

Forest Forum

Washington County Small
Woodlands Association

April, 2007

April 24th WCSWA Meeting

OSU Extension Leader To Speak To Woodland Owners

Jim Johnson, Forestry Program Leader and Associate Dean of Outreach for Oregon State University Extension Service will be the featured speaker at the April 24th meeting of the Washington County Small Woodlands Association. The meeting will be held at the regular meeting place – the OSU Extension office in the Capital Center, 185th and Walker Road – and will begin at 7:00 p.m.

Jim is new to Oregon, having joined the OSU faculty last fall, replacing Scott Reed, who became OSU Dean and Director of Extension. He formerly was Professor of Forestry at Virginia Polytechnic University (known as Virginia Tech), in Blacksburg, Virginia. He is well-known nationally and internationally for his work in outreach education with family forestland owners, and in building innovative programs. His academic background and interests include the silviculture of hardwood and pine forests, environmental effects of silvicultural activities, ecological restoration and forest soils.

Oak Restoration Project – WCSWA Joins As Partner

The Tualatin Hills Parks and Recreation District, located in the Beaverton area, has prepared an oak restoration plan for the Park District, and is seeking a grant to begin implementation. The first project will be on their large Nature Park near the Nike campus in Beaverton. The Washington County Small Woodlands Association has agreed to be one of the project partner-sponsors. WCSWA involvement will consist of providing volunteer advice and consultation – based on woodland management experience – and volunteer work in on-the-ground restoration activities. Merlo Station High School is also one on the partners, and there may be opportunities to link WCSWA expertise with students working on oak health assessments and monitoring restoration areas.

The Nature Park was chosen because of the many large (greater than 20" diameter) Oregon white oaks that are being shaded out by encroaching Douglas-fir and other species. The grant committee is looking for community engagement and involvement, with hands-on-activities. They want to see projects that teach ecological concepts, awareness of interconnections within watersheds, and that benefit watershed health and environmental awareness. Julie Reilly, Natural Resources Specialist for the District, is convinced that the Oak Project will fulfill those expectations. Oak woodlands and savanna used to be a major component of the Willamette Valley landscape, but now they are among the most endangered ecological communities in the Pacific Northwest. Agricultural and urban development has reduced oak areas by 80% in the last 150 years. The suppression of fire has allowed shrubs and trees,

See "Oak Restoration", page 13

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Notes from the President

by Dallas Boge

We've been trying plug seedlings for a first time the last couple of years. They are really nice to plant, you cannot J-root them, even if you try. This may be a mixed blessing. The freezing weather this winter exposed a disadvantage of plugs.

The ease of frost heave with plugs compared with bare-root seedlings was obvious recently while herbicide spraying in our Christmas trees this Spring. I saw trees anywhere from an inch out to completely out of the ground; a condition that I have never experienced with bare-root seedlings. The percentage of trees affected are probably less than 5% overall, but it does require one to walk much of the area replanted.

We replanted a clear-cut in the Fall of 2005 with plug Douglas fir; no heave was seen at all. I don't think that we had the cold that this winter featured. After a year of growth, the observed trees root systems are wide spread. If you purchased any of this year's western red cedar from WCSWA, you know what happens to a plug converted to a P-1.

Will we stop using plugs? Probably not, our annual schedule requires us to complete our planting/replanting by each year end. Since plugs are available almost year around, the convenience afforded is too good to give up.

With the weather gradually improving for logging, many of us who suffered wind harvest in December should be cleaning up what Mother Nature selected for harvest. I have heard from many of you of the rather random harvests selected. Before last summer's open house here at the farm, we thought we had the farm pretty well cleaned up for the future. Ha!

WCSWA now has a long term loan of a portable toilet, thanks to one of our neighbors. It is the one that we had at the tree farm last summer. The Board of Directors at its January meeting agreed to look into obtaining one that we could move around to our events held at various outdoor locations. I approached the owner of the one borrowed about selling it. He wasn't interested, but said that a long term loan was in his best interest. He may want to use it occasionally.

The Master Woodland Manager course will probably start about mid May. It is not too late to sign up; call Chal Landgren at the Washington County Extension office soon.

It's sunny outside and I have some more spraying to do, so that is all for now.

