

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

## *Committee Members Present:*

Brian Schlaefli	Mike Maguire
Bud Long	Shaun Harkins
Dana Kjos	Daniel Fugate
Ken Hendrick	

## *ODF Staff Present:*

Peter Daugherty	Brad Knotts
Marganne Allen	John Seward
Scott Swearingen	

## **Call to Order**

Pursuant to public notice made by news release with statewide distribution, a regular committee meeting of the SW Oregon Regional Forest Practices Committee [an advisory body to the Oregon Board of Forestry with authority established in Oregon Revised Statute 527.650] was held on Wednesday, October 12, 2011 at the Sleep Inn & Suites, Roseburg, Oregon.

Brian Schlaefli called the meeting to order. Introductions of committee members were made.

## **Housekeeping**

Peter Daugherty, Chief of the ODF Private Forests Division, began an orientation session for both new and recurring members of the Committee, regarding the scope of the Committee and general expectations. Marganne Allen with ODF's Private Forests Program provided a presentation about the key Public Official, Public Meetings and Public Record laws within Oregon Revised Statutes. Committee members were provided a printed copy of the Guide for Public Officials prepared by the Government Ethics Commission to assist them in setting expectations for their service on the Committee. Brian Schlaefli (Chair) asked that staff inform Committee members as to what protection and legal services were afforded by the State in the event of a lawsuit or records request. Schlaefli also noted the need to update the ODF Committee website. Ms. Allen agreed to follow-up on both of these requests.

Daugherty proposed that the committee engage in some additional roles including review of Department Annual Operating Plans, District fiscal budgets within the Southern Oregon Area and the review of the Private Forests restoration and rebuilding plans. The committee agreed to engage in these roles. Daugherty also shared with the Committee some public input from the October 5, 2011 Northwest Oregon Area Forest Practices Committee meeting. At this meeting, Rex Storm (Associated Oregon Loggers) recommended to the Department and the Committee that the Annual Operator's Award be revitalized. Daugherty suggested that a 2011 award be considered for early 2012 and continue on past award process schedules for 2012 to be on track for the January 2013 Board of Forestry meeting. The committee supported revitalizing the Annual Operator's Award.

A time was announced for public comment, and Brian Schlaefli requested if any persons present wished to comment. No public comment was received.

Discussion moved to selection of a Chair for the Committee. Peter Daugherty asked if any objections were offered to Brian Schlaefli serving an additional term as chair; no objections from Committee members were offered.

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

## **Update on the Evaluation of Services and Rebuilding Capacity Within the ODF Private Forests Program – *Peter Daugherty***

In 2009-2010, the Private Forests program experienced a 40 percent reduction in positions and public services. House Bill 5023 funding created a restoration package that approaches 2009 staffing levels. Daugherty told Committee members that ODF was not going to just hire staff, instead using the opportunity to restructure the entire service delivery model for Private Forests, reporting progress to the Legislature in February 2012.

Some immediate re-hires of stewardship foresters would occur; following budget reductions in 2009-2010, the Private Forests Division went from 57 stewardship foresters to 30.

For a review of the elements within Budget Note Two, Marganne Allen (ODF Private Forests Field Support Manager) presented a review of the consulting process business model underway with Guidon Performance Solutions.

Ms. Allen explained the LEAN-Kaizen principles for business model analysis used by Guidon. During LEAN, several areas for potential improvements are identified, and for those areas of highest potential solution, a group problem-solving session known as Kaizen occurs. Kaizen is a Japanese word meaning “improvement” and “change for the better.” Development of Kaizen as an industrial improvement model was introduced in post-WW2 Japan based on principles developed by Deming and other key strategic business analysts.

Two specific opportunities – The Inspection/Unit Accomplishment/Notification Reporting Process and the Notification (NOAP) Submission Process – have been identified for Kaizen events to occur. Additional information about upcoming Kaizen events and the ongoing development of the Private Forests program will be provided to Committee members.

