

# Combined NW & SW Oregon Regional Forest Practices Committee Meeting Minutes – January 22, 2015

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 January 22, 2015 at the Weyerhaeuser Office, 785 North 42<sup>nd</sup> Street, Springfield, OR 97477

*[These minutes provide a summarized version of discussions formatted for ease of understanding and should not be considered a transcript of the proceedings or quotation of individual comments. The member comments are noted as bulleted items.]*

## **Committee members present:**

Mike Barnes, NW Chair  
Brian Schlaefli, SW Chair  
Candace Bonner - NW  
Tally Patton – NW  
Scott Gray – NW  
Dale Cuyler – SW  
Dave Erickson – SW  
Steve McNulty - NW

## **Not in attendance:**

Mike Meredith – SW  
Eric Farm – SW  
Sanford Hillman - SW  
Jon Stewart – NW  
Randy Silbernagel – NW  
Jim Hunt – NW  
Daniel Fugate – SW  
Dana Kjos – SW  
Mike Maguire – SW  
Wendell Locke - NW

## **ODF Staff present:**

Angie Lane  
Peter Daugherty  
Paul Bell  
Lena Tucker  
Kyle Abraham  
Susan Dominique  
Terry Frueh  
Marganne Allen  
Jeremy Groom  
Steve Kendall  
Dan Menk  
Jim Ewing  
Jay Morey  
Mike Totey  
Robin Biesecker  
Stu Otto

## **Guests:**

Eric Geyer, Roseburg Forest Products  
Jim James, OSWA  
Rick Barnes, CFF, Barnes & Assoc.  
Maryanne Reiter, Weyerhaeuser  
Ted Lorensen, OFIC  
Rex Storm, AOL  
Clair Klock, Klock Farm and Clackamas SWCD  
Randy Hereford, Starker Forests

## **Call to Order**

SW Chair, Brian Schlaefli called the meeting to order at 9:05am.

## **Item 1 – Welcome and Review of the Agenda**

- a) Safety Introductions
- b) Roundtable introductions were made.
- c) Review/Changes to Agenda – None suggested

## **Item 2 - Chair's Announcements**

The Chair instructed guests attending that comments will be welcomed if fruitful to the discussion but asked that guests let the members comments lead.

## **Item 3 - Housekeeping**

- a) **Formal Public Comments**

Clair Klock: I represent Klock Farm, Multnomah County and Clackamas SWCD. What brought me here was increased interest in the Forest Practices Act and the work of Committee itself. When I checked into what I was able to cut on my property with an N-Class Stream, I could cut everything. That seemed extreme to me as my stream was a tributary to a fish bearing stream and I found that not only cold water but also sediment load would be increased on that stream. I am retired and have worked part time for the SWCD for a number of years. The SWCD, ODA, NRCS worked with agricultural workers to increase cold water and decrease sediments. I am trying to get more information through the minutes and what this committee does and FPA requires. As you know it really doesn't make any difference what we do in the Ag areas, if it's coming from upstream. And the same thing, no matter what you do in the forested areas, it can get buggered up going down through the Ag or city lands, it's the same mess. Hopefully I will be able to participate in future meetings.

Rex Storm, Assoc. Oregon Loggers: I know the Regional Committees are working diligently to identify additional or incremental changes to add shade. That's not an easy task. But what I would like to do is to call your attention to one measure that might not be evident to add shade and to account for additional shade. Granted this might not be the only solution but might be one of the incremental additions that you could consider. And that is, currently there is a significant amount of voluntary contribution to shade that landowners do on their own but they don't necessarily report that to anybody. They may be leave extra trees and larger buffers, or rope off their buffers and don't even attempt to manage the basal area of their buffer. So they may be leaving additional trees above and beyond what is required by the FPA. So to document any additional measures that add shade to the stream buffers we craft a mechanism where ODF during the Notification and Inspection Process could become the accounting agency to account for the above and beyond measures that contributed to shade. If we had an annual accounting we could report that. There could be a credible record of those contributions for reporting to State and Federal Water Quality agencies. So there is a public knowledge of those contributions.

#### b) **Approval of the Minutes**

Brian Schlaefli acknowledged the sacrifice of time and travel by the members to be a part of this process. Everyone received the draft minutes prior to the meeting and had an opportunity to review them. I would entertain a Motion to approve the November Minutes. Eric Farm so Moved, Dale Cuyler seconded the Motion. All were in favor to accept the November Minutes as submitted.

For December, Schlaefli asked for Motion to approve. There was an amended Motion on the floor for accepting the December minutes with the correction in attendance. Motion passed and minutes for December were approved.

