

Combined NW & SW Oregon Regional Forest Practices Committee Meeting Minutes – September 19, 2014

Pursuant to public notice made by news release with statewide distribution, a combined committee meeting of the Northwest and Southwest Oregon Regional Forest Practices Committees [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on September 19, 2014 at the Willamette Nat'l Forest Supervisor's Office, 3106 Pierce Parkway Suite D, Room 215, Springfield, OR 97477

[These minutes provide a summarized version of discussions with formatting for ease of understanding and should not be considered a transcript of the proceedings or of individual comments.]

Committee members present:

Chris Jarmer, NW Chair
Mike Schlaefli, SW Chair
Candace Bonner - NW
Tally Patton – NW
Mike Barnes – NW
Mike Maguire – SW
Dave Erickson – SW

Dana Kjos – SW
Sanford Hillman – SW
Mike Meredith – SW
Dale Cuyler – SW
Jon Stewart – NW
Randy Silbernagel – NW
Jim Hunt – NW
Steve McNulty - NW

Not in attendance:

Wendell Locke - NW
Sanford Hillman - SW
Eric Farm - SW
Daniel Fugate - SW

ODF staff present:

Peter Daugherty
Paul Bell
Kyle Abraham
Lena Tucker
Susan Dominique
Scott Swearingen
Paul Clements
Terry Frueh
Marganne Allen
Mike Totey
Keith Waldron
Jay Walters
Jay Morey
Dave Lorenz
Jeff Burns
Jeremy Groom

Guests present:

Rick Barnes, Committee for Family Forestlands
Gary Springer, BOF
Rex Storm, AOL
Eric Geyer, Roseburg Forest Products
Jake Gibbs, Lone Rock Timber
Maryanne Reiter, Weyerhaeuser
Joe Holmberg, Tree Farm System
Jim James, OSWA
Keith Curtis, OFIC
Jeff Light, Plum Creek
Gene Stevens, Rosboro

Call to Order

NW Chair, Chris Jarmer called the meeting to order at 9:05 a.m.

Item 1 – Welcome and Review of the Agenda

- Roundtable introductions were made.
- Review of Agenda

Item 2 - Housekeeping

- Approval of 1/30/14 and 8/27/14 Minutes of the Combined Committees.
 - Silbernagel Motioned and member seconded to approve January 30th minutes were approved without opposition but with one edit.
 - Motion made and seconded to approve August 27th minutes with edits provided.
- Public Comment was called. No comments were offered at that time.

Item 3 – Compliance Audit 2013 Report – Paul Clements, ODF Private Forests Compliance Coordinator

[PowerPoint presentation: *2013 Oregon Forest Practices Compliance Audit Results and Considerations – Link:<http://www.oregon.gov/odf/BOARD/RFPC/RFPC%20Compliance%20Audit%20presentation%20September19.pdf>]*

Objectives of the audit were to look for any variance, high or low compliance rates, the scale of impacts to resources and how it compared to previous audits. There were 200 sample sites in private industrial and non-industrial forestlands. Field protocols were to assess resource impacts of sediment delivery, metallic or petroleum waste, stream channel disturbance, loss of shade and disrupted hydrology. In a competitive process, Barnes and Associates, Inc. was selected as the contractor.

If there was a non-compliance that did not portend resource damage, it was not included. Areas of lowest compliance at less than 80% compliance were:

- Removal of temporary road crossings
- Minimization of sediment from temporary crossings
- Machine entry into wetlands
- Effective filtering at stream crossings
- Minimizing slash in small N Streams, lakes and wetlands

We look to focus on these conditions in our educational outreach as an ongoing effort. There is a new audit in planning for 2014 and 2015. The determining factor in selection of operation, is whether they said they intended to harvest timber. On the west side the density of streams makes it an anomaly if a unit didn't have a stream, compared to the East side. We randomly selected 300 to get to the 200 sample sites required. We found that the precision of management suits the need of stream types and wetlands so stream and wetlands definition is important. The process drives the results, results drive values. This report is on the September BOF Report minutes.