### Discussion:

- Is there any possibility of changing the position title of Stewardship Forester back to Forest Practices Forester? Daugherty stated that would be considered.
- What percentage of Stewardship Forester funding comes from the Protection fund? Daugherty explained that the basic funding model consisting of Fire/Protection, Forest Practices and forestry assistance (largely federal) varies by region. Areas with Forest Protection Associations may have little or no fire/protection funds. Some Stewardship Foresters are entirely funded by forestry assistance dollars.
- Is there any possibility of an increase in assistance or service foresters? Daugherty explained that increases are unlikely given that federal funding has steadily declined. In addition, the Department has to work on building new relationships and business models in response to the shift from federal dollars being predominantly from the US Forest Service to more coming through the Farm Bill and the National Conservation Service (NRCS).
- Sometimes Stewardship Foresters are not available to address forest practices issues during fire season.
- It would be good to allow all operations for a particular harvest unit to be entered on the initial notification.
- When adding staff, did you look at the number of notifications? Daugherty stated that the first phase of Stewardship Forester hiring did not utilize workload analysis as all offices had excessive workloads. The second phase of hiring would take a more strategic approach and utilize workload analysis including notification numbers. Shaun Harkins noted that this would help a lot with external perceptions of Stewardship Forester workloads. Daugherty responded that this is being considered as part of the Legislative Budget Note 2 process. Additionally, Phases 2 & 3 would take a fresh look

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

at the desired staffing model for a Private Forests program, opportunities to utilize external contracts, limited duration positions and the services being delivered.

- The issue of maintaining Private Forests staffing capacity given legislative funding fluctuations was raised. Daugherty responded that the Department was committed to a longer term review of service delivery (beyond Budget Note 2). In particular, the concept of a combined Protection/Private Forests program is still slated for exploration.
- Dana Kjos highlighted the importance of landowner assistance versus compliance or enforcement. Up-front assistance to small landowners will help avoid Forest Practices enforcement issues later, though he recognized the potential for the Department to overlap with the role of consulting foresters. Daugherty explained that the Private Forests program tries to avoid these conflicts and emphasized that Stewardship Foresters use technical assistance outreach to simultaneously gain compliance with both industrial and non-industrial landowners. Enforcement is the last resort. Daugherty also explained that this was part of the intent of adopting the title of Stewardship Forester, to emphasize the assistance and outreach role versus the regulatory.
- Shaun Harkin: What technology are Stewardship Foresters to be equipped with?
  - Daugherty explained that the Department is waiting to act on this after Budget Note 2 is completed and after receiving input from the field. He emphasized that the goal is not to over-rely on technology but to create a value-added, efficient process that is enhanced by technology. We want to use technology to increase Stewardship Forester field time and decrease data entry time.
- Brian Schaeffli: The Bill provided positions similar to previous structure. Will Budget Note 2 look at this? Will positions funded solely by general fund/harvest tax be considered? How will work flex with absences? Further, can the Private Forests budgeting process be simplified, keeping Stewardship Foresters available and not away on fires?
  - Daugherty explained that since we currently operate as a fire militia with all staff expected to take on fire duties, we want to keep fire qualifications current. The Department recognizes there are problems with absences. The Department is also considering if we can use more seasonal or limited duration positions to accommodate workload issues. These are issues to be dealt with in a longer term review process. The overall budget picture is that Salem gives dollars to Area offices, Areas allocate to districts, etc. The Department needs to look at how we provide service during peak fire season and other peak workload periods.
- What is the difference in funding and staffing between say Coos and West Lane?
  - Daugherty explained that West Lane has more demand and dollars for service forestry and assistance whereas Coos is almost entirely general fund/harvest tax due to the high number of notifications.
- Will the Board of Forestry have input on the Private Forests Deputy Chief hire?
  - Daugherty: No, the Board's role is policy work. The Board does have a role in hiring the State Forester.
- Brian Schaeffli: What types of operations will be targeted by the compliance audit?
  - Daugherty: The goal is to build off of the 2002 compliance audit report, focusing more on quantifiable measures of compliance. Harvest and road rules will be the focus and core rule group. Other rules will be covered over time with special sample efforts. External input will be key for this project and Committee input will be needed.
- What about reforestation?
  - Daugherty: Reforestation will occur under a different process than the harvest and road rules sampling.
- A concern was raised about continued implementation of the compliance audit and overall compliance levels given fluctuating budgets and staffing levels. Daugherty responded that most landowners and operators want to be in compliance. Given significant and sustained low staffing

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

levels compliance levels might decrease over time. Compliance rates may also drop given a significant influx of new and inexperienced operators.

- A comment was made that processing efficiency may be gained with an increased notification renewal time. It would also be helpful to allow for flexibility in new operators on notifications.

