

Compliance Monitoring Program Annual Update

Oregon Board of Forestry
September 5, 2024

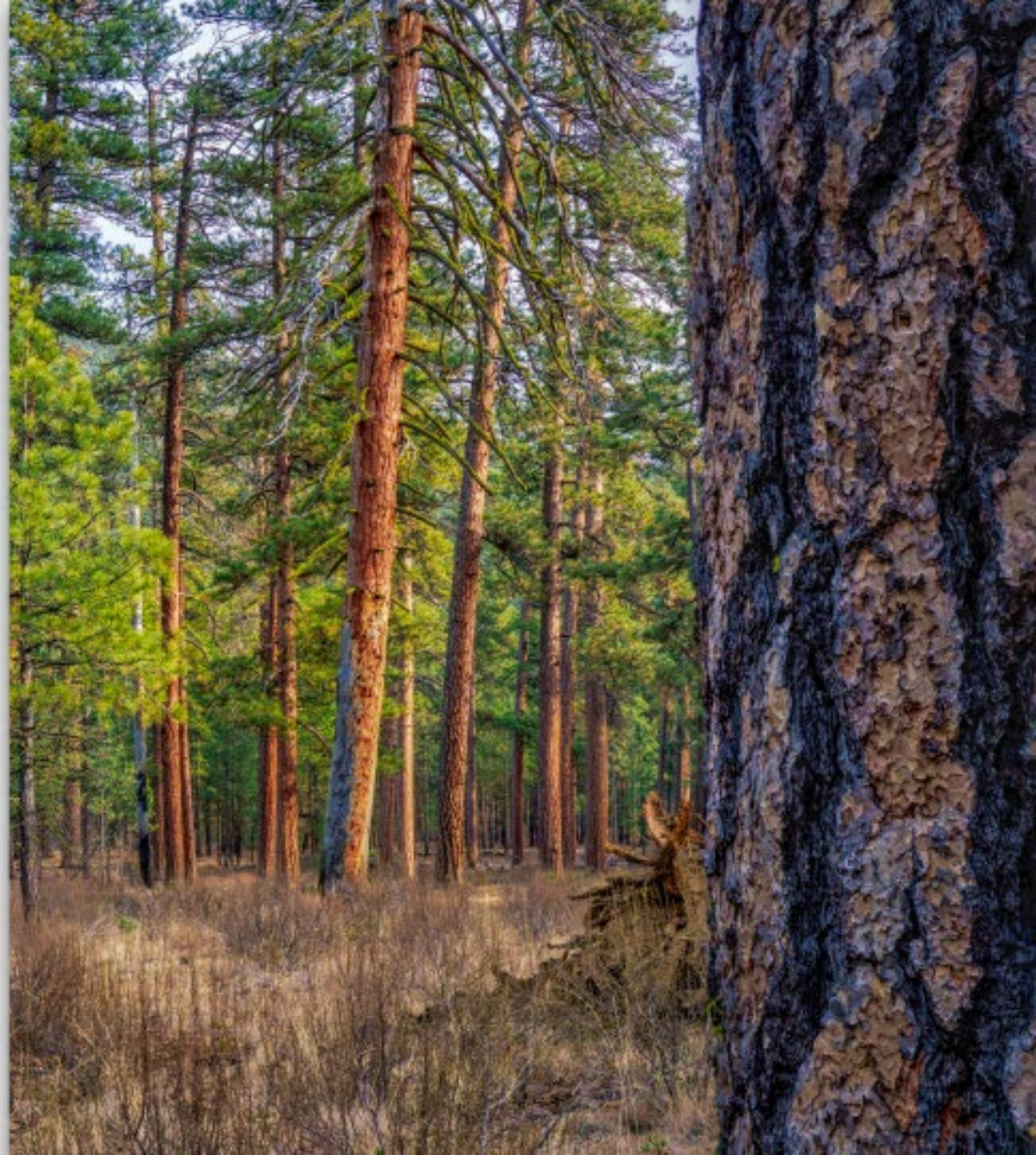


Forest Health & Monitoring Manager: Adam Coble
Monitoring Unit Staff: Kate Thompson, Rebecca McCoun, John Hawksworth,
Sarah Siefken, Sam Schoch, Elise Chiba, & Marta Frias Bedolla



