

SENECA JONES  TIMBER COMPANY

March 22, 2017

Oregon Senate Environment and Natural Resources Committee

Sen. Michael Dembrow, Chair

Sen. Alan Olsen, Vice Chair

Sen. Herman Baertschiger Jr.

Sen. Floyd Prozanski

Sen. Arnie Roblan

RE: Senate Bill 892 – Changes to ODF Notification System for Aerial Pesticide App.

Thank you for the opportunity to share my professional experience with you related to a Senate bill before this committee. I am concerned about the cost of implementation of SB 892. It would be costly to the Oregon Department of Forestry (ODF) to implement a system required to receive an increased amount of information and continued changes to operations plans as weather impacts daily work. It would also be costly to professional foresters and professional pesticide applicators in time and continued notification effort. I also believe these new requirements would cause many applications to be canceled. Ultimately it would not support better communication between neighboring landowners, an age old challenge.

Planning an aerial pesticide application program is a lengthy and complicated process. I have a two page outline of planning process needs prior to the operations phase of a program. Notification to the State of Oregon, as required by the Oregon Forest Practices Act, is but one notification process and planning requirement that takes hours to complete, depending on how many application areas are in the plan. Hours of careful information gathering and analysis is required to provide ODF with an official record of each intended application.

Official notifications include all information required for a proper review under the Oregon Forest Practices Act including the exact application area. This allows for triggering courtesy notification to neighbors who have requested information when a forest activity will take place in their area of interest. A new system has been developed, at great cost to ODF, to provide this information within the Forest Electronic Notification System (FERNS). However at Seneca, like most other landowners using the aerial method of pesticide application, we don't depend on the ODF subscription system to notify interested parties of our helicopter use plans. About a month prior to operations we send courtesy letters to all neighbors who may be interested in talking with us about our plans.

This spring we need to send letters to neighbors for just 12% of our individual application areas. A full 88% of our application areas are not adjacent to neighbors that may be interested in receiving notice. If this proposal is implemented ODF will be tracking many more applications than are necessary. This is a costly proposal for relatively little benefit.

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As a whole most time available for aerial application is not suitable due to weather constraints stipulated by the EPA product label instructions. I estimate approximately 30% of daylight hours during the application period are within weather guidelines for proper use by EPA regulations. Sometimes a helicopter won't be able to apply for several days due to wind, rain or temperature requirements. Some days the weather cooperates all day leading to many applications being accomplished from dawn to dusk. Predicting when each application area will be flown is impossible. The initial plan would not survive the first couple of days. Past that, each day notified for each application would change, then change again, and again, and again. This would inevitably lead to some applications needing new notifications compounding the planning and implementation process. Some applications would be left undone. And, contrary to popular belief there aren't enough manual labor crews available to do the application work each season. Even with helicopters now completing the majority of new forest applications each year we struggle to find enough time to manual labor crews to perform the remaining applications. Most years we don't complete the manual application work planned due to availability of manual application crew time.

There is simply no better mechanism, not the ODF notification system, not posting information on a website, not advertising in the local paper or on TV, there is nothing more effective than personal contact through a letter, a phone call, a personal visit between a professional forester and a neighbor. There is no app for good communication with your neighbors about sensitive activities. If your neighbor was planning to tear down and rebuild their home, what would you prefer? A notification from the city planning department or an offer for direct discussion with your neighbor? Direct contact offers time to educate our neighbors about our needs, listen to and understand their needs, and then implement a forest activity with neighbor concerns taken into account. This is the formula that has worked throughout my twenty years of experience planning and implementing aerial pesticide activities in western Oregon.

Please do not support Senate Bill 892 because it will cost too much and will not solve the age old challenge of neighboring landowners talking to and understanding each other's needs.

Sincerely,

Ted Reiss  
Timberlands Manager  
Seneca Jones Timber Company

## **Aerial Application of Herbicides Pre-operations Planning Chronological Order and Approximate Timing Prior to Application**