## **Rulemaking Process to Implement 2011 HB 2165**

Peter Daugherty provided an overview of 2011 House Bill 2165. This legislation was passed by the Oregon Legislature and modified the NOAP process and changed the conditions under which written plans may be required.

Brad Knotts (ODF forest practices field coordinator) provided some highlights of the legislation and an explanation of the options for how objectives would be implemented.

The law makes changes in the Notification process, including providing six days instead of three to notify subscribers and establishes the ability to provide copies of Notifications electronically.

The bill went further to expand the conditions under which the need for written plans may be waived. The State Forester now has discretion to waive written plans for operations using standard prescriptions or not entering riparian management areas (RMAs) around significant wetlands and fish bearing or domestic use streams (Type F and D). The bill also reduced the written plan requirement for operations near significant wetlands from within 300 to 100 feet. This change is estimated to provide a 60 percent workload reduction in written plan review of operations near significant wetlands and a 40 percent workload reduction near Type F and D streams for ODF staff as based on 2010 volumes of written plans submitted. Rulemaking is needed to implement one, or both, provisions.

Rulemaking to implement 2011 HB 2165 is planned during 2011 and 2012. ODF is recruiting a Stewardship Forester to serve as a project lead, and the process will draw on extensive input from the RFPCs, ODF staff and other stakeholders. Brad Knotts told the Committee that the options for implementation include development of an OAR or articulating the objectives and best management practices for achieving the objectives in a Technical Note referenced in rules.

## Discussion:

- Brian Schlaefli asked how subscriptions are fulfilled when notifications contain material beyond the scope of a given subscription. Knotts explained that only the materials relevant to the subscription are provided and that this can involve labor-intensive sorting.
- A question was raised as to whether or not the rulemaking process could include changes to increase waivers for the 15-day waiting period? Knotts responded that he would look into it. Waivers cannot be allowed for aerial application of pesticides, but Brad was not sure about when subscribers are involved.
- Brian Schlaefli: Is there an opportunity to automate the selection of units that should go to a subscriber on a multi-unit notification?
- Bud Long: Written plans often spur important discussions that iron out differences in end of fish use designations.
- Shaun Harkin: The rule development process can inform the technical note. All the players in the rulemaking process need to understand objectives and the process.
- Bud Long: The compliance audit should help assuage concerns that changes to written plan requirements might lead to degraded resource protection.

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

## **Working Lunch - Update on ODF Private Forests Board of Forestry Work Plan**

Peter Daugherty explained what topics are included in the Board of Forestry work plans for Private Forests:

- Issue 1: Water Quality
- Issue 2: Landslides & Public Safety, Forest Pesticides and Special Resource Sites

Daugherty provided a brief update on the Hwy 36 Exposure Investigation study, the federal and state multi-agency research investigation into allegations of herbicide exposure by several residents of the Triangle Lake/western Hwy 36 region of Lane County.

Following ODF bringing the exposure allegation to the Pesticide Analytical Response Center (PARC), direction was provided by the Governor's office regarding PARC's initiation of a multi-agency exposure study including several Oregon agencies (including Oregon Health Authority, Forestry, Agriculture, DEQ) and federal resources (including EPA and the ATSDR). The investigation study is underway, and results from the study are anticipated in 2012.

### Discussion:

#### *Hwy 36 Exposure Investigation*

Mr. Daugherty fielded questions on the investigation including the alleged route of exposure, the scope of pesticides and other land uses being considered. Local residents are most concerned about aerial spray drift as the means of exposure. While the resident's focus is on aerial application of forest herbicides, the exposure study is characterizing other land uses including roadside spraying, agricultural and residential uses. The pesticides 2,4-D and Atrazine have a special focus and their metabolites will be tested for as part of the human urine sampling.

#### *Specified Resource Sites*

The Committee asked questions about the potential for increased restrictions on private lands, particularly with threatened and endangered species, and how barred owls are affecting current policy discussions around spotted owls. Mr. Daugherty explained that it was his impression that the US Fish and Wildlife Service (USFWS) does not desire or have the staffing for a heavy enforcement approach right now. He further explained the Department's safe harbor agreement for the spotted owl and the emphasis on voluntary approaches. The revised USFWS spotted owl survey protocol now has clear direction on how to call in the presence of barred owls. There was a brief review and discussion of the current suspension of spotted owl nesting site abandonment due to the removal of that process in the USFWS spotted owl survey protocol.

