Two Howdy Neighbor Tours - August and September

**ELK CREEK RANCH —**

On August 10th, 55 participants enjoyed visiting Cilde Grover’s Elk Creek Ranch in Curry County, east of Brookings near the Winchuck River. This was an ideal location for participants to learn about multiple species forests, pre-commercial and commercial thinning, endanger species issues, stream restoration to improve fish habitat, the impact of sudden oak death, and a walk through a Redwood forest. Nine participants joined OSWA following the event. Thank you to Cilde and her sister for a great tour and their hospitality.

*Visited giant redwoods on Elk Creek Ranch.*

*Host Cilde Grover tells about Elk Creek Ranch history.*
The OSWA executive committee and the board both met on September 27th and reached agreements that will affect our association next year. The most important decision was to not raise our annual dues. The board is challenging each chapter to not only keep their current member active in 2014, but to grow their numbers by 4%. This means, for example, that our biggest chapter needs to keep all 221 members, plus add another nine. Each chapter chair and their membership committee are challenged with membership goals to add at least 60 new members to our roster of 1,450.

One opportunity to increase the membership is to have all American Tree Farm System members join OSWA. This joint newsletter is one way to reach out to people in both organizations. Why should you join both? The best answer, and the most critical difference, is OSWA represents us before the Oregon State Legislature and the ATFS represents us before the U.S. Congress. I’m proud to be a member of both organizations that lobby for family forestland owners.

Back in 2010 our budget included a line item of $10,000 income from the Patron Program. Unfortunately only $3,500 was raised. Jim James focused on our OSWA Patron Program over the past eighteen months and, aided by an improving economy, we now have over twenty five Patrons who so far in 2013 donated $23,181. Six of these Patrons are OSWA members. The OSWA board recognizes Jim’s diligence and success in recruiting new Patrons. Our association is grateful for these generous donations, which confirms each Patron’s partnership with OSWA.

Many members may not know why the Association’s board is so concerned about finances. Today OSWA only has funding to pay Jim James three days per week. The Oregon Tree Farm System pays for a fourth day. To be an effective association, the board’s goal is to have a full time OSWA Executive Director. Growing membership is the best way to meet that goal.

So, say “Howdy Neighbor” and get them to join!
**The View from Here**

Adventure! When I was hired as a natural resource manager by the Army Corps of Engineers not long after college, I didn’t realize the reality of their advertisement “Join the Army and See the World”. For me at least I had (have) the opportunity to see the USA. This message is being composed in another Albany – Albany New York where I am on detail attached to FEMA processing requests for disaster relief for damages from a series of severe storms that visited Upstate New York in June. A few years back, I was detailed to western Kentucky assisting in an ice storm recovery. I belong to a cadre of Corps retirees able to respond quickly (2-day notice this time) to assist in disaster relief.

Being deployed does suspend activities on the tree farm but it does provide opportunity to observe forests and forestry practices in different regions. In Kentucky, I recall being amused at log trucks with logs stacked transversely rather than our familiar longitudinal manner. Here in New York it is the tourist crush to view autumnal colors.

Please note the educational program that precedes the Oregon Tree Farm System’s Annual Meeting and Awards Luncheon being held at the World Forestry Center on November 25th. Registration information appears elsewhere in this Newsletter. The program will describe new forest management planning tools available for and tailored to Oregon forest landowners. I am excited about the utility of the new tools and their potential to make forest management planning less daunting.
We are closing in on the end of OSWA’s fiscal year (October 31st) with a full list of accomplishments and a few challenges yet to conquer. 2013 was a great legislative session for OSWA members, we had three very successful Howdy Neighbor tours, we had a wonderful annual meeting hosted by the Douglas County chapter, we participated in a Leadership Academy at the Oregon Garden, we participated in several successful Tree Schools, and chapters had countless activities for our members. All in all, we had some real successes.

Of course, there still remain some challenges. There are still issues that need to be resolved at the legislature such as better funding for the OSU Forestry Extension program and the Oregon Department of Forestry, better equity between owners with property zoned as forestland and owners with property zoned for agriculture, and we are continually attacked by those who wish to increase the taxes forest landowners pay and increase regulations on forestlands. Strategies are being developed for the 2014 and 2015 legislative sessions. We need to reach out to the 140,000 family forest landowners in Oregon to get engaged and join OSWA. OSWA’s 1450 memberships represent only 1% of the potential OSWA members in Oregon. We need to grow our organization so we can be more effective and better serve our members. OSWA did have a 4% growth in 2013 which stopped a multiple year slide in membership. We need to capture this momentum and continue to reach out to our neighbors to become part of this great organization.

This year OSWA will fall short of the revenue from membership dues and consequently will show a loss for fiscal year 2012/2013. The table shows the actual 2011/2012 budget, the approved 2012/2013 budget, the projected 2012/2013 year end actual budget, and the approved 2013/2014 budget. The projected $17,600 loss this fiscal year will spend down reserves. The 2013/2014 budget assumes another 4% growth in membership. Fiscal year 2013/2014 will be a crossroad year to see if current dues and organizational structure combined with existing member benefits can be maintained. I believe the plan to do so can be successful, but it will take everyone’s efforts to make it so.
OSWA News

OSWA 2014 Annual Meeting – Where and When?

Again in 2014, OSWA will wait to see who is selected as the Outstanding Tree Farmer of the Year on November 25th before determining which chapter will host the 2014 Annual Meeting. Once the OTFoY is selected, that chapter will be given the opportunity to host OSWA’s Annual Meeting if they choose to do so. The meeting will likely be in June again this year. The location and date will be available soon. OSWA does have chapters who have volunteered to host the annual meeting should a chapter decline the opportunity to host.

OSWA Website

The newly revamped OSWA website is up and running. All OSWA members can access the MEMBERS’ ONLY section with the username: member and password: OSWA2013.