Discussion:

- Part of the process was to look at the compliance, the other part was to use contractors to collect data. How does the department feel about the effectiveness of that and recommendations as you move forward?

We limited ourselves to quantifiable or discreet rules. I think it will be more challenging but not impossible to move to more qualitative assessments in the field. The real challenging part of that would be calibrating the contractor with us and be able to do the 10% QAQC. How do you put that into a contract? It would also be a problem to have it fully staffed at peak fire times. I think the structure of the audit is pretty unique, I think we are the only state to use independent 3rd party contractors. Because of that it is a really unbiased process.

Item 4. Riparian Protection Standards Rule Analysis – All

[Handout: Board Direction summary letter on Riparian Rule Analysis from September Board Meeting.]

Chris Jarmer introduced the topic and direction the Board gave the committee, and the Board's current expectations. The operative direction is ... "to develop prescription for a new Riparian Protection Rule designed to meet the Protecting Cold Water (PCW) criterion to the Maximum Extent Practicable (MEP)..."

I. Where should the stream prescriptions apply? (Which Geo-regions?)

Peter Daugherty summarized the results from the systematic review. While there were studies across the western Oregon geographic regions the results were equivocal on whether the regions behaved the same or differently. Peter then discussed the assumptions made for current rules. For small fish streams, the

current rules treat all five regions as the same (standard target = 40 sq. ft. /1000 ft.). For medium fish streams, the current rules treat the coast range and south coast as the same (120 sq. ft. /1000 ft.), the interior and western cascade (140 sq. ft. /1000 ft.) as the same, and Siskiyou (110 sq. ft. /1000 ft.). The RipStream sites were located primarily in the coast range with some sites in the interior.

Discussion on Geo-regions:

- The Siskiyou region should not be included for lack of data and indeterminate need and needs more monitoring.
- It make sense to apply to the four geo-regions: North Coast, South Coast, Southern Oregon and Interior Cascades.
- The knowledge base needs to be increased research for the east side and that monitoring could include the Siskiyou region.
- The data came from two geo-regions and applying the rule would make sense to equate the data to similar regions.
- The outcome we need is to meet the PCW standard (temperature) on SSB streams; shade affects temperature. How does the geo-region affect vegetation?
- The geology, and soil and hydrology differences would also have a high impact.
- ODF geo-regions are based upon EPA Ecoregions.

Summary of initial discussion on this topic: : The rules should apply to Coast Range, south coast, and interior and western Cascades geo-regions.

II. To what stream extent should the prescriptions apply?

Discussion on stream extent:

- Additional stream/fish surveys will be very expensive, so not practicable.
- Approximate the extent to where the SSB are present and then determine how far up the stream it applies.
- Focus on minimum impact to landowners.
- Discussion on using the historical or current ODF&W layers.
- The standard involves a sub-set of fish streams to which the PCW criterion applies, those that have salmon, steelhead, or bull trout (SSB). The concept of Point of Maximum Impact says where one measures the increase.
- The second part of the policy question is how far upstream do we have to go to not have an impact downstream and how should we treat non-SSB tributaries, to SSB streams.
- There was discussion of the Oregon Department of Fish and Wildlife maps of current and historic distribution of salmon, steelhead, or bull trout. The current distribution is presence within the last five breeding seasons. The historic includes areas that may currently have human-made barriers. There is a large difference between the SSB streams and ODF's fish streams. The SSB layer does not include cutthroat trout.
- There was discussion about the current approach to fish and non-fish classification.

Summary of initial discussion on this topic: Use ODFW current and historical distribution layers and use historic distribution for where any rule or voluntary measure would apply. Develop a process analogous to current process for extending or excluding stream reaches based on actual SSB presence

verified by survey or due to permanent or natural barriers. Do not include non-SSB streams (either upstream or tributaries).

