Technical Note FP 10
Waivers of Statutory Written Plan
Revised July 2017
Published by the Private Forests Division

Note: Forest Practices Technical Note 10 dated July 1, 2017 is effective until January 1, 2024 for (a) forestland owners who own less than 5,000 acres of Oregon forestland and (b) forestland owners who own more than 5,000 acres of Oregon forestland and do not submit a notification of operation to the State Forester on or after July 1, 2023.

The Oregon Forest Practices Act Rules (ORS 527.670 (3) and OAR 629-605-0170) that relate to Statutory Written plans that are intended to:

1. Protect physical components such as, but not limited to, trees and understory plants and brush, snags, rocks and soil; and
2. Prevent those physical components from being moved, disturbed or altered (“Directly affected”).

When are Written Plans Required?
Landowners, loggers, or others doing forestry work must file written plans with the Oregon Department of Forestry (ODF) before starting work within:

- 100 feet of the following stream classes:
  - Type F – having fish use
  - Type SSBT (salmon, steelhead, and bull trout streams use or mapped by ODF
  - Type D domestic use such drinking water or household use
  - Significant wetlands that are not estuaries.
- Within 300’ of specified bird or Threatened and Endangered sites
- Within 300’ of an estuary

These written plans are called “statutory written plans.” Sometimes, ODF will waive the written plan requirement for work within 100 feet of a stream but outside the riparian management area. (See chart below)

What are Riparian Management Areas (RMAs)?
Riparian management areas are where work must be done differently to protect natural resources along streams. To know whether it is an RMA. First, find out the type of stream class or wetland you will be working near and the RMA distance. To find the stream type and class, use these stream class maps or go to ODF’s home page. RMA distances are in Table 1. After determining the stream class and RMA distance, read below to see if a written plan is required.

When are Statutory Written Plan Requirements not required?
- Timber harvesting outside the RMA (This means no cables in or over the RMA and no yarding across or over the RMA)
- Road construction or reconstruction outside the RMA
- Pre-commercial thinning outside the RMA
- Manual or mechanical site preparation outside the RMA

When are Statutory Written Plan Requirements REQUIRED?
- Any work inside an RMA
- Any cables strung through or over an RMA, or any yarding across or over an RMA
- Chemical applications within 100 feet of a Type F, Type SSBT, or Type D stream, or significant wetland, even if the activity will be outside the RMA.
- Slash burning within 100 feet of a Type F, Type SSBT, or Type D stream, or significant wetland, even if the activity will be outside the RMA.

### Table 1: RMA Distances

<table>
<thead>
<tr>
<th>Streams</th>
<th>Fish (Type F)</th>
<th>SSBT (Type SSBT)</th>
<th>Domestic Use (Type D)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size</strong></td>
<td><strong>RMA (feet)</strong></td>
<td><strong>RMA (feet)</strong></td>
<td><strong>RMA (feet)</strong></td>
</tr>
<tr>
<td>Large</td>
<td>100³</td>
<td>N/A</td>
<td>70</td>
</tr>
<tr>
<td>Medium</td>
<td>70</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Small</td>
<td>50</td>
<td>60</td>
<td>20</td>
</tr>
</tbody>
</table>

**Significant Wetlands (not estuaries) RMA (feet)**
- Wetlands larger than 8 acres: 100³.5
- Important Spring in Eastern Oregon: 50-100⁵
- Bog: 50-100⁵

1. An RMA is a zone along a stream where protection is required.
2. SSBT means salmon, steelhead, or bull trout (OAR 629-600-0100).
3. A statutory written plan is not required for operations outside the 100-foot RMA.
4. Written plans are required within 300 feet of estuaries (100-200 foot RMAs) and cannot be waived.
5. ODF must do a site visit to determine the RMA distance for these significant wetlands (OAR 629-645-0000(3)).

WARNING: Commencing an operation prior to the 15 day waiting period is a Forest Practices violation per OAR 629-605-0150. Contact your stewardship forester with any questions or concerns.
IMPORTANT: PLEASE READ!

- A waiver of the statutory written plan requirement does NOT mean there is a waiver of the 15-day waiting period for the notification of operations.
- Contact your local stewardship forester with any questions about written plans, notification waiting periods, or other items.

References
OAR 629-605-0150 (Notification to the State Forester) OAR 629-605-0170 (Written Plans)
OAR 629-635-0310 (Riparian Management Area Widths for Streams)
OAR 629-645-0000 (Riparian Management Areas and Protection Measures for Significant Wetland

For more information about the Oregon Forest Practices Act or Rules, please visit http://www.oregon.gov/ODF/Working/Pages/FPA.aspx. For more help contact the local office listed online at http://www.oregon.gov/ODF/Working/Pages/FindAForester.aspx.

Do I need a statutory written plan for operations near RMAs?
Use the information above and this chart to determine if your operation is eligible for a written plan waiver.

<table>
<thead>
<tr>
<th>Operation Type</th>
<th>RMA Relation</th>
<th>Statutory Written Plan is Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Timber Harvesting</td>
<td>• Operation will occur completely</td>
<td>• 15 day waiting period still applies unless waived by the SF!</td>
</tr>
<tr>
<td>o No cable entry into RMA</td>
<td></td>
<td></td>
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<tr>
<td>• Road Construction</td>
<td>• Outside RMA</td>
<td></td>
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<tr>
<td>• Road Reconstruction</td>
<td>• NO &quot;direct affect&quot; will occur to RMA</td>
<td></td>
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<tr>
<td>• Pre-Commercial Thinning</td>
<td></td>
<td></td>
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<tr>
<td>• Site Preparation: Manual or Mechanical</td>
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<td></td>
</tr>
<tr>
<td>Operation Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cable yarding through RMA</td>
<td>• Operation will be inside the RMA OR</td>
<td>• Contact the stewardship forester if you have questions.</td>
</tr>
<tr>
<td>• Chemical Application (all types)</td>
<td>• Have potential to “Directly Affect” RMA</td>
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<tr>
<td>• Road Reconstruction within RMA</td>
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<tr>
<td>• Site Preparation: Burning or slash piling</td>
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<td>• Stream Crossing work (in-stream)</td>
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Written Plan Rule and Definitions

Written Plan Rule: OAR 629-605-0170-- please click Forest Practices Rules to reference the Oregon Forest Practices Act

Physical Components: 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.

Riparian Management Area (RMA): 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.

Estuary: body of ocean water which is connected to fresh water and partially surrounded by land.