar to a Safe Harbor Agreement, only for candidate species. It's a voluntary agreement where a non-federal landowner and Fish & Wildlife Service makes an agreement that in exchange for conservation actions you would get regulatory assurances so if the species becomes listed you aren't responsible for 'take'.

In Oregon, there is a draft of the document that will come out in the Federal Register next week. The focus of Oregon's CCAA really is on two things as far as conservation actions. It's not habitat-based, it's really on the population monitoring. Oregon through ODFW's input is putting focus on monitoring to know where the populations are and secondarily, re-introduction efforts. A lot of what's involved as far as conservation actions goes, is about collared females and den sites. Fishers do move a lot. The protection that's considered follows these animals as they move multiple times during breeding season. The actions that are being requested, revolve around collared females, they are asking landowners for access for monitoring. If they are denning, what it says is that, if you already have a timber operation underway, any non-habitat removing activities would be allowed to continue, like yarding, hauling logs but habitat-removal activity, like timber harvests would be halted within a quarter mile till the animal moves.

The other request is to agree to not trap or poison nuisance animals within 2.5 miles of a denning female and submit a plan to the Fish & Wildlife Service indicating how the enrollee will contribute to the program of work. Those are recent additions and haven't been reviewed yet. What the landowner would get is the Agreement is for 30 years, if the species is listed, and you have enrolled and agree to modify your operations and provide access, you would get regulatory assurances that if you cause a take, you wouldn't be held liable.

The timber companies in particular are providing funds as part of their contributions. But contributions are definitely not required. Small landowners are eligible to enroll in this and they said priority for enrollment would be within the existing range or planned introductions. They would prioritize agreements based on conservation contribution. The timing is crazy. It will be in the Federal Register next week with a Public Comment period. So landowners can formally comment. There is a timing connection here between the CCAA and the listing decision. If the CCAA gets approved, but the if the species is already listed the CCAA is null and void. But there is a 30 day window. If you have a CCAA and a species is listed you can get an application in within that 30 days window. I am asking to get the word out in Southwest Oregon and start engaging early with the Fish and Wildlife Service. Because if it happens it will be listed on April 7th and then there is a 30 day window till the end of May for applications to come in. After that it will be a different agreement.

The Sage Grouse was the model for this. The hope is that all the effort with Conservation actions and CCAA the Fish and Wildlife Service will be able to agree the listing decision as no longer warranted.

Cloughesy: What habitat do they nest in?

Weikel: They're in older seral forests, but are adaptable. The main habitat component they need is large dead wood. The main risk would be, most re-introductions would be on Federal land. So the main risk for landowners is animals moving onto private lands. As part of the work there have been 7 companies as well as our State Forests Division sending Letters of Intent for a lot of acres enrolled. If the species is listed, then the work done can be used in drafting a Safe Harbor Agreement and HCCP. It would have a greater demand. It's been illegal to trap Fishers since 1900. But they do get caught in 'boomer' traps. The timing of this decision is too quick to anything other than get the word out. It's now hitting the Capitol Press which will help. Formal comment is publically requested during the CCAA period but we are unsure if there is public comment on the listing decision.

Tucker: The OSWA Board meeting is next week and we can do the same presentation there and at Tree Farm and ensure that the Extension Agents know. It could be something like CFF encouraging family forest landowners to take a close look at what a CCAA would mean for them and the management objectives.

Weikel: Yes, I'm not sure when you can apply. As far as evaluating risk, it certainly would effect small landowners managing on longer rotations, with possible re-introduction in the North Cascades. At one time they were throughout the state.

Bonnie Shumaker **Motioned to put a letter out to the Board**, John Peel seconded. All were in favor, the Motion for drafting and delivering a letter passed. Lena to carry that to OSWA and Tree Farm. Jennifer to reach out to Stewardship Foresters in Southern Oregon.

Action Item: Cloughesy to get contact information for Extension there.

