

**Missouri Forest Resources Advisory Council**  
**Missouri Farm Bureau, 701 South Country Club Dr., Jefferson City**  
**Wednesday, June 3, 2015**  
**9:00 a.m. – 3:00 p.m.**  
**Minutes**

**Welcome & Introductions** – John Tuttle, MoFRAC Chair, welcomed members. The following were in attendance:

Lisa Allen, Mo. Dept. of Conservation  
Donna Baldwin, Mo. Dept. of Conservation  
Bob Ball, Mo. Chapter Walnut Council  
Lynn Barnickol, Mo. Consulting Foresters Assoc.  
Kurt Boeckmann, Mo. Dept. of Nat Resources  
Mike Brown, USDA APHIS PPQ  
Scott Brundage, Mo. Consulting For Assoc.  
Gene Brunk, Mo. Community Forestry Council  
Brandon Butler, Conservation Federation of Mo.  
Holly Dentner, Mo. Dept. of Conservation  
Hank Dorst, EOFC Mark Twain Forest Watchers  
Susan Flader, LAD Foundation  
Gene Garrett, MU Agroforestry Center  
Justine Gartner, Mo. Dept. of Conservation  
Nate Goodrich, Nat. Resources Cons. Service  
Jason Green, Pioneer Forest LLC  
Leslie Holloway, Missouri Farm Bureau

Rebecca Landewe, The Nature Conservancy  
Alicia Lloyd, Mo. Coalition for the Environment  
Wayne Lovelace, Mo. Nurseryman's Assoc.  
Stuart Miller, Mo. Dept. of Conservation  
Heather Navarro, Mo. Coalition for the Environment.  
Bill Nightingale, USFS Mark Twain National Forest  
Brian Schweiss, Mo. Dept. of Conservation  
Hank Stelzer, Univ. of Mo. Dept. of Forestry  
John Tuttle, Mo Society of American Foresters and Mo. Dept. of Conservation  
Jerry Van Sambeek, USFS Northern Research Station  
Denise Vaughn, Interested Party

John took a moment to recognize the passing of forest landowner and conservation advocate Leo Drey, Pioneer Forests.

**Review and Approve March 11, 2015 Meeting Minutes** – Lynn Barnickol, Secretary, asked if anyone had changes to the minutes from the March 11, 2015, meeting. With no changes noted, Jerry Van Sambeek made a motion to approve. Susan Flader seconded the motion. The minutes were approved as written.

**MU Alumni Survey** – Hank Stelzer, University of Missouri, gave a pop quiz to attendees and went over the results of the MU survey. He noted that 1,300 requests were sent to alumni from 1960-2014. It contained 48 questions across six focus areas:

- Managing forest resources
- Critical thinking
- Managing self
- Communicating and collaborating
- Leading and managing people
- Transformative learning leadership.

Hank reviewed the results of the survey for each focus area.

Hank then discussed SAF accreditation. He noted that state agencies requiring an SAF-accredited forestry degree for entry level forestry positions are Minnesota, Missouri, Texas, Georgia, Alabama,

West Virginia, and Maryland. State agencies NOT requiring an SAF-accredited forestry degree for entry level forestry positions include Tennessee (although preference given to those holding an SAF-accredited degree), Virginia (although preference given to those holding an SAF-accredited degree), Connecticut, Kansas, Nebraska, and Utah.

Discussion ensued about whether MoFRAC has ever taken a position the current issues at the School of Natural Resources. These issues include not being permitted to refill faculty positions and allowing the forestry curriculum to erode. John said MOFRAC could create a subcommittee to review issues at the School of Natural Resources. Hank suggested that a member could be invited to attend a School of Natural Resources Advisory Council, and Stuart noted there are already several MoFRAC members on the Council, including himself and Lisa Allen.

John recommended a subcommittee be put together to take the MoFRAC position to the School of Natural Resources. John will select a committee, with a timeline to have feedback for the group at the September meeting and determine our next step.

**Legislative Update for Conservation** – Brandon Butler, Conservation Federation of Mo, thanked everyone for the opportunity to speak today. He noted the past legislative session was difficult at best. The Conservation Federation employed a couple lobbyists for the first time – Andy Blunt and Mark Schwartz who are with the firm, Schreimann, Rackers, Francka & Blunt LLC. The firm worked hard to open up doors and spend time with key legislators. This year several bills would have impacted conservation in some way, from MDC's funding to bills on captive deer to a few forestry bills. , At one time Scott Brundage accompanied Brandon to the Capitol to provide forestry expertise.