Furthermore, OSWA members designated by their chapters can now access the website portal to make changes and add events, newsletters, or information. Website tutorial videos that provide step-by-step instructions can be found under the MEMBERS’ ONLY section. Access to the website portal requires additional login information provided by the webmaster. Members need to contact Jen Rains at 503-588-1813 or jenerains@gmail.com to access the website portal. If chapters do not have a designated member for the website, they may work directly with Jen to keep information up-to-date.

Patrons

Gold
- Oregon Forest Resources Institute
- Port Blakely Tree Farms
- Starker Forests

Silver
- Boise Cascade
- Douglas County Chapter
- Guistina Resources
- Hancock Timber Resources
- Jackson/Josephine Chapter
- JD Fulwiler Insurance
- Lane County Chapter
- Linn County Chapter
- Longview Timber
- Marion/Polk Chapter
- Rosboro
- RSG Forest Products
- Swanson Group

Bronze
- Baker County Chapter
- Benton County Chapter
- Cascade Timber Consulting
- Columbia County Chapter
- Coos/Curry Chapter
- Grant County Chapter
- International Paper
- Lincoln County Chapter
- Ochoco Lumber Company
- Olympic Resource Mgmt.
- Stimson Lumber Company
- The Campbell Group
- Weyerhaeuser
- Willis of Oregon Insurance

Member Patrons & Supporters

Thank You

Silver Patrons, donating at least $1,000
- Kent Grewe

Bronze Patrons, donating at least $500
- Scott Hanson
- Schmidt Family Forest
- Coast Range Conifers LLC
- Anonymous

Fund Drive Supporters
- Tom Newton
- John Potter
- Annabelle Morgan
- Nancy Grayson
- Nancy Cummings
- Carl Anderson
- Dean Muffett
- Darlene Bryant
- Miles Merwin
- Sue Favret
- Jim Brady
- Dave Hunt
- Molly Butler
- Polly Bingham
- Dan Grimm
- Bill Porfily
- Stanley Vejtasa
- Judson Parsons
- Tom Lancefield
- Ace Carter
- Mark Havel
- William Lenon
- William Collins
- Lorel Tarbell
- William Johnson
- Loren Dennis
- Tom Nygren
- Ray Wilkeson
- Dennis Chapman
- Alan Thayer
- Faulk-Mottner Family
- Alan Johnson

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Statistics don’t lie. And when looking back on the 2013 fire season years from now, the statistics will show, and remind us, what Oregon endured. Not long into August, those of us that were around in 1987 began drawing similarities to that unforgettable summer, when over 96,000 acres burned on lands protected by the Oregon Department of Forestry and more than 100,000 acres burned on national forest lands. With the smoke settling from early fall rains, the tally for 2013 has amounted to more than 140,000 acres burned on ODF protected lands alone. Lightning was the biggest culprit, starting dozens of fires in remote areas that exceeded firefighting capacities. While lightning generally accounts for about 30 percent of all fire starts, more than 45 percent of 2013’s fires were attributed to Mother Nature.

Early on fire professionals saw the writing on the wall. Through the winter and spring, meteorologists predicted high potential for large summertime fires, based on a below-average snow pack, early snowmelt, low-fuel-moisture content and ongoing drought. Uncharacteristic large fires broke out as early as April and continued into June setting the table for a tough summer ahead. To make matters worse, a Fuels and Fire Behavior Advisory for southwest Oregon was issued on July 20, warning that fuel moistures were at levels typically seen in mid to late August. Lightning struck just six days later.

The July 26 thunderstorm produced nearly 100 fires in two southern Oregon counties. Initial attack crews from ODF, rural fire departments, landowners and other cooperators responded valiantly to corral the majority of the starts. Several fires burned together to form complexes. Two state and three interagency fire teams were called in to manage five complexes burning in excess of 30,000 acres. At one point, more than 6,000 firefighters (twice the force of ODF) were assigned to the Douglas Complex in southern Douglas County.

Central and eastern Oregon received their fair share of fires as well. Between the GC (Grant County) Complex and the Government Flats Complex near The Dalles (lightning caused fires), another 25,000 acres burned and threatened communities in mid August.

Along with State Forester Doug Decker, Fire Protection Chief Nancy Hirsch and Deputy Travis Medema recently reviewed the 2013 fire season with several legislative committees. Decker said that he left the legislative meetings confident that we had successfully delivered our messages—that fire protection is our cornerstone, that collaboration is foundational to our success, that we have made sound use of the resources the legislature has given us, including through the new Wildfire Protection Act.

Decker also had the opportunity to meet with the National Association of State Foresters in Virginia and pass along thanks to the 35 states that helped Oregon during the fire season. In return, he heard back that their people had positive experiences working alongside ODF while gaining perspective on our fire protection approach, practices and culture. He said that he sensed that they appreciated the opportunity to serve and assist as much as we appreciated their talent and commitment.

With acres burned this season surpassing 100,000 for the first time since 1951, with record costs and damage, with the pain of firefighter fatalities, this has truly been an epic fire season. What the statistics don’t show are the hearts and souls of every individual that played a role in the 2013 fire season. For those of you who carried a Pulaski or participated in the tactical assault of protecting lives, natural resources and communities from this fire season’s fury, we thank you.
Two Howdy Neighbor Tours - August and September

Continued from front page

Springer Family Properties –

On September 14th, 95 participants visited Gary Springer and Thad Springer’s properties near Harland in Lincoln County. Participants watched and learned about an active commercial thinning operation, converting pastures to forests, thinning strategies, how to determine fish presence in small forest streams, Forest Practice Act stream protection rules, and the history of the area. Thank you to Thad, Gary, and the Springer Family for a great tour and sharing their family park.

