

Agenda Item No.:	6
Work Plan:	Private Forests Work Plan
Topic:	Forest Practices Act (FPA) Rule Policy Review
Presentation Title:	Specified Resource Sites Rulemaking for Marbled Murrelet
Date of Presentation:	November 6, 2019
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SUMMARY

The Board of Forestry (Board) will receive an update on work relating to the rule analysis process for marbled murrelets. The update will describe the process to be used to seek input from stakeholders and tribal governments on options for definition of the resource site and protection measures for marbled murrelets.

CONTEXT

The Board’s *2011 Forestry Program for Oregon* (FPFO) strives to conserve diverse native plant and animal populations and protect and improve their habitats in Oregon's forests (FPFO Goal E). The FPFO supports an effective, science-based, and adaptive Forest Practices Act (FPA) as a cornerstone of forest resource 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 (FPFO Objective E-5). Finally, the Board will use non-regulatory methods as much as feasible to achieve public-policy goals on private forestlands, and consider the use of additional regulatory methods only when non-regulatory methods are either not feasible or are not likely to achieve the desired outcome (FPFO Objective A-2).

BACKGROUND

In June 2016, the Board received a Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet. In November 2016, the Board directed the Department to initiate a rule analysis for marbled murrelets and as one of the initial steps for this project, to develop a technical report on marbled murrelets as guided by Oregon Administrative Rule (OAR) 629-680-0100. The draft technical report was presented to the Board in April 2018. Findings from an expert review of the draft technical report were presented to the Board in November 2018 and the final technical report approved by the Board in April 2019.

ANALYSIS

The approved final technical report lays out a range of options for both the definition of resource sites for marbled murrelets as well as a range of protection options the Board may want to consider to protect those resource sites.

The current range of options for both the definition of resource sites and protection options is broad and intended to reflect a full suite of potential approaches available to the Board for decision making (see Attachment 1—Marbled Murrelet Matrix). In order to inform the Board’s future decision-making work, the Department plans to seek input on the range of options from tribal governments and stakeholders. The Department plans to hire a third-party facilitator to conduct this work to maintain impartiality. The facilitator will hold a series of focus group sessions with stakeholders and tribal governments. The Department will work with the facilitator to formulate a list of questions and points for discussion for the focus groups. The goal of this work is to gather input from stakeholders on their preferred options and identify areas of agreement and disagreement between interested parties. The facilitator will summarize input heard from the focus groups and prepare a report which will be submitted to the Board.

Sideboards to guide this work will be the existing purpose statement and protection goal identified for the specified resource site rules in OAR 629 Division 665 (T & E Rules):

Purpose: Provide protection goal, describe duties of State Forester, landowner, timber owner, and operator and outline protection for threatened and endangered species (OAR 629-665-0000 (2) and (2)(b).

Protection Goal: to ensure that forest practices do not lead to resource site destruction, abandonment, or reduced productivity (OAR 629-665-0010 (1)). A resource site shall receive protection when the State Forester determines it is an active resource site and proposed forest practices conflict with the resource site (OAR 629-665-0010 (2)(a) and (2)(b).

A matrix will be used to initiate the stakeholder process (see attachment 1). The matrix will be populated with strategies from the technical report as a starting point for the dialogue and gathering input from stakeholders.

RECOMMENDATION

Information only

NEXT STEPS

See attachment 2

ATTACHMENTS

1. Marbled murrelet matrix
2. Marbled murrelet next steps