

## **Board of Forestry Meeting - April 10, 2013**

### **The Homestead Resort**

The Board of Forestry meeting was convened at 11:01 by Chairman Greg Scheerer.

**Board of Forestry Members Present** (roll call by Becky Woodson): Tommy Barnes, Anne Beals, Ervin Bielmyer, Nadine Block, Don Bright, John Burke III, Joel Cathey, Thomas Evelyn, Ken Morgan, Franklin Myers, Greg Scheerer, David Smith, Glen Worrell.

**Virginia Department of Forestry Present:** Carl Garrison, Rob Farrell, Ron Jenkins, Dean Cumbia, Todd Groh, Becky Woodson

**Adoption of Agenda:** Mr. Myers moved that the agenda be adopted as presented; Ms. Block seconded the motion; all in favor; no opposition and the motion passed.

**Introduction of new Board members:** Mr. John W. Burke III will fill the second Small Forest Landowner seat and Mr. Thomas W. Evelyn will fill the final At-Large seat.

**Recognition of Guests and Visitors:** Robert Crockett of Advantus Strategies; Ed Stoots, VDOF; Paul Howe, VFA.

**Hearing of Citizens** (Mr. Crockett): The Cobbs Creek mitigation is in play, budget amendment passed and approved. Mr. Crockett is speaking on behalf of his clients and thinks that VDOF is award of the challenges presented to free market; believes this is sabotaging the private market.

**Approval of December 12, 2012 Minutes:** Mr. Smith motioned the minutes be approved as presented; Mr. Morgan seconded the motion; all were in favor of approving the minutes.

#### **State Forester's Report**

*Legislative Updates:* Presented hard copy of new Code language for Board of Forestry; also presented responsibilities of the Board.

*Legislative Tracker (detailed hard copy in Board packets)*

1) *HB 2035*; Chief patron: O'Quinn: A bill to authorize the Virginia Department of Forestry to convey and accept certain parcels of lands in Grayson County (Old Flat State Forest). This Bill was adopted on 2-19-13.

2) *HB 2069*; Chief patron: Knight. An Act to amend and reenact §10.1-1114 of the Code of Virginia, relating to selling of seedlings by the State Forester. This authorizes the State Forester to (i) provide seedlings at no expense for use on state forests, public grounds, and state parks and (ii) sell seedlings to private individual. The terms and conditions of the sale and the prices of the seedlings will be set by the State Forester. This bill passed the House and Senate.

3) *SB 1068*; Chief patron: Carrico. A bill authorizing the exchange of easements between the Virginia Department of Forestry and the Ratcliffe Foundation. This will allow VDOF better access to the Channels State Forest. This bill passed the House and Senate.

### **Administration of Government Type Bills**

*SB 1267:* Bill requiring licensure of tree care service providers - this was assigned to appropriations and left on table as of 2/18/13.

*SB 1279:* Transfer of responsibility of water quality programs from DCR and DEQ. There were numerous amendments; the House passed - Senate rejected and submitted amendments; which passed.

*SB 1430:* Right to Farm Act expands the definition of agriculture operations to include farm-to-business and farm-to-consumer sales. Passed by House and Senate passed by indefinitely in Agriculture, Conservation and Natural Resources.

*HB 2296:* Urban Best Management Practices Cost-Share Program Fund. Require Department of Conservation and Recreation to administer an urban best management practice cost-share program. This was left in appropriations as of 2/5/13.

Bills that were not agency but forestry related:

*HB 1834:* Delegate Charles Poindexter: High Performance Building Act - improve marketability of sawmills; certify forest products and mills. Lots of agencies (VFA, VFPA, VLA, VDOF, DGIF) had input. Delegate Poindexter agreed to strike bill with anticipation that these agencies continue to work together to better the forest community's opportunities for bringing forth certification and recognition of our markets and keeping our small sawmill communities.

*HB 2054:* Changes sale and use tax exemption related to harvesting forest products from property "necessary" for such harvesting, to property "used" for such harvesting. Passed by House and Senate.

