Rule Text Showing Adopted Additions and Revisions
Example: Deleted Language Added Language

OAR 629-600-0050
Forest Practice Rules
OAR chapter 629, divisions 600 through 680 are known as the forest practice rules.
OAR 629-600-0100
Definitions
As used in OAR chapter 629, divisions 605 through 669 and divisions 680 through 699, unless otherwise required by context:
(1) "Abandoned resource site" means a resource site that the State Forester determines is not active.
(2) "Active resource site" means a resource site that the State Forester determines has been used in the recent past by a listed species. 'Recent past' shall be identified for each species in administrative rule. Resource sites that are lost or rendered not viable by natural causes are not considered active.
(3) "Active roads" are roads currently being used or maintained for the purpose of removing commercial forest products.
(4) "Aquatic area" means the wetted area of streams, lakes and wetlands up to the high water level. Oxbows and side channels are included if they are part of the flow channel or contain fresh water ponds.
(5) "Artificial reforestation" means restocking a site by planting trees or through the manual or mechanical distribution of seeds.
(6) "Basal area" means the area of the cross-section of a tree stem derived from DBH.
(7) "Basal area credit" means the credit given towards meeting the live tree requirements within riparian management areas for placing material such as logs, rocks or rootwads in a stream, or conducting other enhancement activities such as side channel creation or grazing exclosures.
(8) "Bog" means a wetland that is characterized by the formation of peat soils and that supports specialized plant communities. A bog is a hydrologically closed system without flowing water. It is usually saturated, relatively acidic, and dominated by ground mosses, especially sphagnum. A bog may be forested or non-forested and is distinguished from a swamp and a marsh by the dominance of mosses and the presence of extensive peat deposits.
(9) "Channel" is a distinct bed or banks scoured by water which serves to confine water and that periodically or continually contains flowing water.
(10) "Chemicals" means and includes all classes of pesticides, such as herbicides, insecticides, rodenticides, fungicides, plant defoliants, plant desiccants, and plant regulators, as defined in ORS 634.006(8); fertilizers, as defined in ORS 633.311; petroleum products used as carriers; and chemical application adjuvants, such as surfactants, drift control additives, anti-foam agents, wetting agents, and spreading agents.
(11) "Commercial" means of or pertaining to the exchange or buying and selling of commodities or services. This includes any activity undertaken with the intent of generating income or profit; any activity in which a landowner, operator or timber owner receives payment from a purchaser of forest products; any activity in which an operator or timber owner receives payment or barter from a landowner for services that require notification under OAR 629-605-0140; or any activity in which the landowner, operator, or timber owner barters or exchanges forest products for goods or services. This does not include firewood cutting or timber milling for personal use.
(12) "Completion of the operation" means harvest activities have been completed to the extent that the operation area will not be further disturbed by those activities.
(13) "Conflict" means resource site abandonment or reduced resource site productivity that the State Forester determines is a result of forest practices.
(14) "Debris torrent-prone streams" are designated by the State Forester to include channels and confining slopes that drain watersheds containing high landslide hazard locations that are of sufficient confinement and channel gradient to allow shallow, rapid landslide movement.
(15) "Department" means the Oregon Department of Forestry.
(16) "Diameter breast height" (DBH) means the diameter of a tree inclusive of the bark measured four and one-half feet above the ground on the uphill side of the tree.
(17) "Domestic water use" means the use of water for human consumption and other household human use.
(18) "Dying or recently dead tree" means a tree with less than ten percent live crown or a standing tree which is dead, but has a sound root system and has not lost its small limbs. Needles or leaves may still be attached to the tree.
(19) "Estuary" means a body of water semi-enclosed by land and connected with the open ocean within which saltwater is usually diluted by freshwater derived from the land. "Estuary" includes all estuarine waters, tidelands, tidal marshes, and submerged lands extending upstream to the head of tidewater. However, the Columbia River Estuary extends to the western edge of Puget Island.
(20) "Exposure categories" are used to designate the likelihood of persons being present in structures or on public roads during periods when shallow, rapidly moving landslides may occur.
(21) "Filling" means the deposit by artificial means of any materials, organic or inorganic.
(22) "Fish use" means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts.
(23) "Fledging tree" means a tree or trees close to the nest which the State Forester determines are regularly used by young birds to develop flying skills.
(24) "Foraging area" means an area (usually a body of water) where bald eagles concentrate their hunting activities.
(25) "Foraging perch" means a tree or other structure that overlooks a portion of a foraging area and is habitually used by bald eagles as a vantage point while hunting.
(26) "Forestland" means land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.
(27) “Forest practice” means any operation conducted on or pertaining to forestland, including but not limited to:
(a) Reforestation of forestland;
(b) Road construction and maintenance;
(c) Harvesting of forest tree species;
(d) Application of chemicals;
(e) Disposal of slash; and
(f) Removal of woody biomass.
(28) “Forest tree species” means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.
(29) "Free to grow" means the State Forester’s determination that a tree or a stand of well distributed trees, of acceptable species and good form, has a high probability of remaining or becoming vigorous, healthy, and dominant over undesired competing vegetation. For the purpose of this definition, trees are considered well distributed if 80 percent or more of the portion of the operation area subject to the reforestation requirements of the rules contains at least the minimum per acre tree stocking required by the rules for the site and not more than ten percent contains less than one-half of the minimum per acre tree stocking required by the rules for the site.
(30) "Further review area" means an area of land that may be subject to rapidly moving landslides as mapped by the State Department of Geology and Mineral Industries or as otherwise determined by the State Forester.
(31) "Geographic region" means large areas where similar combinations of climate, geomorphology, and potential natural vegetation occur, established for the purposes of implementing the water protection rules.
“Harvest type 1” means an operation that requires reforestation but does not require wildlife leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of the board that represents adequate utilization of the productivity of the site.

“Harvest type 2” means an operation that requires wildlife leave trees but does not require reforestation. A harvest type 2 does not require reforestation because it has an adequate combined stocking of free to grow seedlings, saplings, poles and larger trees, but leaves:
(a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;
(b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;
(c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre.

“Harvest type 3” means an operation that requires reforestation and requires wildlife leave trees. This represents a level of stocking below which the size of operations is limited under ORS 527.740 and 527.750.

"High landslide hazard location" means a specific site that is subject to initiation of a shallow, rapidly moving landslide. The following criteria shall be used to identify high landslide hazard locations:
(a) The presence, as measured on site, of any slope in western Oregon (excluding competent rock outcrops) steeper than 80 percent, except in the Tyee Core Area, where it is any slope steeper than 75 percent; or
(b) The presence, as measured on site, of any headwall or draw in western Oregon steeper than 70 percent, except in the Tyee Core Area, where it is any headwall or draw steeper than 65 percent.
(c) Notwithstanding the slopes specified in (a) or (b) above, field identification of atypical conditions by a geotechnical specialist may be used to develop site specific slope steepness thresholds for any part of the state where the hazard is equivalent to (a) or (b) above. The final determination of equivalent hazard shall be made by the State Forester.

"High water level" means the stage reached during the average annual high flow. The "high water level" often corresponds with the edge of streamside terraces, a change in vegetation, or a change in soil or litter characteristics.

"Hydrologic function" means soil, stream, wetland and riparian area properties related to the storage, timing, distribution, and circulation of water.

"Important springs" are springs in arid parts of eastern Oregon that have established wetland vegetation, flow year round in most years, are used by a concentration of diverse animal species, and by reason of sparse occurrence have a major influence on the distribution and abundance of upland species.

"Inactive roads" are roads used for forest management purposes exclusive of removing commercial forest products.

"Key components" means the attributes which are essential to maintain the use and productivity of a resource site over time. The key components vary by species and resource site. Examples include fledging trees or perching trees.

"Lake" means a body of year-round standing open water.
(a) For the purposes of the forest practice rules, lakes include:
(A) The water itself, including any vegetation, aquatic life, or habitats therein; and
(B) Beds, banks or wetlands below the high water level which may contain water, whether or not water is actually present.
(b) "Lakes" do not include water developments as defined in section (8290) of this rule.
(42) "Landslide mitigation" means actions taken to reduce potential landslide velocity or re-direct shallow, rapidly moving landslides near structures and roads so risk to persons is reduced.

(43) "Landowner" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forestland, including the state and any political subdivision thereof.

(44) "Large lake" means a lake greater than eight acres in size.

(45) "Large wood key piece" means a portion of a bole of a tree, with or without the rootwad attached, that is wholly or partially within the stream, that meets the length and diameter standards appropriate to stream size and high water volumes established in the “Guide to Placement of Wood, Boulders and Gravel for Habitat Restoration,” developed by the Oregon Department of Forestry, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, and Oregon Watershed Enhancement Board, January 2010. A Guide to Placing Large Wood in Streams, Oregon Department of Forestry and Oregon Department of Fish and Wildlife, May 1995.

(46) "Live tree" means a tree that has 10 percent or greater live crown.

(47) "Local population" means the number of birds that live within a geographical area that is identified by the State Forester. For example: the area may be defined by physical boundaries, such as a drainage or subbasin.

(48) "Main channel" means a channel that has flowing water when average flows occur.

(49) "Natural barrier to fish use" is a natural feature such as a waterfall, increase in stream gradient, channel constriction, or other natural channel blockage that prevents upstream fish passage.

(50) "Natural reforestation" means restocking a site with self-grown trees resulting from self-seeding or vegetative means.

(51) "Nest tree" means the tree, snag, or other structure that contains a bird nest.

(52) "Nesting territory" means an area identified by the State Forester that contains, or historically contained, one or more nests of a mated pair of birds.

(53) "Operation" means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:

(a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.

(b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood that is:

(A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;

(C) Harvested on a rotation cycle that is 12 or fewer years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.

(c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.

(d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.

(e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.

(f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.

(g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.
"Operator" means any person, including a landowner or timber owner, who conducts an operation.

"Other wetland" means a wetland that is not a significant wetland or stream-associated wetland.

"Perch tree" means a tree identified by the State Forester which is used by a bird for resting, marking its territory, or as an approach to its nest.

"Plan for an Alternate Practice" means a document prepared by the landowner, operator or timber owner, submitted to the State Forester for written approval describing practices different than those prescribed in statute or administrative rule.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity.

"Removal" means the taking or movement of any amount of rock, gravel, sand, silt, or other inorganic substances.

"Replacement tree" means a tree or snag within the nesting territory of a bird that is identified by the State Forester as being suitable to replace the nest tree or perch tree when these trees become unusable.

"Resource site" is defined for the purposes of protection and for the purposes of requesting a hearing.

(a) For the purposes of protection:
   (A) For threatened and endangered bird species, "resource site" is the nest tree, roost trees, or foraging perch and all identified key components.
   (B) For sensitive bird nesting, roosting and watering sites, "resource site" is the nest tree, roost tree or mineral watering place, and all identified key components.
   (C) For significant wetlands "resource site" is the wetland and the riparian management area as identified by the State Forester.

(b) For the purposes of requesting a hearing under ORS 527.670(4) and 527.700(3), "resource site" is defined in OAR 629-680-0020.

"Riparian area" means the ground along a water of the state where the vegetation and microclimate are influenced by year-round or seasonal water, associated high water tables, and soils which exhibit some wetness characteristics.

"Riparian management area" means an area along each side of specified waters of the state within which vegetation retention and special management practices are required for the protection of water quality, hydrologic functions, and fish and wildlife habitat.

"Roosting site" means a site where birds communally rest at night and which is unique for that purpose.

"Roost tree" is a tree within a roosting site that is used for night time roosting.

"Saplings and poles" means live trees of acceptable species, of good form and vigor, with a DBH of one to 10 inches.

"Seedlings" means live trees of acceptable species of good form and vigor less than one inch in DBH.

"Shallow, rapidly moving landslide" means any detached mass of soil, rock, or debris that begins as a relatively small landslide on steep slopes and grows to a sufficient size to cause damage as it moves down a slope or a stream channel at a velocity difficult for people to outrun or escape.

"Side channel" means a channel other than a main channel of a stream that only has flowing water when high water level occurs.

"Significant wetlands" means those wetland types listed in OAR 629-680-0310, that require site specific protection, as follows:

(a) Wetlands that are larger than eight acres;
(b) Estuaries;
(c) Bogs; and

(d) Important springs in eastern Oregon.

(6571) "Snag" means a tree which is dead but still standing, and that has lost its leaves or needles and its small limbs.

(6672) "Sound snag" means a snag that retains some intact bark or limb stubs.

(6773) "Staging tree" is a tree within the vicinity of a roosting site that is used for perching by bald eagles before entering the roost.

(74) "State Forester" means the State Forester or the duly authorized representative of the State Forester.

(6875) "Stream" means a channel, such as a river or creek, that carries flowing surface water during some portion of the year.

(a) For the purposes of the forest practice rules, streams include:

(A) The water itself, including any vegetation, aquatic life, or habitats therein;

(B) Beds and banks below the high water level which may contain water, whether or not water is actually present;

(C) The area between the high water level of connected side channels;

(D) Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and

(E) Stream-associated wetlands.