#### **Item 4 – Overview of Topics to be covered; Update on the BOF Timeline – Peter Daugherty**

To give context to our discussion, the BOF has asked for input on Prescriptions and classes of prescriptions for Variable, No-cut and Alternate Practices. Agenda Items 6 & 7 are the body of work around beginning to develop those prescriptions. Daugherty noted at the last meeting he spoke of the distinctions between science and policy and where there is less science available as with the geo-region extent and upstream extent it is more of a policy call than a technical recommendation. The BOF asked members to provide input on those policy calls, which is a different role than usual for this committee. At your last meeting you recommended that stream reach should be restricted to the current reaches of Salmon, Steelhead and Bull Trout streams. We will respond to the data requests you have made and also address what we are trying to accomplish with the field trip and whether it is a priority for us to do so.

I've been working with staff and four stakeholder groups. Conservation community (Oregon Stream Protection Coalition), OSWA, OFIC and AOL. We are formally holding meetings with each of the three groups. AOL and OSWA members are meeting together. Lauri Aunan and Richard Whitman from the NRGO are attending these meetings as well. They are doing similar work as you, covering the same topics. So other stakeholders are included in the process.

Private Forests staff are working on the economic analysis and have shared this with the stakeholder groups as well. They have all generally agreed that the primary driver of the economic effect could be measured from the amount of additional acres encumbered by potential rules. I have committed to OSWA and OFIC to work with them to reach concurrence on what the value of those acres are for fixed and variable width buffers.

As we present proposals we will *not* be identifying alternatives by the authors. We will be presenting prescriptions developed by staff *in conjunction* with the stakeholder groups. The RFPC is a BOF Advisory Committee not a stakeholder group. If RFPC wants to highlight your particular recommendations, the Chairs or designee of the

Chairs can request time on the BOF agenda to do so. Related to the synthesis of ideas, we will bring prescription concepts from other groups to this committee to review without identifying the authors. The Board has charged us to work with the RFPC and stakeholders. You can incorporate other stakeholder concepts into your own, but the BOF has asked for a full range of choices with current FPA rules on one end and State Forests rule on the other end with associated economic costs, large wood effects and ecological impacts.

It may helpful to look at the written direction from the BOF. (Reading the BOF direction from the September 3<sup>rd</sup> BOF Meeting.)

*“...direct the department to continue with the current rule analysis, and in conjunction with the Regional Forest Practice Committees and stakeholders to develop prescriptions for a new Riparian Protection Rule, designed to meet the PCW criterion to the MEP and facilitate flexibility on harvesting approaches through consideration of regulatory measures, voluntary approaches or combinations thereof including variable retention, no-cut buffers, or appropriate plan for Alternate Practices. The Board directed the Department in conjunction with the RFPC and stakeholders to a. continue analysis of geographic regions in Western Oregon to which the rules should apply and b. to which stream segments i.e. only those streams that have SSBT present, the entire network of small and medium fish streams or something in between that the rules should apply. The Board directed the Department to develop preliminary economic and ecological information related to each prescription for the rule alternatives. The Board directed the Department to work with the BOF and EQC liaison process to communication the Board’s concern regarding the sensitivity of small and medium fish streams relative to the PCW criterion and potential impacts to forest land. Work with the liaison process to develop UAS for the Board’s approach for addressing the PCW criterion. The Board directed the Department to consider the impacts of the proposed prescriptions on Large Woody Debris recruitment. The Board received the Workshop summary Attachment 1 as adequately documenting key points from the presentations and associated discussions at the June 23-24, 2014 BOF Riparian Rule Analysis Workshop.”*

- For general information to new members, generally Peter will report on our behalf on things we have discussed or recommendations we have made. There are times where your committee Chairs may choose to provide individual testimony. We have not done that to date and have allowed the Department Staff to make those presentations.

Current Rule Schedule will be:

April – Presentation of Methods and approach (Board products due March 5<sup>th</sup>)

June – Reporting recommendations for a range of alternative prescriptions. (Board products due April 24<sup>th</sup>)

Staff would then work on rule language to provide to the Board in September 2015. We will work with this committee about what you would like presented or to present at the April meeting. If there is a BOF decision in April, and there are one or more prescriptions to move forward into rule, we presume the Board will want us to consult with this committee on the rule language. Once posted to the Board website as Pre-work to the June BOF Meeting at that point it will become public.

## **Item 5 – Review of Information Requests from RFPC Members**

[Handouts:

We had some requests for data from the December meeting. Jeremy Groom, Monitoring Coordinator and Terry Frueh, Monitoring Specialist with the Private Forests Division addressed the following requests.