*HJ 586:* Chief patron: Tyler. Weight limits on interstate highways. Support efforts to allow states to authorize higher weight limits for commercial vehicles carrying agricultural and forestry products. Need uniformity on weight measures. The Governor has promised to send a letter of support to the Virginia Delegation. Mr. Myers confirmed the Governor has written a letter.

*HB 1398:* Land Preservation Tax Credit Bill: Provides that land preservation tax credits that have not been issued in calendar year would be rolled over: 80 percent to Virginia Land Conservation Fund; 10 percent to the Civil War Site Preservation Fund, and 10 percent to the Virginia Farmland Preservation Fund. This Bill passed.

*HB 1697:* Allows localities to have option on the rollback taxes.

### **Budget Amendments**

*Item 102 #1g:* Authorizes use of \$240,000 from Reforestation of Timberlands Fund toward the improving and updating Department of Forestry's accounts receivable system. This does not affect money going to landowners.

*Item 102 #3h (Sherwood and Hanger):* Provides additional \$250,000 to the RT Program towards the matching portion of RT funds.

Cobb Creek project is moving forward, has not been a deal with Henrico County yet. Mr. Crockett stated that before any transaction can occur, there has to be a mitigation plan approved by Department of Environmental Quality (DEQ) and US Corps of Engineers (USCOE.) The day after the General Assembly adjourned in February, Henrico submitted the proposed mitigation plan which includes the preservation of additional buffers on the Cumberland State Forest. This still needs to be approved by DEQ and USCOE, which could take an additional three to six months. Mr. Crockett suggests VDOF needs to look closely at plan.

Ms. Block (Poindexter Bill): have been similar developments in other states; there have been concerns about forest products being excluded in state buildings; may be opportunity next year. Mississippi has legislation; Maine and Georgia were Executive Orders.

Carl thanked Paul Howe and Glenda Parrish of the Virginia Forestry Association for their assistance in the Board of Forestry meeting arrangements.

Mr. Morgan stated that Virginia forest products should be allowed in Virginia state construction projects, and that the state should select building certification systems that allow this. As we learn more from Delegate Poindexter and General Assembly, the Board needs to lend support or opposition to certification. Chairman Scheerer agreed that this is appropriate for the Board to lend support.

VDOF was requested by advocates for hunter safety to change regulations to requirements for hunters in our State Forests for hunters in elevated stands to wear body harnesses. VDOF is working on changes on State Forest regulations and the Board will have input into the changes. DGIF Board did not support the change during their April board meeting. However, DGIF staff may research further and bring this issue up for a future board meeting.

#### **Nursery Update by Deputy State Forester Rob Farrell**

Mr. Farrell gave a summary of nursery sales for this year. There were 23 million seedlings were sold and we are trying to meet demand. VDOF sells six different kinds of loblolly seedling as we try to match other products on market. We are projecting a decrease in Virginia's Best and Elite seedlings because of the number of cones produced and number of seeds from cones. Rob has tasked Harvey Darden, State Lands Manager, and Dwight Stallard, Nursery Manager to form an advisory committee to help them with deciding numbers and species of seedlings to produce in the future. They will be having their first meeting in May. VDOF is trying to address the demand of planting contractors purchasing large amounts of seedlings with the interest of landowners who may be buying smaller purchase.

Mr. Worrell asked if we sold out and Mr. Farrell reported that we did sell out of everything except white pine. Mr. Garrison says we have been stretched the last two seasons to have enough seedlings to go around. All projections show we are coming out of slump and anticipate more trees being needed. We hope to transition to meet demand. Chairman Scheerer complimented state on quality of VDOF seedlings and asked where VDOF is heading with control pollination?

Mr. Farrell reported that VDOF bagged 10,000 flowers this year; next year with contractor will bag 20,000. Mr. Cathey asked, does VDOF have any idea over the last few years, since we did sell out of seedlings, what the shortfall would have been? Mr. Scheerer asked to check with larger contractors as to what they need.

