

# Post-Disturbance Harvest Rulemaking

NW Regional Forest Practice Committee

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# Background

Senate Bill 1602 (2020) amongst other things, set helicopter pesticide application requirements and led to mediated sessions between representatives of the forest industry and representatives of environmental interests resulting in the Private Forest Accord (PFA) Report.

Senate Bill 1501 (2022) amongst other things, made substantial changes to the Forest Practices Act, required the recommendations of the PFA Report be incorporated into the forest practice rules, requires the pursuit of Incidental Take Permits through a Habitat Conservation Plan and requires the Board of Forestry (BOF) to undertake rulemaking related to tethered logging and post-disturbance harvest.



# Literature Review

## Some key findings:

- For stream shade, live trees > dead trees > no trees
- Stand regeneration depends on pre-disturbance stand health and the nature and severity of disturbance
- Increased tree retention near streams results in increased benefits to stream shade, large wood delivery and bank stability
- 2 to 5 years post-disturbance is the key time frame to increase stream protection



# Post-Disturbance Harvest Draft Rules

## **OAR 629-643-0000: Vegetation Retention Goals for Streams; Desired Future Conditions**

- Proposed changes are limited to technical corrections including, but not limited to, the deletion of placeholder language and subsequent renumbering.

## **OAR 629-643-0300: Alternative Vegetation Retention Prescriptions**

- Establishes a purpose statement.
- Defines “stand level mortality” for riparian management areas (RMAs) and harvest units.
- Exempts Small Forestland Owner (SFO) harvest units experiencing stand level mortality from the watershed cap.
- Clarifies that all other forest practice rules apply unless explicitly stated.



# Provisions of Draft OAR 629-643-0300

## In Western Oregon

- For Type SSBT and Type F stream RMAs with stand level mortality, allows harvest of dying or recently dead trees outside the first 75 feet of the RMA. Sets protections for the RMA and allows the operator to use a less dense reforestation standard.
- For Type Np stream RMAs with stand level mortality, allows harvest of dying or recently dead trees in the RMA and sets protections for the RMA.
- For harvest units with stand level mortality, allows harvest of dying or recently dead trees in slope retention areas (SRA).

**In Eastern Oregon** for Terminal Type Np RMAs with stand level mortality, allows harvest of dying or recently dead trees in the outer zone of the RMA.



# Rulemaking Authority & Process

ORS 527.710 grants the BOF forest practice rulemaking authority under the Administrative Procedures Act (APA). ORS 527.714 sets additional procedures.

Prior to the APA notice, the BOF must determine the rule type(s) being considered.

- OAR 629-643-0000 is a Type (1)(c) that makes minor adjustments to existing rules
- OAR 629-643-0300 is a Type (1)(c) that changes forest practices

If the board determines a proposed rule is a Type (1)(c) rule, that changes forest practices the....

- rule must describe its purpose and the level of protection desired
- BOF must make an economic analysis of the estimated impact available to the public
- BOF must determine specific facts exist and standards are met before adopting it



# Next Steps

- Engage with the Regional Forest Practice Committees and Committee for Family Forestlands
- Consult with other government entities affected by forest operations
- Complete the estimated economic impact analysis and post it to the ODF website
- File Notice of Proposed Rulemaking and provide required notices to kick-off the public comment period from 4/1 to 5/1
- Return to the BOF for a decision regarding adoption of the rules in June
- Rules will be effective 1/1/25

*\* This list is not in chronological order as some activities will occur concurrently.*