

74th OREGON LEGISLATIVE ASSEMBLY--2008 Special Session
Enrolled House Bill 3628
AN ACT

Relating to Oregon Forest Practices Act; amending ORS 527.736; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 527.736 is amended to read:

527.736. (1) The standards established in ORS 527.740 to 527.750 shall be administered by the State Forester as standards applying to all operations in the state, including those on forestland owned by the state or any political subdivision thereof. Pursuant to ORS 527.710 the State Board of Forestry shall adopt, repeal or amend forest practice rules as necessary to be consistent with and to implement the standards established in ORS 527.740 to 527.750. Except as provided in ORS 527.714, nothing in ORS 468B.100 to 468B.110, 477.562, 527.620, 527.670, 527.690, 527.710, 527.715, 527.722, 527.724 and 527.736 to 527.770 shall affect the powers and duties of the board to adopt, or the State Forester to administer, all other regulations pertaining to forest practices under applicable state law.

(2) Nothing in ORS 527.740 to 527.750 is intended to apply to cutting of trees that is for growth enhancement treatments, as defined by the State Forester, such as thinning or precommercial thinning.

(3) The State Board of Forestry may modify or waive the limitations and requirements of ORS 527.676, 527.740, 527.750 and 527.755 for the purposes of a bona fide research project conducted by:

- (a) A federal agency;
- (b) Agencies of the executive department, as defined in ORS 174.112;
- (c) An educational institution; or
- (d) A private landowner.

(4) The State Board of Forestry may agree as a term of a stewardship agreement entered into under ORS 541.423 to modify or waive the limitations and requirements of ORS 527.676, 527.740, 527.750 and 527.755.

(5) The State Board of Forestry may modify or waive the limitations and requirements of ORS 527.676, 527.740, 527.750 and 527.755 for the purpose of an operation for the planting, growing, managing or harvesting of hardwood timber, including but not limited to hybrid cottonwood, if:

- (a) The timber is grown on land that has been prepared by intensive cultivation methods and is cleared of competing vegetation for at least three years after planting;
- (b) The timber is harvested on a rotation cycle of more than 12 years and less than 20 years after planting; and
- (c) The timber is subject to intensive agricultural practices, including but not limited to fertilization, cultivation, irrigation, insect control and disease control.

SECTION 2. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.