**Forest Action Plan Update** (comprised of State Resource Assessment and the Strategic Plan): There is a committee on a national level that is trying to set up guidelines for all the states to look at their Forest Action Plans going forward. They are saying right now and should come out probably this fall that every state should rewrite their plan at least every ten years. Mr. Garrison feels like a five year rewrite of the Virginia plan is needed. Mr. Garrison has asked Rob will head up a Task Force to try to address rewriting the Forest Action Plan over the next year. At the five year mark, Mr. Farrell thinks we have more freedom with rewrite. Mr. Farrell thinks the assessment is very good; and that the strategic plan is a good summary of what the DOF does. Mr. Farrell thinks we could build on is how should we affect the resource. VDOF can influence how the forest will look in five to ten years. The Task Force consists of: Rob Farrell, Carl Garrison, Ron Jenkins, Buck Kline, Ed Zimmer, and Don Bright for the overall framework for next plan. Stakeholders will provide details and substance for completion of the plan and the Board will have opportunity for input.

**Growth and Drain Issue:** see handouts in packet.

Percentage of Forest Types: Forestland increased in 1940s and peaked and started slow decline in 1970s. The ten year rolling average is losing about 16,000 acres a year to other land uses. We have leveled off on amount of pine out there now; less than 1940's. In the 1940's about 33 percent of our forest was in natural pine and over time through reforestation efforts a lot of natural pine was converted to over to plantations. We dropped from 33 percent to 19 percent of state in pine resources now, statewide. We are in good shape from FIA and resource prospective. Mr. Myers asked, how would it drop that much with the Seed Tree Law in effect. Mr. Garrison suggested that the reduction in Virginia pine as well as land conversion could be part of the reason for the drop. Don Bright said it would be interesting to talk about the production per acre of planted pine. Dr. Smith suggested that part of the answer may be the tremendous removals from 1890 to 1920 and now that we are getting to that point where it was once natural pine, and as the pine dies out after 60 or 70 years, it becomes upland hardwoods and this is the transition we're seeing (age distribution.) Mr. Morgan asked how much will be sufficient for demand and that he believes the resource is there. Mr. Garrison noted that we have doubled the volume (net growth) in the Commonwealth from 1940 to 2010 as we are losing acreage.

***Forest Growth and Removals Over the Last Ten Years*** – see Mr. Garrison's handouts.

### **FIA Data**

Virginia Tech is to establish a center to study FIA data with help from Southern Research Station. Don Bright worries about pine bark beetle and forest recovery. We need to build an inventory which is not an easy solution. Mr. Bright said that one hundred foot buffers are not a good forestry practice. Need to have multiple products from same acre. Mr. Morgan is encouraged to hear that a model is in progress. Mr. Morgan believes that the Board, with guidance from DOF staff, needs to be working on projects or ideas with certain assumptions. Is it worth looking at more incentives for cost-share or more education for landowners? The Board

can be instrumental and should be proactive. Dr. Smith suggested looking at the future and shortening rotations. How much of the growth increase can we attribute to genetic improvement and will the growth rate continue after site productivity decreases? He suggests you need four to five years of data to form a trend. Paul Howe mentioned that Marc St. John will Chair the Sustainability Task Force and also noted that Chairman Scheerer will be President of VFA next year. There needs to be an orchestrated effort now to get full match for RT Program. Ms. Block stated having this data more refined at a smaller spatial scale is good. FIA program funding is moving in wrong direction and teaming up with Virginia Tech is a good idea. Mr. Bielmyer said there needs to be an avenue to get more data and suggested that the logger notification system gives us power. It was suggested to put a procedure in place to get more data with notifications such as intent for future of property and how it is being harvested. Mr. Burke said that the American Forest Foundation is trying to engage unengaged small forest landowners. Mr. Cathey asked about trees per acre recommendations to landowners. Mr. Cumbia replied 484-500 trees per acre. Mr. Cathey suggested perhaps planting more trees per acre and harvest earlier. Mr. Worrell suggests relooking at stocking. Planting at lower rates could be limiting flexibility of stands. Glen suggests planting more trees per acre – Chairman Scheerer agreed with Mr. Worrell. Ed Stoots says VDOF foresters are looking at planting more on a site by site basis. Mr. Cathey said that site prep is a big factor. Mr. Myers suggests that the biggest challenge is getting word to landowners.