Topics

- **Overview of the Compliance Monitoring Program**
 - Adam Coble, Forest Health & Monitoring Manager
- **Update on Compliance Monitoring Studies**
 - Sarah Siefken, Monitoring Specialist
- **Update on TMDLs & DEQ/ODF MOU**
 - Rebecca McCoun, Riparian & Aquatic Specialist





Compliance Monitoring Program (CMP)

Purpose & Goals (OAR 629-678-0000)

1. Assess Forest Practice Act (FPA) rule compliance & report findings
2. Identify areas needing improvement for training purposes
3. Increase the public's trust in the implementation of the FPA & rules.



<https://tinyurl.com/ODF-Monitoring>





Background: Recent Changes

Rule Priorities

- Road Construction & Maintenance
- Harvesting on Steep Slopes
- Vegetation Along Streams
- Other rules as directed by Board of Forestry.



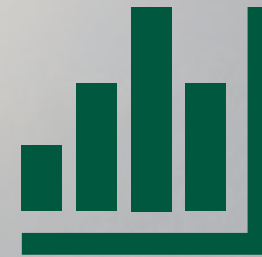
Access Requirements

Landowners must now allow access for compliance monitoring.



Completion Notification

Landowners file a notification when forest activities are complete.



External Statistician

Mt. Hood Environmental is now involved in study design & analysis.



Stakeholder Advisory Committee

Compliance Monitoring Program Committee has been formed

Compliance Monitoring Study Development





Compliance Monitoring Study Process

Rule Selection

Pilot Study

- Study Design
- Data Collection
- Data Analysis
- Report

Full Study

- Study Design
- Data Collection
- Data Analysis
- Report

Use Findings to Educate Landowners & Target Outreach Efforts



Collaborative Partners



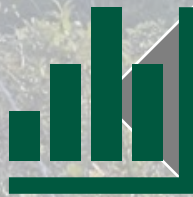
Oregon Department of Forestry

- Includes Monitoring Unit staff, FPA Field Coordinators, & other subject matter experts



Compliance Monitoring Program Committee

- Stakeholder advisory committee with representatives from state agencies, industry, & conservation groups



Mt. Hood Environmental

- External statistician assisting with study design & analysis



Rule Selection

- Prioritize rules for CMP studies
 - Impractical to monitor every rule
 - Focus on rules that are most critical & feasible for monitoring
- Each rule is framed as a question & analyzed to determine its suitability for inclusion in CMP studies



FPA Rule



Study Question



Rule Selection: Key Questions

- Is the rule easily measurable?
- Has this rule been assessed in previous ODF monitoring efforts?
- Do other states include this rule in their compliance programs?
- Are there past compliance issues or penalties related to this rule?
- Can compliance be determined a year after the activity? (Or is it better assessed by a Stewardship Forester?)



Rule Selection Example

FPA Rule



OAR 629-643-0105

Western Oregon Standard Practice Vegetation Retention Prescription for Type N Streams

- (3) For large and medium Type N streams, the operator shall:
- (a) Retain all trees and vegetation within 75 feet from the edge of the active channel or channel migration zone.



Study Question



Q. For large & medium Type N streams: Did the operator retain all trees & vegetation within 75 ft from the edge of the active channel or channel migration zone?



Ongoing Compliance Monitoring Studies





Ongoing Studies

Reforestation Rules



Riparian Rules



Road Rules



Steep Slopes Rules



Old Rules
(Before PFA)

New Rules
(After PFA)

Timeline of Compliance Monitoring Studies

X = Final Reports

Reforestation Pilot Study



Reforestation Study



Pilot Study (New Rules)



Study (New Rules)