Dallas

The annual Starker Lecture series began on February 15th. Three more lectures follow, with the last one on May 3rd. The series is held on the campus of the Oregon State University College of Forestry in Corvallis. The time and location of each lecture can be obtained from the following website: www.cof.orst.edu/starkerlectures. The Starker Lectures are free to the public.

May 3rd – Science and the Sustainability Transition

WCSWA Leadership

President – Dallas Boge; 503-357-7688

Vice-President – Mel Mortensen; 503-647-0804

Secretary-Treasurer – Bob Shumaker; 503-324-7825

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Tom Nygren, 503-628-5472

Neil Schroeder; 503-628-2344

Wendell Walker, 503-353-0328

Legislative Committee Chair:

Ron Larson; 503-775-3223

WCSWA Website

www.wcswa.org

Website Manager: Kathy Scott

Contact Tom Nygren for web postings and information.

Forest Forum Newsletter

Editor: Tom Nygren

503-628-5472

e-mail: tnygren@juno.com

The Tree Farm Tradin' Post

A free service to our members: List tree farm items/land to buy, sell, or trade. Contact Tom Nygren, 503-628-5472. Got a tool or piece of equipment you don't need any more? Or maybe you are looking for tools, equipment, property, or materials? You can place a free advertisement in Forest Forum. Another way for tree farmers to help each other! (3 month limit)

For Sale: Noble Fir seedlings (2-0, 2-1, and 2-2). Contact Dave Logan at 503-789-8869

For Sale: Portable sawmill - custom, horizontal band mill. Good working order. \$3,400 OBO. Contact Peter Hayes 503-241-6479

Wanted: Used Farmi - or Farmi-style, logging winch. Contact Peter Hayes, 503-241-6479

For Sale: Utility Poles, new, treated and ready to put into the ground. Two 45 foot poles and two 40 foot poles. Asking price is \$250.00 each. Call 503-357-2551, or e-mail at netvetrdh@gmail.com

Event Calendar

- April** **14-15 “How To Inventory and Monitor Small Woodlands”**, Miller’s Tree Farm, Olympia, WA. Sponsored by Northwest Natural Resource Group. Full program and registration at www.nnrg.org/news/news.php.
- 24 WCSWA Monthly Meeting** - Jim Johnson, OSU Forestry Extension Leader. 7:00 p.m. OSU Extension Office, Capital Center, 185th and Walker Road, Beaverton
- 26-27 - OSWA Annual Meeting** held in conjunction with:
- 27-28 2nd Family Forestland Owner Conference**, Corvallis, OR. See website www.oregonforests.org/conferences/ffi
- May** **3-6 The Game of Logging, Level 1-4**. Pack Forest, Eatonville, WA. Precision tree felling and chainsaw safety. Program and registration at www.nnrg.org/news/news.php.
- 5 Non-Timber Forest Products “Walk-Around”** - NTFP expert leads a tour of local woodlands to identify and discuss marketing opportunities for non-timber forest products. Contact Tom Nygren, 503.628.5472 if interested in joining in. (see article, page 10)
- 22 WCSWA Monthly Meeting Monthly** – Magness Tree Farm Potluck
- June** **22-23 Pacific Northwest Christmas Tree Association Summer Meeting and Tour** Embassy Suites, Portland Airport. Contact PNWCTA at 503.364.2942 for information
- July** **28 WCSWA Tree Farmer of the Year tour**, at the Dirk and Liz Jacobs tree farm, in the Gales Creek area. Details will follow in later issues.