OSWA plans to have four Howdy Neighbor Tours in 2014. One will be during the OSWA Annual meeting. The locations for the other three have not yet been determined. Any chapter wishing to host a Howdy Neighbor Tour in 2014, please contact Jim James. OSWA signs are still available. There are about 50 signs remaining from the first

September 30th Special Session

By Roger Beyer

As you have likely heard by now the “Grand Bargain” of special session has passed. What this means for small woodland owners primarily is the bill to pre-empt local governments from regulating what sort of crops you can grow passed as part of the bargain. This law will take effect as soon as the Governor signs the bill, with the exception of Jackson County, where a measure has already qualified for the ballot and will be voted on in May of 2014. If this passes, no one in Jackson County will be allowed to grow any genetically modified organisms (GMO). If it fails, Jackson County will be pre-empted from regulating crops, just like the rest of the state.

This new law will likely be challenged in court, just like the measure in Jackson County will be if it passes. I believe the state law will be upheld and the 6 other counties (Benton, Clackamas, Josephine, Lane, Multnomah and Washington) will be prohibited from going forward with their efforts to ban GMO production.

The measure in Jackson County if passed will be interesting to watch. This could become the first real test case for Oregon’s Right to Farm and Forest Law. Lawyers who have studied this issue have stated that the Right to Farm and Forests statute would trump any local government action on the regulation of normal forest practices. Either way this is very likely not the end of this debate but just the beginning of much more to come.

The tax, budget and PERS bills also passed and are not directly related to small woodland owners so I haven’t commented on them. The tax bill specifically excludes capital gains income from qualifying for the reduced tax rate and therefore will not affect owners of timberland. The new tax rate on C Corps affect only those with more than $1 million of taxable income, also making it unlikely to apply to small woodland owners.
OSWA Signs Available for Purchase

By Jim James

200 purchased by OSWA. It would be great if these signs get purchased and posted and OSWA needs to order more. Signs are available at $35 per sign. The sign is 2 ft. by 2 ft. sign with OSWA’s logo. Members are encouraged to purchase a sign and place it on their property. The idea for an OSWA sign came from the Membership Committee. There are a lot of potential OSWA members who have no idea OSWA even exists. By placing a sign on one’s property, others will become more aware of OSWA’s existence and hopefully be courteous to learn more. OSWA has received an inquiry about OSWA from a non-member who saw a sign in Lane County.

To order a sign contact Jim James (503) 588 -1813 jimjamesoswa@yahoo.com or Jen Rains jenerains@gmail.com. Delivery of the sign will be coordinated with each member who orders one. There will be an emphasis on delivering them at chapter activities. The signs will be available at chapter annual meetings and at other events the Executive Director attends. Signs are also available at the Salem office 187 High Street NE, Suite 208 in Salem. Signs are difficult to mail, but can be mailed for an additional cost. Order a sign today and display it with pride.

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House Bill 2441 changes state land use statutes to allow a building that is “customarily provided in conjunction with farm or forest use” to be sited on land that is zoned for forest use or mixed farm and forest use.

Oregon law allows a farmer to site an agricultural building on land zoned for exclusive farm use (EFU) as long as the building is “customarily provided in conjunction with farm use.” There is no definition in Oregon statute or in the Oregon Land Conservation and Development Commission’s administrative rules which define the phrase “customarily provided in conjunction with farm use,” as that term is applied to agricultural buildings.

As a result of the lack of definition, most Oregon counties treat the siting of an agricultural building in an EFU zone as an outright permitted use which does not require a public land use hearing and full blown land use process. A simple permit is all that is usually required.

Unfortunately, prior to House Bill 2441, there was no corresponding provision allowing property owners of land zoned for forest use or mixed farm and forest use to construct a building to assist in the management of their forest land. In order to put property owners managing their forest land for forest uses on the same footing as farmers, a bill was needed.

The purpose of House Bill 2441 was to create a corresponding provision for land zoned for forest use, to allow property owners managing their land for forest uses to construct and site a building that is “customarily provided in conjunction with farm or forest use” on forest zoned property.

House Bill 2441 was sponsored by the Oregon Small Woodlands Association, was approved unanimously by the Oregon House and Oregon Senate, and was signed by Governor Kitzhaber on May 9, 2013. It becomes law on January 1, 2014.
Willis of Oregon Offering Timber Resource Value Insurance to OSWA Members

By Jim James

Last fall, Willis of Oregon offered OSWA members Timber Resource Value Insurance to cover losses from fire. OSWA needed at least twelve members to sign up for the insurance to initiate the program. Willis of Oregon received less than twelve applicants and the program was not implemented for the 2013 fire season.

At OSWA’s September 27th Board meeting, Willis of Oregon’s Vice President, Joe Luchsinger presented the same offer to OSWA membership for the 2014 fire season. The Board directed the OSWA staff to present this offer, once again, to the OSWA membership to see if there is enough interest to start the program. Members who might be interested are encouraged to complete the application to see what a policy will cost so they can make an informed decision. The application is attached. There is no obligation to purchase the insurance from filling out the application and getting a quote. Any resource value information included in an application is held in strict confidence by Willis of Oregon. Mail the application to Willis of Oregon, c/o Joe Luchsinger, 222 SW Columbia St., Suite 600, Portland, OR 97201. This type of insurance has never been available in Oregon and it is once again available only to OSWA members if there is enough interest.

Here is a recap of the insurance proposal. Participants will be reimbursed for any timber value loss they experience from a forest fire after allocations for salvage and deductibles are made. Each participant can select the deductible level they prefer amongst standard available options. To qualify one must be an OSWA member, have a third party certified forest plan, fill out an application to determine the premium. OSWA members interested in this insurance, but do not have a third party certified forest management plan can contact Jim James (503) 588-1813 or jimjamesoswa@yahoo.com to find out how to become certified. The premium for insurance will vary for every participant based on the age of their forest (potential for salvage following a fire), the landowner’s value for the timber resource, history of fire in the geographical area their forest is located, and the amount of deductible chosen by the participant.

