

Public Comment Related to the Post-Disturbance Harvest Rulemaking Directed by SB 1501 (2022): Received 4/1/24 to 5/1/24



Note: The Notice of Proposed Rulemaking for the post-disturbance harvest rulemaking first appeared in the April 2024 Oregon Bulletin with a public comment deadline of May 1st, 2024. The Board of Forestry reopened the public comment period related to the post-disturbance harvest rulemaking from July 1st to July 31st, 2025.

This document captures the public comments received in the first public comment period. These comments should be considered alongside the comments received during the second public comment period.

ODF Response to Public Comment

The Department of Forestry (ODF) would like to clarify the following items for the Board of Forestry and the public in response to public comments received in response to the [Notice of Rulemaking](#) filed on March 27th, 2024:

Legislative Direction & Private Forest Accord (PFA) Intent

Legislative direction regarding this rulemaking is in section 6 of [Senate Bill 1501 \(2022\)](#) which directs the Board to complete the rulemaking under specific procedures and sets the scope as "...the post-disturbance harvest of trees that, but for the disturbance, would not be harvested under rules adopted, amended or repealed as part of the rule package described in section 2...". In other words, rules adopted as part of this rulemaking must be about the harvest of trees that cannot be harvested under the forest practice rules that were adopted consistent with the [PFA Report](#). This means these rules would inherently conflict with the provisions of the PFA Report, but not the PFA Report itself as section 1.4.5 of the report states the board should complete post-disturbance harvest rulemaking and outlines what the authors anticipated as part of the process. This rulemaking effort has been conducted consistent with legislative direction, section 1.4.5 of the PFA Report, ORS 527.714, and the Administrative Procedures Act.

Purpose of the Rule & Applicability

The purpose of proposed Oregon Administrative Rule (OAR) 629-643-0300, as stated in the proposed rule, is "to prescribe an alternative vegetation retention prescription for harvest units experiencing stand level mortality. This alternative prescription is intended to contribute to desired future conditions, provide tree retention, woody debris, bank stability and result in the re-establishment of live trees.". Operators can apply the alternative vegetation retention prescription if the designated riparian management area (RMA) or harvest unit is experiencing stand level mortality as defined by the rule. While it's intended to contribute to desired future conditions, it is not intended to be a path to achieving desired future conditions more quickly and this is not the threshold an operator must meet to apply the prescription. Similarly to the standard practice and small forestland owner minimum option, proposed OAR 629-643-



0300 applies to operations as defined in the forest practice rules which involve commercial activities, meaning restoration activities that are not an operation are not impacted by this proposed rule.

Opportunities for Site-Specific Prescriptions

The proposed rule contains region specific provisions and section 7 of the rule states all other forest practice rules apply. If the stand level mortality definition is met the operator may apply the prescription as written or apply another prescription such as the standard practice, a small forestland owner minimum option, or pursue a Plan for Alternate Practice (PFAP) under OAR 629-643-0400 (Site Specific Vegetation Retention Prescriptions for Streams and RMAs) or 629-605-0500 (Modifications of Requirements for Forest Health and Public Safety).

Chemical Application Provisions

The proposed restriction on chemical application is only in Western Oregon and would only apply when an operator chooses to use the alternative vegetation retention prescription to harvest dying or recently dead trees in a Type F or Type SSBT stream RMA. It does not prohibit the use of chemicals to address invasive species or noxious weeds through targeted ground-based application which could include the use of a backpack sprayer.

Version of Rules in the Notice of Proposed Rulemaking

The [Post-Disturbance Harvest Draft Rules](#) document presented to the Board in February shows proposed OAR 629-643-0300 as a "(Clean copy-replaces existing rule entirely)". ODF filed the [Notice of Proposed Rulemaking](#) consistent with the draft rules document received by the Board.

Summary of Public Comments

Summaries are based solely on information submitted and are intended to accurately represent written and verbal comments; however, they may not contain the full submission. Text outside of quotes was prepared by staff while information inside quotation marks is directly from written comment. Comments are in alphabetical order with comments by governmental entities last.

Allen Hallmark

"I am quite concerned that the compromises made to write the new PFA rules for PDL have rendered them ineffective in protecting the forest, stream, and fishery values the rules are supposed to protect. Please add my comments to the list of those who are urging that post-fire or other severe disturbance logging should adhere to the same setbacks from streams and other bodies of water as required for normal logging operations. It makes no sense to waive those rules for post-disturbance logging. So, I am asking that you revisit these rules and amend them to provide much more protection for soil and streams by increasing the size of protected riparian zones."

Associated Oregon Loggers

"Associated Oregon Loggers appreciates the draft post-disturbance harvest rules' recognition of the unique knowledge and judgment that our members bring to their work as the "competent persons" required by OR-OSHA. The continued support ODF has showed in these rules acknowledging the discretion of these skilled professionals to manage such dangers appropriately is encouraging. We also wanted to stress the importance in updating any technical guidance and definitions of dying or recently dead trees with professional foresters and those competent persons making up the operating community."

Collins



Collins agrees with most of the rulemaking but did share considerations regarding herbicides. "We do want to share that in our extensive reforestation efforts the most critical component to the success of post-disturbance reforestation is the use of herbicide to suspend competing vegetation during conifer establishment. Seed supply is at critically low levels, particularly in Eastern Oregon. As we adapt to drier conditions each seedling planted needs to be given every opportunity to thrive, which means eliminating competition for water upon planting. The current recommendation of non-spraying within such a large buffer will translate into landowners excluding these areas from conifer establishment following catastrophic events, and therefore reducing landscape forest restoration efforts. We ask that you will reconsider the large buffer zone for herbicide use."

Dan Newton

States that the Oregon Small Woodlands Association (OSWA) does not oppose the Oregon Forest Industries Council (OFIC) position on post-disturbance rules related to industrial forestlands but that they do support an alternate plan that allows salvage and restoration of devastated riparian areas. He questions why the ODF literature review did not include studies related to food for fish. "Regarding the current proposal, I support the increased flexibility to remove dead trees from non-fish streams and large fish streams, but I have the following concerns: The current proposal limits the harvest of any dead trees less than 75' from fish streams, thus prohibiting salvage from small fish or medium fish streams for landowners using the SFO option. These two classifications represent most of the network of fish-bearing streams. Even without future economic incentive to restore conifers in RMAs, some of our landowners would like to restore native conifers next to streams to provide a source of large wood in the future. In summary, I support the idea of removing dead trees and restoring riparian areas damaged by catastrophic disturbance, but this proposal should also allow removal of dead trees from small and medium fish streams for small landowners (along with potential wood placement), as well as to stay with current rules for backpack applications to control competing vegetation."

David & Mary Ann Bugni

"In summary, the socioeconomic differences between industrial forestland owners and SFOs, the varying degrees and types of natural disturbances that may arise, their relative infrequency (as compared to normal business as usual harvesting), and the varying conditions under which they may occur dictate that SFOs require a more performance-based alternate plan procedure that recognizes such realities and that can be implemented on a case-by-case basis. Allow SFOs greater flexibility to remove some dead trees from within the RMA for all sizes of fish streams, which could provide some funds to the SFO for establishing (or reestablishing) conifers along streams, post-planting maintenance of these seedlings (e.g. mechanical and/or chemical control of competing vegetation) until they are free to grow, and placing of some of the dead, large wood into streams with large equipment. Such smart policies will be a win-win for the SFO, for the state's implementation of related policy regarding the PFA, and the environment."