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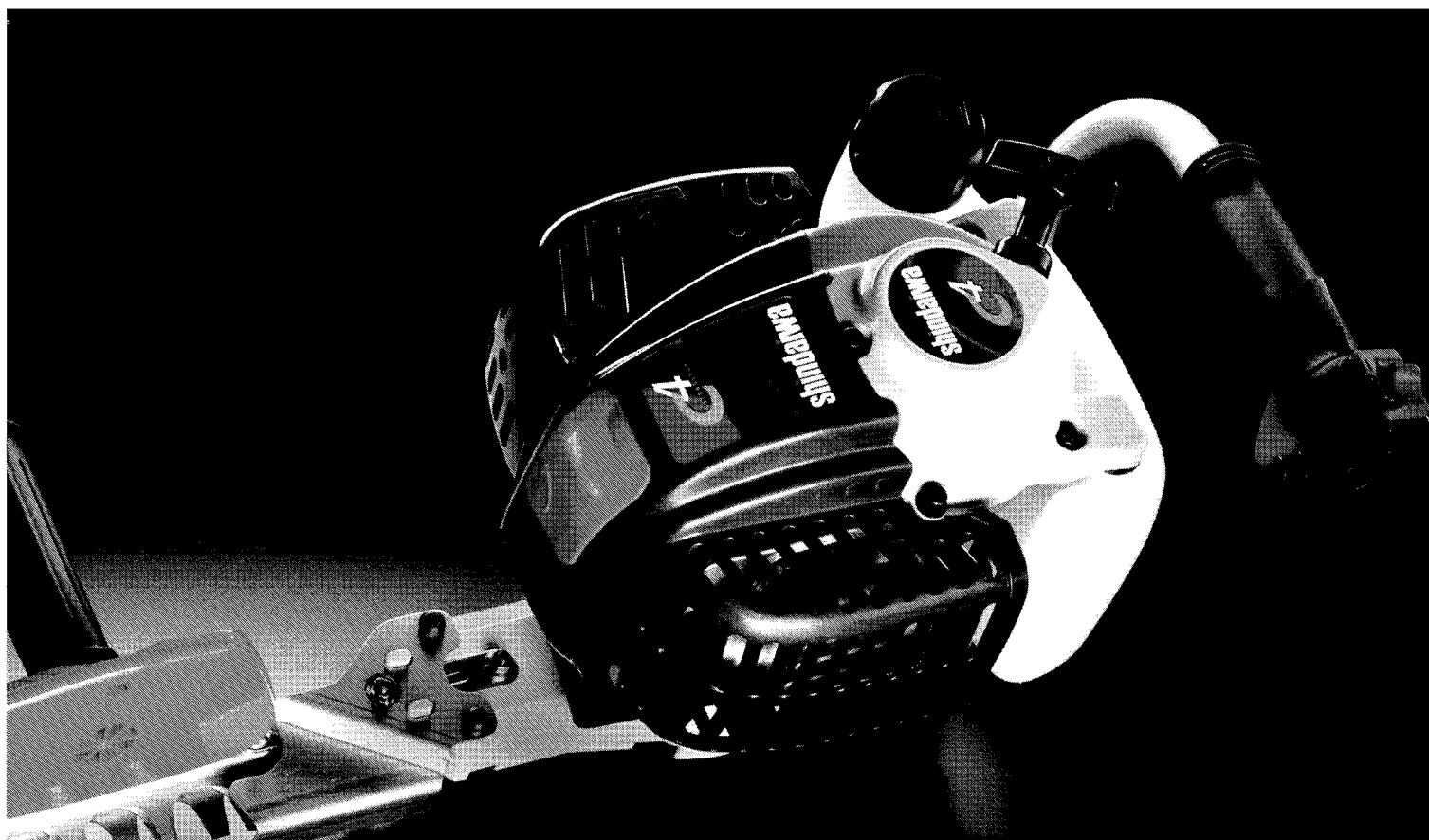
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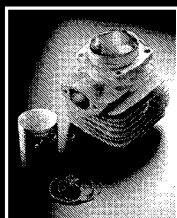
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Tree Talk

by Bonnie Shumaker

Do you search for ways to influence the greater community about the benefits of family forestlands? Have you experienced the futility of selling the concept of managed woodlands to those with closed minds and ears or influenced by media bias? As with many important concepts, sometimes the gentle nudge persistently applied will soften even the hardest shell and offer confirmation to those less hardened.

Our Native Tree and Plant Sale is designed to put a face on the family forestland owner and give that gentle nudge toward positive thinking about managed forests. Whether I've interpreted our outreach into the greater community correctly or not, over 128 families purchased more than 1,500 native plants which will beautify new areas throughout Washington County and beyond during WCSWA's sixth annual Native Tree and Plant Sale. The weather was much more cooperative than last year, and although there were a few showers, the temperature was warm enough for folks to think it was time to plant.

