

# OREGON TREE FARM SYSTEM NEWS



Oregon Tree Farm System; 2600 State Street; Salem, Oregon 97310

## OTFS Annual Awards Lunch and Workshop

### **“Are Permits for Logging Roads in our Future?”**

**Monday, November 21, 2011**

**World Forestry Center, Portland**

**9:00 am to 2:00 pm**

Oregon Tree Farm System’s Annual Awards Luncheon with Workshop featuring a panel discussing the question, “Are Permits for Logging Roads in our Future?”

Additional information, agenda, and registration on page 3.

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## Why am I Receiving this Newsletter?

### **I AM NOT A TREE FARM MEMBER. WHY AM I RECEIVING THIS NEWSLETTER?**

This Newsletter has been mailed to members of the Oregon Tree Farm System as well as to members of the Oregon Small Woodlands Association who are not also members of OTFS. Each year, the American Forest Foundation, the parent organization of OTFS, makes grant funds available for its individual states to increase their impact within their state.

These “Capacity Building Grants” have been used by OTFS in prior years to develop and produce tabbed dividers for management plan binders, to develop a mentored management plan training module with OSU Extension and to develop an Operations Manual for its all-volunteer

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Board of Directors. OTFS received a capacity building grant for 2011 to outreach to small woodland owners in Oregon apprising them of the value of becoming members of the Tree Farm System.

An analysis of the OSWA and OTFS mailing lists revealed that of the 1400 OSWA members and the 750 OTFS members, only about 350 were members of both organizations. Part of the grant is being used to mail this newsletter to all members of OSWA to encourage those not members of OTFS to consider having their forestland sustainably certified under the internationally recognized Tree Farm System.

For information call 503-362-0242 or contact Connie Atkinson [mosbycreek@wildblue.net](mailto:mosbycreek@wildblue.net) for additional information and/or a referral to one of Oregon’s 130 volunteer Tree Farm Certifiers.

## Coming to the Annual Awards Luncheon?

If you are coming to the Annual Awards Luncheon, bring your check book. Oregon Tree Farm shirts, vests, caps suspenders and other items will be available for purchase. Old fashioned cash will also be accepted.

## A New Benefit Available to Tree Farm Members

The American Tree Farm System (ATFS) has adopted webinar technology to bring online educational programs to its members. ATFS mails information on upcoming webinars to all its members including those of its Oregon affiliate the Oregon Tree Farm System.

An upcoming webinar might be of interest – “Leaving a Legacy for the Next Generation: Tips on Succession Planning” The webinar is November 15 and repeats on November 17, 2011 at Noon Pacific Standard Time. All you need is access to a computer and a phone to participate in a webinar. Through ReadyTalk, an online tele-conference provider, ATFS experts will share a presentation on succession planning and take your questions.

You need not be a member of ATFS to participate but, if you were a member, you would have received a notice of the upcoming event.

Go to [www.treefarmssystem.org/ATFSwebinarseries](http://www.treefarmssystem.org/ATFSwebinarseries) to sign up.

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## Memorial Fund

The Oregon Tree Farm System (OTFS) has a great way to honor a family member or friends that has died while supporting Oregon’s tree farmers. Its Oregon Tree Farm Memorial Fund, Established in 1996, it provides tree farmers, their families and friends an opportunity to memorialize loved ones, to establish honorariums or to gift property or currency. Interest and dividends derived from managing the funds are used to support the Oregon Tree Farm System’s annual operations. Contributions to the fund remain untouched in perpetuity.

OTFS encourages tree farm families and friends:

- To suggest the Memorial Fund as a preferred charity to friends and family for the purpose of donating remembrances at the death of loved ones.



- To bequest to the Memorial Fund real property, cash, or investment securities through wills.
- To name the Memorial Fund as beneficiary to Life or other insurance policies or to investments.
- To name the Memorial Fund as beneficiary through the use of Estate and Succession Planning tools such as Charitable Remainder Trusts or Charitable Lead Trusts or any other planning tool available.
- To establish Memorial Fund honorariums recognizing family birthdays, anniversaries, achievements, service or any other noteworthy recognition.
- To gift to the Memorial Fund real property, cash or investment securities at their discretion.

OTFS can suggest estate planning professionals for assistance.