David Wells

"Current rule language allows for Alternative Vegetation Management prescriptions along streams that incur catastrophic events resulting in substantial tree mortality. The proposed change and I quote "For harvest units in Western Oregon the operator may, for Type F and Type SSBT stream riparian management areas, experiencing stand level mortality harvest dying or recently dead trees outside 75 feet slope distance from the edge of the active channel or the channel migration zone." This rote distance disregards the importance of bringing forest management opportunities closer to the stream as is currently the case. It is also interesting that the use of herbicides is also prohibited within 75 feet of the stream. The given reason for this is to encourage hardwood sprouting. My understanding of one of the goals of the PFA is to encourage large conifers adjacent to streams for the benefits that they provide. The re-sprouting of hardwoods could delay the establishment of the longer-lived conifer trees, as part of the desired future condition along streams. The sooner that the DFC could be established seems like the better. The current rules are adaptive and allow a variety of solutions to be worked on



between the Oregon Department of Forestry Stewardship Forester and landowner. A word that I hear more and more often is the word curiosity. Setting rote distances along streams in these exceptional catastrophic events takes some of that curiosity away about what can be done to restore a functioning riparian management area. I ask that the current rules are continued and that the proposed rules not adopted."

Giustina Land & Timber Co.

"We recognize this rule-making package as a settled negotiation between environmental and forest sector "authors". While the Board of Forestry has elected to proceed with public rule-making and accept public comment, we remain supportive of the rule package as negotiated and do not suggest any change. Further, we encourage the Board to adopt the rule package as initially presented, with no changes. We believe this rule-package supports the development of a robust HCP, necessary to provide regulatory protections for both listed species and forest landowners."

Gordon Culbertson on behalf of the Oregon Small Woodlands Association (OSWA)

States that OSWA does not oppose the OFIC position on post-disturbance rules related to industrial forestlands and supports elements of the proposed rules that allow for harvesting of dead, down and dying trees in non-fish buffers and supports the use of herbicides to control noxious weeds or invasive plant species using ground application methods. "Ken Nygren testified on behalf of OSWA during the February comment period. Mr. Nygren referenced and noted OSWA support for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners (SFO) in situations such as the January 2024 ice storm that severely impacted the Southern Willamette Valley. This alternative prescription is noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024. Unbeknownst to and without consultation of OSWA members this language has been stripped from the post-disturbance rules dated March 27, 2024. This is unacceptable to our members as it eliminates options for critical practices supporting forest health and post catastrophe restoration on small woodland parcels. SFO (non-industrial) issues of concern differ in some cases than those of industrial forests. SFO families have unique goals for their property and the post-disturbance rules as proposed do not adequately protect SFO interests and values. Post disturbance rules as proposed discourage SFO stewardship of multiple resources. Following a catastrophic event such as wildfire, ice storm or windstorm the proposed rules inhibit the SFO from post disaster restoration efforts near fish streams. The rules as proposed will prohibit the landowner from treating large swaths of dead, dying or down trees on their property. This will exacerbate wildfire hazard and encourage insect infestation in adjacent forests and place nearby homes in jeopardy. Adaptive management practices are in order that will encourage collaborative solutions for post-disturbance situations. SFO families need an alternate plan procedure approved in the spirit of existing alternative vegetation retention prescriptions. We suggest rules adopted include options for alternate plans that recognizing stand condition, basal area, desired future stand conditions and historic land use considerations."

Greg Peterson

Details firsthand experience managing his property through multiple disturbances and states that small forestland owners are at a significant disadvantage compared to large landowners. "In the proposed alternative plan, shade was listed as the primary reason for not managing competing vegetation and that fast-growing hardwood would provide shade. While hardwoods will come in, brush and invasive species/noxious weed will also gain a foothold and soon become a seedbed, with very few conifers able to grow without suppressing competing vegetation. Post-disturbance mitigation is very expensive. SFOs have significantly higher unit costs and different priorities than large landowners, and thus need adaptive alternative practices that allow the harvest of marketable down and dead trees within RMAs, to offset other restoration costs. SFO landowners also need to be able to backpack spray to control noxious weeds and invasive species. Without herbicides, disturbed areas will eventual become a mix of brush, invasive species, and noxious weeds. There should not be additional restrictions on backpack



spraying, which is an essential reforestation tool. SFOs need procedures that encourage alternate vegetation retention prescriptions that recognizes stand condition, basal area, desired future conditions, and historic land use. P.S. There was a SFO restoration option noted under 629-643-0300 in the Jan 2024 publication of the Forest Practices Administrative Rules and the Oregon Forest Practices Act. Oregon Small Woodlands Association (OSWA) was not consulted on why such credible procedures for SFO alternative practices were unexpectedly stripped from the 3-27-24 Post-disturbance rules. This is an unacceptable shortcut of PFA procedures."

Kate McMichael

Details firsthand experience of managing through multiple disturbance events and ongoing fears related wildfire risks. States she does not speak for OSWA, but as an OSWA member is unopposed to the post-disturbance salvage provisions regarding industrial forests, however she is concerned for family forests with greater proportions of riparian areas. "The current post-disturbance rules for alternative practice seem to take the realities of SFOs into consideration far more than the proposed changes. Stripping away reasonable provisions for crafting an alternative practice solution to restore disturbance-devastated riparian areas—with a stewardship forester, on a place-based, case-by-case basis—and replacing it with a one-size-fits-all prescription seems utterly counterproductive. These rules seem to actually undermine the work of riparian restoration rather than support it."

Mark Vroman

"Rulemaking package as presented should be adopted. The package as presented represents a solid collaborative effort in rule making from all parties concerned."

Nancy Hathaway

Details firsthand experience managing lands after a disturbance and the related challenges and an observation from Italy. "An alternative vegetation retention prescription for small landowners would be a step in the right direction in terms of fairness and equity in the market. Prior rules allowed thinning which would help alleviate the cost of clean-up and replanting. We need an alternative plan that will be less burdensome to SFOs and provide an incentive to restore the damaged riparian forest. We own the land but the state is now controlling the trees on our land. So where is our incentive to replant trees for the state? Without spraying, planting seedlings in RMAs is just providing deer and elk nourishment. I ask you to consider this in your rule-making. "Letting Nature take its course" is akin to mismanagement and speaks to ignorance of real life situations, a position often taken by folks who have never worked in a real forest."

Oregon Forest Industries Council (OFIC)

OFIC stated rules regarding salvage harvest are critical for the protection and recovery of important resources following devastating natural disasters. They support the rules as drafted and request the Board adopt them and urged ODF and the Board to finalize the rulemaking process prior to the conclusion of the 2024 wildfire season. Verbal comments state PFAPs are an option and the concerns expressed by small woodland owners who testified are heard however PFAPs are the avenue and folks are just not understanding. OFIC urges adoption and encourages ODF to have a conversation with small woodland owners.

Oregon Small Woodlands Association (OSWA)

"Our organization is deeply concerned about the proposed limitations and negative impacts on forest restoration activities in the new Post Disturbance Harvest rules. The Oregon Small Woodlands Association is not opposed to the position on the Post Disturbance Harvest rules offered by the state's large timberland owners applied to industrial timberlands. As proposed, near streams, the new Post Disturbance Harvest rules will clearly and significantly reduce Oregon's Small Forestland Owners ability to respond with restoration efforts to improve forest health. Recovering family picnic sites, camping spots, and recreational access is also important to us. This may require removal of hazard trees for



safety, salvage of timber, removing invasives, and reduction of fire hazards. Before adopting the new Post Disturbance Harvest rules, the Oregon Small Woodlands Association urges ODF to consider the plight of our members and Small Forestland Owners all over the state who are facing the negative impacts - right now - with recent wildfires and ice storms. The Oregon Small Woodlands Association also requests that ODF consider the families who will face the next post disturbance scenario on their own properties, and what outcomes we want to see in the long run. ODF must reduce the negative impacts of the proposed Post Disturbance Harvest rules on Small Forestland Owners."