(b) "Streams" do not include:

(A) Ephemeral overland flow (such flow does not have a channel); or

(B) Road drainage systems or water developments as defined in section (8290) of this rule.

(6976) "Stream-associated wetland" means a wetland that is not classified as significant and that is next to a stream.

(7077) "Structural exception" means the State Forester determines that no actions are required to protect the resource site. The entire resource site may be eliminated.

(7178) "Structural protection" means the State Forester determines that actions are required to protect the resource site. Examples include retaining the nest tree or perch tree.

(7279) "Temporal exception" means the State Forester determines that no actions are required to prevent disturbance to birds during the critical period of use.

(7380) "Temporal protection" means the State Forester determines that actions are required to prevent disturbance to birds during the critical period of use.

(81) "Timber owner" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forestland.

(7482) "Tree leaning over the channel" means a tree within a riparian management area if a portion of its bole crosses the vertical projection of the high water level of a stream.

(7583) "Tyee Core Area" means a location with geologic conditions including thick sandstone beds with few fractures. These sandstones weather rapidly and concentrate water in shallow soils creating a higher shallow, rapidly moving landslide hazard. The Tyee Core area is located within coastal watersheds from the Siuslaw watershed south to and including the Coquille watershed, and that portion of the Umpqua watershed north of Highway 42 and west of Interstate 5. Within these boundaries, locations where bedrock is highly fractured or not of sedimentary origin as determined in the field by a geotechnical specialist are not subject to the Tyee Core area slope steepness thresholds.

(7684) "Type D stream" means a stream that has domestic water use, but no fish use.

(7785) "Type F stream" means a stream with fish use, or both fish use and domestic water use.

(7886) "Type N stream" means a stream with neither fish use nor domestic water use.
"Unit" means an operation area submitted on a notification of operation that is identified on a map and that has a single continuous boundary. Unit is used to determine compliance with ORS 527.676 (down log, snag and green live tree retention), ORS 527.740 and 527.750 (harvest type 3 size limitation), and other forest practice rules.

"Vacated roads" are roads that have been made impassable and are no longer to be used for forest management purposes or commercial forest harvesting activities.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation and duff so that it does not gain the volume and velocity which causes soil movement or erosion.

"Water development" means water bodies developed for human purposes that are not part of a stream such as waste treatment lagoons, reservoirs for industrial use, drainage ditches, irrigation ditches, farm ponds, stock ponds, settling ponds, gravel ponds, cooling ponds, log ponds, pump chances, or heli-ponds that are maintained for the intended use by human activity.

"Waters of the state" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, wetlands, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas. Wetlands do not include water developments as defined in section (82) of this rule.

"Wildlife leave trees" means trees or snags required to be retained as described in ORS 527.676 (1).

"Written plan" means a document prepared by an operator, timber owner or landowner that describes how the operation is planned to be conducted.
Notification to the State Forester — When, Where and How

(1) The operator, landowner or timber owner shall notify the State Forester as required by ORS 527.670(6), at least 15 days before starting an operation.

(2) The State Forester may waive the 15 day waiting period required in section (1) of this rule, except as prohibited in ORS 527.670(9) for aerial applications of chemicals and 527.670(10) for operations requiring a written plan under 527.670(3)(a) and (b) and (c). Waivers may be granted when the State Forester has already previewed the operation site or has otherwise determined the operation to have only minor potential for resource damage. Waivers shall be made in writing, and on an individual notification basis.

(3) Once an operation is actually started following proper notification of the State Forester, the operation may continue into the following calendar year without further notification under 527.670(6), provided:
   (a) There are no changes to the information required on the notification;
   (b) The operator gives written notice to the State Forester of their intent to continue the operation within the first two months of the following calendar year; and
   (c) The operation actively continues within the first six months of the following calendar year.

(4) No notification is valid after the second calendar year, unless:
   (a) The landowner or operator submits a written request to extend the notification before the end of the second calendar year;
   (b) There are no changes to the information submitted on the original notification; and
   (c) The State Forester approves the request.

(5) Notwithstanding sections (3) and (4) of this rule, nothing in this rule relieves an operator, landowner or timber owner of the responsibility to comply with ORS 477.625, requiring a permit to use fire or power-driven machinery; or 321.550 requiring notification of intent to harvest provided to the Department of Revenue through the department for tax collection purposes.

(6) For the purposes of ORS 527.670 a notification will be considered received only when the information required by the State Forester is complete and the necessary forms are on file at the department district or unit office responsible for the area in which the operation will take place. Notifications not properly completed shall be promptly returned to the party submitting them. Properly completed notifications submitted to an incorrect department office will be forwarded to the correct office.

(7) Notifications required by ORS 527.670(6) shall be completed in detail, on forms provided by the State Forester. The notification shall include a map to scale, or aerial photograph that is corrected for distortion, on which the boundary of the operation unit is clearly marked. When more than one type of operation activity or more than one unit is submitted on a single notification, each operation unit shall be identifiable as to the type of operation activity, by legal subdivision, and drawn on a map to scale, aerial photograph corrected for distortion, or other appropriate means. Operations involving harvesting in more than one county may not be combined on the same notification because of tax collection requirements.

(8) When operations include the application of chemicals, properly completed notifications shall include the common name of the chemicals to be used; the brand name, if known at the time of notification; the application method; and, for fertilizers, the intended application rate per acre. Public information on allowable application rates of commonly applied forest chemicals will be maintained at department field offices. Additional information on chemical applications shall be collected and recorded by operators at the time of application, and made available upon request to the State Forester, pursuant to OAR 629-620-0600.
(9) The operator, landowner or timber owner, whichever filed the original notification, shall contact the State Forester and report any subsequent change to information contained in the notification. Additions to the geographic location, however, shall require a separate notification.
629-605-0160

Forest Practices Regions

The state is divided into three regions to better achieve the purposes of the forest practice rules. These regions are:

(1) Eastern Oregon Region Boundary: All land east of the summit of the Oregon Cascade Range as described by the following boundary: Beginning at a point on the Columbia River near the junction of Interstate 84 and State Highway 35, thence southerly along State Highway 35 to the north line of Section 5, T2S-R10E; thence east to the NE corner Section 5; thence southeasterly approximately 1.5 miles to a point of intersection with Forest Road No. 1720 in Section 9, T2S-R10E; thence easterly along said road and along Forest Road No. 44 to the east line of Section 12, T2S-R10E; thence southerly along the western boundaries of Wasco, Jefferson, Deschutes, and Klamath Counties to the southern boundary of Oregon.

(2) Northwest Oregon Region Boundary: All land west of the summit of the Oregon Cascade range as described in the Eastern Oregon Region Boundary, north of the south boundary of Lane County.

(3) Southwest Oregon Region Boundary: All land west of the summit of the Cascade Range as described in the Eastern Oregon Region Boundary; south of the south boundary of Lane County.
OAR 629-605-0170
Written Plans
Definition of “Directly Affect” and “Physical Components”
(1) For the purpose of section (4) of this rule:
(a) “Physical components” means materials such as, but not limited to, vegetation, snags, rocks and soil; and
(b) “Directly affect” means that physical components will be moved, disturbed, or otherwise altered by the operation.

Statutory Written Plans for Operations near Type F and Type D Streams
(1) An operator must submit to the State Forester a written plan as required by ORS 527.670(3) before conducting any operations requiring notification under OAR 629-605-0140, which are within:
(a) 100 feet of a stream classified as Type F or Type D stream. Written plans for Type F and Type D streams are further described in OAR 629-635-0130.

Statutory Written Plans for Operations near Wetlands larger than Eight Acres, Bogs or Important Springs in Eastern Oregon
(3) An operator must submit to the State Forester a written plan as required by ORS 527.670(3) before conducting an operation that requires notification under OAR 629-605-0140, and that is within 100 feet of a significant wetland that is larger than eight acres (not an estuary), a bog, or an important spring in Eastern Oregon as identified in OAR 629-645-0000 (Riparian Management Areas and Protection Measures for Significant Wetlands).

Waiver of Statutory Written Plans
(4) The State Forester may waive, in writing, the requirement for a written plan described in sections (2) and (3) if the operation activity will not directly affect the physical components of the riparian management area. Further direction of when a waiver will be granted is described in Technical Note FP10 dated September 1, 2013.

Statutory Written Plans for Operations near Wildlife Sites and Estuaries
(5) An operator must submit to the State Forester a written plan as required by ORS 527.670(3) before conducting an operation that requires notification under OAR 629-605-0140, and that is within 300 feet of any:
(a) 300 feet of a specific site involving threatened or endangered wildlife species, or sensitive bird nesting, roosting, or watering sites; as listed by approximate legal description, in a document published by the Department of Forestry titled "Cooperative Agreement Between the Board of Forestry and the Fish and Wildlife Commission, March 28, 1984."
(b) 300 feet of any resource site identified in OAR 629-665-0100 (Species Using Resource Sites on Forestlands), 629-665-0200 (Resource Sites Used By Threatened and Endangered Species that use Resource Sites on Forestlands), or 629-645-0000 (Significant Wetlands).
(c) Significant wetland that is classified as an estuary identified in OAR 629-645-0000 (Riparian Management Areas and Protection Measures for Significant Wetlands).
(d) 300 feet of any nesting or roosting site of threatened or endangered species listed by the U.S. Fish and Wildlife Service or by the Oregon Fish and Wildlife Commission by administrative rule.
Statutory Written Plans and Stewardship Agreements

(6) The written plan requirements in section (2), (3) and (5) of this rule do not apply to operations that will be conducted pursuant to a stewardship agreement entered into under ORS 541.423.

Statutory Written Plan Requirements and Notification of Protected Resource Sites

(7) The State Forester shall notify the operator of the presence of any sites listed in section (2), (3) or (5) of this rule and the requirement of the written plan at any time the State Forester determines the presence of the above sites.

(8) The State Forester shall notify the operator that a written plan is required if:
(a) The operation will be within 100 feet of any sites listed in sections (2) or (3) of this rule and the operation will directly affect the physical components of a riparian management area associated with any of those sites; or
(b) The operation will be within 300 feet of any site listed in section (5) of this rule.

Statutory Written Plan Hearing Provisions

(9) Written plans required under sections (1) (2), (3) or (5) of this rule shall be subject to the hearings provisions of ORS 527.700(3) (Appeals from orders of State Forester hearings procedure; stay of operation); and shall be subject to the provisions of 527.670(10), (11) and (12) (Commencement of operations; when notice and written plan required; appeal of plan) prescribing certain waiting periods and procedures.

Non-Statutory Written Plans

(10) Unless waived by the State Forester, the operator must submit a written plan as required by ORS 527.670(2) and the rules listed below, unless the State Forester waives the written plan requirement. Written plans required by the rules listed below which shall be subject to the provisions of ORS 527.700(3) or 527.670(10), (11) and (12).

(a) 629-605-0190(1) -- Operating near or within sites that are listed in the "Cooperative Agreement Between the Board of Forestry and the Fish and Wildlife Commission, March 28, 1984" or sites designated by the State Forester;
(b) 629-605-0190(2) -- Operating near or within habitat sites of any wildlife or aquatic species classified by the Department of Fish and Wildlife as threatened or endangered;
(c) 629-623-0700(1) -- Conducting timber harvesting or road construction operations with intermediate or substantial downslope public safety risk;
(d) 629-623-0700(2) -- Constructing a stream crossing fill over a debris torrent-prone stream with intermediate or substantial downslope public safety risk;
(e) 629-623-0700(3) -- Locating a waste-fill area within a drainage containing debris torrent-prone streams with intermediate or substantial downslope public safety risk;
(f) 629-625-0100(2)(a) -- Constructing a road where there is an apparent risk of road-generated materials entering waters of the state from direct placement, rolling, falling, blasting, landslide or debris flow;
(g) 629-625-100(2)(c) -- Constructing a road within the riparian management area of a medium or large Type N stream;
(h) 629-625-0100(3) -- Constructing a road on high landslide hazard locations;
(i) 629-625-0100(4) -- Placing woody debris or boulders in the stream channel of a Type N stream for stream enhancement;
(j) 629-625-0320(1)(b)(B) -- Constructing a permanent stream crossing fill over 15 feet deep in a Type N stream;
(k) 629-630-0200(3) -- Locating a landing within the riparian management area of a medium or large Type N stream;
(l) 629-630-0700(3) -- Yarding across streams classified as medium or large Type N;
(m) 629-630-0800(4)(c) -- Constructing a temporary stream crossing fill over 8 feet deep in a Type N stream;
(n) 629-635-0130(1)(c) 650-0005 -- Operating within 100 feet of a large lake;
(o) 629-660-0050(1) -- Removing beaver dams or other natural obstructions located farther than 25 feet from a culvert in a Type N stream;
(p) 629-665-0020(2) -- Operating near a resource site requiring special protection; and
(q) 629-665-0210(1) -- Operating near a Northern Spotted Owl resource site.