**BUDGET** (Ron Jenkins): VDOF is coming up with next biennium budget. Ron references the power of the Board in the Code of Virginia and that the Board of Forestry has an opportunity to impact policy. There is an opportunity to look at two fiscal years 2013-2014 and 2014-2015. We make submissions in late August or September. Mr. Garrison would like the Board to be more involved in input for budget and legislative issues. (Ron will send E-mail questionnaire.)

**Reforestation of Timberlands Report from Todd Groh:** The Board should look at the RT administrative legislative Code closely at the August meeting. Dr. Smith asks about status of Virginia legislative code; Todd responded that all are in review process. There is plenty of time to submit comments as Board member or online as a private citizen. VDOF will provide the web link so that you can register at the Virginia Townhall website and see the regulations when they come out and make comments.

**Reforestation of Timberlands Budget Report:**

Review of RT practice rates. VDOF recommends leaving the rates the same 2014.

All funding is out this year. Our number of planting loblolly and Virginia pine is about 11,000 acres and the one that really picks up is Practice 6 which is the herbicide release of White pine and that is about 14,000 acres. Over last year VDOF promoted site preparation and moved as much as we could Practice 2 up to \$60/ acre. Herbicide and Site Preparation and planting of any species is on the very top of what the Code of Virginia allows us to pay for in one practice.

**Forest Products Tax:** VDOF Fiscal 2014 budget appropriation should be \$2,335,727.00. More forest products tax has come in this year. We're at 86% of what we thought would come in. Most of the Reforestation of Timberlands funding is being utilized in southeast. Fifty percent of funds

collected in a county has to stay in county for two years. Mr. Scheerer suggested higher incentives for planting trees with better genetics.

**Practices and Rates:** VDOFs current system only recognizes nine practices. Go back to a percentage rather than flat cost-share. Rates are out with new applications around May 1. Todd will send out to all Board members.

## **ACTION ITEMS**

Memorandum of Procedures (MOP) (By-Laws of Board): Nothing has changed except language as listed in Code reference new Board. The Board only needs to approve changes. Dr. Smith made motion to accept the Memorandum of Procedures with the changes and Ms. Beals seconded the motion which passed unanimously.

**COMMITTEES** are ad hoc: (should there be a committee for reforestation or is it under management of forest resources)

*Forest Stewardship Planning:* Don Bright

*Outreach and Education:* Thomas Evelyn

*Landowner Assistance:* Glen Worrell

*Policy and Legislative Affairs:* Nadine Block

*Management of the Forest Resource:* Joel Cathey

*Watersheds and Water Quality:* Dr. David Wm. Smith

*Partnerships with Forest Stakeholders:* Tommy Barnes

## **Old Business**

There has not been a Board Orientation held yet because we need to advertise meeting 30 days in advance. Mr. Garrison asks for suggestions when to hold one day orientation. The orientation would consist of Department of Forestry Division Directors giving overview of divisions of VDOF. Mr. Bielmyer suggests as soon as possible due to vacations. (David Smith, Anne Beals, John Burke have been through orientation.)

Board members who would like an orientation are: Mr. Barnes, Mr. Bielmyer, Mr. Evelyn, Mr. Worrell, Mr. Bielmyer, Mr. Myers, Mr. Scheerer and Mr. Bright.

There was no discussion on previous Board member recognition.

*National Association of State Foresters (NASF) Meeting:* Plans are well underway for the meeting September 23-27 at Homestead. DOF staff is working hard on this.