Oregon Wild

Intended to attend the rules hearing as an observer, however shared Oregon Wild was a signatory to the PFA and supports the draft rules as presented.

Paul Harlan on behalf of the NE Oregon OSWA Chapter

States OSWA does not oppose the OFIC position on post-disturbance rules related to industrial forestlands and supports elements of the proposed rules that allow for harvesting of dead, down and dying trees in non-fish buffers and supports the use of herbicides to control noxious weeds or invasive plant species using ground application methods. "Ken Nygren testified on behalf of OSWA and its members during the February comment period. Mr. Nygren referenced and noted OSWA support for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners (SFO). This alternative prescription is noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024. This language has been dropped from the post-disturbance rules dated March 27, 2024. This is unacceptable to our NE OSWA members as it eliminates options for critical practices supporting forest health and post catastrophe restoration on small woodland parcels. Having the flexibility to operate with the 'alternative vegetation retention 1' option allows these owners on a site by site application have a higher degree of success in reestablishing conifer trees plus also providing a running start at getting shade started on these non-fish bearing stretches of water. Removing the language that was in the alternative prescription as noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024 takes away our members abilities to creatively help restore the catastrophic disturbances that our east side members are at risk for. We ask that the January, 2024 language for the inclusion of "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners be restored in the regulations."

Requested not to be identified.

"We need to be retaining more snags and other standing and downed wood in riparian areas. This will help with erosion control and improve water quality by lowering turbidity. We also need to cease herbicide use, allowing for deciduous and other hardwood trees to grow in riparian areas to provide shade quickly post disturbance and cool water temperatures to protect salmon and drinking water. Standing and downed dead wood provides great habitat and good carbon storage even post disturbance."

Southern Oregon Climate Action Now

"We understand that the Private Forest Accord (PFA) was developed as a compromise between the conservation organizations focused on promoting healthy forests that can serve Oregonians in a multi-faceted manner, and an industry which, time and again, argues that the only value in our forests is measured in terms of the profits to be made from harvesting the timber. The compromise that is the PFA should not be circumvented under the stealth guise that post-disturbance logging is different from regular logging. We know that our streams and rivers need to be protected from encroachment by logging and by the imposition of logging on steep slopes. We also know that the recovery of disturbed forests requires a light and sensitive hand, not the bludgeoning of logging equipment that compacts soils and promotes soil erosion. For these reasons, we urge that the Post-disturbance Logging Rules



parallel exactly the logging rules developed in association with the Private Forest Accord and be no less stringent."

Wild Salmon Center

Wild Salmon Center highlighted excerpts from the ODF literature review and stated that they support the Boards' degradation finding, concluding that the post-disturbance harvest rules are a compromise and effort to retain core protections. Additional verbal comments suggest draft rules reflect the PFA commitments and Senate Bill 1501 requirements, and the accelerated timeline is for inclusion in the habitat conservation plan. Asked that ODF move forward with adoption of the rules as written. Stated understanding that PFAPs would be allowed under these rules allowing flexibility particularly for restoration as it relates to concerns expressed by others at the rules hearing and encouraged ODF to clarify.

Comment by Governmental Entities

Baker County (submitted by Commissioner Christina Witham)

Baker County disagrees with the determination that degradation of resources is likely to occur if forest practices continue under the existing rule "but realizes the current lack of proper management must improve and that counties must have more coordination, collaboration and cooperation in current practices at the state level. To leave excess fuels along streams after a catastrophic event increases the possibility of fire along streams that are heavy in fuels resulting in contaminated water, unprotected streams and costly filtration systems for watersheds. Because these rules will apply to forestlands "owned by state, county, city or private individuals or entities", this ruling will have an economic impact although your statement is that the "impact is uncertain". The current rule and any future rules should be determined based on specific locations, climates, terrain, etc., because we know that the forests of the west are not the same and never should be compared to the forests of Eastern Oregon, a broad brushstroke ruling across Oregon will not work, it is not sustainable, it will be costly and detrimental to healthy streams and the health of our communities. Baker County objects to this rule change and encourages a wider consensus for feedback from the public, industry and landowners, not from "344 individuals" who responded to the ODF solicitation."

Oregon Department of Environmental Quality (DEQ)

DEQ expressed appreciation of ODF staff's scientific efforts and inclusion of other state agencies and interested parties related to the rule. DEQ agrees that the current rule is not protective of water quality and aquatic ecosystems and is likely to result in degradation and failure to meet desired future conditions. They state the proposed rule is a substantive and important improvement in water quality protection. DEQ has concerns about the adequacy of the proposed rule and feels these interventions are unlikely to reach desired future conditions sooner. They explain their comments are based on a review and analysis and they describe their methods and findings. "We only considered the question of whether the proposed post-disturbance riparian rules are less likely to achieve water quality goals than the standard riparian prescriptions in Division 643. The concern DEQ has with the Type F/SSBT provision is not in the overall design of the rule, which we support, but in the specific no-harvest width. Proposed Type F/SSBT rule would likely cause additional anthropogenic warming in fish-bearing streams beyond the natural disturbance in excess of TMDL load allocations for at least four years, relative to default RMA requirements. With regard to the PCW criterion of +0.3°C cumulatively, exceedance is possible but less certain for single harvests, but we recommend considering this at the watershed scale. The proposal to allow planting at a lower density in the managed portions of F/SSBT RMAs and the restrictions on herbicide use are ecologically beneficial and should allow development of stands with species and structural diversity and with greater ecological resiliency when compared to stands planted at higher densities with one or two conifer tree species. Proposed Type F/SSBT rule would cause a small decrease in large wood recruitment relative to default RMA requirements. Anthropogenic riparian erosion and sediment transport in addition to that generated by the natural



disturbance is unlikely to be significantly different than the default RMA requirements except in extreme cases (steep slopes and high soil burn severity). Proposed Type Np rules would likely cause additional anthropogenic warming in both the Np stream itself and downstream fish-bearing streams beyond the natural disturbance itself, in excess of the PCW criterion and TMDL load allocations relative to default RMA requirements. Proposed Type Np would eliminate post-disturbance large wood recruitment from riparian no-harvest zones that would otherwise be present with consequent negative effects for aquatic and riparian habitat and downstream water quality. Anthropogenic riparian erosion and sediment generation and transport, in addition to that generated by the natural disturbance, is likely to be significantly higher than the default RMA requirements, especially in extreme cases (steep side slopes and high soil burn severity), with negative implications for aquatic life and drinking water provision. Elimination of wood retention on otherwise protected Sediment Source Areas (landslide-prone slopes) would likely increase failure probability, reduce habitat creation benefits of landslides and debris flows, and contribute to downstream water quality degradation with negative implications for aquatic life and drinking water provision, relative to the default landslide-prone area requirements. Alternative Rule Approaches Leave all riparian management areas (RMAs) and Sediment Source Areas (steep slopes; SSAs) protected as they are in the regular forest practice rules. Leave all RMAs and protected SSAs as no-harvest zones except those with densities greater than 300-500 trees per acre, using thinning, erosion reduction practices, and replanting as needed to aid recovery. Suggested density targets are 80-150 trees per acre with no-harvest zones on all streams (e.g. 35-50ft on Np, 75-90ft on F/SSBT). Use the proposed post-disturbance riparian rule structure, adjusting no-harvest widths to be lower risk (e.g. 90ft on F/SSBT, 50ft on small Np). Remove the provision for harvest on otherwise protected SSAs.”