All donations are deductible as charitable contributions. Please direct all contributions or requests for further information to the Oregon Tree Farm System, 1600 NW Skyline Blvd., Portland OR 97229, Phone 503-297-1660.

**Oregon Tree Farm System**  
**Annual Meeting, Workshop**  
**and Recognition Luncheon**

Date: **November 21, 2011**  
 Time: **9:00 am - 2:00 pm**  
 Place: **World Forestry Center, Portland**



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

**Tree Farm Workshop: Are Permits for Logging Roads in our Future?**

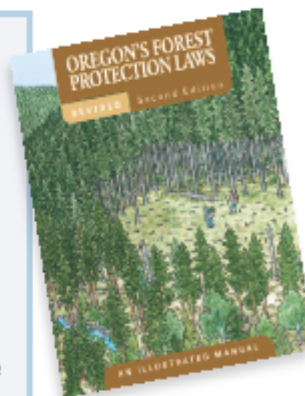
Time: 9:00 a.m. - 11:00 a.m.

Place: Cheatham Hall, World Forestry Center

This year's workshop features a panel discussing National Pollutant Discharge Elimination System permits for roads, point source v. non-point source pollution, NEDC v. Decker, legislation for silvicultural exemption, and current research on roads and sediment at the Trask Paired Watershed Study.

- Best Management Practices for Forest Roads – Kevin Boston, OSU College of Forestry
- NEDC v. Decker, 9th Circuit Court Decision, Potential Supreme Court case – Michael Campbell, Stoel Rives
- Legislative proposals for Silvicultural Exemption – Ann Forest Burns, American Forest Resource Council
- How a Permit Process Would Work – Dave Powers, Environmental Protection Agency
- Trask Roads & Sediment Study – Jeremy Groom, Oregon State University

*Moderator: Mike Cloughesy, Oregon Forest Resources Institute*



*Oregon's Forest Protection Laws: Second Edition will be available to all workshop attendees*



**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 luncheon honoring the County Outstanding 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 Outstanding Tree Farmer of the Year for 2011.

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](mailto:netvetrdh@gmail.com)

**Send completed registration, along with money, to the address on the back.**

## Agenda November 21, 2011

- 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
- 11:30 Check-in for awards luncheon in Miller Hall
- 12:15 pm Tree Farmer of the Year awards luncheon in Miller Hall  
Menu: Roast Baron of beef, salad, fresh fruit and pumpkin pie
- 1:00 Oregon Tree Farm System annual awards
- Video review of County Tree Farmers of the Year
  - Recognition of the County Outstanding Tree Farmers of the Year by USDA Forest Service regional forester, Kent Connaughton (invited), and Oregon State Forester, Doug Decker (invited)
  - Announcement of western and eastern Oregon regional and state Outstanding Tree Farmers of the Year
- 1:45 Break
- 2:00 Oregon Tree Farm System board meeting in David Douglas Hall
- 3:30 Adjourn meeting



### 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. The luncheon is \$25 per plate)*

Please complete and return this form by November 16, 2011.

Send your registration and your check payable to OTFS 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](mailto:netvetrdh@gmail.com)

## Two Circuit Court Decisions Threaten to Change How We Make Forestlands

On August 17, 2010 the United States Court of Appeals for the Ninth Circuit held that a National Pollution Discharge Elimination System ("NPDES") permit is required for stormwater runoff from logging roads. In [\*NEDC v. Brown, No. 07-35266\*](#), three judges decided a case involving two long-existing public roads that enter the Tillamook State Forest and are used for logging, among other things. NEDC asserted that the defendants should be required to obtain an NPDES permit for stormwater runoff from the roads because the sediment in the stormwater is a pollutant under the federal Clean Water Act ("CWA").

The CWA requires an NPDES permit for the discharge of any pollutant to any navigable water from any point source. The CWA distinguishes between point source discharges of pollutants and non-point source pollution. Non-point source pollution, which is not defined in the CWA, includes any source of water pollution not characterized as a point source discharge. Since 1973, rules promulgated by the Environmental Protection Agency ("EPA") have distinguished between point source and non-point source pollution. Included in these rules is the so-called Silvicultural Rule found at 40 C.F.R. § 122.27(b)(1), which has remained substantially in its current form since 1976. The Silvicultural Rule specifically defines timber "harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff" to be "non-point source silvicultural activities" excluded from NPDES permitting requirements.