A great deal of the success of the sale can be attributed to our stellar advertising committee which also influenced Jerry Boone to write an article in his column about the benefits of native plants. Jerry is not a gardener so his article reached the readership outside of the garden crowd. Many buyers mentioned reading his article, so it produced good results, and educated more people about the benefits of native plants. We worked very hard to provide quality plants which we hope will bring even more return customers.

I wish to thank all of the hard-working planning committee which made my job easier as well as the volunteers who worked setting up for the sale and on the day of the sale. This year we brought in \$7,521.50 which translates to a net profit of \$3,235.73, more than enough for the two \$1,000 scholarships we will award. Thanks again, everyone.

Committee Members

Bonnie Shumaker, Chair
Elizabeth Adams Art Dummer Jolene Adams Ardis Schroeder Eloise Binns Joanne Rose
Sharon Boge Lyal Purinton

Sale Volunteers

Don South Chuck Price Dallas and Sharon Boge Mel Mortensen Bob and Bonnie Shumaker Kirby Brumfield Eloise Binns Paul Sansone Sam Sadtler Neil and Ardis Schroeder Lyal Purinton Jim Bays Wendell Walker Mel and Beth Adams Don Moore Joanne Rose Tom and Deb Kapfer Jim Brown

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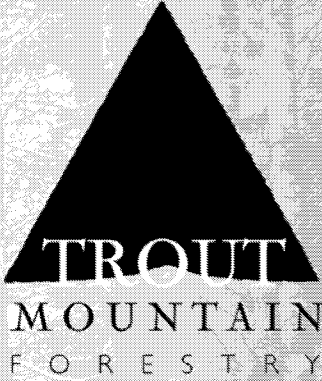
SEEDLING REPORT – by Bob Shumaker

WCSWA delivered 53,401 seedlings to 27 growers in Washington and Yamhill counties for planting in February and March of 2007. Of these 47,177 were Vernonia Elite Douglas fir grown by Lewis River Reforestation for us under contract. The balance of 6,224 was Western Red Cedar purchased from Lewis River Reforestation.

Total purchases were \$20,856.00. These seedlings were picked up in two trips to Lewis River Reforestation in Woodland, WA and stored in Wendell Walker's cooler in North Plains for distribution.

Seedling quality was not as good as we usually get from Lewis River this year because of March rainfall and flooding in 2006 in the part of the field where our seedlings were being transplanted which delayed transfer by 2 – 3 weeks and resulted in smaller size than anticipated at the time of lifting. This is one of the results we all experience with growing a product under nature's rules of uncertainty. These seedlings did meet our specifications however and should perform well.

We appreciate the help of Mel Mortenson in transporting seedlings and Wendell Walker in providing the storage cooler and its electricity.



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Don't Miss This One! The May 22nd meeting of WCSWA will be a potluck at the Magness Memorial Tree Farm. This will be a great family opportunity, with good food, and a tour of the "living exhibits" on the Tree Farm. Details to follow in the May Forest Forum!



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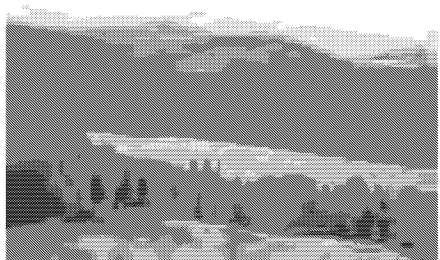
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Hinkle Creek Watershed Study Update

The Hinkle Creek Study will compare effects of forest management activities on a forest site with another similar but unmanaged site. Oregon Forest Practice rules will be applied to the managed site. For more information, go to www.watershedsresearch.com.

More than 12 million board feet of timber was harvested in the first harvest entry in the 10-year Hinkle Creek Paired Watershed Study. The timber was harvested from five harvest units covering 380 acres (154 hectares) of Roseburg Forest Products (RFP) land in the headwaters of the South Fork of Hinkle Creek between August 2005 and April 2006. Four of the harvest units were intentionally located adjacent to non-fish-bearing, head-water streams directly upstream of four stream gauges in the South Fork. The fifth harvest unit was located adjacent to the watershed divide.



RFP felled the trees by hand, then used an aerial cable logging system to get the logs to landings, where they were cut into logs. 12.2 million board feet (3,281 loads) of logs were hauled to RFP manufacturing facilities.

RFP made 5,000 acres of its forest land available for the Hinkle Creek study, agreeing to defer logging on half the acreage as a control for the study.