#### *Roads & National Point Discharge Elimination System (NPDES) Lawsuit*

A question arose as to whether or not the outcome of this lawsuit could potentially affect roads that are not currently being used for hauling or other active operations. Mr. Daugherty explained that he believed the link was when roads were associated with an industrial use (i.e. logging). If there is not industrial use, there is no link.

#### *Riparian Function and Stream Temperature (Ripstream) Project*

The Committee asked for more details on when the Department of Environmental Quality's (DEQ) Environmental Quality Commission (EQC) can act in a backstop role to ODF's legal authority under the Forest Practices Act. Mr. Daugherty explained that the EQC can step in when the Board of Forestry

# Southwest Oregon Regional Forest Practices Committee Meeting Minutes - October 12, 2011

(Board) does not respond to identified problems with water quality standards. Mr. Daugherty further explained the applicable statutes and the current Memorandum of Understanding (MOU) with DEQ.

There was a concern that the EQCs Protecting Cold Water standard was unachievable in some sites. Mr. Daugherty explained that it was hard to call the standard unachievable when State Forest sites achieved compliance.

A question arose as to why the paired watershed studies (Hinkle Creek, Alsea, Trask) weren't being taken into account with the RipStream findings. Daugherty explained that they will be included in any scientific findings and that RipStream outcomes aren't in conflict with those studies. Further discussion focused on where RipStream data collection wasn't completed. RipStream data is substantially complete for temperature, shade, channel, downed wood, and riparian vegetation through post-harvest year 3. Temperature, shade and channel data is substantially complete through post-harvest year 5 and 1/3 complete for downed wood and riparian vegetation. The main data gaps are in post-year 5 riparian vegetation and downed wood. These gaps will not influence further interpretation of temperature outcomes, but would be helpful to explain how vegetation affects shade and recovery over time.

## **Prioritization of ODF Private Forests Technical Specialists**

Peter Daugherty discussed with Committee members that with the additional funding designated in House Bill 5023 came the opportunity for ODF to add back technical specialist capacity to support field operations.

For Committee reference, Daugherty provided some prior history and context regarding the work of developing landslide and public safety rule concepts with participation from the Regional Forest Practices Committees several years ago. Further work regarding current policy on special resources site rules is on hold.

Peter Daugherty began a discussion to take Committee input on prioritizing those specialist services to add back in the redesigned Private Forests program. Daugherty offered the following list of positions for consideration: Wildlife and Fisheries, Civil Penalties, Hydrology, Roads and Engineering/Geotech, Silviculture/Chemical, Riparian and Aquatic.

Committee members offered the following prioritized recommendations for adding back technical capacity: *1) Wildlife Specialist; 2) Geotechnical; and 3) Civil Penalties.*

Discussion focused on efficiencies that may be gained through seeking personnel with a broad range of skills that can cover multiple issues. The use of technical capacity from other agencies was also raised. ODF does seek out the expertise of other agencies but the level of cooperation varies between offices and the different agency missions must be recognized.

## **Other Business & Scheduling Future Committee Meetings**

Peter Daugherty requested Committee members establish a quarterly schedule for the Committee to meet.

Discussion focused on reviving the Operator of the Year award process. The Committee expressed a desire to increase Stewardship Forester participation, the number of projects brought forward, to generally increase participation and recognize the good work being done on the ground. The idea of somehow incentivizing or recognizing Stewardship Foresters for bringing forward projects was raised. Mr. Daugherty explained that the Department can commit to engaging in the Award process in 2012 (for the January 2013 Board meeting), but a 2011 award is not likely. Ideally operations would be nominated

**Southwest Oregon  
Regional Forest Practices Committee  
Meeting Minutes - October 12, 2011**

early, during harvest if possible, as the work becomes hard to re-create post-harvest. This is a key opportunity to put forestry in a positive light in the press.

There was a comment that the member biographical schedules need to be updated.

A final question was fielded by Brad Knotts on utilities. Mr. Knotts explained that ODF does not call utilities regarding harvest operations. Shaun Harkins noted that the utility number provided on the notification form was not correct or no longer active.

Brian Schlaefli entertained a call for any additional new business of the committee meeting. There being no further business, the meeting was adjourned.

/s/

Marganne Allen  
Committee Assistant  
Regional Forest Practices Committee

November 23, 2011