(511) If an operator, timber owner or landowner is required to submit a written plan to the State Forester under subsection (4) of this section:
(a) The State Forester shall review the written plan and may provide comments to the person who submitted the written plan;
(b) Provided that notice has been given as required by ORS 527.670 and OAR 629-605-0150, the operation may commence on the date the State Forester provides comments. If no comments are provided the operation may commence at any time after 14 calendar days following the date the written plan was received;
(c) Comments provided by the State Forester under paragraph (a) of this subsection, to the person who submitted the written plan are for the sole purpose of providing advice to the operator, timber owner or landowner regarding whether the operation described in the written plan is likely to comply with ORS 527.610 to 527.770 and rules adopted thereunder. Comments provided by the State Forester do not constitute an approval of the written plan or operation;
(d) If the State Forester does not comment on a written plan, the failure to comment does not mean an operation carried out in conformance with the written plan complies with ORS 527.610 to 527.770 or rules adopted thereunder nor does the failure to comment constitute a rejection of the written plan or operation;
(e) In the event that the State Forester determines that an enforcement action may be appropriate concerning the compliance of a particular operation with ORS 527.610 to 527.770 or rules adopted thereunder, the State Forester shall consider, but is not bound by, comments that the State Forester provided under this section.

Written Plan Content Required for All Written Plans
(612) Written plans required under OAR 629-605-0170 must contain a description of how the operation is planned to be conducted in sufficient detail to allow the State Forester to evaluate and comment on the likelihood that the operation will comply with the Forest Practices Act or administrative rules.
(713) Written plans required under OAR 629-605-0170 will be considered received when complete with the following information:
(a) A map showing protected resource(s) and the harvest area; and
(b) The specific resource(s) that require protection; and
(c) The practices that may affect the protected resource(s) such as road and landing location, disposal of waste materials, felling and bucking and post operation stabilization measures; and
(d) The specific techniques and methods employed for resource protection such as road and landing design, road construction techniques, drainage systems, buffer strips, yarding system and layout; and
(e) Additional written plan content required in individual rules.
(14) In addition to the other requirements in this rule, written plans for operations within 100 feet of domestic water use portions of Type F or D streams must contain a description of the practices and methods that will be used to prevent sediment from entering waters of the state.
 Modification of a written plan shall be required when, based on information that was not available or was unknown at the time the original written plan was reviewed, the State Forester determines the written plan no longer addresses compliance with applicable forest practice rules. Written plans with modifications required under this section shall not be subject to the provisions of ORS 527.670(10) and (11) relating to waiting periods for written plans.
629-605-0173
Plans for an Alternate Practice
(1) Operators must obtain written approval of a plan for an alternate practice from the State Forester before conducting forest practices utilizing protection standards or methods different than those specified in rule or statute.
(2) Plans for an alternate practice must include sufficient information to allow the State Forester to assess the plan to determine that the practices described in the plan will yield results consistent with ORS 527.610 to 527.770 and administrative rules adopted thereunder.
(3) Plans for alternate practices proposed as part of a written plan required by ORS 527.670(3) shall be subject to the hearings provisions of ORS 527.700(3) (Appeals from orders of State Forester hearings procedure; stay of operation); and shall be subject to the provisions of ORS 527.670(10), (11) and (12) (Commencement of operations; when notice and written plan required; appeal of plan) prescribing certain waiting periods and procedures.
(4) An operator must comply with all provisions of an approved plan for an alternate practice.
(5) The following rules require an operator to submit a plan for an alternate practice to be submitted and approved by obtain approval from the State Forester of the plan prior to commencing before starting the specified practice or operation:
(a) 629-605-0100(2)(a) -- Modifying, exempting or suspending Waiving or modifying the rules or statutes for a bona fide research project conducted by a federal or state agency, a college or university, or a private landowner;
(b) 629-605-0100(2)(b) -- Waiving or modifying a specific practice that when doing so will result in less environmental damage than if the practice is applied;
(c) 629-605-0100(2)(c) -- Waiving or modifying a specific practice that when doing so will improve soil, water quality, fish habitat, or wildlife habitat;
(d) 629-605-0100(2)(d) -- Waiving or modifying rules to provide for public safety or to accomplish a land use change;
(e) 629-605-0100(4) -- Waiving or modifying rules for resource sites when a county has an adopted program under OAR 660-016-0005 and OAR 660-016-0010 that has evaluated the resource sites;
(f) 629-605-0173(1) -- Conducting forest practices utilizing protection standards or methods different than those specified in rule or statute;
(g) 629-605-0175(2) -- Conducting operations that result in a single harvest type 3 unit, or combinations of harvest type 3 units, that exceed the contiguous 120 acre limit on a single ownership;
(h) 629-605-0175(7) -- Waiving the harvest type 3 acreage limitations for conversions or disasters described in ORS 527.740(4);
(i) 629-605-0180(3) – Describing reasonable measures to resolve conflicts between an operation and protection of a resource site requiring a written plan under OAR 629-605-0170(1)(b) or (d);
(j) 629-605-0500 -- Modifying the protection requirements for streams, lakes, wetlands and riparian management areas for reasons of forest health or because of hazards to public safety or property;
(k) 629-610-0020(3) -- Waiving or modifying the reforestation requirements following a stand improvement operation where the residual stand conditions will result in enhanced long-term tree growth;
(l) 629-610-0020(10) – Modifying or waiving reforestation stocking levels if the purposes of the reforestation rules will be achieved or for a research project conducted by a public agency or educational institution;
(m) 629-610-0030(3) -- Utilizing natural reforestation methods when an operation results in a reforestation requirement;
(n) 629-610-0040(3) -- Extending the time allowed for reforestation when natural reforestation methods are utilized;
(m) 629-610-0050(2) -- Counting hardwoods to meet utilizing more than 20% hardwood of the applicable stocking standards when an operation results in a reforestation requirement;
(p) 629-610-0060(1) -- Utilizing Counting non-native tree species to meet the applicable stocking standards when an operation results in a reforestation requirement;
(q) 629-610-0070(1) -- Suspending the reforestation rules for the salvage or conversion of low value forest stands when participating in a forest incentive program;
(r) 629-610-0090(1) -- Exempting the reforestation requirements for the purpose of developing forestland for a use that is not compatible with the maintenance of forest tree cover;
(s) 629-615-0300(5) -- Modifying the protection requirements for riparian areas, aquatic areas and wetlands when the need for prescribed burning outweighs the benefits of protecting components required to be left;
(t) 629-620-0400(7)(d) -- Modifying the protection requirements for aerial application of fungicides or nonbiological insecticides;
(u) 629-625-0320(3) -- Modifying the culvert sizing requirements of 629-625-320(2)(a) to reduce the height of fills where roads cross wide flood plains;
(v) 629-640-0100(13) -- Modifying the vegetation retention requirements in a the Type F RMA riparian management area along a Type F stream for to allow the removal of roadside trees which pose a safety hazard;
(w) 629-640-0200(14) -- Modifying the retention requirements in a the Type D or N RMA riparian management area along a Type D or Type N stream for to allow the removal of roadside trees which pose a safety hazard;
(x) 629-640-0210(4) Placing wood in a Type F stream or conducting other activities to meet the same purpose as leaving green trees and snags along small Type N streams subject to rapidly moving landslides.
(y) 629-640-0400(1)(a) -- Utilizing site specific vegetation retention prescriptions for streams and riparian management areas;
(z) 629-645-0020(1) -- Utilizing site specific vegetation retention prescriptions for significant wetlands;
(aa) 629-645-0050(3) -- Modifying the vegetation retention requirements for significant wetlands for reasons of forest health;
(bb) 629-650-0040(3) -- Modifying the vegetation retention requirements for lakes for reasons of forest health;
(cc) 629-665-0020(1)(b)(C) -- Structural or temporal exceptions when proposed forest practices conflict with a resource site;
(dd) 629-665-0110(3) -- Structural replacement of an osprey site;
(ee) 629-665-0110(4) -- Temporal exceptions near an osprey site;
(ff) 629-665-0120(3) -- Structural exceptions of a great blue heron site;
(gg) 629-665-0120(5) -- Temporal exceptions near a great blue heron site.
629-605-0180

Interim Process for Protecting Sensitive Resource Sites Requiring Written Plans

Protection practices for sites requiring written plans under OAR 629-605-0170(1)(aa) or (d) shall be determined for each site as follows:

(1) The State Forester shall notify the operator and landowner of the presence of a site requiring a written plan, and request their input into the decision making process.

(2) The State Forester shall, when practical, inspect the proposed operation with the landowner or landowner’s representative, the operator, and the appropriate representative of the Department of Fish and Wildlife. The State Forester shall then determine if the proposed forest practice is in conflict with the protection of the sensitive resource site.

(3) If planned forest practices are determined to conflict with protection of the sensitive resource site, the written plan must describe reasonable measures sufficient to resolve the conflict in favor of the resource site. Reasonable measures to resolve the conflict in favor of the resource site may include but are not limited to preparing and implementing a habitat management plan, obtaining approval of a plan for an alternate practice, limiting the timing of forest practices, redesigning the proposed practices in favor of site protection and excluding the forest activities outright.

(4) If planned forest practices are determined not to conflict with protection of the sensitive resource site, the written plan shall describe how the operation will be conducted in compliance with existing forest practice rules. No additional protection measures shall be required.
Purpose
(1) Timely reforestation of forestland following operations that reduce tree stocking below established standards is an essential factor in assuring continuous growing and harvesting of forest tree species, considering landowner objectives and consistent with the sound management of timber and other forest resources. Reforestation or other forms of revegetation are also important for the continued productivity and stabilization of soils exposed as a result of operations.
(2) OAR 629-610-0000 through 629-610-0090 shall be known as the reforestation rules.
(3) The purpose of the reforestation rules is to establish standards to ensure the timely replacement and maintenance of free to grow forest tree cover following forest operations at or above stocking levels that will use the tree growth potential of forestlands in Oregon.
(4) The reforestation rules are designed to:
(a) Define forestland subject to reforestation requirements;
(b) Describe the conditions under which reforestation shall be required;
(c) Specify the minimum number of trees per acre;
(d) Specify the maximum time period allowed for establishment of such trees after an operation reduces stocking;
(e) Describe the acceptable species for reforestation;
(f) Describe the conditions under which revegetation shall be required in lieu of reforestation; and
(g) Specify the conditions under which an exemption from the reforestation requirements may be approved.
(5) Except as described below, the reforestation rules shall become effective on January 1, 1995 and shall be applied as follows:
(a) Operations completed after January 1, 1995 must comply with the reforestation rules;
(b) Except as provided in subsection (c) operations completed before January 1, 1995 must comply with the applicable reforestation requirements of ORS 527.745 and OAR 629-024-0400 to 0404, OAR 629-024-0500 to 0503, and OAR 629-024-0600 to 0604 as they existed on September 6, 1994;
(c) Landowners subject to subsection (b) may request to have the reforestation rules apply to an operation at any time following January 1, 1995. The State Forester shall approve such requests so long as the landowner will fully apply the reforestation rules on the operation.
629-610-0020
Reforestation Stocking Standards

(1) The landowner shall increase tree stocking to a level that meets the applicable productivity-based stocking standards described in sections (4), (5) and (6) of this rule within the time limits established by OAR 629-610-0040 whenever post-operation free to grow tree stocking in all or a portion of the operation area is below the applicable stocking standards and:
   (a) Trees or snags of acceptable species are harvested; or
   (b) Free to grow tree stocking is reduced as a result of the operation.

(2) Reforestation is not required on those portions of the operation area:
   (a) Where adequate free to grow tree stocking remains after the completion of the operation;
   (b) That are not disturbed by operation activities; or
   (c) On soils or sites not meeting the minimum productivity requirements of OAR 629-610-0010.

(3) The State Forester shall approve a plan for an alternate practice to waive or modify the reforestation requirements following a stand improvement operation such as a precommercial thinning, commercial thinning, overstory removal, or other partial cut harvest if the State Forester determines that the residual stand conditions after such an operation will result in enhanced long-term tree growth and there is a high probability the purpose of the reforestation rules will be achieved.

(4) For Cubic Foot Site Class I, II and III forestlands (capable of producing at least 120 cubic feet per acre per year at culmination of mean annual increment), the minimum tree stocking standards are:
   (a) 200 free to grow seedlings per acre; or
   (b) 120 free to grow saplings and poles per acre; or
   (c) 80 square feet of basal area per acre of free to grow trees 11-inches DBH and larger; or
   (d) An equivalent combination of seedlings, saplings and poles, and larger trees as calculated in section (7) of this rule.

(5) For Cubic Foot Site Class IV and V forestlands (capable of producing between 50 and 119 cubic feet per acre per year at culmination of mean annual increment), the minimum tree stocking standards are:
   (a) 125 free to grow seedlings per acre; or
   (b) 75 free to grow saplings and poles per acre; or
   (c) 50 square feet of basal area per acre of free to grow trees 11-inches DBH and larger; or
   (d) An equivalent combination of seedlings, saplings and poles, and larger trees as calculated in section (7) of this rule.