Brandon shared the portal on CFM's website for signing up for legislative updates: <http://confedmo.org/lac/>. He noted that through this portal, you can see the current bills that affect conservation and which ones are gaining momentum. The portal can be used to vote for or against, and send letters to your local representative and senator.

**Agriculture Stewardship Assurance Program** – Ken Struempf, Mo. Dept. of Agriculture, gave the following presentation:

#### Program Overview

- The Missouri Agriculture Stewardship Assurance Program (ASAP) will be a verification program that recognizes Missouri farmers who act as responsible stewards of the land.
- It's meant to acknowledge and reward those who proactively protect the environment, employ sound management practices and use science-based technology to produce safe food, fuel, and fiber for consumers.

Certification Categories (can certify in as many categories as they want)

- Farmstead
- Cropland
- Grassland
- Livestock
- Forestry
- Energy

## ASAP Goals

- Increase consumer confidence and awareness of agriculture stewardship in Missouri.
- Education and encourage producers about the importance of stewardship.
- Provide producers with additional global marketing opportunities.

## Application Process

- Landowner will be able to apply online for verifications.
- MDA will review the applications and make farm visits to ensure accurate verifications. Welcome partner support in verification process.
- Producer will receive ASAP signage to display on their property.

## Forestry Verification

– Fully Implemented, partially implemented, and no plan to implement

## General Management

- Protect and manage the forest to limit damaging insects, diseases, and other timber detriments.
- Use of prescribed fire meets the landowner's objectives, the forest management plan, and pre-firing planning.
- Livestock are excluded from woodland areas planned for timber sales.
- Timber stand improvement is used to increase the volume and quality of marketable timber products.
- A forest management plan has been developed on the acres planned for timber sales.

## Timber Sales

- Develop and review a harvest plan with the buyer.
- Timber harvests are completed in accordance with property rights through documented ownership.
- Monitor forest product harvests and other management activities to ensure they confirm with the management plan.
- The harvest, utilization, removal and other management activities are conducted in compliance with the management plan and maintain the potential of the property to produce forest products and other benefits sustainably.
- Timber was marked with the assistance of a forester, ensuring a healthy stand of residual trees and recruitment of regeneration.

## Best Management Practices

- Active erosion is controlled.
- Forest owner should engage contractors that carry appropriate insurance and comply with federal, state, and local safety and fair labor rules, regulation, and standard practices.
- Forest owner minimizes road construction and other disturbances within riparian zones and wetlands.

- Proper design and implementation of best management practices on logging roads, stream crossings, log landings, and other constructive measures during timber harvest.

## Threatened and Endangered Species

Forest management activities must incorporate measures to protect identified threatened and endangered species.

- Trees are annually inspected for pests.
- Forest owner must consider integrated pest management to control pests, pathogens, and unwanted vegetation.
- Pesticides must be applied in accordance with EPA approved labels and by person appropriately trained and/or licensed depending on label restrictions.
- Forest owner should make practical efforts to prevent, eradicate, or otherwise control invasive species.

## Stakeholder Input

- Please send any comments or suggestions to [Kayla.Otto@mda.mo.gov](mailto:Kayla.Otto@mda.mo.gov)

John Tuttle thanked Ken for his presentation, and asked for questions or comments from the floor. Lisa Allen suggested they partner the Tree Farm Program, and encouraged more dialogue between MDA and MDC for more partnership opportunities. Gene Garrett asked about their definition of sustainable, and Ken noted that stewardship may be a better word. Lynn Barnickol suggested the Book of Forestry by Helms for standard forestry terms.

**Waters of the U.S.** - Heather Navarro and Alicia Lloyd, Missouri Coalition for the Environment, gave the following presentation:

The Clean Water Protection Rule – 2015 – Just what are the “Waters of the U.S.” and what is the EPA they doing in Missouri? You never step in the same river twice you never step twice into the same river. Describes capturing” the importance and complication of our water supply. Water is not an easy resource to protect – we all live downstream from someone. The following is a historical time line of implementation of the Clean Water Act:

- Federal Pollution Control Act
- 1972 Amendments – Clean Water Act:
  - Protected interstate waters and intrastate waters
  - Propagation of fish, shellfish and wildlife, public, agricultural, industrial water supplies, and navigation
  - Point source discharged – NPDES
  - Funded construction of sewage treatment plants
  - Recognized the need for planning to address the critical problems posed by nonpoint source pollution.
- Clean Water Act 1972
  - Waters of the U.S. “fishable, swimmable” by 1983
  - Keep clean streams clean
  - Restore polluted streams
  - Delegation to the states