On the downstream analysis there were questions on what the causes were of the extreme points on the ratio of temperature changes over distance. What mattered was the gradient, the width, and depth of the stream. The request was to break these out by which sites exceeded the PCW criterion. Groom, explained the diagram. Whatever happened upstream in the reach is immaterial. We were trying to model how the downstream behaves. What we were finding was it was quite predictable. But its relation to the PCW is in a sense immaterial. Because any of those upstream reaches could have been harvested. This is describing what happens downstream.

That ratio is not necessarily a temperature increase but just the ratio of change before and after harvest.

- Could you do the calculation of what the impact of water temperature would be if the measurement was done 1000’ downstream instead of at the base of the clearcut? If you had done that, would it have been 0.7 or would it have been under that?

That may be possible, but when we looked at the numbers we stuck to the DEQ Point of Maximum Impact. I would expect that the temperatures as a whole in an unharvested downstream reach would be less than that.

- I think these calculations are important because I believe that the BOF will be wrestling with the falsities of the PCW criteria. If they knew that downstream was not going to make a difference that could impact their decision.

In short we found that 1000' downstream approx... 50% of the change in stream temperature was gone. What this slide shows is there is a lot of variation around that point.

- So you can derive an average but there's huge variation around that average.
- When we put that range of alternatives out there, with the economic cost, it needs to be balanced because within at least ¼ mile there isn't an exceedance. This is a good option because within a ¼ mile it becomes a policy issue and not a science issue that they will have to decide, so it's important to highlight that.
- The PCW standard looks like a lot of the research showed the PCW standard was to try to keep the water as cold as possible in the forest reaches so that it is as cold as possible when it gets into the agricultural areas. So if water when it's leaving the forests it is meeting the PCW standard the overall objective is met. If the water is cooling back down within a 1000' it is meeting the intent as well.

It is really an anti-degradation standard at the point where you are impacting the temperature in those SSBT reaches. It is an onsite specific component. So where we have cold water habitat, they don't want it increased by human activity. That is what is driving the upstream reach question. It's also about the harvest units up above the SSBT streams. What effect are those upstream harvests having?

- The BOF should know the intent of the PCW would still be met if water is cooling off in a relatively short time period after harvest.

Peter went to the scientific report submitted during the .3 degree C decision. The science report did not speak to the choice of .3 degree C specifically. It's possible it has to do with the precision of thermistors. The other argument was that that threshold was some acceptable level. But I don't know the answer to that.

- To the Maximum Extent Practicable (MEP) is something that the Board wants to do and can do. We don't want to lose that.

We have many other resources we are in charge of protecting it's not only the PCW standard. The Board has specifically directed us to look at the Large Wood impacts. As well as economic and ecologic impacts as well.

Responding to a question regarding Azimuth and Aspect (Handout: RipStream Azimuth and Aspect) in the RipStream analysis, the Valley Azimuth was a line drawn between the upstream and downstream ends of the treatment reach. As far as the Aspect, when taking the shade photographs they were all oriented south. In that way we captured aspect with our own shade measurements. The actual shade measurements turned out to be more important than aspect.

That data was provided in the handout (Draft data – 1,000s of acres for two georegion for small and medium streams). I added the 20' buffers on the SSBT streams and the numbers were updated slightly since going through the QA/QC process. We have not completed that process yet with how the GIS works on it. Numbers are still going to continue to change. The total Private Industrial Ownership is a much bigger number than we had earlier. This was an operator error in calculations. (The 1557 for Coast Range private industrial). I don't anticipate it changing much from this point. Note that the Private Non-Industrial numbers are higher than the Private Industrial. The impact will be heavier on that landowner class.

Review of Handout: Draft data miles and acres in 1,000s. This was a request of yours to break out the information by stream size.

This concludes the data request reports.

BREAK

Chair Schlaefli proposed looking at each of the slides (from Maryanne Reiter) of the RipStream sites to see trends or observations that could contribute to our prescription discussion.

### ***Item 6 – Prescription Development Discussion: How to Meet the PCW criterion to the Maximum Extent Practicable***

Schlaefli: ODF Staff provided a summary of some of the things we have discussed since December as well as our initial letter to the BOF where we talked about a sunset clause and tax incentives. The intent of this summary is to capture additional ideas. I would like to go through this packet and preface it by saying from my point of view we all know it's about shade, keeping the sun's energy off of the stream. The whole idea is to take a look at actual RipStream sites that met or exceeded that PCW. These slides and corresponding data are a surrogate for seeing these sites in the field.