(6) For Cubic Foot Site Class VI forestlands (capable of producing between 20 and 49 cubic feet per acre per year at culmination of mean annual increment), the minimum tree stocking standards are:
   (a) 100 or more free to grow seedlings per acre; or
   (b) 60 free to grow saplings and poles per acre; or
   (c) 40 square feet of basal area per acre of free to grow trees 11-inches DBH and larger; or
   (d) An equivalent combination of seedlings, saplings and poles, and larger trees as calculated in section (7) of this rule.

(7) In both even-aged and uneven-aged stands, the stocking of residual seedlings, saplings and poles, and larger trees shall be weighted to determine stand stocking and potential reforestation requirements. For this purpose, seedlings, saplings and poles, and trees 11-inches DBH and larger are proportionally equivalent in the following ratios: 100 free to grow seedlings are equivalent to 60 free to grow saplings and poles, which are equivalent to 40 square feet of basal area of free to grow trees 11-inches DBH and larger.

(8) Live conifer trees 11-inches DBH and larger left standing in harvested areas to meet the green tree and snag retention requirements of Section 5, Chapter 919, Oregon Laws 1991 ORS 527.676 shall be counted towards meeting the tree stocking standards if the trees are free to grow.
(9) For the purposes of determining compliance with the tree stocking requirements of the reforestation rules, tree stocking in riparian management areas within an operation area will be considered separately from stocking in the rest of the operation area.

(10) Landowners may submit plans for alternate practices that do not conform to the reforestation stocking levels established under these rules. A plan for alternate practices may be approved if the State Forester determines that there is a high probability that the purpose of the reforestation rules will be achieved, or if the plan carries out an authorized research project conducted by a public agency or educational institution.
Suspension of the Reforestation Rules

(1) A landowner must submit to the State Forester a plan for an alternate practice to suspend the reforestation rules for the salvage or conversion of low value forest stands, to establish forest stands that are adequately stocked and free to grow.

(2)(a) The State Forester may approve the plan for an alternate practice when the harvest area is a conversion of underproducing forestland, or a salvage of forest stands where the merchantable trees are dead or dying due to wildfire, insects, diseases or other factors beyond the landowner's control and the State Forester determines:

(A) The landowner is approved for funding from a forest incentive program, for which the State Forester is the technical advisor; and

(B) The gross harvest revenues will not exceed the total costs of harvest, taxation, and reforestation.

(b) For the purposes of this rule, "conversion of underproducing forestland" means an operation that:

(A) Is conducted on forestland that is subject to the reforestation requirements;

(B) Does not currently support the minimum number of free to grow trees required under OAR 629-610-0020;

(C) Has with the objective of removing undesirable competing vegetation, including the incidental harvest of forest products, and establishing an adequately stocked, free to grow forest stand; and

(D) May include the incidental harvest of forest products.

(3) To determine whether subsection (2)(a)(B) of this rule is met on a harvest operation that has not started, the State Forester shall make a field observation of the harvest area to determine:

(a) The estimated merchantable volume;

(b) The value of the merchantable volume by applying current local market values; and

(c) The estimated harvest, taxation, and reforestation costs.

(4) When the State Forester is not able to determine the projected revenues and projected costs from the field observation described in subsection (3) of this rule, the State Forester may require the landowner to submit one or more of the following:

(a) A third party estimate, by species and grade, of the volumes and values of logs to be delivered to the mill;

(b) The projected costs of harvesting the forest products, including, but not limited to, harvest planning and administration, road construction and maintenance, felling and bucking, yarding, and loading and hauling;

(c) The projected severance, harvest, and income taxes;

(d) The projected costs of reforestation, including planning and administration, site preparation, trees, tree planting, tree protection, and moisture conservation; or

(e) The projected costs of any other measures necessary to establish a forest stand in an adequately stocked and free to grow condition, as specified in the reforestation rules.

(5) To determine whether subsection (2)(a)(B) of this rule is met on a harvest operation that has started, but is not yet complete, the landowner shall submit to the State Forester one or more of the following:

(a) The contracts executed to sell and harvest forest products, including but not limited to, all logging costs and receipts;

(b) All the forest products scaling summaries showing gross and net volumes, by species and corresponding mill receipts showing payment; or

(c) Any tax forms, records or reports submitted by the landowner that detail the gross and net volumes of forest products harvested, by species, plus logging and management costs used to determine harvest and severance taxes.

(6) Operations that are complete are not eligible for a suspension of the reforestation rules.
(7) The State Forester shall revoke the suspension of the reforestation rules at any time within 6 years of completing the operation if the landowner fails to establish a forest stand:
(a) According to the specifications and time lines required under the applicable forest incentive program; or
(b) In an adequately stocked and free to grow condition, as specified in the reforestation rules.
Exemption from Reforestation for Land Uses Not Compatible with Forest Tree Cover

(1) A landowner, through a plan for an alternate practice, may request all, or portions of, an operation area be exempted from the reforestation requirements for the purpose of developing forestland for a use that is not compatible with the maintenance of forest tree cover. Approval of a plan for an alternate practice shall be obtained for such an exemption from the State Forester and shall only be granted for the smallest land area necessary to carry out the intended change in land use. Reforestation shall be required on the portions of operation areas not directly involved in the land use change.

(2) In seeking approval of the plan for an alternate practice, the landowner shall provide written documentation to the State Forester which establishes:
   (a) The specific portion of the operation area necessary for the proposed change in land use;
   (b) The intended change in land use and the incompatibility of the land use with forest tree cover;
   (c) The intended change in land use is authorized under local land use and zoning ordinances, and all necessary permits and approvals have been obtained, or will be obtained within 12 months following the reduction in tree stocking; and
   (d) The county assessor and local planning department have been notified in writing of the proposed change in land use.

(3) Reasonable progress towards the change in land use, as determined by the State Forester, shall be made within 12 months of the completion of the operation. Evidence of reasonable progress towards a change to an agricultural use may include activities such as stump removal, cultivation, fencing, and planting or seeding of crops or pasture. Evidence of reasonable progress towards a change to a use involving building a structure may include activities such as stump removal, excavation, and construction.

(4) The change in land use shall be completed and continuously maintained within 24 months of the completion of the operation.

(5) If the change in land use cannot be accomplished within the specified time due to circumstances beyond the landowner's control, the State Forester shall extend the time to accomplish the change in land use. Such circumstances may include, but are not limited to, governmental delays in reviewing and processing permits and approvals, but do not include delays where a landowner is appealing the denial of a permit or approval if the State Forester does not have reason to believe the landowner will prevail on appeal. Extensions shall be made only upon a determination by the State Forester, based on written evidence provided by the landowner, that the landowner made reasonable attempts to comply. Landowners who need extensions are encouraged to contact the State Forester as soon as possible after the circumstances occur.

(6) The State Forester shall determine if the change in land use has been completed by:
   (a) The presence or absence of improvements necessary for use of the land for the intended purpose; and
   (b) Evidence of established and continuously maintained use of the land for the intended purpose.

(7) To remain exempt from the reforestation requirements the landowner shall continuously maintain the land in the new use until at least six calendar years following the completion of the operation.
Maintenance of Productivity and Related Values
(1) Operators shall plan and conduct forest operations in a manner which will provide adequate consideration to treatment of slash to protect residual stands of timber and reproduction to optimize conditions for reforestation of forest tree species, to maintain productivity of forestland, to maintain forest health, and to maintain air and water quality and fish and wildlife habitat.
(2) Operators shall dispose of or disperse unstable slash accumulations around landings to prevent their entry into streams.
Prescribed Burning

(1) Prescribed burning is a tool used to achieve reforestation, maintain forest health, improve wildlife habitat and reduce wildfire hazard. Prescribed burning is to be done consistent with protection of air and water quality, and fish and wildlife habitat. The purpose of this rule is to ensure that necessary prescribed burning is planned and managed to maximize benefits and minimize potential detrimental effects.

(2) When planning and conducting prescribed burning, operators shall:
   (a) Comply with the rules of Oregon’s "Smoke Management Plan."
   (b) Adequately protect reproduction and residual timber, humus and soil surface.
   (c) Consider possible detrimental effects of prescribed burning upon riparian management areas, streams, lakes, wetlands, and water quality, and how these effects can be best minimized.
   (d) Lay out the unit and use harvesting methods that minimize detrimental effects to riparian management areas, streams, lakes, wetlands, and water quality during the prescribed burning operation.
   (e) Fell and yard the unit to minimize accumulations of slash in channels and within or adjacent to riparian management areas.
   (f) Minimize fire intensity and amount of area burned to that necessary to achieve reforestation, forest health, or hazard reduction needs.

(3) When burning within 100 feet of Type F and Type D streams, within 100 feet of large lakes, and within 300 feet of significant wetlands, operators shall describe in the written plan how detrimental effects will be minimized when burning within 100 feet of Type F and Type D streams, within 100 feet of large lakes, within 100 feet of wetlands larger than eight acres (non estuaries), bogs and important springs in eastern Oregon and within 300 feet of estuaries within riparian management areas; especially when burning on highly erosive soils, for example decomposed granite soils and slopes steeper than 60 percent. Written plan waivers apply in certain conditions as per OAR 629-605-0170.

(4) During prescribed burning operations, operators shall protect components such as live trees, snags, downed wood, and understory vegetation required to be retained by OAR 629-635-0310 through 629-650-0040. When the operator has taken reasonable precautions to protect the components, but some detrimental effects occur, the intent of the rule is met if the overall integrity of the riparian management area is maintained. Operators shall not salvage trees killed by prescribed fire in a riparian management area if the trees were retained for purposes of 629-635-0310 through 629-655-0000.

(5) When the need for prescribed burning outweighs the benefits of protecting components required to be left within the riparian area, aquatic area and wetlands, protection requirements may be modified through a plan for an alternate practice. Approval of such a plan shall consider the environmental impacts and costs of alternative treatments.

(6) [For information only] When water is to be withdrawn from the waters of the state for use in mixing pesticides or for slash burning, ORS 537.141 requires operators to notify the Water Resources Department and the Department of Fish and Wildlife. Notification to the State Forester does not satisfy this requirement.
629-620-0000

Purpose
(1) OAR 629-620-0000 through 629-620-0800 shall be known as the chemical and other petroleum product rules. In addition to the application of chemicals, operators should be aware that certain requirements of these rules also apply to the use of other petroleum products, such as fuel and lubricants, on any forest operation.
(2) Operators are encouraged to voluntarily use integrated pest and vegetation management processes. The use of pesticides is one of a variety of integrated pest management strategies that forest landowners may implement to minimize the impact of forest pests in an environmentally and economically sound manner to meet site specific objectives. When properly used, pesticides and other chemicals can be effective tools in the growing and harvesting of forest tree species.
(3) The purpose of the forest practice chemical and other petroleum product rules is to establish requirements that will ensure:
   (a) Chemicals and other petroleum products used on forestland do not occur in the soil, air, or waters of the state in quantities that would be injurious to water quality or to the overall maintenance of terrestrial wildlife or aquatic life; and
   (b) The vegetative components of riparian management areas and sensitive resource sites receive protection on herbicide operations consistent with the purposes of the reforestation rules, the requirements of the sensitive resource site rules, and the vegetation retention goals of the water protection rules.
(4) All distances listed in the chemical and other petroleum product rules shall be measured horizontally.
(5) Operations involving the use of chemicals and other petroleum products on forestland are also subject to the pesticide control laws administered by the Department of Agriculture, hazardous waste laws administered by the Department of Environmental Quality, hazard communication rules administered by the Occupational Safety and Health Division, and the water use laws administered by the Water Resources Department. Maximum contaminant levels in drinking water for certain pesticides are established by the Health Division.
Screening for High Landslide Hazard Locations and Exposed Population

(1) The State Forester will use further review area maps and/or other information to screen proposed operations for high landslide hazard locations that may affect exposed populations. Operators are encouraged to acquire available maps and other information and to conduct their own public safety screening.

(2) Upon notification by the State Forester, operators shall identify portions of the operation that contain high landslide hazard locations and shall also identify structures and paved public roads within further review areas below the operation area.

(3) The following criteria shall be used to identify high landslide hazard locations:

(a) The presence, as measured on site, of any slope in western Oregon (excluding competent rock outcrops) steeper than 80 percent, except in the Tyee Core Area, where it is any slope steeper than 75 percent; or

(b) The presence, as measured on site, of any headwall or draw in western Oregon steeper than 70 percent, except in the Tyee Core Area, where it is any headwall or draw steeper than 65 percent.