For the first harvest entry, RFP built 1.96 miles of new road and reconstructed 3.51 miles of existing road to access and remove the timber from the watershed. RFP also transported and placed 17,325 cubic yards of rock to surface the roads in the watershed for hauling during the winter.

This treatment did not stop with the harvest operations. Silvicultural herbicides were applied aerially in fall of 2006 as a site preparation treatment for all five harvest units. In the winter of 2006-2007, the five harvest units will be hand-planted with Douglas-fir seedlings. Herbicides will be applied in the future depending on the competition to the crop trees from grass, shrubs, and brush.



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WCSWA and OWC Plan NTFP "Walk-Around" May 5th

Washington County Small Woodlands Association and Oregon Woodland Cooperative have teamed up with the Institute for Culture and Ecology to sponsor a "walk-around" tour of several local woodlands. The purpose of the tour will be to identify potential marketable non-timber forest products.

Eric Jones, director of the Institute, has arranged for Neil Dahlke to conduct the tour. Neil is basically retired now but for a long time has had a successful botanical business that harvested wild herbs in Oregon (based in Bandon) and shipped them worldwide. He has extensive knowledge and contacts.

Eric has worked with OWC recently to determine market opportunities for NTFPs. He and Neil suggested a walk around in the spring on 1 or more OWC or WCSWA lands and then have a small strategy session on how to raise money for a pilot program.

The OWC is interested in pursuing this opportunity as part of its recently completed business plan. Those OWC or WCSWA members interested in participating in this tour on May 5th should contact Tom Nygren, 503.628.5472, or tnygren@juno.com.



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Partnering Up to Control Garlic Mustard

By Lacey Townsend, Tualatin Soil and Water Conservation District

At the sound of it, you might think garlic mustard is an herb you would find in your local supermarket. Although it was used for cooking purposes in Eurasia, it was brought to the United States with damaging effects.

Garlic mustard is a noxious weed fairly new to Washington County. The weed is of greatest concern in woodland areas, although it has been identified along road rights-of-way, trails, and streams. Garlic mustard can produce over 60,000 seeds per square meter to completely change the plant community structure on the forest floor. Whatever the location, it dominates the area by displacing native vegetation and reducing plant diversity.

The District currently has Oregon State Weed Board funding of \$17,880 to control garlic mustard along a five-mile reach of Lower Gales Creek. Partnering with the Tualatin River Watershed Council and the Garlic Mustard Working Group, the project consists of a thorough survey, mapping of the survey results, and treatment of the weed. The survey was completed in January and February, along with the mapping portion of the project. Treatment will take place in late March or early April. Native seeds will be sown at the appropriate time after control. Community outreach and education to landowners within the Gales Creek community has been provided throughout the course of the project, and will continue to be an important aspect.

So how can you identify garlic mustard?

- Two-year lifecycle, with basal rosette of kidney-shaped scalloped leaves in the first year and flower stalk elongated in the second year
- Leaves sharply toothed and triangular in shape, alternate on stem
- Strong garlic odor emitted from leaves when crushed
- Small white flowers with four petals, appearing in April and May
- Plant height ranges from 12 to 48 inches



(Images courtesy of Glenn Miller, Oregon Department of Agriculture)

Control Methods

The most recommended control option for garlic mustard is prevention. It is highly suggested that you familiarize yourself with the flower, the plant, and the habitat where it grows. It is

important to monitor sites regularly. Hand pulling mature plants in the early spring is recommended before seeding. Do not leave pulled plants on site; carefully bag and remove. Mowing is not recommended as a control for the weed. For chemical control options, contact the ODA Noxious Weed Control Program for recommendations (503-986-4621).

What should you do if you find garlic mustard?

Contact the Tualatin Soil and Water Conservation District at 503-648-3174 ext. 102. Help eliminate the spread of garlic mustard in Washington County!

Vision Action Network Addresses Local Forestry Issues

On the 26th of January the Vision Action Network of Washington County sponsored a day-long Sustainability Summit at the County Public Services Building in Hillsboro. This summit involved 126 leaders and experts from government, business, education, non-profit groups, service organizations, farming and forestry. Seven breakout sessions were an important part of this Sustainability Summit, and one of these breakout sessions worked on the topic of Forestry. The forestry session identified challenges to sustainable forestry in the County, and is working on priority actions that can be taken at the local level to address them.

