

Agenda Item No.:	02
Work Plan:	Private Forests Work Plan
Topic:	Forest Practices Act (FPA) Rule Policy Review
Presentation Title:	Rule Process Relating to Marbled Murrelet Sites
Date of Presentation:	April 26, 2017
Contact Information:	Lena Tucker, Division Chief, Private Forests Division 503-945-7482, Lena.L.Tucker@oregon.gov Jennifer Weikel, Wildlife Biologist, Private Forest Division 503-945-7398, Jennifer.Weikel@oregon.gov

SUMMARY

The Board of Forestry (Board) will receive a checklist of next steps for the rule process for marbled murrelets. This work is related to the Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet, received in June, 2016.

CONTEXT

The Board’s 2011 Forestry Program for Oregon strives to conserve diverse native plant and animal populations and protect and improve their habitats in Oregon's forests (Goal E). The Board’s *2011 Forestry Program for Oregon* supports an effective, science-based, and adaptive FPA as a cornerstone of forest protection on private lands in Oregon. The Board also promotes a variety of non-regulatory tools, such as landowner recognition, incentives, easements, exchanges, and technical assistance, to help implement the forest-related elements of the Oregon Conservation Strategy (Objective E-4).

BACKGROUND

In June 2016, the Board received a Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet. The Board considered the petition during their meeting on July 20, during which they received a staff report and took public comment. Acting within its authority under the Administrative Procedures Act, the Board denied the petition. In September, the petitioners submitted a Petition to Review an Agency Order through the Lane County Circuit Court to request the court compel rulemaking. In November, the Board of Forestry held a public meeting and accepted public comment to reconsider their decision to deny the petition for rulemaking. After consultation with the Oregon Department of Justice, the Board voted to withdraw and reverse its previous decision on the rulemaking petition.

In March 2017, the Board received an update on this project, which included a report that summarized work needed to be conducted as part of any rule-analysis process. The Board directed the Department to initiate development of a Technical Report on marbled murrelets as per OAR 629-680-0100 and to report back with a checklist of next steps in April.

ANALYSIS

The Department has prepared a checklist of next steps for the marbled murrelet report rule analysis project (Attachment 1). The Department will initiate development of the Technical Report on marbled murrelets and is anticipating that the duration to complete the report will take 18-24 months. Concurrent to development of the Technical report, steps to prepare for the expert review will be conducted.

The Board will next receive an update on this project upon completion of the Technical Report. At that time, the Department plans to ask the Board to initiate the expert review of the Technical report.

The first main decision point for the Board will occur subsequent to completion of the expert review and relates to the definition of Resource Site(s) for marbled murrelets.

RECOMMENDATION

This item is informational only.

NEXT STEPS

The department will initiate work on the technical report for marbled murrelet resource sites.

ATTACHMENTS

1. Checklist of next steps on the marbled murrelet rule analysis.