NEDC argued that the ditches and culvert system associated with the forest roads constitute point sources that discharge into forest streams and rivers. The U.S. District Court for the District of Oregon held that the discharges of which NEDC complained were exempt

from permitting under the Silvicultural Rule. The Ninth Circuit disagreed, holding that stormwater runoff that is collected and channeled in a system of ditches and culverts before being discharged into streams and rivers constitutes a point source, and that EPA lacks authority to promulgate a rule to the contrary.

The court's decision has potentially sweeping implications. First, combined with the Ninth Circuit's opinion in *League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Forsgren*, 309 F.3d 1181, 1184 (9th Cir. 2002), this opinion appears to leave the Silvicultural Rule with little potency. Second, if broadly read, this opinion would require NPDES permits for every road in the country that is served by ditches or culverts that eventually discharge to natural surface waters and that is not already regulated by the CWA. The American Tree Farm System is actively engaged with Congressional representatives to put the Silvicultural Rule into law.

***The potential impact of the Ninth Circuit's Opinion is the topic of the Tree Farm Workshop on November 1, 2011. Information on this no-charge workshop is included in this Newsletter.***

The second decision came from the D.C. Circuit. On September 9, 2011, the Court approved two far-reaching settlement agreements between the Center for Biological Diversity, WildEarth Guardians, and the Fish and Wildlife Service ("FWS"). These settlements require the FWS to make listing decisions under the Endangered Species Act ("ESA") on more than 700 species over the next 5 years. The litigation that led to these settlements relates to the FWS's response to species listing petitions made by the Center for Biological Diversity or WildEarth Guardians.

For 251 species, the FWS initially found that listing was warranted, but precluded by higher listing priorities. These "warranted, but precluded" species are referred to as "candidate species."

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*We're on the Web!*

*Visit us at:*

[www.otfs.org](http://www.otfs.org)

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Candidate species receive no protection under the ESA. Under the settlements, the FWS is required to review the 251 candidate species and either propose listing or make a finding that listing is not warranted by 2016. These species include, among others, the greater sage grouse, North American wolverine, northern long-eared bat, and Oregon spotted frog.

The FWS must also make listing or critical habitat determinations for other species, including the black-footed albatross, California golden trout, and dusky tree vole. Finally, the FWS must make initial petition findings and critical habitat designations for over 600 species between 2011 and 2012, including 32 species of Pacific Northwest mollusks, 42 species of Great Basin spring snails, and the 403 Southeast aquatic species.

One can only imagine how the listing of any of the 32 species of Pacific Northwest mollusks (snails and slugs) could impact forestland management. This decision is still fresh but the American Tree Farm System will be fully engaged in the process at the Washington D.C. level.

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## Get Your Chainsaw Ready for Fall

By John Keeler, National Training Manager for Stihl Inc.

Heading to the woods to start or finishing up your collecting firewood for winter? Or are you getting ready to do some management activities, maybe a thinning? Then make sure your chainsaw is as ready as you are. Chainsaw inspection and maintenance are critical to its mechanical integrity and safety. The following checklist is designed to help you operate your chainsaw properly.

- Make sure fasteners on your chainsaw are snug.
- Check the AV system and ensure the buffers are in place and not worn, broken or damaged.
- Check your air filter often. If your filter is dirty, clean the filter according to manufacturer directions or replace the filter.
- Check the chain on your saw when on idle. If the

chain moves when the saw is idling, adjust the saw's idle using the proper adjustment screw on the carburetor.

- Check your muffler and spark arrestor according to you saw's maintenance schedule.
- Inspect the bar, chain and sprocket frequently. Remember, install a new sprocket after every two chains wear out.
- Keep your saw chain sharp. File the chain with a few light strokes on each tooth using a file and guide each time your refuel, even if you think the chain is already sharp.
- Replace worn, cracked or damaged chains immediately.
- Check and maintain your bar. Inspect the guide bar body, grooves and rails for damage, wear and debris. Repair minor nicks with a flat file.
- When reinstalling your guide bar, always place the bar with the opposite side up from when you last took it off.
- Finally, check your chain brake to make sure it engages and disengages appropriately.