2021

2022

2023

2024

2025

2026



Compliance Monitoring Studies: **Reforestation Study**





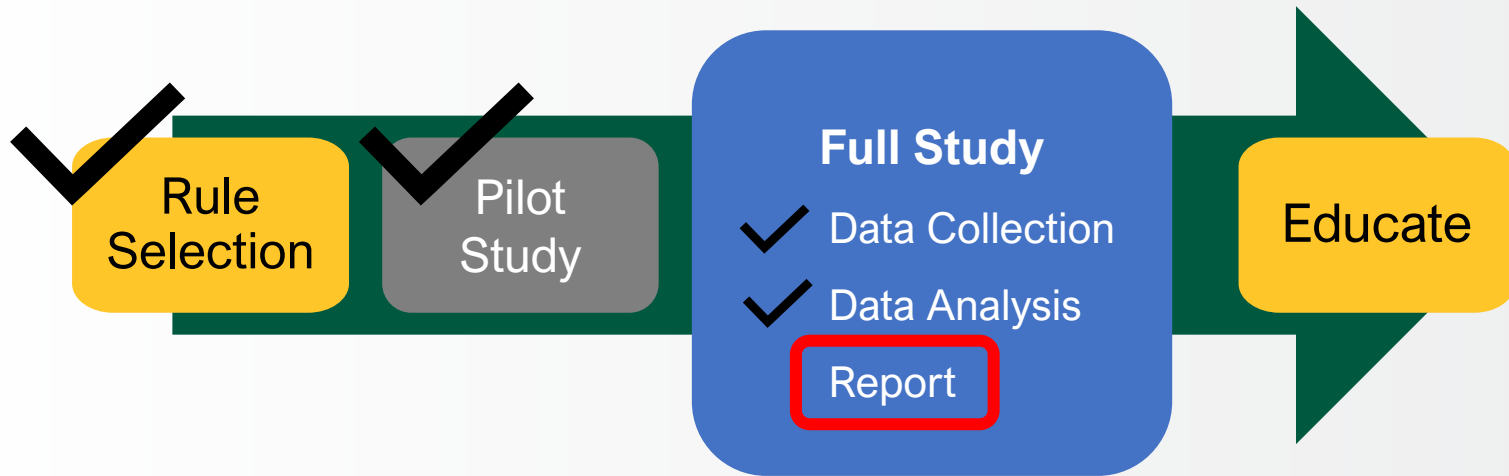
Reforestation Study: Ruleset Overview

- Division 610 Forest Practices
Reforestation Rules
 - Study estimated percent compliance with OAR 629-610-0040(4), requiring a **“free to grow” (FTG)** stand meeting the minimum stocking level in OAR 629-610-0020
- **Reminder:** The reforestation study was initiated *before* the PFA





Reforestation Study: Completed Phases





Reforestation Study: Sample Selection

- Targeted private industrial (PI) & private nonindustrial (PNI) forest land.
 - Clearcut (Type 3) harvests completed 2016-2017
 - > 2 acres
- Harvest units were randomly selected from the Forest Activity Electronic Notification System (FERNS).