*Cobb Creek Reservoir:* Dr. Smith thinks that to use state land as a means of mitigating for the loss of streamside is on a slippery slope to making the process of mitigation a hoax. Dr. Smith understands the importance of the project but to be involved in this takes precedence in a wrong direction and the science behind the mitigation is not there to justify it - going from 50 to 100 feet to meet COE standards. Dr. Smith fully understands the social implications of this but don't think we're looking at long term implications.

Mr. Evelyn agrees with Dr. Smith and suggests that state government is completing with private landowner. Ken Morgan agrees with Dr. Smith's points. We are opening a door which sets a precedent, which may be hard to close later. Mr. Scheerer suggests that the Board should put forth a statement. Mr. Evelyn moved for the Board to put forth a statement; seconded by Mr. Myers. Dr. Smith will craft a statement. Ms. Block would like some more background information. Mr. Garrison will give background information to Ms. Block. This should be laid out as non-confrontational.

*Board Appointments:* The Code of Virginia reads you can serve two consecutive full terms (partial term will not be counted toward full term). All four Board of Forestry members whose terms are expiring in June (Dr. Smith, Mr. Worrell, Mr. Myers, and Mr. Burke) are willing to be reappointed. Franklin Myers moved.

#### **NEW BUSINESS-** Board of Forestry VDOF Topics

Dr. Smith suggests that Board supports pay raises and increase in manpower of VDOF employees. Mr. Garrison asked, how does he approach this subject? Mr. Garrison said he can reevaluate and adjust salaries of individuals or a position. Mr. Garrison stated that this is not a pay raise, just an evaluation of position. This approach is most appropriate per Dr. Smith. Does Board need to craft a position statement for Carl? Mr. Bielmyer asks how much weight does this carry to get more money appropriated. Mr. Scheerer and the Board will work on mechanics of this process but need to be careful not to circumvent the Secretary with letter of support.

There are seven months left in this administration and this Governor has been helpful and supportive of forestry. Please remember that there is a new administration coming on.

#### **For the next meeting agenda**

*Report on Sustainability Task Force* - ask Marc. St. John to August 23 meeting.

*Forest Certification:* Don Bright suggests asking someone who has inroads in certification how we should be looking at it. We also need to know the logistics that go along with certification. Mr. Morgan can ask his forestry manager to come to meeting if appropriate. Mr. Morgan says that certification is coming and that we should endorse it. Ms. Block and Mr. Burke will work on getting a sense of what the Board wants before the next meeting. Ms. Block will arrange to have someone from the Forest Stewardship Council to attend the next Board meeting. Mr. Garrison will circulate the Southern Group of State Foresters report on certification to the Board. John Burke says start with an overview; take one step at a time and don't get into areas that are not of interest or relevant. Ms. Block will work with Mr. Burke to craft E-mail (an hour at next meeting.)

**NEXT BOARD MEETING:** August 23 in Virginia Beach in conjunction with Virginia Logger's Association (Stihl needs names in advance for tour.)

The Board of Forestry meets a minimum of three times a year (FY July 1 –June 30), with one meeting in Charlottesville. The Board will not meet this requirement this year because of the timing and formation of the new Board. The Board typically meets in April, August and October. A Doodle poll will be sent reference dates for the October 2013 meeting in Charlottesville.

Ken Morgan suggested having the spring meeting (April 2014) at Kerr Lake/Bugg's Island and taking a tour of his mill.

Appalachian Chapter Society of American Foresters (APSAF): Ed Stoots said there is a joint APSAF, Virginia Forestry Association (VFA), and Association of Consulting Foresters (ACF) meeting in Williamsburg in March 2014. This also coincides with VDOF 100th anniversary.

The meeting was adjourned at 4:02 by Greg Scheerer. Mr. Morgan moved for adjournment which was seconded by Mr. Worrell.

Respectfully Submitted: Becky Woodson, Secretary