Oregon Department of Fish and Wildlife (ODFW)

ODFW supports the purpose of the proposed post-disturbance harvest rule and the proposed increases in buffer and tree retention requirements in comparison to current rule, especially for live green trees. ODFW believes that the protection of Type N streams is essential given the important role they play as habitat for a variety of species, especially Type Np streams and their associated buffers (RH max) in the proposed post-disturbance harvest rules. ODFW believes that the protective RH max buffer along the Type Np streams is indispensable to achieving desired future conditions for streamside areas and is the first line of defense to ameliorate impacts further upstream and contributes habitat structure and function to fish-bearing (including SSBT) streams directly downstream. ODFW recommends that the proposed post-disturbance harvest rule include a no-harvest buffer in the RH max for small Type Np streams in western Oregon. ODFW recommends, that at a minimum, a protection standard be applied to the small Type Np RH max that is in alignment and consistent with the same thresholds established for other stream type classification RMAs. ODFW encourages leaving burned wood on the landscape as much as possible, particularly in riparian areas to ensure long term benefits are realized.

U.S. Environmental Protection Agency Region 10

EPA is concerned that existing and proposed OAR 629-643-0300 are inconsistent with the PFA Report and legislative direction, that ODF has not provided evidence the proposed rule would achieve desired future conditions more quickly than standard options and stated their understanding is that OAR 629-643-0300 can be applied when it would achieve desired future conditions more quickly than the standard option. Based on this understanding, they state ODF should take the following actions; reconsider repealing the existing alternative vegetation retention prescription rule or provide further evidence to support the proposed rule revisions, identify conditions in which the alternative vegetation retention prescription would achieve desired future conditions more quickly than the standard options and articulate how they will work with landowners to verify the alternative vegetation retention prescription is applicable.



Public Comment Related to the Post-Disturbance Harvest Rulemaking Directed by SB 1501 (2022): Received 7/1 to 7/31/2025



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This document captures the public comments received in the second public comment period. These comments should be considered alongside the comments received during the original public comment period.

Public Comment Results

- Comments Received: 119
- Unique Commenters: 116
- Call for Rule Action Counts: (by number of unique commenters urging the action)
 - Adopt the proposed rules as drafted: 103
 - Retain existing OAR 629-643-0300: 7
 - Retain existing OAR 629-643-0300 for Small Forestland Owners: 3
 - Other: 3

Detailed Public Comments

Comments are provided as they were received with any redactions noted and are listed with comments by governmental entities first, followed by shortest to longest comment. Unique commenters are indicated by **bold and underlined headings**. Some commenters made more than one submission and/or submitted multiple attachments. Multiple comments or attachments by an individual commenter are indicated by the presence of multiple comments enclosed by quotation marks listed under a single unique commenter.



U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA)
National Marine Fisheries Service (NMFS)

“July 31, 2025
Nicole Stapp
Policy Advisor
ODF Forest Resources
2600 State St.
Salem, OR 97310

Re: NOAA’s National Marine Fisheries Service’s comments on the Post-Disturbance Harvest Rulemaking Directed by SB 1501 (2022)

Dear Ms. Stapp:

The National Marine Fisheries Service (NMFS) is providing comments on the July 1, 2025 Public Notice titled “Board of Forestry requests additional comments on Post-Disturbance Harvest Rulemaking Directed by SB 1501 (2022).” We suggest that you also refer to NMFS’s written comments provided to the Oregon Department of Forestry (ODF) on April 10, 2025, addressing the same proposed rule to which the current Public Notice applies. Those comments focused on the proposed rule’s alignment with the best available science and how the proposed rule may, in general, impact Endangered Species Act (ESA)-listed species under NMFS’ purview if the Board of Forestry chooses to move forward with this rulemaking.

We are providing the following additional information for the Board of Forestry’s consideration.

The stated purpose of the proposed rule is to:

...describe the vegetation retention measures for streams, the measures’ purposes, and how the measures shall be implemented. The vegetation retention requirements for streams, as described in OAR 629-643-0100 through 629-643-0500, are designed to produce desired future conditions for the wide range of stand types, channel conditions, and disturbance regimes that exist in Oregon’s forestlands.

The proposed rule further clarifies that:

[t]he desired future condition for streamside areas that require forested buffers is to grow and retain vegetation so that, over time, average conditions across the landscape become similar to the conditions of mature streamside stands.

The proposed rule also states that:

In many cases, the operator may achieve the desired future condition for streams by applying the standard vegetation retention and small forestland owner minimum option prescriptions as described in OAR 629-643-0100, 629-643-0105, 629-643-0120, 629-643-0125, 629-643-0130, 629-643-0135, 629-643-0141, 629-643-0142, 629-643-0143, and 629-643-0145. In other cases, the existing streamside vegetation may not be able to develop into the desired future condition in a timely manner. In these cases, the operator



may apply an alternative vegetation retention prescription as described in OAR 629-643-0300...For the purposes of these water protection rules, "in a timely manner" means that the trees within the riparian management area will substantially move towards the desired future condition more quickly than if the trees are left untreated.

We are unaware of science or scientific studies demonstrating that salvage logging will accelerate the development of riparian stands such that they more quickly realize mature-forest composition and structure. We will however, highlight the following existing studies that address salvage harvest impacts on stand regeneration:

Donato, D., Fontaine, J. B., Campbell, J., Robinson, W., Kauffman, J., and Law, B. E. 2006. Post-wildfire logging hinders regeneration and increases fire risk. *Science* 311(5759):352-352.

Topik, C., Halverson, N. M., and High, T. 1988. Plant Association and Management Guide for the Ponderosa Pine, Douglas-fir, and Grand Fir Zones: Mount Hood National Forest (Vol. 4, No. 88). US Department of Agriculture, Forest Service, Pacific Northwest Region.

With regard to potential effects of the proposed vegetation retention prescriptions, the findings in these articles are consistent with those in the Post-Disturbance Harvest Literature Review presented in the Meeting Materials for the February 23, 2024, Board of Forestry Meeting. To the extent the alternative prescriptions are adopted, enhanced monitoring may help ensure the desired regeneration is achieved.

To the extent the proposed rules will be incorporated into ODF's Private Forest Accord Habitat Conservation Plan and associated incidental take permit application, we note that NMFS' determination on whether the requirements of Sections 7 and 10 of the Endangered Species Act have been met is based on a complete permit application and a final Habitat Conservation Plan. ODF has not yet submitted a final HCP or permit application to NMFS for consideration, and we lack sufficient information on specific management approaches that might be included to determine how those might affect our Section 7 and Section 10 analyses. As stated in our April 10, 2025 comments, NMFS will determine through the permitting process whether the HCP meets Endangered Species Act requirements.

Thank you for the opportunity to provide comments. Please contact me at Kathleen.Wells@NOAA.gov if you have any questions regarding this letter.

Sincerely,
Kathleen Wells
Assistant Regional Administrator
Oregon Washington Coastal Office"



The 100 individuals listed below submitted matching public comments (some more than once). The comment is listed only once for the sake of brevity but should be considered as 102 individual comments.