Reforestation Study: Methodology

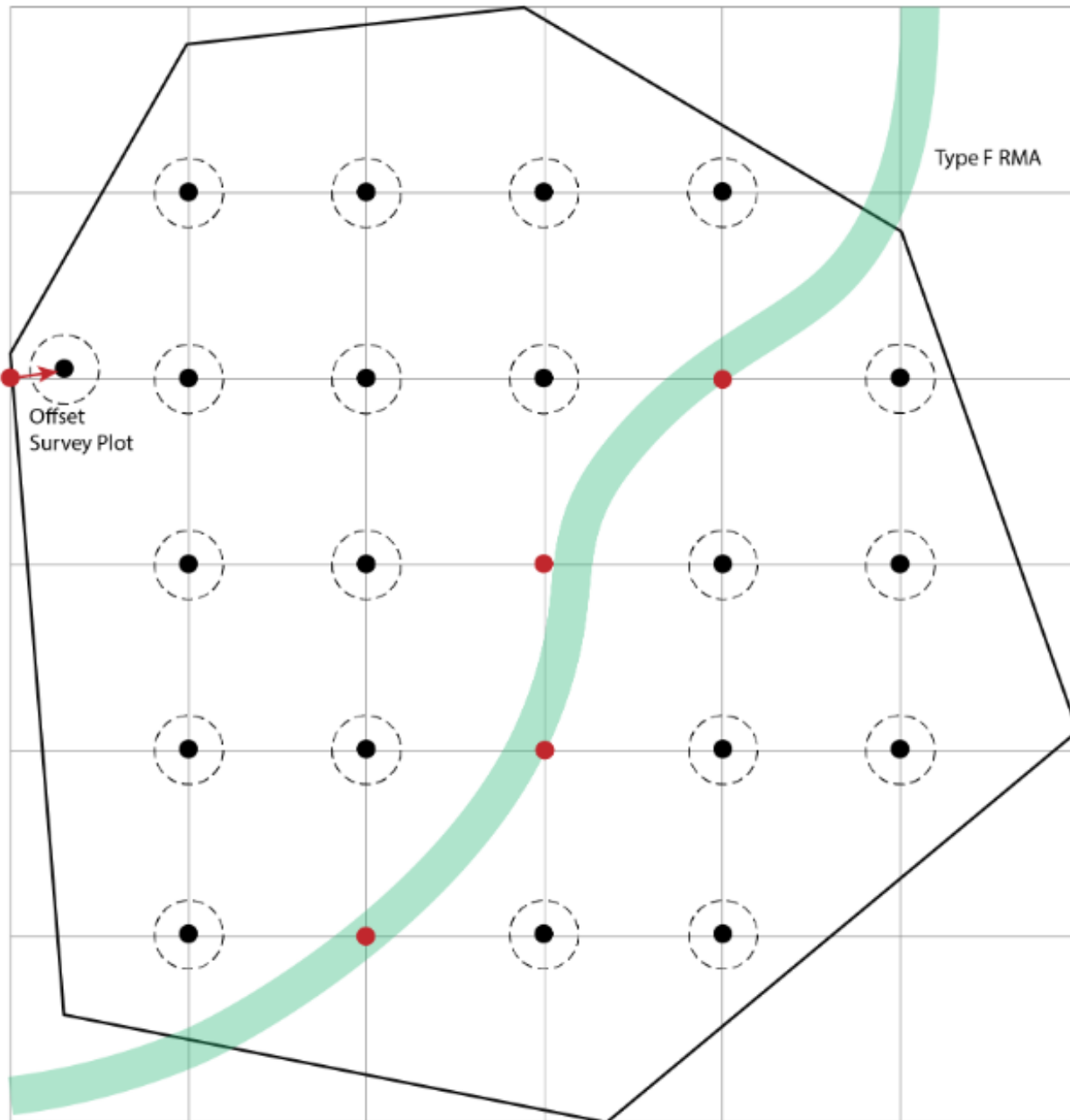
- Assessed tree health, vigor, & freedom from significant competition to determine FTG status
- Data collected October 2023 – May 2024
- 64 harvest units surveyed using a systematic, fixed-area plot sampling method
 - QA/QC at 8 units
 - Offset protocol for unsuitable plots



— Harvest Unit Boundary

● Survey Point

○ Survey Plot





Reforestation Study: Next Steps

- Draft analysis currently under review by the CMPC
- Final report in Fall 2024



Compliance Monitoring Studies: **Riparian Study**





Riparian Study: Ruleset Overview

Division 643 Water Protection
Rules: Vegetation Along Streams





Riparian Study: Current Phase



- Finished rule selection
- Developing Riparian Pilot Study Plan & Protocols





Riparian Study: Next Steps

- Monitoring staff refine field methods
- Begin fieldwork & data collection for pilot study, Spring 2025.