So we are looking at:

- a) the distribution of trees, the presence of trees,
- b) the search zone, in terms of making a shorter search zone to eliminate gaps.
- c) Basal area as a surrogate for shade data,
- d) hardwoods,
- e) tree size,
- f) tapered buffers and other things.

The members went through each site's photographs.

#### **Comments/Observations:**

- Maybe RMA should be based upon canopy width rather than on boles width.
- Valley width? With a wide valley the low angle sun is still reaching the stream. So sun angle and topography matter.
- Gaps may be an issue, solution could be basal area or tree count for shorter stream reach rather than going out 1000'.
- Decrease diameter to 6" and above for basal area calculations on conifers and hardwoods.
- Shade is important no matter where it comes from so if you have streams in a deep canyon the topography provides shade as well as canopy.
- If on an E-W double-sided buffer we want to weigh more of the basal area to the south side of the stream.
- If the intent is to increase shade on the south side. If the stream is running N-S then maybe the buffers should be equal. The over-arching intent is more important than the distances and basal area targets. We just need to show what we are trying to do to increase shade.
- There need for simple alternatives as well as more complex opportunities to meet the intent.
- If outcome-based it might simplify the whole process. Maybe shade would be the way to define that.
- I would object to a shade target as a measurement, as it's an unrepeatable process and unregulatable.
- *Idea was proposed that for channel gradient and aspect if azimuth was less than or equal to 25 degrees on an east/west line then there could be an alternate prescription that allows the landowner to move 50% of the north basal area or default buffer width to the south side.*

LUNCH

### ***Item 7 – Prescription Development Discussion (cont'd)***

Slide review of sites was continued.

Clarification, there is no 'minimum' FPA, (that is an incorrect term) there is just one FPA standard. We did identify many of the State Forests and private sites that had basal areas in excess of what the simulated management targets could be. Some basal area may have been left due to operational needs. Simulating what was available for harvest doesn't take into account individual harvest decisions. There is variation.

As we are looking at across the landscape, it raises an interesting policy question. What are we trying to evaluate? The effectiveness of BMPs as written or as deployed? I want to know the full difference between what I could do and what I am actually doing. We say we are evaluating the effectiveness of our BMPs. Our predictions are for harvesting to the FPA as written, not always as deployed in the field.

- *I have an Alternate Prescription concept with a potential to meet the PCW requirements at no loss to the landowners and it has to do with the one-sided harvests. If a landowner plans his harvest well enough and*

*decides to do a one-sided harvest only with no change to the current FPA buffer widths or basal area requirements. There would have to be a time limit or tree height requirement for the opposite side when he comes in to harvest which wouldn't restrict. If there was a two-sided harvest I recommend the current default widths (no-cut 70') if harvesting both sides. So it gives the landowner the ability to have zero loss. There would be no using the Variable Width prescriptions.*

- Hardwoods are effective shade producer and should count for basal area.
- Focus on the rules for clear-cuts not selective harvest systems. Thinning would allow growth of large wood and thinning would give a better crown response providing more shade.
- Incentivizing leaving the hardwoods.
- Hardwoods can counteract the incidents of conifer blowdown, either by buffer against the loss of conifers or by keeping shade when there is blowdown of conifers.
- Trees don't necessarily grow at the buffer width proper distance. There may be randomness of where the trees are occurring. You are trying to construct something that fits the model but may not fit the woods.

Allen: To summarize, the higher level consistent concepts were:

- ✓ Two-sided harvests had more exceedances. A concept was brought forward that on one-sided harvests you could use the current FPA standards but if a two-sided harvest then go with the current widths but instead of variable retention it would become a no-entry fixed width buffer.
- ✓ With one-sided harvests could be applied with a 'green up' concept, restricted to one ownership.
- ✓ A regular theme about hardwoods. Recognizing that there seems to be a desire to recognize hardwood contributions in basal area and shade.
- ✓ Other ideas regarding, channel gradient, aspect, and gaps.
- ✓ RMA based on canopy width versus bole area.
- ✓ Proposal on the aspect to consider. If the overall azimuth was less than or equal to 25 degrees on from EW direction giving an alternate prescription allowing the landowner to move 50% of the north side's buffer to basal area or default buffer width to south side.
- ✓ The more the orientation of the stream runs east-west you would skew more of the shade producing basal area to the south side of the stream.
- ✓ Should the RMA be based on canopy width rather than counting boles of trees? A different count of basal area.
- ✓ A lot of observations on tapering of buffers. Looking at the 250 to 500' if we shorten that we take out some variables for a more consistent buffer.
- ✓ Counting wildlife trees for our medium streams.