Most owner's manuals feature a chart detailing the maintenance you should perform and at what intervals. If you are unable to perform any of these functions, return your chain saw to an authorized dealer for inspection and maintenance. To learn more, order a copy of Stihl's Chain Saw Safety, Maintenance and Operation video on DVD by calling (800) 732-0054. Cost is \$4.99, plus shipping. Or you can watch it online: <http://www.stihldealer.net/videolibrary/>

## Shouldn't the Green Building Movement be Good for Tree Farmer?

Many in Oregon proudly know that our state has long been a leader in environment protection. Oregon was the first state to have a Forest Practices Act, and that effort was led by our forest industry. Oregon was the leader in recycling with its Bottle Bill, and in forest protection with its Land Use Planning. The City of Portland works hard to be seen as one of the greenest city in the county.

Green building is seen as the responsible way to go. So with this environment history, why should tree farmers fight the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) program?

Wood, especially wood from American Tree Farm System (ATFS) certified forests, is one of the greenest building materials out there—this should be a boon for timber markets for Tree Farmers, right? Well, USGBC's LEED program is one of the most widely used green building rating systems—a tool that builders use to show their buildings are “green, and it doesn't recognize the green value of ATFS certified wood. LEED remains a barrier to strong healthy wood markets.

As a voice for family forest landowners in Washington, ATFS has been fighting to get Tree Farm wood products recognized by LEED. ATFS know that healthy markets mean healthy forests and Tree Farmers need all the tools and resources they can get to keep their forests healthy and keep them intact for future generations.

USGBC recently released a new rating system, LEED 2012, which would take effect in 2012. The changes proposed are significant—unfortunately, it doesn't change the story for wood or increase recognition of American Tree Farm System wood.

While wood is an energy efficient, renewable, carbon sequestering material, LEED has historically done very little to promote the environmental benefits of wood or to encourage builders to choose wood products—essentially blocking wood from the growing

green building market. Builders and architects collect few credits under LEED for using wood, and the credits that are related to wood products are restrictive.

The LEED 2012 proposed changes continue to discriminate against wood products compared to other materials. While manufacturers of materials that are mined/quarried, extracted, or bio-based have to meet basic responsible sourcing requirements, additional standards are placed on wood products. In the proposed LEED 2012 changes, the old “Certified Wood” credit is gone, replaced with a credit for “Responsible Sourcing of Raw Materials.” Wood can only earn this credit by qualifying as “Forest Stewardship Council (FSC) Pure” (meaning 100% FSC), which excludes the majority of certified products on the market today and continues to ignore three quarters of North America's certified forests. While other materials get credit for responsible sourcing, the majority of forest products cannot.

ATFS continues to fight for Tree Farmers in this debate and in September it was joined by USDA-Forest Service. Agriculture Secretary Tom Vilsack announced a strategy to promote the use of wood as a green building material. Secretary Vilsack will lay out a three-part plan addressing the Forest Service's and USDA's current green building practices.

"In keeping with the Obama Administration's America's Great Outdoors conservation agenda, USDA has made a strong commitment to conserving and restoring our forests to protect watersheds, recreation, and rural jobs." said Secretary Vilsack. "Wood has a vital role to play in meeting the growing demand for green building materials.

The USDA-Forest Service strategy includes the following parts:

1. The U.S. Forest Service will preferentially select wood in new building construction while maintaining its commitment to certified green building standards.

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2. The Secretary has asked the U.S. Forest Service to examine ways to increase its already strong commitment to green building by reporting to him on ways to enhance the research and development being done around green building materials.

3. The U.S. Forest Service will actively look for opportunities to demonstrate the innovative use of wood as a green building material for all new structures of 10,000 square feet or more using recognized green building standards such as LEED, Green Globes or the National Green Building Standard.

Green building should offer a wealth of opportunities for wood products from ATFS certified forests, providing Tree Farmers with resources to continue to invest in good management on their woodlands. ATFS and the Forest Service will continue to be a voice for wood products in green building standards. They will continue to urge the USGBC to give wood more recognition in its LEED system and working with government agencies and champions in Congress to recognize multiple green building rating systems in policies.

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## Expanding Carbon Market Opportunities

Oregon's tree farmers may have access to new markets for selling carbon credits with the approval Oct 5<sup>th</sup> of a new methodology for measuring and tracking forest carbon. This methodology was designed with family forestland owners in mind and was developed here in the Oregon.