OSWA members wishing to purchase the insurance will be part of a pool of participants that will share a potential insurance payout of $25MM per year. Should the total payout in any given year exceed $25MM in losses, the year’s total losses will be evenly prorated to the recipients, not to exceed the $25MM payout. If enough OSWA members insure through Willis the amount of the total payout can be increased to reflect the size of the OSWA pool. To qualify, one must apply for and purchase the insurance annually at the end of each year.

Anyone interested should complete the application and mail it to Willis of Oregon for an evaluation. Commitments to the insurance program are due by March 1, 2014 so Willis of Oregon can evaluate whether OSWA members requesting insurance will have a program for the 2014 fire season. If anyone has questions, they can contact Joe Luchsinger at (503) 450-9819 or joseph.luchsinger@willis.com.
Standing Timber Insurance Application

Coverage:
Standing Timber insurance covers your trees against loss due to fire and perils associated with fire. Minimum premium of $350 applies. The perils of wind, and freeze, may be available for an additional premium.

1. ABOUT YOU

1. FOREST OWNER DETAILS
Business Name .................................................................
Contact Name........................................................................
Mailing Address:
Line 1 .................................................................................. Line 2 ............................................................
Line 3 ...................................................................................... City ............................................................
State .................................................................................. Zip Code ....................................................
Telephone No ...............................................................................
E-mail Address ........................................................................

2. PAST INSURANCE
Have you ever had any standing timber insurance policy declined or cancelled, a renewal refused, had special conditions imposed, or had a claim rejected .................................................... Yes No

3. YOUR GROWING TREES (PHYSICAL INVENTORY AND VALUATION)
If you have a full schedule for your forests by location, block, area, species, date of planting (age) and value, please attach as an appendix to this form, in place of completing the table here.

<table>
<thead>
<tr>
<th>Timber location: GPS Latitude/Longitude or street address</th>
<th>Name of location</th>
<th>Site Class</th>
<th>County</th>
<th>Harvestable area (acres)</th>
<th>Main Species grown</th>
<th>Average Age (Years)</th>
<th>Value (US $)</th>
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STANDING TIMBER APPLICATION 1 September 2012
4. LOSS HISTORY BY EVENT FOR THE PAST 10 YEARS

- If you have no losses in any particular year, declare ZERO in the first column for total damaged area for that year.
- If you have NO LOSS HISTORY INFORMATION for the past 10 years, please explain reasons here:

<table>
<thead>
<tr>
<th>Year of Loss</th>
<th>Date of Loss (EVENT)</th>
<th>Total Area Damaged per EVENT (acres)</th>
<th>Cause of Loss (EVENT) Fire/wind/other… name</th>
<th>Value of Loss after salvage [EVENT] (US Dollar)</th>
<th>Total Area of all your timberland in THIS year (acres)</th>
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If you need more space to complete per event loss history last 10 years, please attach details as an annex to this document.

5. MANAGEMENT PLANS & CERTIFICATION

5.1. Do you have a formal management plan for your forest?  Yes ☐  No ☐

5.2. Is your forest certified as sustainable? (Forest must be certified to a credible third party certified sustainable forestry program such as the American Tree farm System, Forest Stewardship Council, and Oregon Department of Forestry's Stewardship Program)  Yes ☐  No ☐

5.3. What is the distance to your local fire station (miles)? _____________________________

DECLARATION

Declaration I / We declare that answers and statements made in this document are correct.

Signed: _____________________________  Date: _____________________________

Name in CAPITALS _____________________________

Title/Position in company _____________________________

STANDING TIMBER APPLICATION
EMAIL TO: timberinsurance@willis.com OR
FAX TO: 503-274-2155 2 September 2012
OSWA is about to complete its first year under the new membership renewal process where everyone’s dues are due in January. This transition did cause some confusion, but hopefully those challenges are behind us. Membership renewals for 2014 will be mailed in late November and payable by January 30th. For tax purposes, you may decide to pay your 2014 dues in 2013. If you joined OSWA in 2013 and paid a full year’s dues, your 2014 dues will be prorated for the portion of 2014 dues already paid. Thank you to our 121 new members.

Family Subscription Membership Available - For the first time during membership renewals, members can offer a family membership to their children and grandchildren who do not live at the members address and do not have joint ownership of the member’s property. The Family Membership was approved by the Board in June and will provide access to all OSWA statewide publications creating an opportunity for members to more easily provide this information to their family members. This will include all Oregon Family Forest News, NW Woodlands magazine, and Annual Meeting brochures. The annual cost is $30 per subscription. Members can sign up family members during the renewal process.

Extra Chapter Memberships - Members will also continue to have the opportunity to belong to more than one chapter to receive the benefits of joint memberships. The cost of joint membership will continue to be $13 for each additional chapter.

Annual Fund Drive – Members will also have the opportunity to participate in the annual “Sharpening Our Edge” Fund Drive during membership renewal. The revenues from this program will allow OSWA to operate more efficiently and enhance programs that directly benefit its members. The OSWA 2013/2014 Fiscal Budget has targeted $5000 in fund drive revenue. Members who make donations will be recognized in the OSWA newsletter, unless anonymity is requested. Significant donors will be placed in the OSWA Patron Program.

The dues rates will remain the same as in 2013. The Board chose to leave rates the same and focus on membership growth to meet OSWA’s financial needs. Members are encouraged to return their renewals as soon as possible. Reminders will be sent to members who have not paid their dues by the due date, January 30, 2014, but members are encouraged to renew their membership before that date.
**Waivers For Some Timber**  
**Harvest Written Plans Available Starting Sept. 1**  
*By Angie Johnson, Policy Analyst, Oregon Department of Forestry*

Beginning September 1, 2013, a rule change under Oregon Administrative Rule 629-605-0170 will allow stewardship foresters to waive the written plan requirement for harvest and road construction operations if the operator states at the initial notification that no physical components of the riparian management area (RMA) will be directly affected. Removing this non-value added paperwork will allow stewardship foresters and administrative staff to focus on operations that will be entering the RMA or have other high resource priorities.