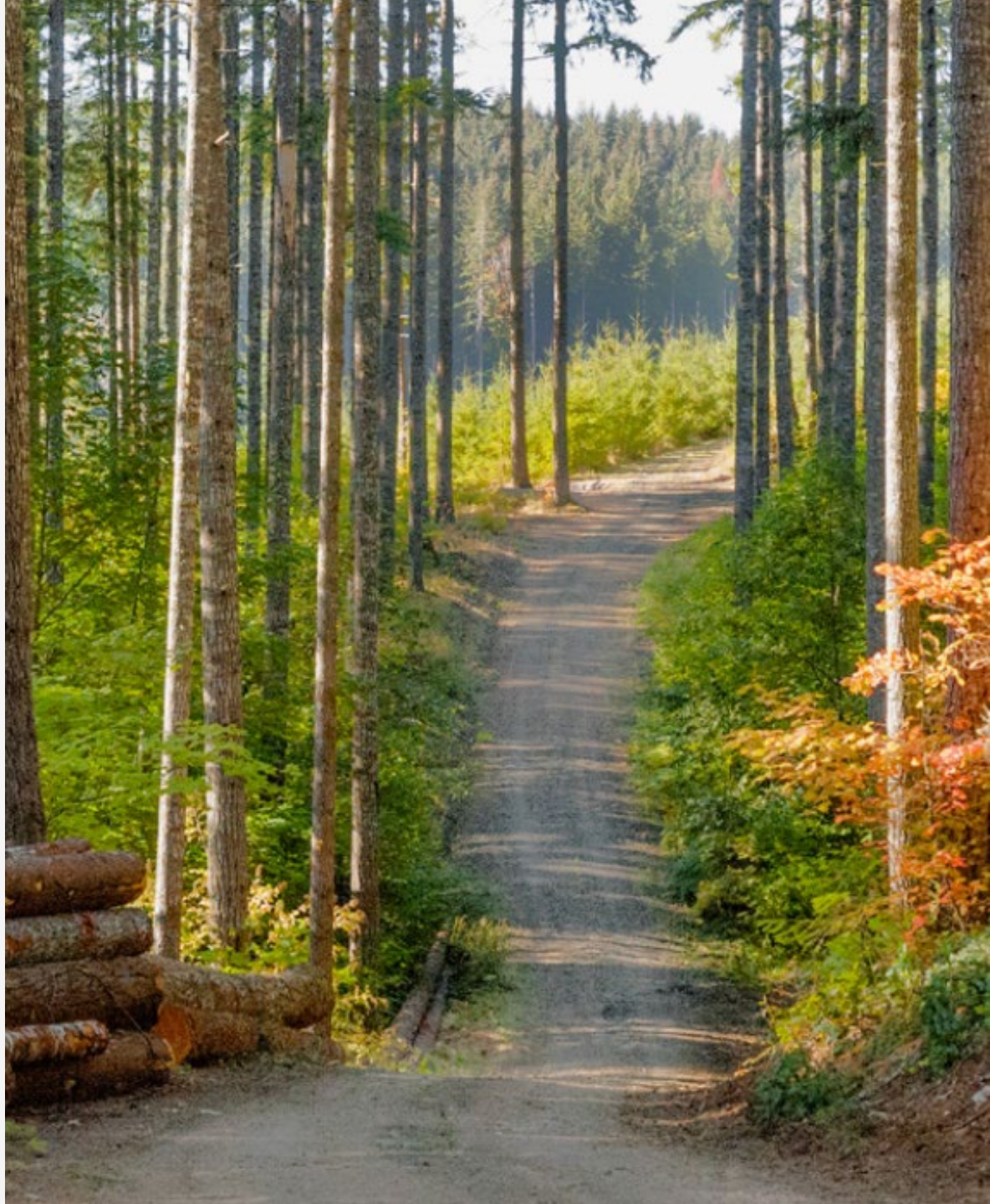
Compliance Monitoring Studies: **Roads & Steep Slopes Study**





