



# Oregon

Tina Kotek, Governor

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January 31, 2024

## Oregon Department of Forestry—Report on Agency Rulemaking for Chapter 629 from February 1, 2023, through January 31, 2024

Oregon Revised Statutes (ORS) 183.403 requires state agencies to report annually to the Legislative Assembly on their rulemaking actions and prescribes additional information that must be provided for rulemaking that occurred under the procedures in ORS 183.335 (2), (3), or (5). This report is commonly referred to as the House Bill 4106 (2016) report.

In the preceding 12 months, the Oregon Department of Forestry (ODF) completed thirty-one permanent and one temporary rulemaking actions impacting a total of 29 Oregon Administrative Rules (OARs). The tables below provide additional details on the rulemaking actions. ODF did not complete rulemaking under ORS 183.335 during this timeframe.

Permanent Rulemaking Actions		
Description of rulemaking action	Action taken	Rule numbers
<p>During the 2022 Legislative Session, Senate bills 1501 and 1502 were passed making substantial changes to the Forest Practices Act and requiring the recommendations of the Private Forest Accord Report be incorporated into the forest practice rules. The legislation directed the State Board of Forestry to adopt these rules in a consolidated rulemaking process not subject to ORS 183.335, as a single rule package. The legislation further allowed the board to adopt minor changes to this rule package on or before July 1, 2023.</p> <p>The board adopted minor changes to the single rule package on June 7, 2023.</p> <p>Agency approved: 06/07/2023 Effective: 07/01/2023 Order No.: DOF-14-2023 (<a href="#">view order</a>)</p>	Amend	629-600-0100 629-603-0000 629-603-0100 629-603-0200 629-603-0300 629-605-0170 629-605-0173
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<p>legislation further allowed the board to adopt minor changes to this rule package on or before July 1, 2023.</p> <p>The board adopted minor changes to the single rule package on June 7, 2023; however the single rule package contained rules including an effective date January 1, 2024, and the amend action could not occur in the Oregon Administrative Rules Database until their effective date.</p> <p>Agency approved: 06/07/2023          Effective: 01/03/2023          Order No.: DOF-1-2024 (<a href="#">view order</a>)</p>		<p>629-607-0600          629-607-0750          629-607-0800          629-625-0100          629-625-0320          629-625-0600          629-625-0900          629-625-0920          629-630-0700          629-630-0910          629-630-0915          629-643-0100          629-643-0120          629-643-0140          629-643-0300</p>
<p>Permanent rule change made by reference to Department of Justice (DOJ) Model Rule OAR 137-005-0052.</p> <p>Agency approved: 01/03/2024          Effective: 01/05/2024          Order No.: DOF-15-2024 (<a href="#">view order</a>)</p>	<p>Adopt</p>	<p>629-041-0200</p>

Temporary Rulemaking Actions		
Description of rulemaking action	Action taken	Rule numbers
<p>As ODF prepared to engage in mediation relating to a significant wildfire, it was necessary to ensure that ODF’s mediation communications with the mediator and responsible party remain confidential. OAR 629-041-0200 was inadequate for this function and references to associated rules out-of-date. ODF adopted this rule in 2005. At the time, ODF’s rule mirrored the DOJ model rule. Since that time, there have been changes to the mediation statute and DOJ’s model rule.</p> <p>To ensure that ODF’s mediation rule remains up-to-date and fully enforceable prior to anticipated mediation efforts, ODF adopted, as a temporary rule, the DOJ model mediation rule found in OAR 137-005-0052 under the authority granted in ORS 526.016 &amp; ORS 526.041.</p> <p>Agency approved: 07/10/2023          Effective: 07/12/2023          Order No.: DOF 16-2023 (<a href="#">view order</a>)</p>	<p>Adopt</p>	<p>629-041-0200</p>

c: Brett Hanes, Legislative Administrator  
 Oregon State Legislative Administration Office