

# Forest Practices Technical Guidance

## Waiver of Statutory Written Plan



Effective January 1<sup>st</sup>, 2024, for all forestland owners.

The Oregon Forest Practices Act (ORS 527.670 (3) and Rules OAR 629-605-0170 relate to Statutory Written Plan requirements to protect the physical components near identified natural resources. Waiver of the Statutory Written Plan (SWP) requirement may apply under specific circumstances, described in this document.

### When are Statutory Written Plans Required?

Landowners, loggers, or others doing forestry work must submit a statutory written plan to the Oregon Department of Forestry (ODF) prior to working **within** the following distances from specified resources:

- 100 feet of the following water classifications:
  - Type F – fish use
  - Type SSBT - salmon, steelhead, bull trout use
  - Type D domestic- household use
  - Significant wetlands (wetlands over 8 acres, bogs, or important springs in eastern Oregon)
- 300 feet of significant wetlands that are also estuaries
- 300 feet of resource sites for sensitive bird nesting, roosting, or watering sites or nest sites of threatened or endangered birds species
- Utilizing a small forestland owner (SFO) minimum option

**Note:** Waiver of the statutory written plan is **NOT** a waiver of the 15-day waiting period before starting an operation.

### What are Riparian Management Areas?

Riparian management areas (RMA) are designated areas with specific widths where work must be restricted or done to protect natural resources adjacent to specified waters of the state. Eligibility for waiver of the SWP requirement is indicated in Table 1. as outside the RMA which is the difference between 100 feet and the width of the RMA that is less than 100 feet and is not for activities utilizing SFO minimum option.

**Table 1. RMA Widths and Eligibility for Waiver of the Statutory Written Plan Requirement**

Area	Classification	Standard Practice
Eastern Oregon	Small Type SSBT and Type F	75 feet
	Important Springs	50 to 100 feet
Statewide	Large Type D	70 feet
	Medium Type D	50 feet
	Small Type D	20 feet
	Bog	50 to 100 feet

<sup>1</sup> SFO means a small forest landowner that qualifies for the small forest landowner minimum option practice

### When are Statutory Written Plan Requirements ***Always REQUIRED?***

- Any work inside an RMA
- Any operation that utilizes the SFO Minimum Option RMA(s).
- Timber harvesting inside an RMA (cables in or over the RMA and yarding across or over the RMA).
- Chemical applications (all types) within 100 feet of a Type F, Type SSBT, or Type D stream, or significant wetland.
- Slash burning within 100 feet of Type F, Type SSBT, or Type D streams, significant wetlands (not estuary), bogs, important springs in eastern Oregon and within 300 feet of significant wetlands (estuary).

### When are Statutory Written Plan Requirements ***Automatically WAIVED?***

- Timber harvesting outside an RMA (no cables in or over the RMA and no yarding across or over the RMA).
- Road construction or reconstruction outside an RMA.
- Pre-commercial thinning outside an RMA.
- Manual or mechanical site preparation outside an RMA.

#### Written Plan Rule and Definitions

##### **OAR 629-605-0170 Written Plan Rule**

**Physical Components:** *Materials such as, but not limited to, vegetation, snags, rocks and soil.*

**Directly Affect:** *Means the operation will move, disturb or otherwise alter the physical components.*

**Riparian Management Area (RMA):** *Designated area adjacent to specified waters of the state within which vegetation retention and special management practices are required to protect 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.*

See also <http://www.oregon.gov/ODF/Working/Pages/FPA.aspx> or <https://tinyurl.com/odf-find-a-forester>