(c) Notwithstanding the slopes specified in (a) or (b) above, field identification of atypical conditions by a geotechnical specialist may be used to develop site-specific slope steepness thresholds for any part of the state where the hazard is equivalent to (a) or (b) above. The final determination of equivalent hazard shall be made by the State Forester.
629-623-0200
Exposure Categories
(1) The State Forester will verify the information provided by operators in OAR 629-623-0100 and use this information to determine the exposure category for the operation.
(2) Exposure Category A includes habitable residences, schools, and other buildings where people are normally present during periods when wet season rain storms are common.
(3) Exposure Category B includes paved public roads averaging over 500 vehicles per day, as determined, if possible, during periods when wet season rain storms are common.
(4) Exposure Category C includes barns, outbuildings, recreational dwellings not included in Exposure Category A, low-use public roads, and other constructed facilities where people are not usually present when wet season rain storms are common.
629-623-0400
Restriction of Timber Harvesting -- Substantial and Intermediate Public Safety Risk
(1) Operators shall not remove trees from high landslide hazard locations with substantial or intermediate downslope public safety risk unless a geotechnical report demonstrates to the State Forester that any landslides that might occur will not be directly related to forest practices because of very deep soil or other site-specific conditions. Removal of dead or diseased trees or trees from sites that have already failed is allowed if the operator demonstrates to the State Forester that the operation results in no increased overall downslope public safety risk.
(2) Operators shall leave a sufficient number and arrangement of trees adjacent to high landslide hazard locations to reduce the likelihood of trees retained in these locations blowing down.
629-625-0000

Purpose
(1) Forest roads are essential to forest management and contribute to providing jobs, products, tax base and other social and economic benefits.
(2) OAR 629-625-0000 through 629-625-0650 shall be known as the road construction and maintenance rules.
(3) The purpose of the road construction and maintenance rules is to establish standards for locating, designing, constructing and maintaining efficient and beneficial forest roads; locating and operating rock pits and quarries; and vacating roads, rock pits, and quarries that are no longer needed; in manners that provide the maximum practical protection to maintain forest productivity, water quality, and fish and wildlife habitat.
(4) The road construction and maintenance rules shall apply to all forest practices regions unless otherwise indicated.
629-625-0500
Rock Pits and Quarries
(1) The development, use, and abandonment of rock pits or quarries which are located on forestland and used for forest management shall be conducted using practices which maintain stable slopes and protect water quality.
(2) Operators shall not locate quarry sites in channels.
(3) When using rock pits or quarries, operators shall prevent overburden, solid wastes, or petroleum products from entering waters of the state.
(4) Operators shall stabilize banks, headwalls, and other surfaces of quarries and rock pits to prevent surface erosion or landslides.
(5) When a quarry or rock pit is inactive or vacated, operators shall leave it in the conditions described in section (4) of this rule, shall remove from the forest all petroleum-related waste material associated with the operation and shall dispose of all other debris so that such materials do not enter waters of the state.
629-625-0600
Road Maintenance

(1) The purpose of this rule is to protect water quality by timely maintenance of all active and inactive roads.

(2) Operators shall maintain active and inactive roads in a manner sufficient both to provide a stable surface and to keep the drainage system operating as necessary to protect water quality.

(3) Operators shall inspect and maintain culvert inlets and outlets, drainage structures and ditches before and during the rainy season as necessary to diminish the likelihood of clogging and the possibility of washouts.

(4) Operators shall provide effective road surface drainage, such as water barring, surface crowning, constructing sediment barriers, or outsloping prior to the rainy and runoff seasons.

(5) When applying road oil or other surface stabilizing materials, operators shall plan and conduct the operation in a manner as to prevent entry of these materials into waters of the state.

(6) In the Northwest and Southwest Oregon Regions, operators shall maintain and repair active and inactive roads as needed to minimize damage to waters of the state. This may include maintenance and repair of all portions of the road prism during and after intense winter storms, as safety, weather, soil moisture and other considerations permit.

(7) Operators shall place material removed from ditches in a stable location.

(8) In order to maintain fish passage through water crossing structures, operators shall:

(a) Maintain conditions at the structures so that passage of adult and juvenile fish is not impaired during periods when fish movement normally occurs. This standard is required only for roads constructed or reconstructed after September 1994, but is encouraged for all other roads; and

(b) As reasonably practicable, keep structures cleared of woody debris and deposits of sediment that would impair fish passage.

(c) Other fish passage requirements under the authority of ORS 498.268 and 509.605 that are administered by other state agencies may be applicable to water crossing structures, including those constructed before September 1, 1994.

(9) Where needed to protect water quality, as directed by the State Forester, operators shall place additional cross drainage structures on existing active roads within their ownership prior to hauling to meet the requirements of OAR 629-625-0330.

(10) Other fish passage requirements under the authority of ORS 509.580 through 509.910 and OAR 635-412-0005 through 635-412-0040 that are administered by other state agencies may be applicable to water crossing structures, including those constructed before September 1, 1994.
Vacating Forest Roads

(1) The purpose of this rule is to ensure that when landowners choose to vacate roads under their control, the roads are left in a condition where road related damage to waters of the state is unlikely.
(2) To vacate a forest road, landowners shall effectively block the road to prevent continued use by vehicular traffic and shall take all reasonable actions to leave the road in a condition where road-related damage to waters of the state is unlikely.
(3) Reasonable actions to vacate a forest road may include: removal of stream crossing fills, pullback of fills on steep slopes, frequent cross ditching, and/or vegetative stabilization.
(4) Damage which may occur from a vacated road, consistent with Sections (2) and (3) of the rule, will not be subject to remedy under the provisions of the Oregon Forest Practices Act.
Yarding; Ground-based Equipment Near Waters of the State

(1) Operators shall maintain the purposes and functions of vegetation required to be retained in riparian management areas, and minimize disturbances to beds and banks of streams, lakes, all wetlands larger than one-quarter acre, and retained vegetation during ground-based yarding operations.

(2) Operators shall not operate ground-based equipment within any stream channel except as allowed in the rules for temporary stream crossings.

(3) Operators shall minimize the number of stream crossings.

(4) For crossing streams that have water during the periods of the operations, operators shall:
   (a) Construct temporary stream crossing structures such as log crossings, culvert installations, or fords that are adequate to pass stream flows that are likely to occur during the periods of use. Structures shall be designed to withstand erosion by the streams and minimize sedimentation.
   (b) Choose locations for temporary stream crossing structures which minimize cuts and fills or other disturbances to the stream banks.
   (c) Minimize the volume of material in any fills constructed at a stream crossing. Fills over eight feet deep contain such a large volume of material that they can be a considerable risk to downstream beneficial uses should the material move downstream by water. For any fill for a temporary crossing that is over eight feet deep, operators shall submit to the State Forester a written plan that includes a description of how the fills would be constructed, passage of water, and the length of time the fills would be in the stream.
   (d) Design temporary structures so that fish movement is not impaired on Type F streams.
   (e) Remove all temporary stream crossing structures immediately after completion of operations or prior to seasonal runoff that exceeds the water carrying capacity of the structures, whichever comes first. When removing temporary structures, operators shall place fill material where it will not enter waters of the state.

(5) For stream crossings where the channels do not contain water during the periods of the operations, operators are not required to construct temporary crossings as long as disturbances are no greater than what would occur if structures were constructed. Soil that enters the channels during the yarding operations must be removed after completion of the operation or prior to stream flow, whichever comes first. When removing such materials from the channels, operators shall place the materials in locations where they will not enter waters of the state.

(6) Operators shall construct effective sediment barriers such as water bars, dips, or other water diversion on stream crossing approaches after completion of operations, or prior to rainy season runoff, whichever comes first.

(7) Machine activity near (generally within 100 feet) streams, lakes, and other wetlands greater than one-quarter acre shall be conducted to minimize the risk of sediment entering waters of the state and preventing changes to stream channels. Operators shall only locate, construct, and maintain skid trails in riparian management areas consistent with the harvesting rules.

(8) Operators shall minimize the amount of exposed soils due to skid trails within riparian management areas. Except at stream crossings, operators shall not locate skid trails within 35 feet of Type F or Type D streams. Operators shall provide adequate distances between all skid trails and waters of the state to filter sediment from runoff water.

(9) Operators shall locate and construct skid trails so that when high stream flow occurs water from the stream will not flow onto the skid trail.
Purpose and Goals

(1) The leading use on private forestland is the growing and harvesting of trees, consistent with sound
management of soil, air, water, fish and wildlife resources. There is a unique concentration of public
resource values in and near waters of the state because these areas are critical for the overall
maintenance of fish and wildlife and for maintaining water quality. Consequently, the policies of the
Forest Practices Act, including encouraging economically efficient forest practices, are best achieved by
focusing protection measures in riparian management areas, where the emphasis is on providing water
quality and fish and wildlife habitat.

(2) OAR 629-635-0000 through 629-660-0060 are known as the "water protection rules."

(3) The purpose of the water protection rules is to protect, maintain and, where appropriate, improve
the functions and values of streams, lakes, wetlands, and riparian management areas. Active
management is encouraged where appropriate to meet this purpose. These functions and values include
water quality, hydrologic functions, the growing and harvesting of trees, and fish and wildlife resources.

(4) Plans for alternate practices may be used to alter vegetation retention requirements in the water
protection rules based on local site conditions. The plans may include but are not limited to site specific
vegetation retention prescriptions as described in OAR 629-640-0400 (for streams) and 629-645-0020
(for wetlands). Operators are encouraged to:

(a) Evaluate site specific conditions in waters and riparian management areas; and
(b) Develop plans for alternate practices that will:
   (A) Maintain, enhance, or restore riparian functions in streams, wetlands, and lakes; or
   (B) Meet the purposes and goals of the water protection rules while better meeting operational or other
   objectives.

(5) General vegetation retention prescriptions for streams, lakes and wetlands apply where current
vegetation conditions within the riparian management area have achieved or are likely to achieve the
desired future condition in a "timely manner." Landowners are encouraged to manage stands within
riparian management areas in order to grow trees in excess of what must be retained so that the
opportunity is available to harvest the excess.

(6) Alternative vegetation retention prescriptions for streams allow incentives for operators to actively
manage vegetation where existing vegetation conditions are not likely to achieve the desired future
condition in a "timely manner."

(7) The overall goal of the water protection rules is to provide resource protection during operations
adjacent to and within streams, lakes, wetlands and riparian management areas so that, while
continuing to grow and harvest trees, the protection goals for fish, wildlife, and water quality are met.

(a) The protection goal for water quality (as prescribed in ORS 527.765) is to ensure through the
described forest practices that, to the maximum extent practicable, non-point source discharges of
pollutants resulting from forest operations do not impair the achievement and maintenance of the
water quality standards.

(b) The protection goal for fish is to establish and retain vegetation consistent with the vegetation
retention objectives described in OAR 629-640-0000 (streams), 629-645-0000 (significant wetlands), and
629-650-0000 (lakes) that will maintain water quality and provide aquatic habitat components and
functions such as shade, large wood, and nutrients.

(c) The protection goal for wildlife is to establish and retain vegetation consistent with the vegetation
retention objectives described in OAR 629-640-0000 (streams), 629-645-0000 (significant wetlands), and
629-650-0000 (lakes) that will maintain water quality and habitat components such as live trees of
various species and size classes, shade, snags, downed wood, and food within riparian management
areas. For wildlife species not necessarily reliant upon riparian areas, habitat in riparian management
areas is also emphasized in order to capitalize on the multiple benefits of vegetation retained along waters for a variety of purposes.
Written Plans for Streams, Lakes, Wetlands and Riparian Management Areas

(1) Operators shall submit to the State Forester a written plan before conducting any operation requiring notification under OAR 629-605-0140(1) within:

(a) 100 feet of fish use or domestic water use streams (classified as Type F or Type D under OAR 629-635-0200), except as described in section (3) of this rule;
(b) 300 feet of significant wetlands;
(c) 100 feet of large lakes.

(2) In addition to the written plan requirements in OAR 629-605-0170, operators shall specifically describe in the written plan for operations within 100 feet of domestic water use portions of Type F or D streams the practices and methods that will be used to prevent sediment from entering waters of the state.

(3) The State Forester may waive, in writing, the requirement for a written plan within 100 feet of a Type F or Type D stream, if the State Forester determines the intended forest practice will not directly affect the physical components of the riparian management area. "Physical components" means materials such as, but not limited to, vegetation, snags, rocks, and soil. "Directly affect" means that physical components will be moved, disturbed, or otherwise altered by the operation activity, even if only temporarily.

(4) Written plans required under section (1)(a) and (1)(b) of this rule are subject to the process required for a written plan pursuant to ORS 527.670(8) through (12), and appeal pursuant to 527.700.
629-635-0200

Water Classification

(1) The purpose of this water classification system is to match the physical characteristics and beneficial uses of a water body to a set of appropriate protection measures.

(2) For the purposes of applying appropriate protection measures, waters of the state shall be classified as either streams, wetlands, or lakes.

(3) Streams shall be classified further according to their beneficial uses and size.

(4) Streams shall be classified into one of the following three beneficial use categories:
   (a) Streams that have fish use, including fish use streams that have domestic water use, shall be classified as Type F.
   (b) Streams that have domestic water use, but not fish use, shall be classified as Type D.
   (c) All other streams shall be classified as Type N.

(5) For purposes of classification, a stream is considered to have domestic water use only if a water use permit has been issued by the Oregon Water Resources Department.