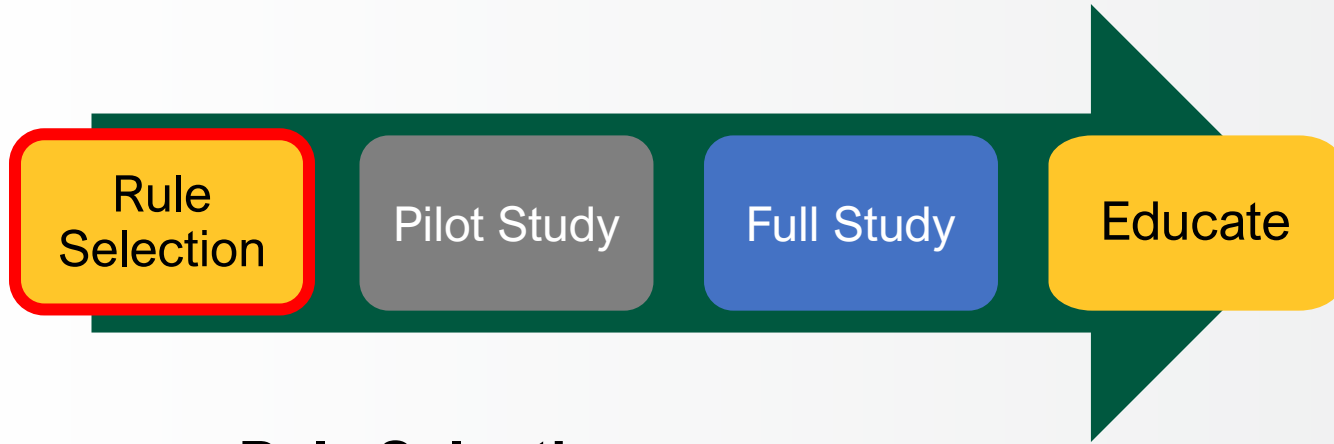
Roads & Steep Slopes: Ruleset Overview

- Division 625 Forest Road Construction & Maintenance
- Division 630 Harvesting on Steep Slopes



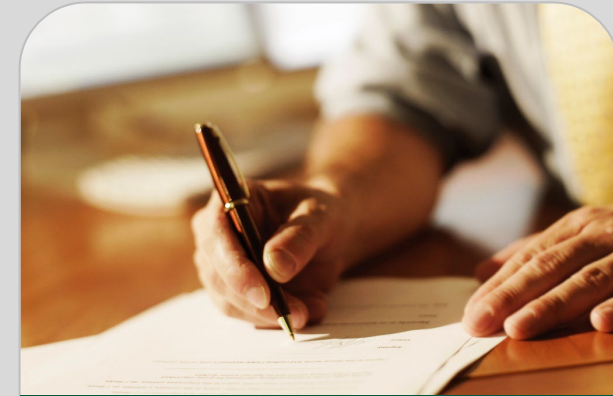


Roads & Steep Slopes: Current Phase



Rule Selection

- ODF currently reviewing road & steep slope rules
- Internal review to be completed & submitted to CMPC, with final rule selection expected in Fall 2024.



FPA Rule



Study Question





Looking Forward

- **Reforestation Study**
 - Final report in Fall 2024
- **Riparian Pilot Study**
 - Refining field methods
 - Fieldwork & data collection begin in 2025
- **Roads & Steep Slopes Rule Selection**
 - Final rule selection in Fall 2024

ODF & DEQ MOU Update

**Oregon Department of Forestry
Monitoring Unit**

September 5, 2024





ODF DEQ MOU Collaboration

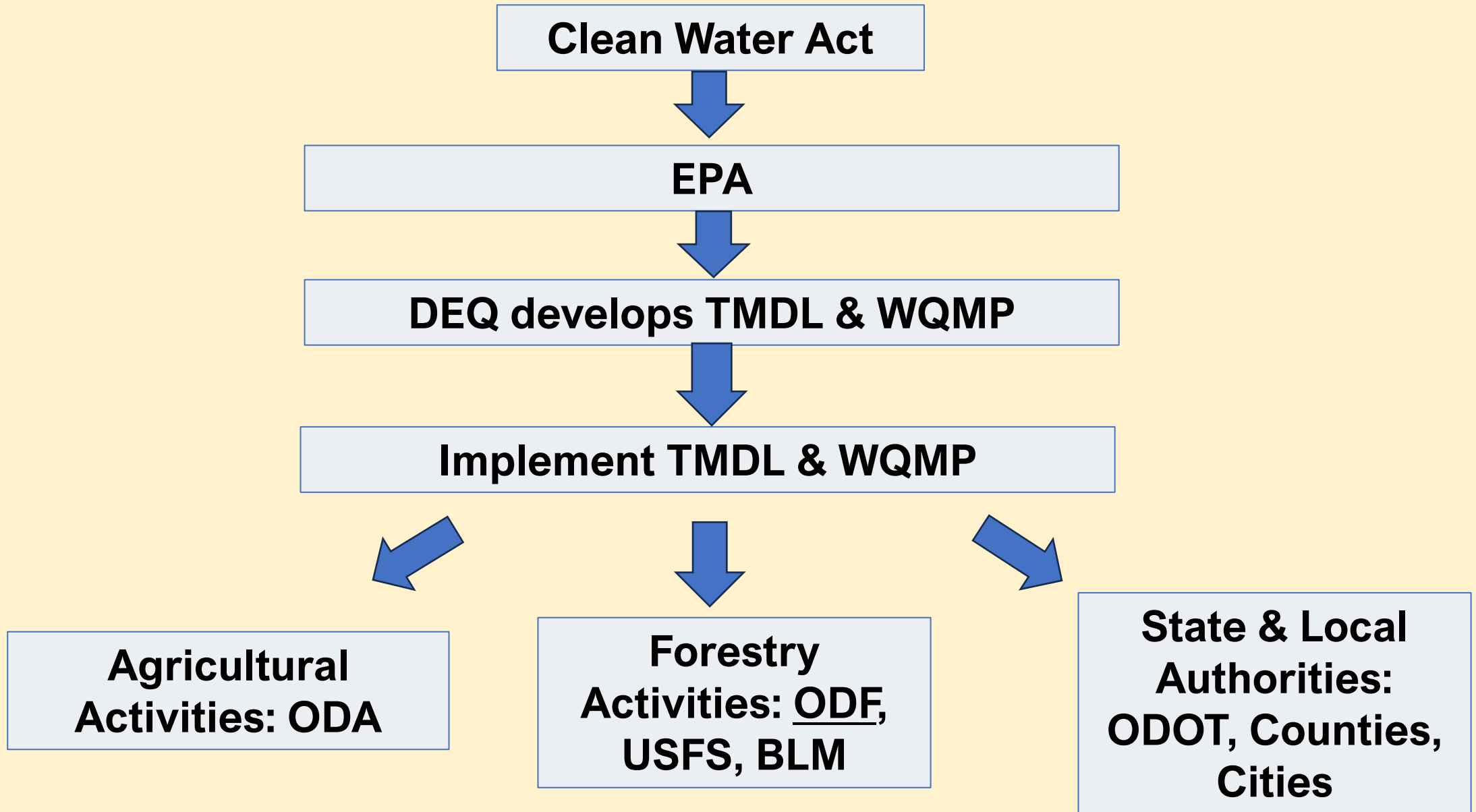
- **MOU Signed in December of 2021**
- **ODF DEQ Convening Bi-Monthly**