The process for determining if an operation is eligible for a waiver includes assessing if the operation will be completely outside the RMA and then whether the operation will have a direct effect on the RMA. In order to avoid directly affecting the RMA, vegetation, soil, or other material cannot be moved, disturbed or altered within the RMA. Operation types that are eligible for waiver consideration are timber harvesting and/or timber harvesting where cable operations will not enter the RMA, road construction/reconstruction, pre-commercial thinning, and site preparation. Other operation types, especially those involving chemical application or burning still require a statutory written plan. Any waiver of a written plan does not mean there is a waiver of the 15-day waiting period on notifications.

To find out more information about this rule change, contact your local Oregon Department of Forestry stewardship forester or visit: www.oregon.gov/odf/PRIVATE_FORESTS/docs/20130816_Technote_Flowchart_Final.pdf

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**New Report On Land Use**  
*By Jim James*

In September, a report titled Land Use Change on Non-Federal Land in Oregon and Washington was published and is available on the Oregon Department of Forestry website. The report evaluated and land use changes in both states over several decades. A couple of excerpts from the report include: 1) Oregon and Washington have experienced substantial population growth. During the time frame of this report, the population of Oregon increased by 67 percent between 1974 and 2009, a gain of 1,531,000 people, and Washington’s population increased by 77 percent between 1976 and 2006, a gain of 2,785,000 people; 2) Land use changes associated with increased populations occurred almost entirely on non-Federally owned; 3) In this period, the patterns and rates of conversion of forest, farm, and range land to more urbanized uses differed by state as did the two states’ laws; 4) Policies designed to manage and moderate land use changes in Oregon have resulted in almost none of its non-federal forest and farmland has been converted to other uses in the past four decades. In Oregon, 98 percent of non-federal lands that were in farm and forest use in 1974 remained so in 2009; and 5) In Oregon, there is an increasing number of homes in private forestland, particularly near urban or low-density residential areas.

For the full report go to: http://www.oregon.gov/odf/RESOURCE_PLANNING/docs/land_use_in_OR_WA_web_edited.pdf
Ninth Circuit Resuscitates The Legal Quagmire On Forest Roads

Dave Tenny, NAFO President and CEO

In early September, the U.S. Court of Appeals for the Ninth Circuit issued an order in Northwest Environmental Defense Center (NEDC) v. Decker which gave litigators another chance to seek federal Clean Water Act (CWA) permits on forest roads through a new round of litigation. The court essentially breathed fresh life into the legal quagmire. Here we go again.

Recall this all began in 2006 when NEDC sued the Oregon state forester claiming that logging roads in Oregon’s Tillamook State Forest were point sources of pollution requiring federal CWA permits. Not accepting the outcome of the Oregon court upholding the U.S. Environmental Protection Agency’s (EPA) 37-year successful regulations that these roads are nonpoint sources that should be regulated through state best management practices, NEDC appealed to the Ninth Circuit, which sided with the litigators in 2010. The Supreme Court overturned the Ninth Circuit last March. In typical form, the Supreme Court upheld EPA’s rule that forest roads don’t require permits without opining on whether they were point sources. Quite simply, the Court did not rule on the point source question because it didn’t have to. Once the Court overturned the permit decision, it considered its work done.

Now the litigators are trying to revive their argument for permits by arguing that forest roads are still point sources and that there must be some new basis out there for requiring a permit. The Ninth Circuit helped them do that by remanding the case back to the district court after restating its ruling that forest roads must be treated as point sources. The litigation wheels are turning again and it is only a matter of time before the legal quagmire thickens.

It was a long and costly seven years leading up to the Supreme Court’s decision. Now, notwithstanding opposition to the litigation from a broad spectrum of interests including the National Governors Association; Attorneys General from 31 states; the National Association of Counties; EPA; forestry, agriculture, business, academic and non-profit organizations; and, most recently, the U.S. House of Representatives that passed by a voice vote an amendment to the Farm Bill declaring that forest roads are nonpoint sources, the litigators are at it again. They simply won’t quit so long as they have a legal theory to pursue. In the meantime, economic recovery and jobs in the forestry sector nationwide will continue to hang in the balance while the next case winds its way to the Ninth Circuit. All this in pursuit of a permit requirement that experts, including the Chief Forester of the United States, have said won’t improve water quality.

Congress must now complete the work on legislation and end the forest roads legal quagmire once and for all. The support is there and the end is in sight. Seven years is enough. It’s time to focus on policies to preserve working forests and not get stuck again in the mire of litigation.

NAFO is an organization of private forest owners committed to advancing federal policies that promote the economic and environmental benefits of privately-owned forests at the national level. NAFO membership encompasses more than 80 million acres of private forestland in 47 states. Working forests in the U.S. support 2.4 million jobs. To see the full economic impact of America’s working forests, visit www.nafoalliance.org/economic-impact-report.

Oregon Department of Forestry Can Provide Cost Share for Writing Forest Management Plans

By Mike Kroon

Since August 1, 2013, the Oregon Department of Forestry has been taking cost share applications for the writing of Oregon Forest Management Plans. The sign-up period will remain open until October 31, 2013. There will be approximately $25,000 available for cost share funds with an increase to the cost share rates to reflect the increased complexity of the plans. Landowners should contact their local ODF office and speak with their local Stewardship Forester.

For more information go to: http://www.oregon.gov/ODF/privateforests/pages/incentivesfsp.aspx
Marion-Polk Leads Chapter Challenge for New Discovery Pavilion at The Oregon Garden

By Julie Woodard

The Discovery Pavilion is an exciting new educational facility being developed at the Rediscovery Forest within The Oregon Garden in Silverton – and now OSWA is involved. The Marion-Polk chapter, led by Mark Havel, has pledged $500 for this education project – and they have issued a chapter challenge!