(6) A channel is considered to have domestic water use upstream of an intake for the distances indicated below:
   (a) For domestic water use that is a community water system (as defined under OAR 333-061-0020), Type D classification shall initially apply to the length of stream that was designated as Class I under the classification system that was in effect on April 22, 1994, which is that shown on district water classification maps at the time of adoption of this rule.
   (b) For domestic water use that is not a community water system, Type D classification shall be initially applied for the shortest of the following distances:
      (A) The distance upstream of the intake to the farthest upstream point of summer surface flow;
      (B) Half the distance from the intake to the drainage boundary; or
      (C) 3000 feet upstream of the intake.
   (c) Type D classification shall apply to tributaries off the main channel as long as the conditions of subsections (6)(a) and (b) of this rule apply.

(7)(a) A representative of a community water system or other domestic use water permit holder may request that the department designate additional lengths of channels upstream of a domestic water intake or reservoir as Type D. The representative or permit holder must present evidence that the additional stream protection is needed. The department will decide whether or not to extend Type D classification to these other channels based on evidence presented by the requesting party showing that protection measures associated with Type N classification would be insufficient to prevent adverse detrimental temperature increases, turbidity increases, or other adverse water quality changes at the domestic water use intake or reservoir.
   (b) The process and criteria described in subsection (7)(a), and the criteria under section (6) of this rule will be used to evaluate the extent of Type D classification for new community water systems.
   (c) The department will decide whether or not to extend the length of Type D classification within 30 days of the presentation of evidence.

(8) The domestic water use classification may be waived by the department at the request of a landowner who is the sole domestic water use permit holder for an intake and who owns all the land along upstream channels that would be affected by the classification related to that intake. This waiver shall not affect the classification related to downstream domestic water use intakes.

(9) A stream or lake will be considered to have fish use if inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts.
(10) The fish use classification does not apply to waters where fish were introduced through a fish stocking permit that includes documentation that the stream had no fish prior to stocking.

(11) Through September 30, 2007, the department will use section (12) of this rule to determine if a water body has fish use. On and after October 1, 2007, the department will use section (13) of this rule to determine if a water body has fish use, and section (12) will be inoperative.

(12) The department, with assistance from the Oregon Department of Fish and Wildlife, will conduct a comprehensive field survey to identify fish use on non-federal forestland in Oregon. However, this survey will take a number of years to complete. In the interim, the following procedures apply to determining which unsurveyed waters are designated Type F:
(a) The department will assume that waters have fish use if they were Class I under the previous classification system. Waters that were Class I solely because of domestic water use are excluded.
(b) If waters within the boundaries of a proposed operation were not Class I (under the previous classification system) and fish use is unknown, then:
   (A) The department will conduct a field survey for fish after a notification of operation is received; or
   (B) The department will approximate the upstream extent of fish use in a watershed by considering the connection of the water with downstream waters where fish use is known. Fish use will be assumed to occur upstream of the known fish use until the first natural barrier to fish use is encountered.
(c) Where fish use is unknown, an operator may request that the department conduct a field survey for fish use for reaches of a stream that will be included within an operation that is scheduled to start at least 12 months following the request. The operator shall limit such requests to operations that are part of a landowner’s planned harvest schedule and will be conducted during the following year. The department, with assistance from the Oregon Department of Fish and Wildlife when needed, shall attempt to complete such surveys within 12 months following the request. If the survey cannot be conducted in the time indicated, the stream will be considered to have no fish use. However, if the operation has not commenced within six months of the time the operation was scheduled to begin, the stream will again be considered to have unknown fish use.
(d) The department may use other reliable fish survey information when determining whether or not a stream has fish use. This information could include surveys done by landowners, federal or state agencies, universities, or other persons or entities. The department will determine whether such information is reliable.

(13) For the purposes of stream classification, the department will use the procedures in this section to determine if a stream has fish use.
(a) For stream segments where field surveys for fish use show that fish use ends at a natural barrier to fish use or other point that is not an artificial obstruction to fish passage, the department will designate fish use based on the survey.
(b) For stream segments where field surveys for fish use show that fish use ends at an artificial obstruction to fish passage, the department will designate fish use as continuing upstream from the artificial obstruction to the first natural barrier to fish use.
(c) For stream segments where field surveys for fish use have not been conducted, the department will designate fish use as continuing upstream from a point of known fish use and ending at the first natural barrier to fish use, without respect to any artificial obstructions to fish passage. An operator may request that the department conduct a fish presence survey to verify this designation of fish use in stream segments associated with an operation scheduled to start between 12 and 24 months after the request.
   (A) The department will make a good faith effort to conduct the requested surveys and will prioritize its survey work taking into account landowners without the financial or technical resources to conduct the surveys themselves.
   (B) As an option, the landowner may conduct the fish presence survey.
(C) If neither the landowner nor the department is able to conduct the survey before the operation begins, the Type F classification applies up to the first natural barrier to fish use.

(d) To be used for stream classification under this section, field surveys for fish use must be conducted according to the protocol in "Surveying Forest Streams for Fish Use," published by the Oregon Department of Forestry and the Oregon Department of Fish and Wildlife.

(e) The department may use other information to determine the upstream extent of fish use including but not limited to field surveys for fish use by landowners or other entities, and local knowledge of stream conditions, natural barriers to fish use, or fish presence.

(f) An operator may request an exception to Type F stream classification above an artificial obstruction to fish passage that is documented by field survey as the end of fish use. The department will grant the request upon determining that the artificial obstruction is likely to continue to prevent fish passage for a period of time exceeding that needed to regrow trees to a size that would provide key pieces of large wood.

(g) When an exception to Type F stream classification is made above an artificial obstruction to fish passage, the department will classify the stream as either Type D or Type N as appropriate and operators must apply the corresponding vegetation retention requirements.

(h) For the purposes of ORS 215.730(1)(b)(C), Type N streams are equivalent to "Class II streams."

(14) For each of the three beneficial use categories (Type F, Type D, and Type N), streams shall be categorized further according to three size categories: large, medium, and small. The size categories are based on average annual flow.

(a) Small streams have an average annual flow of two cubic feet per second or less.
(b) Medium streams have an average annual flow greater than 2 and less than 10 cubic feet per second.
(c) Large streams have an average annual flow of 10 cubic feet per second or greater.

(15) The assignment of size categories to streams on forestland will be done by the department as follows:

(a) The department will index average annual flow to the upstream drainage area and average annual precipitation. The methodology is described in Technical Note FP1 dated April 21, 1994.
(b) Actual measurements of average annual flow may substitute for the calculated flows described in the technical note.
(c) Any stream with a drainage area less than 200 acres shall be assigned to the small stream category regardless of the flow index calculated in subsection (15)(a).

(16) Wetlands shall be classified further as indicated below:

(a) The following types of wetlands are classified as "significant wetlands":
(A) Wetlands that are larger than 8 acres;
(B) Estuaries;
(C) Bogs; and
(D) Important springs in eastern Oregon.
(b) Stream-associated wetlands that are less than 8 acres are classified according to the stream with which they are connected.
(c) All other wetlands, including seeps and springs are classified according to their size as either "other wetlands greater than one-quarter acre" or "other wetlands less than one-quarter acre."

(17) Lakes shall be classified further as indicated below:

(a) Lakes greater than 8 acres are classified as "large lakes."
(b) All other lakes are classified as "other lakes."
Vegetation Retention Goals for Streams; Desired Future Conditions

(1) The purpose of this rule is to describe how the vegetation retention measures for streams were determined, their purpose and how the measures are implemented. The vegetation retention requirements for streams described in OAR 629-640-0100 through OAR 629-640-0400 are designed to produce desired future conditions for the wide range of stand types, channel conditions, and disturbance regimes that exist throughout forestlands in Oregon.

(2) The desired future condition for streamside areas along fish use streams is to grow and retain vegetation so that, over time, average conditions across the landscape become similar to those of mature streamside stands. Oregon has a tremendous diversity of forest tree species growing along waters of the state and the age of mature streamside stands varies by species. Mature streamside stands are often dominated by conifer trees. For many conifer stands, mature stands occur between 80 and 200 years of stand age. Hardwood stands and some conifer stands may become mature at an earlier age. Mature stands provide ample shade over the channel, an abundance of large woody debris in the channel, channel-influencing root masses along the edge of the high water level, snags, and regular inputs of nutrients through litter fall.

(3) The rule standards for desired future conditions for fish use streams were developed by estimating the conifer basal area for average unmanaged mature streamside stands (at age 120) for each geographic region. This was done by using normal conifer yield tables for the average upland stand in the geographic region, and then adjusting the basal area for the effects of riparian influences on stocking, growth and mortality or by using available streamside stand data for mature stands.

(4) The desired future condition for streamside areas that do not have fish use is to have sufficient streamside vegetation to support the functions and processes that are important to downstream fish use waters and domestic water use and to supplement wildlife habitat across the landscape. Such functions and processes include: maintenance of cool water temperature and other water quality parameters; influences on sediment production and bank stability; additions of nutrients and large conifer organic debris; and provision of snags, cover, and trees for wildlife.

(5) The rule standards for desired future conditions for streams that do not have fish use were developed in a manner similar to that used for fish use streams. In calculating the rule standards, other factors used in developing the desired future condition for large streams without fish use and all medium and small streams included the effects of trees regenerated in the riparian management area during the next rotation and desired levels of instream large woody debris.

(6) For streamside areas where the native tree community would be conifer dominated stands, mature streamside conditions are achieved by retaining a sufficient amount of conifers next to large and medium sized fish use streams at the time of harvest, so that halfway through the next rotation or period between harvest entries, the conifer basal area and density is similar to mature unmanaged conifer stands. In calculating the rule standards, a rotation age of 50 years was assumed for even-aged management and a period between entries of 25 years was assumed for uneven-aged management. The long-term maintenance of streamside conifer stands is likely to require incentives to landowners to manage streamside areas so that conifer reforestation occurs to replace older conifers over time.

(7) Conifer basal area and density targets to produce mature stand conditions over time are outlined in the general vegetation retention prescriptions. In order to ensure compliance with state water quality standards, these rules include requirements to retain all trees within 20 feet and understory vegetation within 10 feet of the high water level of specified channels to provide shade.

(8) For streamside areas where the native tree community would be hardwood dominated stands, mature streamside conditions are achieved by retaining sufficient hardwood trees. As early successional species, the long-term maintenance of hardwood streamside stands will in some cases require managed harvest using site specific vegetation retention prescriptions so that reforestation occurs to replace
older trees. In order to ensure compliance with state water quality standards, these rules include requirements in the general vegetation retention prescription to retain all trees within 20 feet and understory vegetation within 10 feet of the high water level of specified channels to provide shade. (9) In many cases the desired future condition for streams can be achieved by applying the general vegetation retention prescriptions, as described in OAR 629-640-0100 and 629-640-0200. In other cases, the existing streamside vegetation may be incapable of developing into the future desired conditions in a "timely manner." In this case, the operator can apply an alternative vegetation retention prescription described in 629-640-0300 or develop a site specific vegetation retention prescription described in 629-640-0400. For the purposes of the water protection rules, "in a timely manner" means that the trees within the riparian management area will meet or exceed the applicable basal area target or vegetation retention goal during the period of the next harvest entry that would be normal for the site. This will be 50 years for many sites. (10) Where the native tree community would be conifer dominant stands, but due to historical events the stand has become dominated by hardwoods, in particular, red alder, disturbance is allowed to produce conditions suitable for the re-establishment of conifer. In this and other situations where the existing streamside vegetation is incapable of developing characteristics of a mature streamside stand in a "timely manner," the desired action is to manipulate the streamside area and woody debris levels at the time of harvest (through an alternative vegetation retention prescription or site specific vegetation retention prescription) to attain such characteristics more quickly.
General Vegetation Retention Prescription for Type F Streams

(1)(a) Operators shall apply the vegetation retention requirements described in this rule to the riparian management areas of Type F streams.
(b) Segments of Type F streams that are different sizes within an operation shall not be combined or averaged together when applying the vegetation retention requirements.
(c) Trees left to meet the vegetation retention requirements for one stream type shall not count towards the requirements of another stream type.

(2) Operators shall retain:
(a) All understory vegetation within 10 feet of the high water level;
(b) All trees within 20 feet of the high water level; and
(c) All trees leaning over the channel.

(3) Operators shall retain within riparian management areas and streams all downed wood and snags that are not safety or fire hazards. Snags felled for safety or fire hazard reasons shall be retained where they are felled unless used for stream improvement projects.

(4) Notwithstanding the requirements of section (2) of this rule, vegetation, snags and trees within 20 feet of the high water level of the stream may be felled, moved or harvested as allowed in other rules for road construction, yarding corridors, temporary stream crossings, or for stream improvement.

(5) Operators shall retain at least 40 live conifer trees per 1000 feet along large streams and 30 live conifer trees per 1000 feet along medium streams. This includes trees left to meet the requirements described in section (2) of this rule. Conifers must be at least 11 inches DBH for large streams and 8 inches DBH for medium streams to count toward these requirements.