Challenges. The Forestry Breakout Session identified the following priority challenges facing forest sustainability in Washington County:

- Finding more equity between public interests and private interests
- The public's limited "protectionist" view of forest resources and values
- A general ignorance on forest roles regarding silviculture and the economy
- Conflicts among neighbors over different expectations regarding forest management
- Protecting urban upland woodlands (green spaces vs. development)
- The ongoing loss of forest products and their processing and marketing infrastructure
- Increasing forest fragmentation
- Problems with invasive species and diseases
- Maintaining forest habitat diversity and connectivity
- Creating community amongst stakeholders

Several other challenges of slightly lower priority were also identified:

- Aging owners of private woodlands
- Maintaining listed and sensitive forest species
- Continued loss of forest land to other uses
- Forest housing developments
- Increased wildfire danger due to the urban-wildland interface
- Increased recreational expectations
- Reforestation is weak in practice
- Identifying the public's stake in private forest lands
- Vandalism and dumping
- Protecting forest values when developing land
-

A subgroup of the forestry session members met in mid-March to develop these priority actions into a set of specific action statements that could be communicated to specific decision makers and executors. Three primary action areas: Education, Political Action, and Community Support, were identified. ***If you are interested in learning more about this process, or have ideas and thoughts to contribute, contact Tom Nygren at 503.628.5472, or tnygren@juno.com***

Oak Restoration, *continued from page 1*

especially Douglas fir and Oregon ash, to encroach on former wet prairie and oak savanna. The faster-growing fir and ash are able to overtop the much slower-growing oak trees, which then decline in vigor and die due to lack of sunlight.

Oak savanna and oak woodlands provide important habitat for animals; many species of native wildlife use oak-dominated vegetation communities for food, nesting, and roosting. Animals that rely on oaks include the western gray squirrel, acorn woodpecker, western bluebird, many reptiles and amphibians, and a wide variety of insects. There is even a wasp that reproduces only on Oregon white oak trees. Over 200 species of native wildlife utilize the unique habitat provided by oaks. Oak restoration groups throughout Oregon are working to preserve these increasingly rare ecological communities.

Tualatin Hills Park and Recreation District has many beautiful Oregon white oak trees within Park boundaries. The Natural Resources Department has designed an Oak Plan to protect and restore white oak habitat within our parks. Preservation and restoration of these significant park resources inspires the three goals of the Oak Plan. The first goal is to protect large specimens of Oregon white oak. The second goal is to protect Oregon white oak woodlands. The third goal is to establish future Oregon white oak savanna. This Oak Plan is a long-term program designed to improve the health of Oregon white oak trees and woodland sites within the Park District through a careful process of assessment, restoration, and monitoring activities. Implementation of the Plan will provide Tualatin Hills Park and Recreation District with a continuing legacy of big trees and healthy woodlands.

Dumps, Labs, and Grows – Threats to Woodland Owners

Bob Williams, leader of the Criminal Intelligence Unit of the Oregon Department of Justice, presented some sobering facts about the threats drugs pose to small woodland owners. Williams spoke at the March meeting of WCSWA on March 27th. Oregon is classed as an “M-7” state – the seven states with the highest level of drug production. Private woodlands are sometimes targeted for drug production, either as a grow site, or as access to large areas of public land.

“Dumps” are isolated woodland locations where “meth”(methamphetamine) production materials are dumped, and pose a threat to anyone who comes in contact with them. These materials can often appear to be the kind of refuse that might come from cleaning out your garage – bottles, cans, hardware. Common items found might include Coleman gas cans, propane bottles, and common household chemical containers.

“Labs” are actual sites where meth is produced, and are more often in some sort of building. The sites are heavily contaminated, and dangerous to enter.

“Grows” are isolated sites in the forest where marijuana is grown. Growers may be individuals, or gangs associated with international drug traffic. Large grow sites have been known to be protected by armed individuals. Hallucinogenic mushrooms have also been grown on these isolated sites. Gangs from south of the border have found that it is easier to grow drugs in sites in the U.S. rather than attempt to move bulky items like marijuana across the border.