The Discovery Pavilion project is a partnership between The Oregon Garden Foundation (OGF) and Oregon Forest Resources Institute (OFRI). Ten years ago, the original fund drive to establish the Rediscovery Forest included contributions from several OSWA chapters and individual OSWA members. The 1,300-square-foot Discovery Pavilion will be a centerpiece for education programs, and a place for visitors to gather in the heart of the Rediscovery Forest. The structure will enable programs and events to accommodate more visitors, particularly those who are physically disabled. The pavilion will also tell a story and educate visitors about wood as a viable green product and construction material.

The Rediscovery Forest provides an on-the-ground educational experience for students, educators, family forest landowners and the public. Over the past 10 years, Rediscovery Forest education programs have told Oregon’s forestry story to more than 50,000 students and 15,000 adults.

OFRI greatly appreciates the participation of OSWA chapters and members. To participate in the chapter challenge, please complete the attached pledge form, or contact Julie Woodward at Woodward@ofri.org or 503-807-1614.
Be Glad You Live in Oregon

By Jim James

Following is an article from the Washington Farm and Forest Association’s (OSWA’s counter part in Washington) newsletter. It is a reminder of how lucky we are to live in Oregon, where forest owners do not need to get a permit from several state agencies to do a forest operation. Instead, in Oregon forest owners file a Notice of Operation to ODF who then has 15 days to review and advise the landowner whether the planned operation is in compliance with Oregon’s Forest Practice Laws. It is the landowner’s obligation to comply with the laws and ODF will monitor for compliance and take action if the laws are violated. The landowner situation described in this article could not happen in Oregon, although there are factions in Oregon who would prefer Oregon had Washington’s Forest Practice Laws. One can read it in the paper all the time. This is a good example of why it is so important that OSWA have a strong presence at the state capitol and with the Board of Forestry, to make sure Oregon’s Forest Practice Laws are based on real science and not shifting political winds like the ones that have blown in Washington state.

The Daman Family Story

From WFFA Newsletter

The Western slopes of Washington’s Olympic Peninsula are prime timber country. During World War II, Joyce Daman’s grandfather purchased some of that land and logged it to support the war effort. He appreciated both the land and the legacy it would provide for future generations. He passed some of that timber land down to Joyce’s father, who gave it to Joyce.

Three generations managed that land according to some of the strictest timber management practices in North America. After 70 years, the timber was ripe for harvest. Yet to harvest timber, even on private land, requires permission from Washington State’s Department of Natural Resources (DNR). The Damans applied for their permit, and it was granted. They hired a team of loggers from the local community. But just as they began, DNR changed its mind and issued a “stop work order” against the Damans.

It turns out a Seattle-based anti-logging group had challenged the Damans’ permit. That was all it took to put the team of loggers out of work and threaten to destroy the rewards of 70 years of good stewardship.

If you follow all the rules only to have them change at the last moment … is this the rule of law? If you can do everything right, get a permit, even get started, only to have government change its mind and stop you in your tracks … are you really free?

Washington State has 40,000 private land owners managing small stands of timber. Unlike other farmers, these families harvest once in a lifetime. When they plant a seedling, they do it not for themselves but for future generations. How can they hope and plan for the future if the rules mean nothing? Why invest in good stewardship? Even worse, this story illustrates why so many people now believe buying influence with politicians has become a necessary investment.

Families like the Damans need predictability in order to invest, provide jobs for the local community, and benefit from their hard work and good stewardship. Groups like the Washington Forest Law Center should not be able to use the Department of Natural Resources or any other government agency to target, harass, or take from other citizens. The Damans’ story is a tale of government gone wrong—a Tale of Tyranny.
2013 Outstanding Inspector of the Year: Jamie Knight

Congratulations to Oregon forester, Jamie Knight on becoming the American Tree Farm System (ATFS) 2013 Outstanding Inspector of the Year. Knight is Oregon’s first Tree Farm Inspector to be so honored by ATFS, and the first woman to receive the national recognition.

Knight, an Oregon Department of Forestry (ODF) forester working in LaGrande has a long history of Tree Farm volunteering and other activities in support of family forest landowners and stewardship of Oregon’s forests.

“Everybody knows Jamie, and everybody likes her,” says Michael Atkinson, certification coordinator for the Oregon Tree Farm program. “She is really dedicated to her work, not just for OTFS, but in every aspect of forestry leadership. She strives to acknowledge the work that landowners are doing on their land, and is very willing to share her knowledge with them.”

Spreading the word about Oregon Tree Farm is something Knight does often. She regularly hosts Tree Farmer of the Year tours, and gives talks about Tree Farm stewardship and values to civic and professional groups around the state. “I enjoy working with tree farmers, learning what they’d like to accomplish, and making the recommendations to help them make it happen. I get to share their dreams.” Knight said.

Her boss, Mark Jacques states, “She always readily accepts new/added responsibilities. She fills whatever expertise void we have including being our aerial observer after lightning storms, filling in as helicopter administrator and filling in as dozer swamper for our dozer operator. She also does wildfire news releases and helps with developing Fire incident action plans for extended attack fires.”

Knight lives in La Grande with her husband and daughter.

Indispensable for the forest manager

Wildlife in Managed Forests: Deer and Elk is your guide to managing these animals in your forest. Fully updated with the latest scientific research, it explains behavior, how to encourage a vibrant population, and how to tackle the challenges they pose to timber production.

It’s free, in printed or digital form. Go to OregonForests.org
American Forest Foundation selects Bill and Joan Arsenault as 2013 Western Regional Outstanding Tree Farmers of the Year

By Jim James, Administrator OTFS

Oregon Tree Farm System was notified on May 3rd that Bill and Joan Arsenault of Elkton, OR. will be selected as Western Regional Outstanding Tree Farmers of the Year for 2013. American Forest Foundation will announce the four finalists for each of the four US regions on May 13th. This is a great honor for Oregon. Bill and Joan’s Paradise Creek Ranch is very deserving of this recognition. The national finalist will be honored at the American Forest Foundation’s American Tree Farm System Annual Meeting in July. It has been several years since the nation’s Outstanding Tree Farmer of the Year has been an Oregonian. Bill and Joan are great candidates and the selection committee was impressed when they recently visited Paradise Creek Ranch.