(6) Operators shall retain trees or snags six inches or greater DBH to meet the following requirements (this includes trees left to meet the requirements of sections (2) and (5) of this rule):
(a) If the live conifer tree basal area in the riparian management area is greater than the standard target shown in Table 2 where the harvest unit will be a harvest type 2 or type 3 unit (as defined by ORS 527.620), or Table 3 where the harvest unit will be a harvest type 1, partial harvest, or thinning, operators shall retain live conifer trees of sufficient basal area to meet the standard target.
(b) If the live conifer tree basal area in the riparian management area is less than the standard target (as shown in Table 2 where the harvest unit will be a harvest type 2 or type 3 unit, or Table 3 where the harvest unit will be a harvest type 1, partial harvest, or thinning) but greater than one-half the standard target shown in Table 2, operators shall retain all live conifer trees six inches DBH or larger in the riparian management area (up to a maximum of 150 conifers per 1000 feet along large streams, 100 conifers per 1000 feet along medium streams, and 70 conifers per 1000 feet along small streams).
(c) If live conifer tree basal area in the riparian management area is less than one-half the standard target shown in Table 2:
(A) Operators may apply an alternative vegetation retention prescription as described in OAR 629-640-0300 where applicable, or develop a site specific vegetation retention prescription as described in 629-640-0400; or
(B) Operators shall retain all conifers in the riparian management area and all hardwoods within 50 feet of the high water level for large streams, within 30 feet of the high water level for medium streams, and within 20 feet of the high water level for small streams.

(7) In the Coast Range, South Coast, Interior, Western Cascade, and Siskiyou geographic regions, hardwood trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (6)(a) of this rule as follows:
(a) All cottonwood and Oregon ash trees within riparian management areas that are beyond 20 feet of the high water level of large Type F streams, may count toward the basal area requirements.
(b) Up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall and other large live hardwood trees, except red alder, growing in the riparian management area more than 20 feet from the high water level and at least 24 inches DBH.

(8) In the Eastern Cascade and Blue Mountain geographic regions, hardwood trees, dying or recently dead trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (6)(a) of this rule as follows:
(a) The basal area of retained live hardwood trees may count toward meeting the basal area requirements.
(b) Up to 10 percent of the basal area retained to meet the basal area requirement may be comprised of sound conifer snags at least 30 feet tall.

(c) For small Type F streams, the maximum required live conifer tree basal area that must be retained to meet the standard target is 40 square feet. The remaining basal area required may come from retained snags, dying or recently dead trees, or hardwoods if available within the riparian management area.

(9) Notwithstanding the requirements indicated in this rule, operators may conduct precommercial thinning and other release activities to maintain the growth and survival of conifer reforestation within riparian management areas. Such activities shall contribute to and be consistent with enhancing the stand's ability to meet the desired future condition.

(10) When determining the basal area of trees, the operator may use the average basal area for a tree's diameter class, as shown in Table 4, or determine an actual basal area for each tree. The method for determining basal area must be consistent throughout the riparian management area.

(11)(a) For large and medium Type F streams, live conifer trees retained in excess of the active management target shown in Table 2 and hardwoods retained beyond 20 feet of the high water level of the stream that otherwise meet the requirements for leave trees may be counted toward requirements for leave trees within harvest type 2 or harvest type 3 units (pursuant to Section 9, Chapter 9, Oregon Laws 1996 Special Session ORS 527.676).

(b) For small Type F streams, all retained live trees that otherwise meet the requirements for leave trees may count toward requirements for leave trees within harvest type 2 or harvest type 3 units (pursuant to Section 9, Chapter 9, Oregon Laws 1996 Special Session ORS 527.676).

(12) Trees on islands with ground higher than the high water level may be harvested as follows:
(a) If the harvest unit is solely on an island, operators shall apply all the vegetation retention requirements for a large Type F stream described in this rule to a riparian management area along the high water level of the channels forming the island.
(b) Otherwise, operators shall retain all trees on islands within 20 feet of the high water level of the channels forming the island and all trees leaning over the channels. In this case, conifer trees retained on islands may count toward the basal area requirement for adjacent riparian management areas so long as the trees are at least 11 inches DBH for large streams and eight inches DBH for medium streams.

(13) When applying the vegetation retention requirements described in this rule to the riparian management areas, if an operator cannot achieve the required retention without leaving live trees on the upland side of a road that may be within the riparian management area and those trees pose a safety hazard to the road and will provide limited functional benefit to the stream, the State Forester may approve a plan for an alternate practice to modify the retention requirements on a site specific basis.
Placement of large wood key pieces in a Type F stream to improve fish habitat that is conducted in conjunction with a forest operation is subject to the regulations in the Oregon Forest Practices Act and the forest practice rules.

(2) The goal of placing large wood key pieces is to deliver wood that is relatively stable, but can reconfigure to a limited degree and work with the natural stream flow to restore and maintain habitat for aquatic species. When placing large wood key pieces in conjunction with an operation, an operator shall design and implement the project to:

(a) Rely on the size of wood for stability and exclude the use of any type of artificial anchoring;
(b) Emulate large wood delivery configurations that occur from natural riparian processes over time; and
(c) Restore and maintain natural aquatic habitat over time rather than rely on constructed habitat structures.

(d) Meet the standards established in “Guide to Placement of Wood, Boulders and Gravel for Habitat Restoration,” A Guide to Placing Large Wood in Streams, developed by the Oregon Department of Forestry, and Oregon Department of Fish and Wildlife, Oregon Department of State Lands, and Oregon Watershed Enhancement Board, January 2010, May 1995.
General Vegetation Retention Prescription for Type D and Type N Streams

(1) (a) Operators shall apply the vegetation retention requirements described in this rule to the riparian management areas of Type D and Type N streams.
(b) Segments of Type D or Type N streams that may be of a different size within an operation shall not be combined or averaged together when applying the vegetation retention requirements.
(c) Trees left to meet the vegetation retention requirements for one stream type shall not count toward the requirements of another stream type.

(2) Operators shall retain along all Type D, and large and medium Type N streams:
(a) All understory vegetation within 10 feet of the high water level;
(b) All trees within 20 feet of the high water level; and
(c) All trees leaning over the channel.

(3) Operators shall retain all downed wood and snags that are not safety or fire hazards within riparian management areas and streams. Snags felled for safety or fire hazard reasons shall be retained where they are felled unless used for stream improvement projects.

(4) Notwithstanding the requirements of section (2), vegetation, snags and trees within 20 feet of the high water level of the stream may be felled, moved or harvested as allowed in the rules for road construction, yarding corridors, temporary stream crossings, or for stream improvement.

(5) Operators shall retain at least 30 live conifer trees per 1000 feet along large Type D and Type N streams and 10 live conifer trees per 1000 feet along medium Type D and Type N streams. This includes any trees left to meet the requirements described in section (2) of this rule. Conifers must be at least 11 inches DBH for large streams and eight inches DBH for medium streams to count toward these requirements.

(6) Operators shall retain all understory vegetation and non-merchantable conifer trees (conifer trees less than six inches DBH) within 10 feet of the high water level on each side of small perennial Type N streams indicated in Table 5.
(a) The determination that a stream is perennial shall be made by the State Forester based on a reasonable expectation that the stream will have summer surface flow after July 15.
(b) The determination in subsection (6)(a) of this rule can be made based on a site inspection, data from other sources such as landowner information, or by applying judgment based upon stream flow patterns experienced in the general area.
(c) Operators are encouraged whenever possible to retain understory vegetation, non-merchantable trees, and leave trees required within harvest type 2 or harvest type 3 units (pursuant to Section 9, Chapter 9, Oregon Laws 1996 Special Session ORS 527.676) along all other small Type N streams within harvest units.

(7) Operators shall retain trees six inches or greater DBH to meet the following requirements (this includes trees left to meet the requirements of sections (2) and (5) of this rule):
(a) If the live conifer tree basal area in the riparian management area is greater than the standard target shown in Table 6 where the harvest will be a harvest type 2 or harvest type 3 unit (as defined by ORS 527.620), or in Table 7 where the harvest unit is a harvest type 1, partial harvest, or thinning, operators shall retain along all Type D, and medium and large Type N streams live conifer trees of sufficient basal area to meet the standard target.
(b) If the live conifer tree basal area in the riparian management area is less than the standard target (as shown in Table 6 where the harvest will be a harvest type 1 or type 2 harvest type 3 unit or Table 7 where the harvest unit is a harvest type 1, partial harvest, or thinning), but greater than one-half the standard target shown in Table 6, operators shall retain along all Type D, and medium and large Type N streams all conifers 6 inches DBH or larger in the riparian management area (up to a maximum of 100 conifers per 1000 feet along large streams, and 70 conifers per 1000 feet along medium streams).
(c) If the live conifer tree basal area in the riparian management area is less than one-half the standard target shown in Table 6:

(A) Operators may apply an alternative vegetation retention prescription as described in OAR 629-640-0300, where applicable, or develop a site specific vegetation retention prescription as described in OAR 629-640-0400; or

(B) Operators shall retain along all Type D, and medium and large Type N streams all conifers in the riparian management area and all hardwoods within 30 feet of the high water level for large streams and within 20 feet of the high water level for medium streams.

(8) In the Coast Range, South Coast, Interior, Western Cascade, and Siskiyou geographic regions, hardwood trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (7)(a) of this rule as follows:

(a) All cottonwood and Oregon ash trees within riparian management areas that are beyond 20 feet of the high water level of large Type D and N streams, may count toward the basal area requirements.

(b) For large Type D and N streams, up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall and other large live hardwood trees, except red alder, growing in the riparian management area more than 20 feet from the high water level and at least 24 inches DBH.

(c) For medium Type D and N streams:

(A) Up to 30 square feet of basal area per 1000 feet of stream may be comprised of hardwood trees.

(B) Up to five percent of the basal area retained may be comprised of sound conifer snags that are at least 30 feet tall.

(9) In the eastern Oregon Eastern Cascade and Blue Mountain geographic regions:

(a) The basal area of all retained live hardwood trees may count toward meeting the basal area requirements.

(b) For large Type D and N streams, up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall.

(c) For medium Type D and N streams, up to five percent of the basal area retained may be comprised of sound conifer snags that are at least 30 feet tall.

(10) Notwithstanding the requirements indicated in this rule, operators may conduct precommercial thinning and other release activities to maintain the growth and survival of conifer reforestation within riparian management areas. Such activities shall contribute to and be consistent with enhancing the stand's ability to meet the desired future condition.

(11) When determining the basal area of trees along streams in a harvest unit, operators may use the average basal area for a tree's diameter class, as shown in Table 4 in OAR 629-640-0100, or determine an actual basal area for each tree. The method for determining basal area must be consistent throughout the riparian management area.

(12) All live trees retained along Type D and N streams that otherwise meet the requirements for leave trees may count toward requirements for leave trees within harvest type 2 or harvest type 3 units (pursuant to ORS 527.676).

(13) Trees on islands with ground higher than the high water level may be harvested as follows:

(a) If the harvest unit is solely on an island, operators shall apply all the vegetation retention requirements for a large Type F stream described in this rule to a riparian management area along the high water level of the channels forming the island.

(b) Otherwise, operators shall retain all trees on islands within 20 feet of the high water level of the channels forming the island and all trees leaning over the channels. In this case, conifer trees retained on islands may count toward the basal area requirement for adjacent riparian management areas so long as the trees are at least 11 inches DBH for large streams and 8 inches DBH for medium streams.

(c) All merchantable trees may be harvested from islands within small Type N streams.
(14) When applying the vegetation retention requirements described in this rule to the riparian management areas, if an operator cannot achieve the required retention without leaving live trees on the upland side of a road that may be within the riparian management area and those trees pose a safety hazard to the road and will provide limited functional benefit to the stream, the operator may submit a plan for an alternate practice to the State Forester to modify the retention requirements on a site specific basis.
Riparian Management Areas and Protection Measures for Significant Wetlands

(1)(a) The purpose of these rules is to protect the functions and values of significant wetlands, including wetlands larger than eight acres, estuaries, bogs and important springs in eastern Oregon on forestlands.

(b) Significant wetlands on forestlands provide a wide range of functions and values, including those related to water quality, hydrologic function, fish and other aquatic organisms, and wildlife.

(c) Estuaries are unique systems because they form transitions between terrestrial, marine, and freshwater environments. Because of this link, estuarine systems are among the most biologically productive in the world. Estuaries support many resident species. Estuaries also provide food, spawning area, and shelter for numerous other species at critical points in their life cycles. Removal of shoreline trees reduces the overall productivity of the estuary by reducing leaf and litter fall, thus depriving the estuary of substrate, and by removing feeding and resting habitat for birds and small mammals.

(d) Bog communities are a result of specific hydrologic, soil, and nutrient conditions. Bogs are usually saturated, low in nutrients, and highly acidic. Changes in runoff, sediment loading, and nutrient loading can alter the plant community composition. The peat soils have evolved over time. Compaction damages plant communities and may encourage the invasion of exotic species. Harvesting may disrupt shade tolerant vegetation, alter plant community characteristics, and hasten succession. Compaction, saturated conditions, and poor nutrient status make reforestation difficult.