Agenda

- **General & Legislative Updates**
- **TMDL's**
- **CZARA**
- **Other items**



What is ODF's Role in TMDL's?





TMDL Implementation Plan Strategies

FPA Rule Implementation

FPA Programs:

- Compliance Monitoring
- Civil Penalties
- Adaptive Management
- Internal & External Trainings
- Incentive
- State Forest Voluntary



5-year plans with annual metric reporting

WQMP Basin Specific Measures

May Include:

- **Landscape Scale Evaluations**
- **Prioritization and Targeted Outreach**
- **Water Quality Monitoring**
- **Plan Performance Monitoring**





ODF Named as a Designated Management Agency (DMA)

Willamette Mercury TMDL

Parameter: Methyl Mercury & Total Mercury

Surrogate: Total Suspended Solids (TSS)

Upper Yaquina River Watershed TMDL

Parameter: Dissolved oxygen (aquatic life protection)

Surrogate: Solar Radiation, Total Phosphorus



DEQ Temperature TMDL Replacement

- **Lower Columbia & Sandy Temperature & Bacteria TMDL**
- **Willamette Subbasin Temperature TMDL**
Willamette Mainstem & Major Tributaries Temperature TMDL
- **Umpqua River Basin Temperature TMDL**

Using the Collaborative Processes Outlined in MOU

CZARA & Coastal Zone Nonpoint Source & Pollution Plan



Forestry Section

Addresses EPA/NOAA's "additional management measures:"

- **Protect medium, small, and non-fish bearing streams**
- **Protect high-risk landslide areas**
- **Address the impacts of road operation and maintenance, particularly legacy roads**
- **Ensure the adequacy of stream buffers for the application of certain chemicals.**





Looking Forward...