Oregon’s Outstanding Tree Farmers of the Year woods tour will visit Bill and Joan’s Paradise Creek Ranch on Saturday, June 15th in collaboration with Oregon Small Woodlands Association’s 2013 Annual Meeting, hosted by OSWA’s Douglas County Chapter. This will be a great opportunity to visit a working forest that balances the values in the American Tree Farm System; wood, water, wildlife, and recreation. Congratulations to Bill and Joan.

Outstanding Tree Farmers of the Year Woods Tour

By Mike Barsotti

2012 Oregon Outstanding Tree Farmers of the Year, Bill and Joan Arsenault – Paradise Creek Ranch hosted a joint Oregon Tree Farm System Outstanding Tree Farmers of the Year and Oregon Small Woodlands Association Howdy Neighbor Tour on June 15th as a wrap up to OSWA’s annual meeting in Roseburg. Other hosts besides OTFS, OSWA, and Bill, Joan, and the Arsenault family were Douglas County Small Woodlands Association, Oregon Forest Resources Institute, OSU Forestry Extension, Oregon Department of Forestry, Oregon Department of Fish and Wildlife, Barnes and Associates, Farm Credit Services, and the Sustainable Forestry Initiative (SFI) Implementation Committee. There were well over 125 participants who learned about the history of Paradise Creek Ranch, stream restoration, challenges related to T&E species, discussions about when to harvest, silvicultural options, and how to have a good time on a woods tour.

Bill and Joan Arsenault have also been recognized by American Forest Foundation (AFF) as Western Regional OTFoF and will participate with three other regional OTFoFY in the AFF Annual Meeting in Minneapolis, MN in July where the National OTFoFY will be announced. At this OTFoFY tour, Joe Holmberg presented the Arsenaults with their OTFoFY plaque and a $250 certificate from Stihl Saw Company. Stihl is a sponsor of the American Tree Farm System’s Outstanding Tree Farmer of the Year recognition program. Oregon Department of Forestry representative Jim Cathgart presented the Arsenaults with a letter from Governor Kitzhaber congratulating them for being recognized as Western Regional OTFoFY and for their contribution to Oregon’s family forest community. ATFS Vice President of Bettina Ring congratulated the Arsenaults for their contribution to the American Tree Farm System.
Six Nominees for 2013 Outstanding Tree Farmers of the Year

By Dick Courter

Six American Tree Farm System candidates have been nominated by their OSWA chapters to be 2013 Outstanding Tree Farmers of the Year. They include Clackamas County – Matt and Beth Twist; Washington County – Sam Sadler; Benton County – Paul Lorenz (Lorenz Family Trust); Linn County - Rod and Ann Bardell; Douglas County – Rick and Audrey Barnes (Nickel Mountain; and , LLC); and Jackson County – Michael and Barbra Meredith. All six are OT-FoFY for their local chapters.

End of an Era

by Mike Barsotti

Clint Bentz has such a long list of titles, organizations, skills, and accomplishments behind his name, so many that it is a challenge to label him. This fall the list will be shorter. Bentz is finishing 11 years of national leadership in the American Forest Foundation (AFF) and its American Tree Farm System (ATFS) program.

Bentz’ parents were selected the 2002 National Outstanding Tree Farmers of the Year which brought with it a three-year term on ATFS’s National Operating Committee (NOC). Clint’s dad died in the fall of 2002 just as they were joining the NOC so Clint accompanied his mother Barbara to the operating committee meetings. It didn’t take long for ATFS staff and other committee members to recognize the talent and passion Clint brought to the table.

In 2003 Bentz was selected NOC vice chair. In 2004 as he and his mom were completing their three-year assignment and ready to head home, Clint was asked if he would stay on and take the chair position, a position that had always been filled by a forest industry representative.

Clint agreed and thus opened a new era for Tree Farm. With him taking on the chair position, ATFS become an organization for family forest landowners controlled by family forest landowners. With the NOC chair position came a seat on the American Forest Foundation Board of Trustees, ATFS’s parent organization. Bentz is a Certified Public Accountant and so the AFF Board asked him to fill their Treasurer position. They also decided to have the AFF President report directly to him.

As Clint wrapped up a three-year term as Chair of the NOC, the AFF Board asked that he stay on as an at-large member and assume the Board’s vice-chair position. In 2010 he was selected to a two-year term as AFF Board Chair, and after that has served a two-year term as past-chair. This brings him to today where he has one more meeting to attend, ending 11 years of guiding Tree Farm through an unprecedented and phenomenal period of change.

During Clint’s 11 years of leadership, Tree Farm has not only became an organization for family forest landowners controlled by family forest landowners, but it has developed an international recognized certification program, expanded its landowner services, built a national web-based database that is shared with the state organization, formalized its governances, and expanded representation on the AFF Board to include more landowners, conservation groups and the public. It is now recognized at the nation’s leading voice for family forest landowners.