(e) In arid parts of eastern Oregon, springs provide a critical source of water. These important springs have established wetland vegetation, flow year round in most years, and are used by a concentration of diverse animal species. By reason of sparse occurrence, important springs have a major influence on the distribution and abundance of upland species. Important springs shall be identified by the State Forester.

(2)(a) The goals of significant wetland protection are to maintain the functions and values of significant wetlands on forestlands over time, and to ensure that forest practices do not lead to resource site destruction or reduced productivity, while at the same time ensuring the continuous growth and harvest of forest tree species. To accomplish these goals, the rules focus on the protection of soil, hydrologic functions, and specified levels of vegetation.

(b) The intent of the rules is to minimize soil disturbance and to minimize disturbance to the natural drainage patterns of the significant wetland.

(c) Vegetation retention (including understory vegetation, snags, downed wood, and live trees) is needed to prevent erosion and sedimentation into the significant wetland, minimize soil disturbance and hydrologic changes, and to maintain components of the vegetation structure to provide for other benefits, particularly fish and wildlife values.

(3) Significant wetlands other than estuaries, bogs or important springs in eastern Oregon shall have riparian management areas extending 100 feet from the wetlands. When an operation is proposed within 300 feet of a significant wetland, the resource site evaluation process in OAR 629-665-0020 shall be followed by the landowner, operator or timber owner. If the proposed operation conflicts with the significant wetland, the operator shall submit a written plan to the State Forester before starting operations. The written plan shall comply with the requirements of 629-605-0170, Written Plans.

(4) For all significant wetlands, operators shall provide the following to the wetlands and riparian management areas:

(a) Live tree retention (OAR 629-645-0010);

(b) Soil and hydrologic function protection (OAR 629-645-0030);

(c) Understory vegetation retention (OAR 629-645-0040); and

(d) Snag and down wood retention (OAR 629-645-0050).

(5) For forested significant wetlands, written plans must address reforestation.
(6) When an operation is proposed within 300 feet of an estuary, bog or important spring in eastern Oregon, the State Forester shall determine the riparian management area during the resource site inspection required by OAR 629-665-0020. Riparian management areas shall extend outward 100 to 200 feet from the estuary, 50 to 100 feet from the bog, or 50 to 100 feet from the important spring in eastern Oregon. The distance determination of the State Forester shall depend on:
(a) Stocking level of the timber stand adjacent to the estuary, bog or spring;
(b) Ability of the area to withstand windthrow;
(c) Size of the estuary, bog or spring. As the size increases, the size of the riparian management area shall increase; and
(d) For bogs and springs only, topography and erodibility of adjacent uplands.
629-645-0030
Soil and Hydrologic Function Protection for Significant Wetlands
(1) In significant wetlands and their riparian management areas, operators shall protect soil from
disturbances that result in impaired water quality, hydrologic functions, or soil productivity. Operators
shall protect hydrologic functions by minimizing disturbances and shall prevent accelerating the natural
conversion of the wetland to uplands.
(2) The written plan required under OAR 629-635-0130 OAR 629-605-0170 shall describe how the
operation will be conducted to prevent adverse effects on water quality, hydrologic functions or soil
productivity. The following practices shall be addressed in written plans when they are proposed in
significant wetlands:
(a) Filling within wetlands;
(b) Machine activity within wetlands; and
(c) Road construction within wetlands.
(3) Operators shall not drain significant wetlands.
(4) Notwithstanding subsection (3) of this rule, minor drainage for reforestation is allowed. Any drainage
for reforestation must be designed so the significant wetland is not converted to an upland.
629-645-0040

Understory Vegetation Retention for Significant Wetlands

(1) The purpose of retaining understory vegetation is to provide soil stability and bank stability in and along significant wetlands, to maintain cover and shade for wildlife habitat and aquatic habitat, and to protect water quality.

(2) To achieve the purpose of understory retention, the operator shall limit disturbance of understory vegetation within significant wetlands and their riparian management areas to the minimum necessary to remove timber harvested from the area and achieve successful reforestation.

(3) The written plan required in OAR 629-635-0130 OAR 629-605-0170 for operations within 300 feet of significant wetlands, estuaries and 100 feet of wetlands larger than eight acres (non-estuaries), bogs, and important springs in eastern Oregon shall describe how disturbance to the understory vegetation will be minimized during harvest or site preparation for reforestation.
629-645-0050
Snag and Downed Wood Retention for Significant Wetlands
(1) For significant wetlands, operators shall retain all snags and downed trees within the wetlands and the applicable riparian management areas.
(2) Notwithstanding subsection (1) of this rule, any snag defined to be a safety hazard under the safety requirements found in OAR 437, division 7, Forest Activities, or determined to be a fire hazard by the State Forester, may be felled. Any snag felled because of a safety or fire hazard shall be left unyarded.
(3) The retention requirements in subsection (1) of this rule may be modified for reasons of forest health for trees that are dying or recently dead or dying because of fire, insect or disease epidemics, or other catastrophic events when addressed in a plan for an alternate practice approved by the State Forester.
(4) Snags and downed wood left pursuant to subsection (1) of this rule may not be counted toward the requirements of ORS 527.676.
629-650-0000

Riparian Management Areas and Protection Measures for Lakes
(1) The purpose of this rule is to protect the functions and values of lakes. Lakes on forestlands provide a wide range of functions and values, including those related to water quality, hydrologic functions, aquatic organisms, fish and wildlife.
(2) Operators shall protect riparian management areas extending:
(a) 100 feet from the high water level of large lakes; and
(b) 50 feet from the high water level of other lakes that have fish use or other lakes that are equal to or greater than one-half acre in size.
(c) No riparian management area is required for other lakes that do not have fish and that are less than one-half acre.
(3) For all lakes with riparian management areas, operators shall provide the following to the riparian management areas and the aquatic areas:
(a) Live tree retention (OAR 629-650-0010);
(b) Soil and hydrologic function protection (OAR 629-650-0020);
(c) Understory vegetation retention (OAR 629-650-0030); and
(d) Snag and down wood retention (OAR 629-650-0040).
(4) For all lakes not having riparian management areas, the lakes shall be protected as other wetlands (OAR 629-655-0000).
OAR 629-650-0005
Written Plans for Operations Near Large Lakes
An operator shall submit a written plan to the State Forester before conducting an operation that requires notification under OAR 629-605-0140 and that is within 100 feet of a large lake.
629-660-0050
Beaver Dams or Other Natural Obstructions
(1) Except as needed for road maintenance, operators must submit a written plan to the State Forester prior to the removal of beaver dams and other natural obstructions from waters of the state during forest operations. Removal of any beaver dam that is within 25 feet of a culvert shall be considered to be needed for road maintenance.
(2) A written plan for removal of a beaver dam or obstruction must demonstrate:
(a) A beaver dam or obstruction threatens existing forests or plantations; or
(b) Beaver dam removal is part of a beaver population control program approved by the Oregon Department of Fish and Wildlife; or
(c) Retaining the beaver dam or obstruction would result in greater environmental harm than benefit.
(3) Sediment releases and downstream channel scouring can occur when beaver dams are removed. Operators are encouraged to use techniques that result in a gradual release of water when a dam is removed.
Bald Eagle Roosting Sites; Key Components; Protection Requirements; and Exceptions

(1) For bald eagle roosting sites, the resource site is the active roost trees, probable roost trees as identified by the State Forester, and all identified key components:
   (a) An active roosting site is one that has been used within the past 5 years for roosting by bald eagles. No protection is required for an abandoned bald eagle roosting site.
   (b) The key components associated with a bald eagle roosting site are staging trees, probable roost trees as identified by the State Forester, and a forested buffer around the roost trees. Factors to consider when identifying key components:
      (A) Actual observation data when available.
      (B) Roost sites frequently occur in mature forests. Roost trees are often significantly larger than the rest of the stand.
      (C) Staging trees are often large, dead-top or dominant trees or snags where one or more eagles can perch and have direct access to the roosting site.
      (D) The surrounding forested buffer must be adequate to maintain a suitable microclimate around the roost trees.
      (E) Areas of high winds may require that additional trees be retained to protect the active roost tree(s) and identified key components from damage.

(2) The operator shall provide the following protection measures when operating within or near a bald eagle roosting site:
   (a) During and after forest operations, the resource site shall be retained and protected from damage. The operation shall be designed to protect the trees from windthrow.
   (b) Retain the active roost tree(s).
   (c) Retain a forested buffer not less than 300 feet around the outermost active roost trees as a key component that includes probable roost trees.
   (d) Retain staging trees.
   (e) During the critical period of use, operations shall be designed and conducted to not disturb bald eagles using the resource site:
      (A) Except as provided in paragraph (B) of this subsection, during the critical period of use, operations shall not be permitted within one-quarter (1/4) mile of the active roost trees. If the eagles have line-of-sight vision from these trees to the operation, the distance is one-half (1/2) mile.
      (B) If the State Forester determines through review of the written plan that the operations will not cause the birds to flush from trees identified in paragraph (A) of this subsection, then there is no conflict and the distance restrictions in paragraph (A) of this subsection may be modified.
      (C) The critical period of use for bald eagle roosting sites in the Klamath Basin is October 31 through March 31. In other areas of Oregon the critical period of use is November 15 through March 15. The specific critical period of use for individual roosting resource sites may be modified in writing by the State Forester depending upon the actual dates that bald eagles are present at the resource site and are susceptible to disturbance.

(3) Structural or temporal exceptions for the resource site are allowed if the operator is in compliance with, and has on file with the State Forester, an applicable incidental take permit issued by federal authorities under the Endangered Species Act.
629-670-0214

Civil Penalty Administrator Discretion

(1) The civil penalty administrator shall have the discretion to combine violations for the sake of assessing reasonable penalties, under the following circumstances:
   (a) Multiple citations have been issued for violations resulting from the same practice;
   (b) Multiple citations have been issued for violations resulting in the same damage; or
   (c) Upon a finding of the State Forester that a combination of violations is in the public interest and consistent with the policy of the Oregon Forest Practices Act, ORS 527.630.

(2) The civil penalty administrator shall have the discretion to find a penalty is not warranted for reforestation violation cases, when:
   (a) The party cited for the violation was not the landowner at the time the harvesting operation reduced stocking below the minimum standards; and
   (b) Planting is completed as directed in the repair order.

(3) The civil penalty administrator shall have the discretion to find a penalty is not warranted for cases where all of the following conditions exist:
   (a) The violation arose inadvertently;
   (b) There was little or no potential for damage;
   (c) No damage resulted; and
   (d) The cooperation of the operator shows there is little or no chance that the violation will be repeated.

(4) Penalties totaling less than $100 shall be suspended, pending no further violations within one year of issuance of the citation.

(5) The civil penalty administrator shall have the discretion to reduce the amount of the civil penalty when the party assessed:
   (a) Agrees to the facts of the case;
   (b) Accepts responsibility for the violation; and
   (c) Agrees to perform mitigation on the operation unit, or within the watershed, that is equal or greater in value than the amount by which the penalty will be reduced. Examples may include, but are not limited to, any of the following restoration and enhancement projects listed for stewardship activities:
      (A) Reconstructing, relocating, or vacating roads that, because of their location, present a higher risk to water quality than if they had been located and designed to current forest practice rule standards;
      (B) Restoring or enhancing upstream and downstream fish passage, including replacing crossing structures not designed to current forest practice rule standards;
      (C) Restoring or enhancing fish habitat by placing large woody debris or other structures in or adjacent to stream channels;
      (D) Retaining conifers adjacent to streams, to supplement current forest practice rule requirements, consistent with forest health considerations;
      (E) Restoring or enhancing habitat for threatened and endangered species or other wildlife habitat;
      (F) Restoring or enhancing the protection of salmonid production areas. Salmonid production areas include habitat identified through stream or other inventories as being important for spawning, rearing, or over-wintering;
      (G) Participating in a research or monitoring program sponsored or endorsed by the Department of Forestry or the Department of Fish and Wildlife;
      (H) Participating with Watershed Councils to conduct watershed assessments, develop action plans or implement restoration projects;
      (I) Controlling noxious weeds or exotic species; or
      (J) Implementing strategies to reduce the risk of catastrophic fire or insect or disease damage.
629-680-0020
Resource Site Defined for the Purpose of a Hearing
(1) Notwithstanding OAR 629-680-0010(14), 629-600-0100(49), 629-665-0110(1), 629-665-0120(1), 629-665-0220(1), 629-665-0230(1), and 629-665-0240(1), key components are not considered a part of the resource site in determining the place from which distances are measured for the purpose of requesting a hearing under ORS 527.670(4) and ORS 527.700(3).
(2) For threatened or endangered bird species, the place from which such distances are measured is the active nest tree, roost trees, or foraging perch.
(3) For birds which use sensitive bird nesting, roosting or watering sites, the place from which such distances are measured is the specific nest tree, roosting tree or watering place.
(4) For significant wetland types identified in OAR 629-680-0310, the place from which such distances are measured is the significant wetland boundary as determined by the State Forester.
(5) For other sites protected under ORS 527.710(3)(a), the place will be defined by rule as rules are adopted to protect the sites.