DIVISION 28

PERSONAL USE FUELWOOD PERMITS - Special Forest Products; Firewood
Woodcutting Permitting on State Forest Lands

629-028-00051
Definitions
The following words and phrases, when used in terms and definitions shall apply to this division, shall mean the following unless the context otherwise requires:
(1) "Forester" means the State Forester or an authorized representative.
(2) "Board" means the Oregon State Board of Forestry.
(3) "Fuelwood Woodcutting Permit" means a permit issued by the Forester to an individual authorizing the permittee to gather, salvage, cut, and remove not over two cords of wood fiber from State forest lands for personal use as domestic fuel.
(4) "Harvest" means to separate by cutting, digging, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from its physical connection or point of contact with the ground or vegetation upon which it was growing; or the place or position where it lay.
(5) "Landowner" means an 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.
(6) "Landowner representative" means an employee, agent or designee of a landowner.
(7) "Permittee" means a person who has in possession possesses a valid fuelwood permit.
(8) "Permit Fee" means a charge made by the Forester to recover costs of administering the fuelwood woodcutting permit program.
(9) "Special Forest Products" means:
(a) Bark and needles of the Pacific yew (Taxus brevifolia);
(b) Bear grass (Xerophyllum tenax), boughs, moss, branches, ferns and other forest plant parts;
(c) Burls, Fiddleback, or other figured or decorative-grained wood;
(d) Cascara bark from the cascara tree (Rhamnus purshiana);
(e) Cedar salvage, including cedar chunks, slabs, stumps, and logs that are more than one cubic foot in volume;
(f) Conks and other fungi;
(g) Cut or picked conifer foliage, including, but not limited to wild Christmas trees, tree boughs, bark, cones, and other vegetative products not harvested in log form.
(h) Cut or picked evergreen foliage, bark, and shrubs, including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron, and salal;
(i) Cut or picked juniper foliage, berries, bark, limbs, or juniper split posts, poles, pickets, stakes or rails, or other round or split products of juniper;
(j) Firewood;
(k) Herbs, nuts, seeds, and fruit;
(L) Native ornamental trees, shrubs, bulbs, and grasses, including trees, shrubs, bulbs, and grasses that are not nursery grown and that have been removed from the ground with roots intact;
(m) Rocks and minerals;
(n) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species;
(o) Any special forest products used for medicinal purposes;
(p) Vine maple clumps and cuttings;
(q) Wildflowers, mistletoe, and cacti;
(r) Wild edible fungi, regardless of species, that have not been cultivated or propagated by artificial means;
(s) Special forest products does not mean mill ends, driftwood and artificially fabricated fireplace logs.
(6) (10) "State Forest Lands" means those lands managed by the Forester under authority of ORS 530.010 to ORS 530.520.
(11) “Transportation” means the physical conveyance of special forest products away from a harvest or collection site and includes, but is not limited to, transportation in or on a motor vehicle or trailer, both as defined for purposes of the Oregon Vehicle Code; or a boat, barge, raft or other water vessel; or an airplane, helicopter, balloon, or other aircraft.

629-028-0002
Purpose of Special Forest Products
ORS 164.813 requires the State Board of Forestry to define special forest products. Special forest products, other than timber forest products, may be harvested from private land if the landowner permits the harvester to do so. Special forest products may be modified by following criteria in OAR 629-028-0004.

629-028-0003
Special Forest Products Permission; permit by landowner; forms.
(1) Written permission is provided by the landowner to a person harvesting special forest products from the land that the special forest products are harvested. Written permission must follow the requirements of ORS 164.813. Written permission from the landowner must be in the possession of the harvester at all times.
(2) Any costs associated with permission to harvest or remove special forest products are an agreement between the landowner and the person acquiring the permission and will not be regulated by the department. Special forest product permits are private contracts between landowners and permittees.
(3) The Department shall not be responsible for enforcing permits issued by landowners.
(4) Landowners may use the department-provided forms. All permits shall conform to ORS 164.813 requirements.
629-028-0004
Process for Modifying the Special Forest Products Definition
(1) The department, a person, an organization or other agency may propose to modify
the definition of special forest products.
(2) The best information available needs to support the request to add or remove an
item from the definition of special forest products, including:
   (a) The need to add or remove an item; and
   (b) A description of the economic value and market for the item wanting to be
       added; or
   (c) An evaluation of how an item contained in the definition of special forest
       products is no longer considered useful or valuable.
(3) The Board shall consider the request and accept, reject or modify this information
submitted under section (2) of this rule.

629-028-0010
Purpose of Firewood Woodcutting Permitting on State Forest Land
As set forth in ORS 530.050 the Forester in exercising legal authority for the
management of State forest lands shall manage the land to secure the greatest
permanent value to the State. The Forester, in the management, protection, utilization,
and conservation of the lands may, in addition to selling forest products from the lands,
permit the use of the lands for other purposes not detrimental to the State. The Board
and the Forester have determined that it is in the interest of the State to permit the
people of the State to utilize, as fuelwood, wood fiber that has a marginal economic or
commercial value as firewood.

629-028-0015
Permit Fee associated with fuelwood woodcutting permits on State Forest Land
The Forester intends to issue fuelwood woodcutting permits, and when necessary, to
charge a permit fee. Such fee does not constitute a price for sale of forest products, but
may be made in an amount sufficient to enable the Forester to recover costs of
developing woodcutting areas, issuing permits, and supervising and administering the
fuelwood woodcutting permit program. If a fee is necessary, it shall be a standard rate,
used Statewide, and established annually by the Forester.

629-028-0020
Criteria for Fee Charge; State Forest Land fuelwood woodcutting permits
(1) In determining when to charge a permit fee, and the amount of such fee, the
Forester shall consider the following:
   (a) The amount of demand for fuelwood woodcutting permits in local areas or districts;
   (b) The amount of fuelwood woodcutting available and any costs incurred in making it
       accessible for permit use; such as yarding, bunching, posting, marking, and road
       improvement or maintenance;
   (c) The possible impact of administration of the fuelwood woodcutting permit program
       upon the accomplishment of other activities necessary to the management of the lands.
(2) If any of the above criteria or combination of criteria under the free permit system cause significant impact in the administration of general State forest land programs, the Forester may implement the fee permit system in a district or area.

629-028-0025
Requirements of Permittees of Fuelwood Woodcutting Permits on State Forest Lands
Each permittee shall observe the following requirements:
(1) Permittee shall have the permit in possession when cutting or removing fuelwood firewood.
(2) The fuelwood firewood is for personal use and permittee shall not sell, bargain, or otherwise obtain monetary or material profit from the fuelwood obtained through a permit.
(3) Permittee shall perform the cutting and removal of fuelwood firewood in compliance with the laws of the State of Oregon, and requirements of the Forester for the protection and conservation of the lands.