III. What constitutes a whole and complete prescription?

Discussion:

- Easy to implement in the field. Simple would be a no-cut option.
- Complexity provides for greater flexibility. But adds to State and private cost.
- Needs to be defensible.
- Stay within current measurable rules, basal calculations.
- Use of tree counts, slope distance, basal area in order to get the most value from the lands.
- If fish presence is an unknown, do you treat it as a Fish stream? If so how far upstream does it apply?
- An alternative practice option would be if a landowner could determine fish species, but this would not be practicable.
- We can have both complex and simple rules; they are not mutually exclusive.
- Keep it close to what we have now. Discussion regarding the working definition of Maximum Extent Practicable (MEP) on average and across the landscape when using Best Management Practices (BMP) whether it would create a measurable difference.

Summary of initial discussion on this topic Categories of prescriptions:

As complexity adds to State and Private costs, simplicity is favored (no-cut), but options for alternative prescriptions can give the landowners flexibility in applying the rule to maximize their value.

No- Cut Prescription discussion

Peter Daugherty suggested that one approach would be to have a single fixed-width that would apply to all units, so that on average across the landscape harvest would meet the PCW. He also suggested that there could be a fixed-width buffer rule that would vary the required width based on basal area of existing stand. He asked committee if they could implement a fixed-width buffer based upon basal area.

- Prefer slope distance in determining no-cut versus horizontal
- Include hardwoods in basal area.
- Keep 1000' approach for basal area.
- Fixed width buffer based upon basal area.
- Using an average width across the landscape.
- For a fixed width No-cut it would be an average or some type of minimum distance from the high water mark and kept over the entire length.
- Decrease diameter to 6" and above for basal calculations on conifers and hardwoods.
- 250' on tree count which is intended to ensure even distribution.
- Fixed width buffer based on basal area if inside the default width.

Summary of initial discussions on this topic:

- Change the 1000' to a rate per distance.

- A fixed-width buffer would be defined as an average width with some minimum distance.
- Decrease diameter to 6" and above for basal calculations on conifers and hardwoods.
- Utilize tree counts for small F-type streams just as we do for Medium and Large F-Type Streams.

Variable Retention Discussion:

What we have in place now is a variable retention; the number of trees and where to leave them is applied. Is there something that needs to be fixed under variable retention? Many consider this a 'thinning' prescription but it is more a No-cut that is accommodated on the ground to conditions, we may want to look at making it truly variable.

Summary of initial discussions on this topic: The consensus was that the current variable retention rule works, so keep the approach the same, but change the basal area and tree counts. Discussion of preferences above apply:

- Prefer slope distance in determining no-cut versus horizontal
- Include hardwoods in basal area.
- Keep 1000' approach for basal area.
- Decrease diameter to 6" and above for basal calculations on conifers and hardwoods.
- Use 250' on tree count to ensure even distribution of trees in buffer.
- Fixed width buffer based on basal area if inside the default width.

Shade-based Alternative Prescription Discussion:

- In looking at RipStream sites in terms of where the PCW was exceeded the most, post-harvest sites that met the PCW had 85%+ shade and sites that failed had less than 70% shade.
- A shade model could be developed to inform shade effect.
- Add more monitoring to measure temperature and shade in random average harvest sites to provide more understanding of how temperature responds to treatments.
- We have data on shade from the Systematic Review.
- Basal area is a surrogate for provided shade.
- On Small F-type streams looking at a 50' no harvest.
- To raise awareness there is a construct of Desired Condition, if we start to change rules we may have to reconstruct the purpose of the rules.

Plan for Alternative Practice Discussion:

There was a discussion of the difference between an "alternate prescription" and a "plan for alternate practice". Peter Daugherty indicated that he thought the Board's intent was to develop some alternatives that would allow flexibility for landowners. The Board wanted to have more specificity than just referring to the plan for alternate practice rule, because the plan for alternate practice is not used very much because of difficulty developing and approving. He suggested that the particular term was less important than developing ideas.

Discussion:

Should develop the shade-based alternative discussed above

- Can you incorporate time into this method, by allowing time for understory vegetation to develop and provide shade post-harvest?

- Shade component has to be met with trees, not just understory vegetation to meet the recruitment need for large woody debris.
- Meet current basal targets with a shade overlay.
- Heavy understory might over-estimate shade.
- Use of an Angular Canopy Dens-O-Meter to measure pre- and post-shading, included as an Alternate Plan?
- Consider an Alternate Prescription for aspect or effective shade.