MOU Check-Ins

Communication at all levels:

Executive Level

Managers

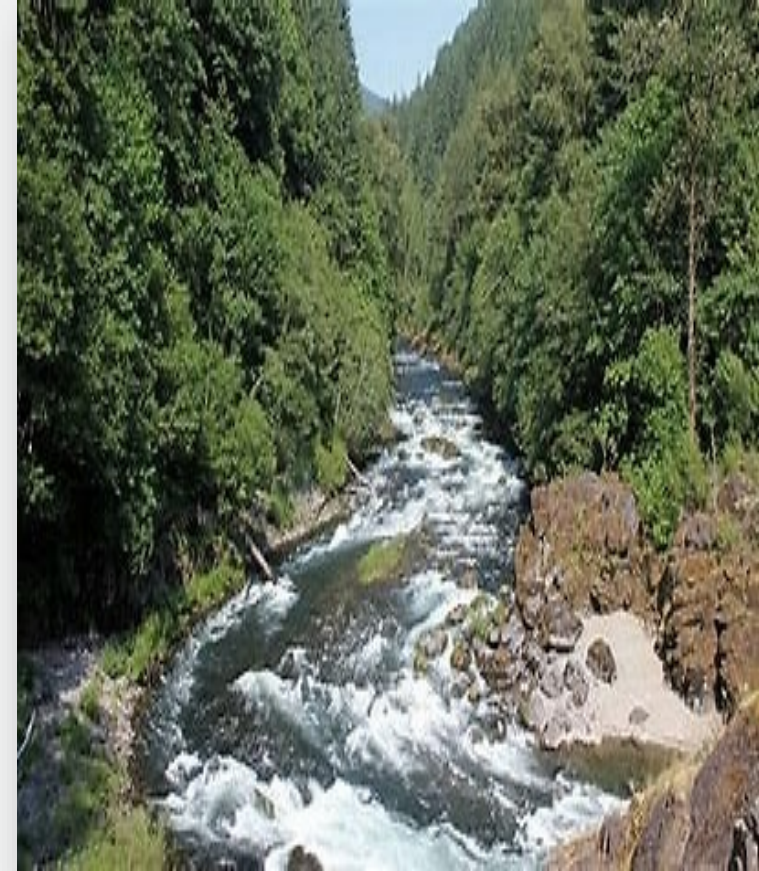
Specialists

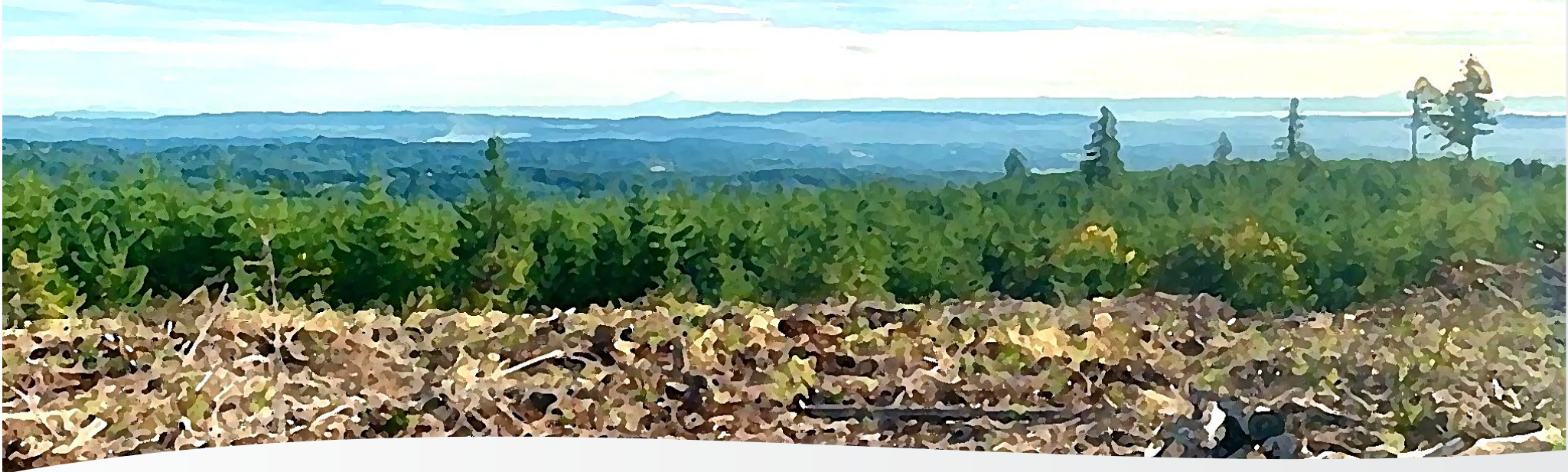
Projects:

TMDL Implementation Plans

Basin Specific Water Quality Monitoring

Rule Advisory Committees





Questions?