The ATFS has always been a national program which is uniquely managed through partnerships at the state level. This creates significant differences across the county in how Tree Farm provides assistance to landowners. Clint worked continually to make sure everyone understood that the complexity this creates is a strength and not a weakness. He constantly shared that what was common, a love of the land and a desire to leave it better than found, was the

Continued on page 23
Oregon Tree Farm System

**Annual Meeting, Workshop and Recognition Luncheon**

Date: November 25, 2013  
Time: 9:00 am - 2:00 pm  
Place: World Forestry Center, Portland

**Sponsors:** Oregon Tree Farm System, Oregon Small Woodlands Association, Oregon Department of Forestry, Oregon Forest Resources Institute, OSU Forestry & Natural Resources Extension, U.S. Forest Service

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**Forest Management Planning Tools Workshop:**

**Time:** 9:00 a.m. - 11:00 a.m.  
**Place:** Cheatham Hall, World Forestry Center  
**Instructors:**  
- Amy Grotta, OSU Extension  
- Jim Cathcart, Oregon Department of Forestry  
- Mike Cloughesy, Oregon Forest Resources Institute

Forest Management Planning is one of the keys to successful woodland ownership and an up-to-date forest management plan is a requirement for certification under the American Tree Farm System. This workshop explores new computer-based tools that can make management plan development by landowners or consulting foresters much easier and complete. The following tools will be demonstrated:

- KnowYourForest.org - Mike Cloughesy  
- Oregon Forest Management Planning Website - Amy Grotta  
- My Land Plan - Amy Grotta  
- Woodland Discovery Tool - Jim Cathcart  
- Oregon Bio-diversity Explorer - Jim Cathcart

These new tools are so cool, you may even want to redo your current management plan. Please join us.

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**Tree Farm Recognition Luncheon**

**Time:** Noon - 2:00 p.m.  
**Place:** Miller Hall, World Forestry Center

The workshop will be followed by a brief Oregon Tree Farm System business meeting and then a lunch honoring the County Tree Farmers of the Year. The high point of the day will be the showing of a video featuring all of the county tree farmers of the year and the announcement of the Oregon Tree Farmer of the Year for 2013.

The workshop is free and the luncheon cost is $25 per person. For more information, contact Anne Hanschu, at (503) 357-2551 or e-mail: netvetrdh@gmail.com

**Send completed registration, along with money, to the address on the back.**
Annual Tree Farmer of the Year Awards Luncheon

Registration Form

Name(s) ________________________________

Phone # ________________________________ Number attending __________ Amount Paid __________

Do you need a receipt  ☐ Yes    ☐ No

(Please send payment along with your registration form to:

Oregon Tree Farm System
c/o Anne Hanschu
14655 NW Parson Rd.
Forest Grove, OR 97116

Questions?
Call (503) 357-2551 or email: netvetrdh@gmail.com

Agenda

November 25, 2013

8:30 am  Coffee and check-in – Cheatham Hall

9:00  Workshop – Cheatham Hall

11:00  Oregon Tree Farm System annual business meeting – Cheatham Hall

12:00 am  Tree Farmer of the Year awards luncheon in Miller Hall

Menu: Roast Baron of beef, salad, fresh fruit and pumpkin pie

1:00 pm  Oregon Tree Farm System annual awards

• Video review of County Tree Farmers of the Year
• Recognition of the County Tree Farmers of the Year by USDA Forest Service Regional Forester, Kent Connaughton (invited), Oregon State Forester, Doug Decker (invited)
• Announcement of State Outstanding Tree Farmers of the Year

1:45  Break

2:00  Oregon Tree Farm System board meeting in David Douglas room

3:30  Adjourn meeting
power that would allow Tree Farm to be successful in having “more good forestry on more acres and keep it there”.

Clint lists as one of the areas he is most proud of is unifying the program across the nation, building a complex structure. He states, “a unified program that is together on why but not on how is who we are and how we govern”. He also states that one of his fears as he steps aside is ATFS not maintaining the complexity. With time and turnover at the national and state levels, there may come an illusion that a simple top down organizational structure will work better. “Tree Farm’s organizational structure is unique; there is no other organization like us”, he added.

“After receiving $150 million grant in October 2006, AFF met with over 400 people in groups meeting throughout the country”, he said. “The single, most consistent message we heard was ‘maintain the state and national level partnerships’”, he added.

AFF and ATFS are larger, stronger and more visible than they were 11 years ago. When asked what he was most proud of, Bentz listed three. “We have created a landscape scale process where federal, state and local organizations are working as one to help individual landowner solve ecological problems. Second, we are undertaking a top to bottom review of how Tree Farm can best serve landowners. Partners across the country struggle with less funding so we need to find a better way to help them serve tree farmers. Oregon is one of four states testing different operational models. And third, we are remaking Project Learning Tree as schools address the STEM (science, technology, engineering, and mathematics) goal and objective.”

While he has devoted so much time, energy and talent at the national level, it isn’t like Bentz has been absent in Oregon. He has been instrumental in developing a program, Ties to the Land, which teaches families ways to keep land in the family through generational change.

He played the pivotal role in two state laws changes that created the Small Tract Forestland property tax program and a rewrite of the Natural Resource Credit in the Oregon Inheritance Tax law. Both provided major benefits for family forest landowners.

Clint is a Master Woodland Manager and throughout this 11-year period he continued to volunteer his time giving workshop on Ties to the Land, and income and property tax issues. He represents landowners on Oregon Department of Forestry’s Stewardship Committee.

He has chaired for the past 10-years a Western Oregon Pastoral Council for the Catholic Church’s Archdiocese of Portland.

He funds all this volunteer efforts and provided for his family as a partner in Bolt, Carlisle and Smith, a mid-Willamette Valley CPA firm.

Clint and his wife, Maureen, have five children and live on their tree farm east of Scio.
Oregon Family Forests News

Upcoming Events

July 20, 2013
Linn County Annual Picnic

July 27, 2013
OSU Extension Lincoln County Woods Tour
OSU Extension Giustina Resources Mollala Operations Tour

August 10, 2013
Curry County Howdy Neighbor Tour

August 18, 2013
OSWA Board Call

September 5, 2013
OSWA Executive Committee Meeting

September 6, 2013
OTFS Board Meeting

September 12, 2013
OSWA Board Call

September 14, 2013
Lincoln County Howdy Neighbor Tour

September 27, 2013
OSWA Board Meeting

November 25, 2013
OTFS Annual Meeting