- **3 months (prior to operations):** Identify Application Areas
  - Budget Considerations
  - Identify Location Specific Safety Concerns
  - Identify Sensitive Neighbors
- **3 months:** Contact Potential Application Operators
  - Bidding Procedure or Negotiate
  - Desired Application Timing
  - Application Cost
- **2 months:** Sign Legal Agreement with Herbicide Application Operator
  - Legally Binding Agreement Language is Paramount
  - Application Timing Fit with Objectives/Desired Outcomes?
  - Insurance Requirements
  - Communication Plan
  - Required Equipment
- **3 to 8 weeks:** Visit Application Areas to Determine Objectives and Desired Outcomes
  - Identify Unwanted Veg (ongoing site visits depending on veg development schedule)
  - Determine Best Herbicides for Use
  - Contact Herbicide Dealer Representative for Advice
  - Heliport Site Selection
    - Size, Location, Distance/View of Application Area
    - Crew Safety
  - Review Safety Concerns and Mitigation Strategy
    - Powerlines, Antennas, Wildlife Trees, Slide Debris, Driveways, Public Roads, Schools, Parks, Etc.
  - Review for Sensitive Resources
    - Domestic Water Intake
    - Municipal Watershed
    - Endangered or Threatened Species
    - Streams, Creeks, Wetlands
    - Property Lines
- **4 to 6 weeks:** Determine Approximate Herbicide Supply Needs
  - Application Area Calculations
    - Total Area by Mix
    - Total Area by Product
  - Various Products Available
    - Individual EPA Product Label Use Instructions Review
    - Product Strength and Mixing Characteristics Review
    - Additional Product Considerations
      - Volatility
      - Odor
      - Solubility

- **4 weeks:** Notify Neighbors of Application Plan
  - Letter of Intent and Contact Information for Personal Meeting
- **4 to 8 weeks:** Notify Oregon Dept of Forestry of Application Plan(s)
- **2 to 4 weeks:** Notify Oregon Dept of Water Resources of Intent to Draft Water for Agriculture Use
- **2 to 4 weeks:** Purchase Herbicide Products
  - Double Check Intended Application Plan
  - Verify Delivered Product is Ordered Product
  - Review EPA Label Use Instructions **AGAIN**
  - Create Safe Herbicide Product Storage
    - Dry, Locked and Out of the Way
    - Appropriate Spill Kit Close
    - Post EPA Label Use Instructions and **Safety Data Sheet** for Each Product
    - Safety Training for Personnel Who May Contact Herbicide Products Prior to Use
  - Appropriate Product Measurement Devices
- **2 to 3 weeks:** Verify ODF Notifications Received and Processed for Comments
- **2 weeks:** Site Visits with Neighbors to Discuss Concerns
- **2 weeks:** Create Final Plan for Application Season
  - Review **OSHA Worker Protection Standard** for Posting Requirements, PPE, Etc.
  - Personnel Involved Have Required Training
  - Personal Protective Equipment
  - Road Signs to Block Off Application Areas
  - Communicate with Affected Personnel, Contractors, Neighbors, Public, etc.
  - Application Records
    - Record Requirements
    - Calibrated Weather Measurement Device
    - EPA Label Use Instructions on Hand at All Times
- **1 to 2 weeks:** Create/Update Pre-Operations Briefing Material and Application Info
  - Create GIS/GPS Shapefiles for Pilot and Ground Crew
  - Communication Plan
  - Safety Briefing Materials
  - List of Herbicide Products to be Utilized
  - Agreement Overview
  - ODF Notification List with Sensitive Resources Plans
  - Emergency Action Plan Complete with Air Ambulance Instructions
    - Herbicide Spill Cleanup/Reporting Requirements
    - Spill Kit Review

SENECA JONES  TIMBER COMPANY

March 19, 2014

Marie Paloma  
570 Elizabeth  
Ashland, OR 97520

PROPERTY OWNED AS JACKSON CR.  
NEAR TILLER OREGON.

Dear Marie,

Greetings from your neighbor, Seneca Jones Timber Company. We are a locally owned and managed timber company and as such we earnestly desire to maintain good communications and rapport with our neighbors. Consistent with our goals and belief, we strive to notify adjacent landowners of our operations. This is done in advance to provide an opportunity to alleviate any concerns that may exist.

The purpose of this letter is to notify you that Seneca plans to aerially apply herbicides to our tree farm, which is near your property. This application should be completed in less than one day during the upcoming spray season. We anticipate the project starting on or around April 1st and finishing sometime around May 1st. This operation is needed to remove the grass, forbs, and woody species that would be competing with young seedlings in our plantations. Elimination of this competing vegetation allows us to achieve the tree growth we expect from our tree farm.

All pesticide application work contracted by Seneca is performed by licensed applicators and under the close supervision of professional foresters who have many years of training and experience in herbicide application in the State of Oregon. The United States Environmental Protection Agency has registered and approved each chemical we use to assure the safety of our workers and neighbors as well as the forest environment. Strict adherence to label instructions and weather related restrictions at the time of application further insure a safe and effective program. Seneca works closely with the Oregon State Department of Forestry in application supervision activities when necessary as part of our pesticide program.

An integral part of our program is the prevention of herbicides from entering creeks or waterways. If there are waters flowing from Seneca properties onto your land that are of particular concern to you, or if you have any other questions regarding our operation, please feel free to contact Adam Stinnett or Sarah Dippel at the Roseburg office at telephone number (541) 673-0084.

Sincerely,

Adam Stinnett  
Silviculture Forester  
Roseburg Tree Farm