Agenda Item: Weber requested that the members acquaint themselves with the summation Bald Eagle comments from December. He had tried to identify themes from the presentation and brief discussion. Jennifer Weikel and Lena Tucker have reviewed it for suggestions. The plan is to put it on the April agenda for full discussion in terms of how we want to proceed with the potential rulemaking process. The Bald Eagle report will be presented to the Board in April for a June decision.

12. Tax Symposium Final Report to the Board – Mike Cloughesy/Ed Weber

Mike Cloughesy had drafted a final report to the Board of Forestry on the Tax Symposium. He asked for final review to send on to the Board as information. Tammy Cushing had already reviewed it.

Comments:

- What I noticed from that group is they were not the normal OSWA and Tree Farm folks, new recruits. A great program!
- So should the number and makeup of the symposium should be noted up front? Add a number and quick phrase describing the audience.
- Why not start off the whole paragraph by saying, 265 persons attending the Tax Symposium in Corvallis?
- Under Income Tax, I remember that there was discussion on deductible expenses, but there is nothing noted on that. Any management expenses that are deductible, not just reforestation. Only 60% of landowners use deductible expenses.

Action Item: Cloughesy to send edits to Susan to finalize letter. [Cloughesy noted the original objective was that this be a report to the Committee, not necessarily a letter to the Board.]

Action Item: Tucker and Dominique can work on format changes and finalize it as a Letter to the Board signed by the Chair representing the members.

Agenda Item: Weber requested that the Seedling discussion be postponed to the April meeting. One of the things agreed upon was the Chair provide a summary to facilitate the discussion. Mike Kroon, Don Kaczmarek and Ryan Gordon should be included in the discussion.

Peel: I have had a conversation with a member of the Umatilla tribe about the Seed Bank tour and availability. Is there a webpage for that?

Action Item: Check external site for Seed Bank information. [*Note: Contact J.E. Schroeder about information to post for the Seed Bank.*]

Storm: Regarding the website, are there plans to put things on the external site that used to be there? I'll be frank it it's about a 'B' grade site and downgrading to a "D".

Tucker: If there are specific things you need to see please let us know.

- Log price information used to be on there.
- Timber Harvest data.
- Family forest information

Dominique: There has been a difference in objective for public website postings. A difference of opinion on what should a public view and what the public stakeholders may need. A lot of information was purged in changing over to the new site.

13. Action Items/Meeting Schedule:

The next meeting dates were agreed upon as:

April 25th, May 23rd, and tentatively June 9th or 10th in conjunction with the OSWA/Tree Farm Joint Annual Meeting in June in Baker City. They will be Board meeting the evening of the 9th in Baker City and then the Outstanding Tree Farmer of the Year Tour also another tour with a focus on the effects of fire. We could meet offsite in Baker City and have the CFF meeting during the tour, or on the 10th. Room block for accommodations at the Best Western Sun Ridge.

Action Item:

- Lena to work with Jim James regarding their agenda and room availability. Susan can work on coordinating travel and lodging.
- Susan email all the dates out to members ASAP.
- Hayes suggested the committee to work on incentives for family forestlands, for introduction to the Legislative session. Such as tax credits for RMA, property tax offsets for riparian rules, conservation easements etc....
- Lowering regulatory barriers would simplify landowner's compliance. One of the questions then would be identifying someone to address that to us. Peter Daugherty or Thomas Whittington?
- Removing prescribed fire barriers? Storm to take to the Fire Review process.

Agenda Items:

- Seedling Discussion
- Bald Eagle Topic
- Policy Option Packages
- Update on Riparian Rule
- Fisher Update
- Annual Report (Due in July, start work in April)
- Discussion on how we might carry the RMLT Collaborative forward or expand on that. (Roje's last meeting.)
- Fire Committee work update (Tucker or Doug Grafe?)
- Asian Gypsy Moth treatments in Portland in May (Wyatt Williams for May meeting) and Emerald Ash Borer
- Salmonberry Corridor update (Cafferata?)
- Initiative petitions? For the November ballot. Small Landowners need to be aware.