- Waters of the U.S. – waters that are protected by the Clean Water Act. “Jurisdictional waters”
  - Waters used in interstate commerce, including wetlands
  - Territorial seas
  - Impoundments of water
  - Tributaries to jurisdictional waters
  - Adjacent waters to jurisdictional waters
- Waters of the State
  - “all rivers, streams, lakes, and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leases, or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.”
- These definitions matter most if you are required to obtain a point source permit.
- Who regulates water under the Clean Water Act?
  - EPA – federal agency that oversees the water programs
  - Mo. Dept. of Natural Resources – EPA delegated its authority to set water quality standards, issue permits, and enforce violations to the MoDNR
  - US Army Corps of Engineers – issues permits to anyone interested in dredging or depositing fill material into “waters of the United States, including wetlands”
- Clean Water Act today:
  - We no longer allow raw sewage to be dumped into our rivers and streams
  - We have increased awareness of what industries and activities are discharging into our waters
  - We have improved technology to clean up wastewater and address urban runoff.
- Problems with CWA
  - Fails to address non-point source pollution, including agricultural practices
  - Implementation and enforcement happens at the state level and is inconsistent and delayed
  - Confusion about what waters were covered and required permits – Rapanos and SWANCC
  - Congress and the Supreme Court asked for clarification, hence the Clean Water Protection Rule.
    - 400 public hearings
    - Over 1 million comments
    - Extended comment period
    - Final version released May 27, 2015
- Clean Water Protection Rule:
  - Clarified waters protected under the CWA
  - Covers categories of waters that were historically covered by law
  - What is regulated: tributaries and streams (not ditches) with beds, banks, and ordinary high water marks and wetlands with substantial connections to jurisdictional waters
  - What is not regulated: erosion in a farmer’s field, ditches that are not constructed in streams, and that flow only when it rains
- Impacts on agriculture:
  - CWA continues to only apply to point sources
  - Ag exemptions are preserved (normal farming, silviculture, ranching)
  - Ag storm water, return flow from irrigation, farm or stock ponds or ditches, drainage ditches, and tile drains continue to be unregulated
- What Missouri must do to comply

- Designate uses/classified waters- at least fishable/swimmable
- Criteria – most protect designated areas
- Anti-degradation – protects existing uses and high quality waters
- 1:100K Map
  - Currently the State of Missouri’s waters have designated uses if they are visible on a 1:100K map (1 inch:100,000 inches on the ground)
  - Prior to 2012, only about 25,000 of Missouri’s over 180,000 stream miles were classified waters. The 100K map covers added 90,000 stream miles and 2,000 lakes, leaving at least 65,000 miles and many wetlands unclassified
  - Because the State regulates water bodies, the Clean Water Protection Rule will not affect the implementation of the CWA in Missouri.
- Water Protection - Consequences of inaction:
  - Polluted water in our rivers, less places to swim, float, and fish;
  - Polluted drinking water and higher cost to treatment equals higher water costs
  - Impaired aquatic ecosystems, fewer fish and invertebrates
  - Dead zone in Gulf of Mexico.
- Implementing the Clean Water Act is not too much to ask.

Leslie Holloway, Farm Bureau, added the following:

Missouri’s overall water quality is good. Like other states, Missouri updates water quality standards on an ongoing basis. EPA regularly reviews all states’ water quality standards. In 2000 EPA directed the Missouri Department of Natural Resources to update several aspects of our water quality standards, including classified waters. Due to lawsuits, funding availability and other factors, priorities for both EPA and the department shifted. However, the department led stakeholders through a public process that resulted in major changes to standards for classified waters in 2013.

The final WOTUS rule and accompanying Technical Support Document will take time to analyze. However, based on preliminary analysis, despite EPA’s assurances, farmers, ranchers and other landowners have legitimate reason for concern. New parameters for “tributaries” and “adjacent” waters and waters for which jurisdictional determinations will be made on a case-specific basis will in some cases lead to onerous permitting requirements and land use restrictions for what are now considered ditches and erosional features.

The rule cites the US Army Corps of Engineers’ (USACE) technical manuals for identifying “ordinary high water mark” (OHWM) used to define a tributary. The rule refers to the Technical Support Document for additional clarification regarding the manuals. The Technical Support Document lists a regulatory guidance letter issued by the USACE in 2005 and two technical manuals that pertain to locations in the western US. During a conference call today hosted by EPA, EPA stated in response to my inquiry in this regard that the USACE is working on regional technical manuals. Clearly, the meaning of the new definition of “tributary” cannot be fully understood without these supporting documents. Moreover this key component of the rule was not available for public comment prior to issuance of the rule. **Oops....tried to delete spacesartner Updates, Meetings, and Events**

- **SAF (John Tuttle)** – Summer/Spring meeting with Walnut Council on June 14-17. Will have a fall workshop on October 5 in KC.
- **LAD (Susan Flader)** – end of an era with the passing of Leo Drey. Leo was preparing the Board for decades before he turned the lands of Pioneer Forests over to them. No intent to change management.