The American Carbon Registry (ACR), a leading carbon offset program and one of three nationally recognized carbon registries, approved the new methodology. *"This new methodology fills an important gap, providing a foundation for a new class of forest carbon market participants, family woodland owners,"* said Nicholas Martin, ACR's chief technical officer. *"we expect the resulting offset*

*projects to be very popular in the voluntary market, where buyers favor high quality carbon offsets with a compelling story, such as those that manage, protect and replant forests."*

The effort to develop a new carbon sequestration method that better matches family forestland owners' goals and objectives was developed by L&C Carbon over the past year, through private investment funds. L&C Carbon was formed by the Oregon Small Woodland Association's (OSWA) in July 2010 through a partnership with CE2 Capital Partners. L&C Carbon's program was originally created to expand the options available for family woodland owners to participate in the voluntary carbon markets. This past August, OSWA sold L&C Carbon because its private equity investor had shifted its program focus to developing carbon offset project that qualify for the emerging California regulated market.

OSWA's subsidiary, Woodlands Carbon, is currently reviewing this ACR approved methodology to determine the costs and benefits to Oregon's family forestland owners of adopting the new methodology to generate and sell carbon credits. Woodlands Carbon was developed by OSWA in partnership with the American Forest Foundation in 2008 to demonstrate that family woodland owners can and should be an important of any carbon sequestering strategy.

The original method for determining and tracking the amount of carbon sequestered from family forests used by Woodlands Carbon was the forest protocol developed by the Chicago Climate Exchange (CCX). David Ford, CEO of L&C Carbon and former Executive Director of OSWA, stated that CCX went out of business last year; thus, these types of carbon credit offsets are confined to a niche market. *Continue on page 9*

## OTFS Partners with OSWA

Last Spring, the Oregon Tree Farm System was approached by the American Tree Farm System asking if OTFS would be interested in being one of four pilot States in testing various organizational models. For about the last two decades, OTFS had been an entirely volunteer organization and ATFS wanted to see if a woodland owner group sponsorship could assist in OTFS's administration thereby freeing OTFS to increase landowner outreach. After considerable debate within both the OTFS Board of Directors and the OSWA Board of Directors, a Memorandum of Understanding between both organizations was signed in June.

OSWA is handling many of OTFS's administrative details including answering the phone, putting out the Newsletter and functioning as a clearing house for inquiries from landowners, mills, and stakeholders. Now, if you call the Oregon Tree Farm System (503-362-0242), your call will be answered and you will have prompt responses to your questions. OTFS mail now should be sent to 187 High Street, Suite 208 Salem OR 97310 instead of the PO Box. This Newsletter was formatted, printed and mailed by the OSWA administrative team with article input from OTFS Board members.

The MOU between the organizations is still fresh but already the vitality of both organizations seems to have increased. The pilot project is being funded by the American Tree Farm System for a three year period. At the end of that time, ATFS wants to have a tested model that can be used by other States in the Tree Farm System to improve their administrative organization.

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## OTFS Does Strategic Planning

One nice thing about being an ATFS pilot state organization is that ATFS wants us to succeed and has been making funds available to assist us in reaching that goal. The OTFS Board of Directors met in mid-October at the Oregon Garden to engage in a strategic planning workshop. Members of OSWA Board of Directors also attended. Bob Simpson and Mike Burns from ATFS facilitated the sessions.

ATFS funded the day and a half workshop. From the workshop, several potential Mission Statements were developed along with a list of OTFS's strengths, weaknesses, opportunities and threats (SWOTS). OSU Extension Service was also part of the workshop providing ideas on how OTFS could recruit, train and retain volunteers. The full OTFS Board will adopt a Mission Statement at its November meeting and will complete the Strategic Plan before the end of the year. Check our website [www.otfs.org](http://www.otfs.org) after January 1st to see results of this planning effort.

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*Continue from page 8 (Expanding Carbon...)*

Ford believes that using a nationally recognized methodology, such as the new

ACR forestry methodology, can open the door for Woodlands Carbon to market carbon credits in a much larger carbon trading market place.

For more information, visit: <http://www.americancarbonregistry.org/carbon-accounting/ifm-methodology-for-non-federal-us-forestlands>

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Oregon Tree Farm System  
2600 State Street  
Salem, Oregon 97310



**Customer Name**  
**Street Address**  
**City, ST ZIP Code**