If you see or suspect any of the above types of activity, Williams urges you to contact your local law enforcement officials. Further information can be found on the internet at www.oregonmethwatch.org, www.doj.gov.dea/, or www.whitehousedrugpolicy.gov.

Timber, Wood & Energy: New Paradigm to Change Cost Structures

Wood Markets reported last month that timber prices have generally been rising in most countries since 2005 (the North American slowdown is about the only exception, and most definitely temporary). It also indicated that timber supply is tightening in many regions of the world, and this is partially fueling higher log prices. **The other factor driving up log prices is the bio-energy market for wood “residuals” (chips/sawdust/shavings/bark), which is now offering huge prices as compared to a few years ago.**

Global energy prices have soared, opening up new markets and revenue streams for wood residues and biomass in energy production. With global warming, carbon sequestration and energy self-sufficiency now being national issues or priorities in many countries, the bio-energy market is likely to become much more attractive to timber and wood products producers in terms of options for their wood residues.

In Europe, for instance, the big driver for residual conversion has been government-subsidized schemes for “green” or renewable energy sources. Biomass is likely to make a major contribution to the EU's goal of expanding the renewable-resource share of its energy supply from 6% today to 12% by 2010. EU energy ministers have also been close to voting for a binding 20% target for renewable energies in 2020. However, there is still a strong push in Europe for the accelerated deployment of future energy sources, e.g., wind, solar, biomass, hydro and geothermal.

In Germany and Austria, subsidized “green” electricity can be sold to the grid at two to three times the normal price (or costs) of electricity. **This has led to a surge in wood pellet plants, as the payback on investment is just a few years, and green energy contracts are offered for up to 20 years.** This has pushed the price of pellets to euro 250–300/tonne — a much higher return than selling sawdust to a particleboard mill.

This month, the B.C. government and Crown Corporation BC Hydro have jointly announced a bio-energy call process, with requests for expressions of interest to help meet B.C.'s goal of becoming a leader in clean energy — realization of which would place the province ahead of even California in some areas. **BC Hydro will identify potential projects to generate electricity from wood fibre fuel sources, e.g., massive volumes of mountain pine beetle-killed timber, sawmill residue and logging debris.** B.C.'s new energy plan requires that at least 90% of electricity come from clean, renewable resources.

Depending on oil prices and various government's objectives and strategies, “green” energy is expected to become a bigger business, and this will increase the pressure on global log prices. ■

Wood Markets, March, 2007

WOWnet – Opportunity for Washington County Women

WOWnet recognizes that there are many women in Oregon who either need or want to know more about woodland management. Some of these women currently own woodlands. Some are co-owners. Many are not currently involved, but may be in the future by acquiring woodlands through purchase or inheritance.

There are 6 chapters of WOWnet in Oregon now: Benton/Linn, Polk/Marion/Yamhill, Douglas, Lane, Clackamas, and Coos/Curry. Washington County does not have a chapter. WOWnet chapters hold sessions to meet other women woodland managers, and learn about woodland management topics such as pruning, plant ID, vegetation management, and chain saw safety.

Should Washington County have a chapter? Are you interested in joining? Contact Nicole Strong, OSU Extension, at 1849 NW 9th Street, Corvallis, 97330, or at nicole.strong@oregonstate.edu

Forest Management Activities – Point or Non-point Source?

Since the Clean Water Act and its implementing regulations were promulgated over 30 years ago, silvicultural and other activities involved in managing forestland has been determined to be "nonpoint source" rather than "point source" for pollution control regulation. This clearly separates activities such as timber harvest and attendant road building from other potential pollution sources such as discharges from factories. The key has been whether such pollution is dispersed or concentrated. Recently this interpretation has been challenged by environmental groups. The outcome of this challenge could have significant effects on the ability of forestland owners to efficiently manage their land. The following is the latest judicial result, and was provided by the OSWA state office.