Other Discussion:

- Should develop a monitoring program to that would evaluate random sites to figure out how well we are doing in practice as we implement the rules.
- The rule process needs to address how the rule considers wildlife trees in prescriptions. Want to know how they are counted and how would they interact with a new prescription.

Continued Discussion on To what stream extent should prescriptions apply:

The PCW criterion doesn't apply to all pieces of the stream network but to all sources taken together at the point of maximum impact where SSB are present. But it's obvious that if it applies at one point, it may apply further. It applies where Salmon, Steelhead and Bull Trout (SSB) are present, therefore whatever we do must be designed to meet it for those streams. But how would we know which streams those are definitively? If we have perfect knowledge of where SSB are present, then you ask how far upstream do we have to go to not have an impact downstream? There has to be an option to say, we've got this wrong on extent or alternately we didn't go far enough up.

- Discussion on need for additional surveys to determine fish use/species on smaller waters. Do we recommend that additional fieldwork is done and if so by who and how do you accomplish it?
- (Member) I live on 160 acres with 100' of M F type stream. I have worked to create habitat but there is a blockage that doesn't allow salmon to come up. It is still classified as an M F Stream. What do you do about that? When I put in a NOAP I need to apply for an Alternate Practice to be able to modify the basal area component within my RMA. To try to identify stream segments will be too onerous.

Daugherty: Artificial barriers do not count in the classification of streams, only natural barriers. Recommend using the historic distribution as a starting point rather than the current distribution.

Allen: For fish above artificial barriers there is an exception process in place for where a barrier may not be removed within a rotation.

- One thing I hoped we could put into consideration is that a lot of money has been spent on determining fish presence and to go back and determine fish species distribution is not some place we would want to go, either putting that on the state agencies or landowner themselves, the cost statewide to do a fish species determination makes it impractical.
- There is a big difference between SSB in our fish stream network. As Chris has mentioned the ODF&W layer covers a lot of large streams and a fair amount medium but maybe only a low (10-20%) percent of smalls. So the distinction between applying the rule with the current layer or for all fish streams is a big difference.
- If this committee is charged with finding out what is practicable, from a landowner perspective or State perspective, I would prefer the state to tell me where to apply these new rules.

- If we can use the current data and current distribution, which is probably less than the historic, and not go above the PCW in those streams and limit regulation to that. We can put focus on minimizing it. We are trying to meet the Cold Water Standard and that specific temperature, we are not trying to meet a biological standard, because there isn't one.

Decision Point: Are we suggesting to hone in on current and historic layers from ODF&W with a verification process using surveys as opposed to creating an escape clause?

We were given very course numbers at the BOF meeting but we still have a lot of unknown streams in our regulatory stream layer. We are in the process now of classifying all unknowns as Fish or Non-Fish based on the watershed analysis' in drainages and the modeling approach. We are not going to make use of that for regulation but will use that to come up with a more accurate comparison. I can give you some numbers about the difference, but those are probably an underestimate because the unknowns could have been fish streams but not salmon streams.

- We need to use what information we have and move forward.

Jarmer: All in agreement?

[Yes.]

Jarmer: I would say not to extend up past historic ranges, or tributaries past the SSB streams.

Daugherty: In summary, a new prescription would involve:

- A 6" diameter minimum limit
- Counting hardwoods for basal area
- 1000' basal area target
- Narrowing the distance length for tree count.

Daugherty: If voluntary, the EPA will want a performance measure and regulatory backstop. With a backstop it might influence the decision to approve of voluntary measures.

This discussion will be summarized in a staff report to the BOF with summary of discussion and range of prescriptions we would like to develop further.

Item 6. Action Items from today's meeting

- Operator of the Year Tours

In review, the NW Operator of the Year Tour dates are October 7th as the primary date, October 8th as backup. SW Tour will be on October 15th. We generally use our 4th quarter meetings to vote on the Operators.

- Scheduling future meetings

The next regular work session is scheduled for November 12th at the Willamette National Forest Office, Springfield from 9am – 3:00pm.

The Combined meeting was adjourned at 2:30pm.