Name	City, State	Name	City, State
Andrew Lewis	Maupin, OR	John Ernst	Gilchrist, OR
Anne Adams	Corvallis, OR	John Kendall	Cornelius, OR
Barbara Morris	Klamath Falls, OR	John Peterson	Salem, OR
Bill Hales	Coquille, OR	Judith Friend	Portland, OR
Blaine Nofziger	Christmas Valley, OR	Karen Conner	Bend, OR
Bob Stirling	Portland, OR	Karen Lackner	Lyons, OR
Brenda Woodard	Drain, OR	Kendall Horn	Woodburn, OR
Caitlin Wind	Eugene, OR	Kevin Maden	Central Point, OR
Caleb Brown	Mill City, OR	Kim Allen	Oakridge, OR
Carla J	Roseburg, OR	Kimberly Parish	Grants Pass, OR
Carol Wagner	Salem, OR	Kris Cheek	Eugene, OR
Chris Silbernagel	La Grande, OR	Kyle Freres	Aumsville, OR
Clarene Cullop	Medford, OR	Larry Spielbusch	Sutherlin, OR
Cynthia Cessnun	Philomath, OR	Lawrence Tucker	Lyons, OR
Cynthia Force	Lincoln City, OR	Liane Parker	Lake Oswego, OR
Daniel Shaw	Forest Grove, OR	Linda Rentfrow	Portland, OR
Daniel Wood	Prineville, OR	Lisa Basalto	Salem, OR
Darren Smith	Hillsboro, OR	Maria Guadalupe Jimenez Candelario	Salem, OR
David D Hunter	Forest Grove, OR	Mark Buckbee	Roseburg, OR
David Ehlers	Philomath, OR	Mary Gilstrap	Brush Prairie, WA
David Silbernagel	Scio, OR	Maurice Yoder	Sheridan, OR
Diane Rockafellow	Port Orford, OR	Mike Heflin	Redmond, OR
Dick Baird	Hines, OR	Monte Gingerich	Corvallis, OR
Dollie Beckett	Richland, OR	Nels Laulainen	Mount Hood Parkdale, OR
Don Cook	Sutherlin, OR	Nita Nickell	Elmira, OR
Don Mcwhorter	Trail, OR	Pamela J	Redmond, OR
Don Silbernagel	Sublimity, OR	Pat Harrington	Salem, OR
Edward Arnold	Springfield, OR	Paul Banas	Depoe Bay, OR
Edward Cole	Canby, OR	Ralph Saperstein	Portland, OR
Edwin Cochran	Dairy, OR	Ramona Dent	Eugene, OR
Frank Nasby	Newberg, OR	Reed Melton	Bend, OR
Gabriela Kandziora	Portland, OR	Richard Spring	North Bend, OR
Gary Hatherill	Prineville, OR	Richard Tewalt	Sisters, OR
George Stevenson	Portland, OR	Robert Bedient	Oregon City, OR
Gregory Moniz	Canyonville, OR	Robert Fine	Grants Pass, OR
Holly Black	Gold Hill, OR	Ron Jellison	Eugene, OR



Jackie Herring	Sisters, OR	Samuel Sanders	Kalama, WA
Jake Pelroy	Eugene, OR	Silbaugh Silbaugh	Bend, OR
Jay Besson	Bend, OR	Stacey E Bowman	Harrisburg, OR
Jayeson Vance	Albany, OR	Steve Walker	Lyons, OR
Jeff Bunnell	Coos Bay, OR	Taraza Lawrence	Dallas, OR
Jeff Frank	Stayton, OR	Therese MacGregor	Central Point, OR
Jennifer Cooper	Beaverton, OR	Timothy Baker	Springfield, OR
Jessica Irwin	Portland, OR	Tom McCarty	Shady Cove, OR
Jessica Stryker	Bend, OR	Trina Delany	Portland, OR
Jim Benvie II	Springfield, OR	Troy Vanderhoof	Camas Valley, OR
Joanne Fredricks	Redmond, OR	Ulrich Lau	Bandon, OR
Joe Angyus	Portland, OR	Wendy Jensen	Corvallis, OR
John Anderson	Longview, WA	William K	Oregon City, OR
John Brennan	Weed, CA	William Lovelace	Grants Pass, OR

"[Subject Line: Pass the draft salvage rules as written]

Oregon Department of Forestry,

I encourage you to adopt the proposed rules for post-disturbance harvest rulemaking as drafted. These rules were developed collaboratively between professional foresters, scientists and environmentalists who participated in the Private Forest Accord. This is a rare and notable compromise, and I urge you to support it.

Furthermore, active management in riparian zones after severe fires is essential to promote forest restoration, habitat recovery, and long-term protection of water quality for fish, wildlife and drinking water. Balancing both the protection of resources in the short-term, with the need to re-establish robust restoration for the long-term is what these draft rules were intended to accomplish.

Not only does active management restore healthy forests, but it also reduces the risk of future fires and allows landowners to salvage some economic value lost to wildfire, wind, ice, insects or disease.

Please pass the draft rules as written.

Thank you for the opportunity to submit comments.

{Commenter name, address and contact information appeared here}"



Four commenters expanded on the above comment, with both the additional content and associated commenter listed below:

"The forest is a crop that needs to be managed, even the Indian tribes managed the forests with thinning and prescribed burns. The environmental community has destroyed our beautiful forests."

- William Lovelace, Grants Pass, OR

"I have fought wildland fires in management positions for over 25 years. I am currently active in forestry and arborist consulting. We need to get back to proper forest management. I support these draft rules as written. I am a Registered Consulting Arborist and have been trained by the USFS in hazard tree mitigation since 1978." - David D Hunter, Forest Grove, OR

"I am a professional forester and a family forestland owner since 1979." - Brenda Woodard, Drain OR

"My family owns timberland in Oregon and these rules could directly affect us on our own land as well as the wood products industry as a whole." - Samuel Sanders Kalama, WA

Terry Garrelts, Roseburg, OR

"[Subject Line: Pass the draft salvage rules as written]"

Oregon Department of Forestry,

The post-disturbance rules before you were collaboratively developed between environmentalists, professional foresters, and scientists who drafted and collaborated on the Private Forest Accord.

Please show the respect these varied experts deserve by passing the draft rules as written.

Thank you for the opportunity to submit comments.

Terry Garrelts

{note: address and contact information redacted}"

"[Subject Line: Pass the draft salvage rules as written]"

Oregon Department of Forestry,

The draft post-disturbance rules were collaboratively developed by the environmentalists, professional foresters, and scientists who collaboratively drafted the Private Forest Accord. Please show the respect to these brave and hard-working groups and the compromise they created by passing the draft rules.

Please pass the draft rules as written.

Terry Garrelts

{note: address and contact information redacted}"



Jim James

"Public Comment to the Board of Forestry

Re: Post Disturbance Forest Practice Rules

Chair Kelly and Members of the Board of Forestry

I am currently a member of the Oregon Small Woodlands Association. Please address my concerns with the new Post Disturbance Forest Practice Rules. I propose the Board retain the current post-disturbance rules (OAR 629-643-0300(3)) for small forestland owners. I am specifically concerned how these rules will impact small forestland owners.

I believe these new rules will likely discourage long-term stewardship of forestland by limiting options for active management that supports healthy and resilient riparian areas. The proposed rules impose more restrictions after a catastrophic event than the regular rules do under normal circumstances. This is inconsistent with common sense. The rules under OAR 629-643-0300 in the 2024 FPA handbook should remain in place for small forestland owners. It supports stewardship and will better achieve riparian goals. The "hands off" approach does not support active restoration or recognize varied landscapes, ownership patterns, and social values across Oregon. A rigid, one-size-fits-all approach impedes restoration and undermines riparian goals.

I support the comments of Mike Cafferata, Executive Director of the Oregon Small Woodlands Association, to retain OAR 629-643-0300(3) for Small Forestland Owners.

