

Agenda Item No.:	10
Work Plan Title & #:	Forest Regulation, Issue 6
Presentation Title:	Work Plan Revision
Date of Presentation:	June 4, 2008
Contact Information:	Peter Daugherty, Deputy Chief Private Forests Division 503-945-7482 <a href="mailto:pdaugherty@odf.state.or.us">pdaugherty@odf.state.or.us</a>

## **SUMMARY & CONTEXT**

It has been two years since the last revision of the Board of Forestry's Forest Regulation Work Plan (May 2006). Given that significant progress has been made on many of the objectives, and new issues have arisen that need to be considered for incorporation, the work plan is in need of revision to update objectives and address these new issues. The Department recommends the Board direct staff to revise the Forest Regulation Work Plan into a Private Forests Work Plan.

## **ANALYSIS**

The existing work plan has four objectives. Objective one addresses Board policies about expectations for public benefits from private lands and landowner compensation for the impacts of regulation. Objective two addresses minimizing the adverse financial effects of regulations. Objective three regards the use of voluntary methods to achieve public policy goals on private forestland. Objective four addresses effective and efficient implementation of the regulatory elements of the Forest Practices Act.

While the work plan is titled the "Forest Regulation Work Plan," it includes elements where regulation is not the focus or where regulation is one of several options available to the Board. Staff recommends a title change to "Private Forests Work Plan" consistent with work plans for other programs.

Issues to be considered in the revision of the work plan include the following:

### *Forest land conversion--*

The 2007 issue scan identified a "complex" of issues including rapid forestland ownership change, conversion and fragmentation of forestland, and reduced forestland base and productivity. The issue scan work group assigned very high priority to this set of issues. These concerns are closely inter-related, and many potential responses have emerged from the work of the 2007 Family Forestlands Symposium and the Forest Resource Trust Advisory Committee (also included in the issue scan).

### *Ballot Measure 49--*

Adopted November 2007, Ballot Measure 49 modifies rights granted under Measure 37. This measure has two significant implications for the Private Forests Program. The first implication is an expected increase in land-use conversions and dwellings sited on resource lands. Secondly, Measure 49 may require compensation or waiver for some

types of forest practice rules adopted after Jan. 1, 2007. The work plan can provide Board clarification of regulatory options considered by the Department.

#### *Pesticides--*

During the 2007 issue scan and subsequent Board meetings, the Board heard concerns related to the use of pesticides on forestland. These concerns relate to a larger set of issues that are being addressed through an interagency effort led by the Health Division. The work plan should address how to keep the Board apprised on progress and determine when the issue requires specific actions by the Board or Department.

#### *Potential Technical Adjustments to the Forest Practices Act--*

Hybrid poplar: The Legislature passed HB 3628 to allow the Board of Forestry to modify or waive the limitations and requirements of ORS 527.676, 527.740, 527.750 and 527.755 for three specific purposes, including hybrid poplar plantations. Work on the hybrid poplar issue is an immediate need since the rotations are nearing the 12-year limit.

Bald Eagles: Current regulations protect bald eagles based on their status under federal and state endangered Species Act (ESA). The bald eagle was officially delisted from the federal ESA on July 9, 2007. Bald eagles are expected to be delisted from the state ESA. Once a state delisting occurs, the Board will need to consider changes to the existing regulatory protections under the Forest Practices Act.

### **RECOMMENDATION**

The Department recommends the Board direct staff to revise the Forest Regulation Work Plan into a Private Forests Work Plan, consistent with Board input and direction.

### **NEXT STEPS**

The Department will bring forward a draft work plan at a future Board meeting, prior to requesting Board approval of a revised Private Forests Work Plan.

### **ATTACHMENT**

(1) Forest Regulation Work Plan – Issue 6 [current]