On March 1, 2007, Judge King of the Oregon District Court issued an Opinion and Order dismissing the claims of plaintiff Northwest Environmental Defense Center ("NEDC") asserting that state and private forestry interests were obligated to obtain nonpoint source NPDES permits in conjunction with the use of Forest roads for timber hauling. The following is a brief summary and analysis of the court's opinion:

NEDC asserted two theories of liability. The first theory was that the discharges at issue were regulated under EPA's Phase I stormwater regulations as discharges associated with industrial activity, namely facilities within Standard Industrial Classification ("SIC") 24 (lumber and products) and 2411 (logging). The second theory claimed that the discharges were regulated under the Phase II stormwater regulations because the Ninth Circuit remanded the Phase II rules to EPA for consideration of whether forest road discharges should be regulated as part of its ruling in *Environmental Defense Center v. EPA*, 344 F.3d 832 (9th Cir. 2003) ("EDC").

Judge King rejected both theories. To begin with, the judge held that because the discharges at issue fall within the silvicultural regulation, they are not point sources and are not regulated as Phase I discharges under Section 402(p) of the Clean Water Act. This is a broader rationale than was necessary to sustain the ruling, but it is consistent with the positions that have been taken by both EPA and the industry in other cases. In reaching this conclusion, the court noted that the language of the silvicultural rule defines discharges from silvicultural harvesting operations from which there is natural runoff, including the building and maintenance of forest roads, as nonpoint in nature. Moreover, the court reasoned that this definition is consistent with the Ninth Circuit's opinion in *League of Wilderness Defenders/Blue Mountain Biodiversity Project v. Forsgren*, 309 F.3d 1181 (9th Cir. 2002), which addressed the silvicultural rule in the context of the aerial spraying of pesticides. Specifically, the Ninth Circuit held noted that nonpoint source pollution is widely understood to be the type of pollution that arises from many dispersed activities over large areas, and is not traceable to any single discrete source, such as residue left on roadways by automobiles. Considering the discharges at issue in the present case, the court then reasoned: [T]he fact that pollutants deposited on top of the roads during timber hauling end up being washed into the water bodies does not turn the road system with its associated ditches and culverts into a point source. The road/ditch/culvert system and timber hauling on it is a traditional dispersed activity from which pollution flowing into the water cannot be traced to single discrete sources.

As part of its ruling, the court specifically disagreed with the Northern District of California District Court, which recently found that channeled through forest road ditches and culverts required a permit, stating that the Northern District's ruling "contradicts Forsgren's explanation of traditional sources of nonpoint source pollution." See *Environmental Protection Information Ctr. v. Pacific Lumber Co.*, No. C01-2821 (N.D. Cal. Oct. 14, 2003); Docket No. 66, at 16-17.

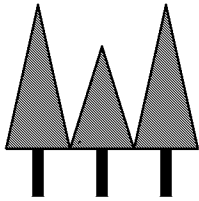
With regard to NEDC's second argument, Judge King held that the Ninth Circuit's opinion in EDC merely remanded an EPA rulemaking for further consideration of whether forest road use should be regulated and did not reach any conclusion as to whether in fact they were regulated. Accordingly, the court rejected NEDC's interpretation of the case as subjecting road use to regulation pending EPA's final decision.

NEDC has 60 days in which to appeal the district court's decision.

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Forest Forum



COUNTY CHAPTER OF THE
OREGON SMALL WOODLANDS
ASSOCIATION

Potpourri ***Welcome to New Member!***

Nancy Vinikoor of Hillsboro, and Norm Monroe of Forest Grove, have joined OSWA and WCSWA.

We are here to help you achieve your management goals for your woodland. To get the most out of your membership, come to the meetings and tours that are scheduled throughout the year. You'll find many kindred spirits among our diverse membership – and many opportunities to learn and share together! If you have any questions, or need help, contact any of the Directors, Officers, or Newsletter Editor (listed on page 3).

OPB To Do Story on World War II and Oregon

Oregon Public Broadcasting (OPB) is preparing a program on Oregon and Oregonians and their role in World War II. Eric Cain, the producer of the hour long episode – set to air in early fall, is looking for people who have played a role in the war effort. This includes veterans, people working in defense related industries, and others who have stories to tell about that era. This could include those who worked in the woods to provide wood for the war effort, as well as those who served in the military. If you fit any of these categories – or know someone who does, contact Eric at 503.244.9900, or cell phone 503.679.0075

New WCSWA Website – Check It Out!

Kathy Scott, the new WCSWA webmaster, has our re-vamped website up for viewing. There are some blank pages that need to be “populated” yet – but we’re working on it! If you have ideas about items to include, let Tom Nygren or any of the officers or Board members know.