Jim James

Past Oregon Small Woodlands Association Executive Director"

Ken Nygren, Dayton, OR

"Ken Nygren

{note: Address has been redacted}

ODF Forest Resources

Attn: Nicole Stapp

2600 State Street

Salem, OR 97310

July 30, 2025

Re: Post-Disturbance Forest Practice Rules

Chair Kelly and Members of the Board,

The proposed rules for Post-Disturbance Harvest directed by SB 1501 have missed both the intent of post-disturbance harvesting and the purpose of post-disturbance harvesting. The PURPOSE of post-disturbance harvesting is to remove the accumulation of dead and dying overstory within the riparian buffer area with the INTENT to restore the balanced ecosystem trajectory toward the future desired conditions of the HCP for the target species and to prevent the follow-on catastrophe caused by excessive biomass left within the watershed (insect infestations, wildfire fuel loads, flood water log jams, human/infrastructure safety, e.g.). For small landowners such as myself, the ability to actively manage within the riparian areas is



critical to limiting liability to our families and neighbors, preventing future problems, promoting our stewardship, conducting habitat enhancements, and retaining our ownership rights.

The existing OAR 629-643-0300 (3) Alternative vegetation retention prescription 1 (catastrophic events) provides a balanced and proven approach to active restoration activities while simultaneously providing conservation standards that promote habitat restoration within the intent of the HCP. My recommendation is to retain the current rule and incorporate it within the HCP plan.

Thank you for your consideration.

Sincerely,

Ken A. Nygren”

Collins

“Oregon Department of Forestry
2600 State Street
Salem, OR 97310

Re: Comment in Support of Proposed Revisions to OAR 629-643-0300 – Post-Disturbance Harvest Rules
July 22, 2025

Dear Chair Kelly and Forestry Board,

Thank you for the opportunity to respond to the Notice of Proposed Rulemaking on Post Disturbance Harvest. Collins is a fifth-generation, family-owned company that operates sawmills and manages roughly 370,000 FSC®-certified acres of forestland in Oregon, California, and Pennsylvania. Collins executes annual harvest operations on our ground and is one of the few remaining sawmill operators in southcentral Oregon and as such is a leading employer in this region. I am writing to express strong support for the proposed revisions to OAR 629-643-0300, which update the post-disturbance harvest rule, particularly the alternative vegetation retention prescriptions following wildfire and other catastrophic events.

Collins, like many other private landowners, has been on the receiving end of a devastating wildfire here in Oregon and in California. Wildfire fundamentally alters riparian function, often resulting in high tree mortality, unstable slopes, altered hydrology, and a loss of shade and bank stabilization. In these conditions, passive, no-touch approaches are often insufficient to meet ecological or regulatory objectives.

Active management in riparian zones after severe fires is essential to promote forest restoration, habitat recovery, and long-term protection of water quality for fish, wildlife, and drinking water. Balancing both the protection of resources in the short term with the need to re-establish robust forests for the long term is precisely what these draft rules are intended to accomplish.

These post-disturbance harvest rules represent a well-crafted, collaborative approach that balances ecological recovery, resource protection, and landowner viability. Active management



in riparian zones after wildfire is not a threat, but rather a critical tool for restoring function, resilience, and the restoration of forest health.

We respectfully urge the Board to adopt these rules as written and thank you for your leadership in advancing sustainable forest policy in Oregon.

Sincerely,
Galen Smith
VP, Resources, Collins”

Hampton Lumber

“July 30, 2025

Via Email: ODF.FRDrules@odf.oregon.gov

Oregon Department of Forestry

2600 State Street

Salem, OR 97310

RE: Post-Disturbance Harvest Rulemaking

Dear Chair Kelly and Board of Forestry Members,

On behalf of Hampton Lumber, I am writing to you to express our support for the proposed post-disturbance harvest rules as drafted. As you know, the proposed rules have been presented to the Board of Forestry (Board) several times and are widely supported by conservation and private forestry interests. We ask that you adopt them as-is before the November 30, 2025, deadline.

Most reasonable stakeholders agree that some level of post-disturbance management is crucial for accelerating recovery following catastrophic events, such as wildfires, wind and ice storms, and disease and insect infestations. Active rehabilitation promotes forest restoration, habitat recovery, and long-term protection of water quality for fish, wildlife, and drinking water. Without post-disturbance management, dead and dying trees increase the likelihood of wildfires, disease, and insect infestation. Removing dead trees and replanting in riparian areas helps stabilize stream banks and minimizes roadside runoff, giving those stands a better trajectory for long-term health and stability.

At the same time, the proposal recognizes that it’s appropriate to leave some amount of burned timber following forest harvest. It’s not a question of whether to leave standing timber following disturbances. The question is whether this rule leaves enough. As evidenced by the strong, multiparty support, we believe the proposed rules strike the right balance.

We urge the Board to approve the proposed rules as drafted. By doing so, you will be supporting this balanced and collaborative approach to how we manage forests now and into the future.

Sincerely,

Laura Wilkeson
Oregon Director of Government Affairs”



Nancy Hathaway, Corvallis, OR

“Comment to the Oregon Board of Forestry
Against the Post-Disturbance Harvest Proposal

Nancy Hathaway

{note: Address has been redacted}

7/30/25

The prescription under OAR 629-643-0300(3) in the 2024 PFA handbook should remain in place, as it supports good long-term forest stewardship and would better achieve riparian rules. The Post-Disturbance Harvest Proposal this task is heavily biased against (Small Forest Owners) SFOs, as it is effectively a take of SFO property, decreases SFO wood recovery, and seeks to prevent conifer reforestation, so it will be very detrimental to the environment and forest health. The proposed preference for hardwoods and against conifer reforestation is very short-sighted and has many downsides.

Increasing the post-disturbance ELZ from 20 to 75 ft, and not allowing wood recovery or modern silviculture methods, or replanting conifers sets the stage for becoming a jumbled mess of down and broken trees in a matrix of blackberries, vine maple, Scotch broom, Japanese Honeysuckle, etc. This turns what was a productive forest into a wasteland that is impenetrable to man and wildlife. It will also increase woodland fuel load, which will increase the severity of wildfires and make fire fighting impossible.

The preference for only hardwood trees in the 75 ft ELZ zone is baffling in light of the forest industry & ODF’s historic battle to control hardwoods in productive forests and the inherent limitations of hardwoods, including;

- * a brittle wood is far more prone to damage and breakage during ice and wind storms
- * do not thrive as well as conifers in elevations above 2000 ft, rocky soils, or colder climates, such as eastern and central Oregon.
- * do not reach the same mature height as conifers, thus will eventually be shaded out in a mature forest
- * big leaf maple is common in Western Oregon, where favorable conditions exist. It can out-grow other hardwoods, young Douglas Fir, and most understory species, and does not allow a mature understory. However, it does not shade out invasives such as Himalayan blackberries, false brome, ivy, and honeysuckle. Such species do not benefit wildlife or the environment.

Ash is another hardwood common to many western Oregon streams and has the same limitations mentioned above. However, with the impending arrival of the Emerald Ash Borer, this species could be decimated. The resulting enormous amount of ash debris may crush nearby trees and leave major debris piles along streams and no effective shade along many streams. To minimize further spread of the Emerald Ash Borer, it would be prudent to treat all ash re-sprouts and minimize their growth in riparian areas. A mix of conifers and some other hardwood mix might be a goal in riparian areas.

What is the point of changing rules when no matter what the desired future condition is—I’m stuck with living with what’s growing there now—and what may appear— if I’m not allowed to backpack spray herbicides.



In summary, the proposed change to SFO post-disturbance harvests and vegetation recovery won't work. The prescription under OAR 629-643-0300(3) in the 2024 PFA handbook should remain in place, as it supports good long-term forest stewardship and would better achieve riparian rules."

Sean Hathaway, Oregon City, OR

"Comment to the Oregon Board of Forestry
Against the Post-Disturbance Harvest Proposal
Sean Hathaway
{note: Address has been redacted}
7/31/25

The prescription under OAR 629-643-0300(3) in the 2024 PFA handbook should remain in place, as it supports good long-term forest stewardship and would better achieve riparian rules. The Post-Disturbance Harvest Proposal is heavily biased against (Small Forest Owners) SFOs, as it is a take of SFO property, decreases SFO wood recovery, and seeks to prevent conifer reforestation, so it will be very detrimental to the environment and forest health. The proposed preference for hardwoods and against conifer reforestation is very short-sighted.