Clarifying one discussion point, with a one-sided buffer and committing to the 'green up' period you could operate under the current rules. If you did a two-sided harvest then the default would be whatever the new base rule is that the BOF adopts, as opposed to a 50 -70' no-entry.

Based on the data we have seen the one-sided harvest is getting us close.

- ✓ Jim's proposal regarding double-sided harvests, I think it is important to have the ability to salvage log both sides. (Noted ODF's intention is not to change salvage prescriptions.)
- ✓ Every single example, are all even-aged management clearcut prescriptions. So we should focus on the rule dealing with clear-cuts and not uneven-aged management or selective harvests.
- ✓ The original intent was for trees to get bigger and preserve Large Wood. What about just thinning? Can you thin and just restrict clear cuts to the RMA? You are introducing some shade but not a lot and there is tradeoffs with the other attributes.
- ✓ Thinning could create a lot of crown response and more shade.
- ✓ Decrease the diameter to 6" and above from earlier.

These comments are additive to suggestions from before.

- 40% of the occurrences led to the report of degradation to the Board. How low did that have to go to not be reportable as a degradation?

If we had found the frequency to be the same as background. Based on what information I have if private lands had occurrences 5% or less of the time it would have been considered background. That is a question for DEQ. Keep in mind that even the pre-harvest noise was in the 5% range. Whereas the private sites distinctly behaved

differently. There was never a formal EQC decision on that, but it was done in consultation with DEQ staff. We can produce that information.

### ***Item 8 – Field Trip Recommendations***

Last week there was intention to facilitate a field trip out in the Molalla area. That field trip was cancelled because expecting or requesting additional time from RFPC member's work schedules was problematic. The field exercises were previously provided to Stewardship Foresters and other staff both in the north and southwest. The Stewardship Foresters visited two sites that were not harvested and set up 3 different stations. A no-entry buffer station, a shade station and a variable retention station. Stations were set up to figure out how each prescription type would be laid out and implemented in the field. Foresters practiced hands on with management tools. This was all pre-harvest. There wasn't any prescription "tests" but looking at the three conceptual ideas; a no-entry, shade-based standard and a variable retention. We talked about aspect. We had flagged out different distances so you could visually sense the different scenarios.

### ***Item 9 – Bald Eagle Rulemaking Update – Angie Lane***

Lane provided an updated timeline on the Bald Eagle Rule Analysis in hopes to get us to rulemaking. The timeline is depending on which option is chosen for the rule action. If just removing the rule entirely, we would immediately go into filing that option. If we maintain or modify the current rules to move under the Sensitive Species rules it will take longer as new language has to be created. Extending the timeline we would have to hold public hearings in August and September, one in each region, with Public Comment period ending the end of September. Then language could be filed to finalize in December. Right now, we have gone through and done our initial outreach to everyone, including those with specific concerns with birds and eagles and we are finalizing the Technical Report. We have a draft of it out for internal review. Once those edits are made the report will go out for wider external review. The technical report discusses each of the options. Lane pointed out the handout of Talking Points there is a summary of the preliminary technical report. We will identify Forest Practices that conflict, biological consequences and any proposed protection requirements for nesting, roosting and foraging perches. The rules can be repealed, moved or modified. Jennifer Weikel, Wildlife Specialist is developing the report and analysis.

### ***Item 10 – Action Item Review/Meeting Schedule***

There was agreement on a Thursday, **March 12<sup>th</sup>** date at the Weyerhaeuser office in Springfield. Any RFPC materials for the April BOF meeting would be needed by March 5th. Staff report is "pre-reading" material for the Board. There is some flexibility.

- Do we want to make a report in April? Peter can represent our concepts in his reporting, or we can be on the agenda to personally present our recommendations. Let's prepare as if we could do it.

Peter thanked the committee for their extra commitment to this issue by meeting on a monthly basis as RFPC traditionally meets only quarterly.

### **Meeting Adjourned at 3:15.**

#### Action Items:

- There is 'take' language in the Federal rules similar to the state, but we can bring more to you at a later date. Federal protections from the Migratory Bird Act.
- Updated BOFTimeline posted to RFPC webpage (completed)
- Pull out Letter concepts (from August 27<sup>th</sup> meeting)
- Data requests for the number of exceedances (frequency) and the magnitude of exceedance from the RipStream sites. On exceedances the actual number, frequency in terms of numbers of days that each site had and then also the magnitude of that exceedance.