- **Pioneer Forest (Jason Green)** – continue selling timber. Presently , markets remain strong. We have a lot of timber on the market now. We are seeing a lot of illegal activity lately – graffiti within a scenic easement, ATV use in creeks are an on-going and major problem.
- **TNC (Rebecca Landewe)** – timber sale field tour; field tour with joint fire task force? in October at Chilton Creek.
- **Center for Agro-forestry (Gene Garrett)** – all the staff is in Ames IA for a conference. The outreach program has stepped up – field day in Laurie; staff invited to Oklahoma to talk about Agroforestry; staff participation in a conference in Topeka KS for KS Farmers Union; if you have a program underway and need a speaker, call Gene. Chestnut Roast on October 17 with a follow-up roast the following weekend at Forrest Keeling.
- **Scott Brundage** – complimented Brian Schweiss for his recent article in Green Horizons which dealt with oak/hickory forest and lack of reproduction. What's the future of the oak forests? It's a major issue. What do we do next for regeneration of oaks?
- **MCFC (Gene Brunk)** – concerned with legislation that limited state agencies work with non profits. MCFC endorsed MoSAF's letter.
- **USFS (Bill Nightingale)** – Mark Twain Nat'l Forest and The Nature Conservancy are looking to hire a hydrologist. The USFS, NRCS and Wild Turkey Federation are partnering to hire a forester for the Doniphan area. Had a 1300 acre fire this spring, brought in hot shot crews and slurry bombers. Last summer, USFS S&P Forestry staff flew over MTNF to view declining stands.
- **MDC (Lisa Allen)** – report recently published that summarizes Forestry Division's programs. Give feedback to Lisa. If not signed up, Tree Farm Day is this weekend in Ozark, registration is through the FWAM website. Last Friday the Conservation Commission approved our internal expenditure plan. The plan included a few new items: \$500,000 for Fuels for Schools projects (determined by application process), funds to work with USFS FIA shop to look at putting in urban FIA plots in Kansas City and Springfield, and approval to move forward with revisions to the Forest Crop Land (FCL) program through revisions to the Wildlife Code (where the FCL rules lie). We also welcomed our new Communications Specialist, Holly Dentner, who joined us June 1<sup>st</sup>.
- **USDA APHIS (Mike Brown)** – monitoring EAB; recent new detections in St. Louis City and a new find in St. Charles County. Kansas City is removing dead and dying trees and treating those they want to maintain for a while longer. Working with timber industry to get accurate information to industry regarding regulations.
- **NRCS (Nate Goodrich)** – Ozark Highlands Restoration Partnership, continuing to take applications through this Friday – has received 65 applications so far, but only 20 have cost estimates included. NRCS is in partnership with USFS and the Wild Turkey Federation to put a forester in the Doniphan area. June 5<sup>th</sup> sign up deadline for glade/woodland restoration project.
- **DNR (Kurt Boeckman)** –Stakeholders are meeting with the Director who wants to engage with them on regular basis. Staff is evaluating the impact of the WOTUS rules including the terminologies and processes. Regional Conservation Partnership Program (RCPP) has been awarded \$6mm RCPP is a new program created by the 2014 farm bill that uses partnerships to stretch and multiply conservation investments and reach conservation goals on a regional or watershed scale. Plans are to add more watersheds next year.
- **Hank Dorst** – proposed only having MoFRAC meetings 3 times per year versus 4 times per year. Donna confirmed the following in the bylaws: *Frequency and Location:* The Council shall meet upon the call of the chair as agreed by the Executive Committee or as requested by a majority of Council members. The chair shall determine the location and specific times for

Council meetings. Meetings shall be held at least semi-annually. Therefore, the group has the flexibility to schedule meetings as appropriate, and John thanked Hank for his input.

- **Denise Vaughn-** there is a series in the West Plains Quill on feral hogs. She encouraged everyone to look at it.

John asked if there was any further business to conduct. With none received, the meeting was adjourned. The next meeting will be held September 2<sup>nd</sup> at Missouri Farm Bureau in Jefferson City.

DRAFT