Increasing the post-disturbance ELZ from 20 to 75 ft, and not allowing wood recovery or modern silviculture methods, or replanting conifers sets the stage for becoming a jumbled mess of down and broken trees in a matrix of blackberries, vine maple, Scotch broom, Japanese Honeysuckle, etc This turns what was a productive forest into a wasteland that is impenetrable to man and wildlife. It will also increase woodland fuel load, which will increase the severity of wildfires and make fire fighting impossible.

Since there are so many nasty invasive species and noxious weed, I can tell that its no fun (and nearly impossible) to recover a patch of ground that was hit hard by an ice or wind storm and ignored for years- It is soon overgrown with blackberries, vine maple, scotch broom or any of dozens of obnoxious weeds to become a terrible jumbled mess. Sometimes, with a lot of equipment and elbow grease, we can reclaim the land, while other times its lost forever. I see a great potential for this to occur in the 75 ft ELZ zone— What a waste of good forest ground!

The preference for only hardwood trees in the 75 ft ELZ zone is baffling in light of the forest industry & ODF's historic battle to control hardwoods in productive forests and the inherent limitations of hardwoods, including their brittleness, susceptibility for damage. and crowding out young fir trees.

Ash is a common hardwood but with the impending arrival of the Emerald Ash Borer, this species will be decimated. The resulting enormous amount of ash debris may crush nearby trees and leave major debris piles along streams and no effective shade along many streams. Why you would want to encourage such a tree instead of douglas fir is baffling to me.

What is the point of changing rules when no matter what the desired future condition is—I'm stuck with living with what's growing there now—and what may appear— if I'm not allowed to backpack spray herbicides.



In summary, the proposed change to SFO post-disturbance harvests and vegetation recovery won't work. The prescription under OAR 629-643-0300(3) in the 2024 PFA handbook should remain in place, as it supports good long-term forest stewardship and would better achieve riparian rules.

David & Mary Ann Bugni, Estacada OR

"July 30, 2025

Board of Forestry
Oregon Department of Forestry
2600 State St.
Salem, OR 97310

Re: Comments regarding proposed post-disturbance harvest rules

To Oregon Board of Forestry:

Thank you for reopening the public comment period related to the post-disturbance harvest rulemaking until July 31st, 2025.

We are concerned about some aspects of the current language of the proposed post-disturbance harvest rules and respectfully offer the following comments and suggestions. We request that this letter be entered into the public record on this matter. We have previously submitted comments twice about these proposed rules.

First, a little background about us. We consider ourselves very fortunate that we have not yet been subjected to any serious, stand-level natural disturbances, but it's probably only a matter of time. Unfortunately, we know other families who have suffered tremendous loss resulting from the 2020 wildfires. My wife and I are retired, and we own and manage about 101 acres of forestland in western Oregon near Estacada, which we have been doing for over 30 years. David is a retired civil/structural engineer and has been involved with fish habitat restoration activities in both his professional and SFO (Small Forestland Owner) roles for many years. In 2019 our family was awarded the joint ODF/ODFW "Fish & Wildlife Steward Award for Forestlands, Northwest Oregon Region, Non-industrial Forestlands"; and in 2021 the "Partnership Award" from the US Forest Service for "land stewardship and outreach in aquatic restoration" in addition to other local awards for our stream restoration work within our own property as well as within our community. We were also ODF's first co-awardees of the "Climate Smart Forestry" award last year, which we are quite proud of. We actively manage our forest for many requirements and uses, ranging from timber harvests to wildlife habitat enhancements, recreation, carbon sequestration & storage (our property is a verified carbon reserve), and riparian/fish habitat restoration. David is a member of the ODF Adaptive Management Program Committee of the PFA and the Committee for Family Forestlands and he is past chair of the Clackamas River Basin Council (CRBC), which is charged with implementing many stream and riparian restoration projects across the basin. David also initiated and managed the recently completed Clackamas River basin stream temperature study (the most extensive in Oregon), working with Portland State University and ODFW to better define how climate change, fish thermal tolerance and physical habitat interrelate to maximize and prioritize fish habitat and riparian restoration goals.



We believe there continue to be several problematic aspects of these proposed rules. Given the dwindling timeframe in which to accomplish anything meaningful regarding a revised set of rules fairer to SFOs, we ask the Board to retain the current post-disturbance rules (OAR 629-643-0300(3)) for small forestland owners. We are not opposed to the newly drafted rules for industrial forestland owners.

Specific areas of concern following a large, natural disturbance:

1. One-Size-Fits-All set of rules doesn't work in a complex situation as this: The "one size fits all" and "hands off" approaches do not support active restoration. They do not reflect the varied landscapes, ownership patterns, and social values across Oregon. A rigid, one-size-fits-all approach impedes restoration and undermines riparian goals. A set of performance objectives, or desired future conditions to meet a group of biological goals and objectives should be developed for each SFO seeking such post-disturbance management actions. This should be done utilizing the ODF Stewardship Foresters in concert with any other consultants deemed necessary. Provide incentives where practicable. The Plan for an Alternate Practice, as currently envisioned, is not a realistic path forward in a case such as this. We believe it's too complicated for both landowners and ODF to administer effectively.
2. Disproportionate Impact: Compared to industrial landowners, statewide, it is highly likely SFOs steward a larger share of fish-bearing (types F and SSBT) streams. This includes total length of stream miles (statewide) and the fraction of the Riparian Management Area (RMA) that is affected by such rules as a percentage of an individual SFOs total land holdings (for those that have creeks flowing through their properties). These rules disproportionately and negatively impact the very landowners who are most likely to pursue restoration efforts.
3. Stewardship Discouraged: The proposed rules discourage long-term stewardship of forestland. They limit options for conscientious, active management that support healthy, resilient forests. These rules should lead with both a carrot and stick approach to help SFOs achieve both private and public objectives. Otherwise, very little will get done following a disturbance – to the benefit of no one.
4. Existing Protections: Other existing rules, such as those covering pesticide use and harvest practices already provide resource protections. They should all be examined in totality, and a common, consistent, integrated, and clear set of rules should be developed to expedite post-disturbance recovery.
5. Fish Stream Buffers: Inside the proposed 75-foot no-touch buffers on fish-bearing streams, conifer regeneration will be minimal as a variety of hardwood species and other graminoids, forbs and shrubs will tend to out-compete them in their early stages of growth. We all know this and management should be directed to allow conifers to thrive in tandem with other plants. Conifers are crucial within the RMA due to their greater longevity and size. This is needed in both live wood (as shade to keep stream waters cool and a conifer's great longevity) and dead wood (as down wood in the creek to add instream complexity). Since conifers can achieve great height and girth, they function more effectively in natural or engineered log jams and their wood will typically last longer than most hardwoods.
6. Life-safety concerns: In contrast to industrial landowners, SFOs significantly use their properties for recreation, principally along creeks (for those who have them). What will happen when a natural disturbance occurs and management within the RMA needs to take place for the safety of families? We all need to recognize how SFOs use their entire property, and life-safety is paramount. For any timber harvest that needs to occur, the SFO should be given the option to sell a portion of the dead or fallen timber to partially offset costs



to repair infrastructure and perform necessary forest restoration activities to achieve desired future conditions quickly.

We reviewed other comments you have received on this topic. While many comments express fear that some forest management will degrade stream health, we believe such comments do not recognize that without stewardship, the number of mature conifer trees will be low, take a long time to become established and the risk of invasive plants species taking over will be greater. Other comments focus on how ODF could enforce such performance-based activities (striving towards a set of desired future conditions). We believe that by following best practices in concert with Stewardship Forester guidance followed by periodic inspections is a practicable way to address this concern. Conceptually, it is done effectively in other industries. We all need to be imaginative.

We would be pleased to assist in any way we can to provide additional suggestions on this important topic. If some of these items are contained within the latest draft of these rules, such language should be clearly stated and obvious for all to understand, with a clear path towards unambiguous implementation. We should all recognize that unfair rules may lead to greater detrimental consequences not only for SFOs but for the public when SFOs give up their overall stewardship activities for more lucrative options (e.g. development, conversion, etc.)

Thank you for your time.

Sincerely,

David & Mary Ann Bugni
{note: Address has been redacted}"

Greg Peterson PE, Corvallis, OR (Identical comment submitted twice)

"Comment to the Oregon Board of Forestry
Against the Post-Disturbance Harvest Proposal
{note: Address has been redacted}
7/30/25

In 2022, the PFA parties could not agree on post-disturbance remediation in riparian zones because this is a complex topic. However, the current attempt to complete this task is heavily biased against Small Forest Owners (SFOs), as it increases the effective take of SFO property, decreases SFO wood recovery, and seeks to prevent conifer reforestation which will be very detrimental to the environment and forest health. The current OAR 629-643-0300(3) post-disturbance rules allow recovery of all wood on non-fish stream riparian zones and most wood more than 20 ft from fish-bearing streams, with in-stream wood left in place. While even the current rules are a challenge to SFOs, the proposed changes will be catastrophic. While it does allow directed spraying of invasive species and noxious weeds, it does not address hardwood management or broadcast spraying. The proposed preference for no conifer reforestation is very short-sighted and has many downsides.

Issues

- The PFA has already negatively impacted SFOs more than anticipated, and this proposal is a take of more SFO property and wood without compensation or remediation assistance.



- Today there are many more invasive species and noxious weeds than even 20 years ago, and their control is the primary determinant of the success or failure of reforestation. This proposal ignores the many challenges with reforestation today and the benefits of aquatic herbicides within riparian buffers.
- SFOs have significantly different economies than industry, as they mostly do small-scale, infrequent harvests that aim to provide some income, but rarely cover the high cost of reforestation today. SFOs are rarely able to realize a long-term net profit, since they are a low priority for loggers in strong markets and do not have the same economies-of-scale as industry.
- SFOs steward a disproportionate share of F streams, meaning that the proposed 75-foot no-touch buffers disproportionately affect SFOs. Following a catastrophic disturbance, this group is the one most likely to attempt restoration, in spite of their financial vulnerability.
- It is hard to get concurrence on site-specific prescriptions with a stewardship forester, as it is very time consuming & unpredictable

My Personal experience with post-disturbance remediation

Last year, my 60 acre woodland near Creswell was very heavily damaged by an ice storm that ravaged Lane County. While not the first ice event, it was the worst in anyone's memory. While I was able to salvage some damaged conifer logs, salvage costs far exceeded log income. Damaged trees on steep ground or inaccessible to a harvester had to be hand cut, hand piled, and burned. There were about 60 burn piles for broken logs, tops, deciduous trees, brush, and logging debris.

Unlike a burn, an ice storm does not reduce invasive species (vine maple, Himalayan blackberries, scotch broom, false brome, etc), since once a canopy is removed, their growth explodes. Controlling noxious weeds and invasive species was difficult enough in non-riparian areas, but was more challenging in riparian areas, which were less accessible and required more hand labor.

Without herbicide control of invasive species and noxious weeds, reforestation would not be possible. I've already spent over 2000 hours on remediation and hired another 2000 hours of labor and have a lot of work left to do, but there's only so much an SFO can afford to do to restore a forest after a catastrophic disturbance. However, not remediating this area was not a palatable option.

Based on my experience, the proposed changes make little sense, because they are essentially a further take of SFO land, discourage any SFO financial return, and will degrade remedial areas. While some established trees can survive a disturbance, such as hardwoods that resprout, new conifer seedlings must receive modern silviculture to establish and thrive. However, the proposed rules aim to eliminate conifers within 75 ft of fish-bearing streams and limit hardwoods to pre-existing trees. Without the use of modern silviculture and conifer replanting, the disturbed areas will inevitably turn into impenetrable jungles, choked with invasive species and noxious weeds, which form a seed bed that will perpetually spread seeds to adjacent areas.

Specific Problems with the proposed changes

1. Increasing the recovery zone from 20 to 75 ft is essentially a major take of land that removes this area from productive forestry. The State itself does not propose to do any recovery or remediation work, but rather proposes to expand the riparian ELZ to 75 ft and



not recover damaged wood or replant, thereby causing it to become a jungle of down and broken trees in a matrix of invasive species, such as blackberries, vine maple, Scotch broom, etc. This can not only become impenetrable to man and wildlife, but will also make future remediation impossible. It will also increase woodland fuel load, which will increase the severity of wildfires and make fire fighting impossible.

2. If the SFO is unable to recover trees in this area, who will provide the funds to remediate the area and manage it for a beneficial future? After the State takes control of the land away from the landowner, certainly the landowner has no incentive or responsibility to do the work.
3. This proposed additional take of SFO property will devastate many SFOs, who have put decades of hard work into their forests, but would be unable to salvage anything for their efforts, which will be very detrimental to SFO finances, taking a heavy hit on the viability of SFO ownership and the future of family-owned forestlands.
4. Herbicide spraying will be essential to control invasive species/noxious weeds to enhance seedling survival. While aquatic herbicides are somewhat more expensive, they can be safely applied near water. This is supported by the thorough science that led to their labelling. Isn't this the best available science that we are supposed to rely upon?
5. Does the proposed "targeted ground-based application" exclude the prevailing practice of broadcast spraying? If so, it will be far more costly than broadcast application, and less predictable, since application rates vary considerably inside of target areas, with the label application rate exceeded in some areas and other areas under-applied, leading to less effective or no coverage. Areas not targeted can still have small sprouts that may go unnoticed and a seedbed that can readily germinate without herbicide application to impede it. Inadequate coverage will lead to more entries and more chemicals to control unwanted vegetation.
6. This proposal prefers hardwood resprouts over conifers, presumably anticipating faster shade development, but this is short-sighted, since invasive species and noxious weeds grow even faster than hardwoods and can quickly overtake an area. Hardwoods also have many limitations, including;
 - * their brittle wood is far more prone to damage and breakage during ice and wind storms
 - * do not thrive as well as conifers in elevations above 2000 ft, rocky soils, or colder climates, such as eastern and central Oregon.
 - * do not reach the same mature height as conifers, thus will eventually be shaded out in a fully maturity forest
 - * big leaf maple is common in Western Oregon, where favorable conditions exist. It can out-grow other hardwoods, young Douglas Fir, and most understory species, and does not allow a mature understory. However, it does not shade out invasives such as Himalayan blackberries, false brome, ivy, and honeysuckle. Such species do not benefit wildlife or the environment.It should be noted that ODF policy encourages eradication of big leaf maple in western Oregon forests, which would imply that its eradication in disturbed areas would be a high priority, but this was not addressed in the proposal. While resprouts from a maple stump grow fast, they will not produce as strong nor as large wood as the parent stump.
- 7) Ash is another common hardwood along many western Oregon waters and has the same limitations as big leaf maple, but with the impending arrival of the Emerald Ash Borer, this species will be decimated. The resulting large amount of debris will crush nearby trees and leave major debris piles. To minimize further spread of the Borer, it's recommended that the resulting debris be promptly gathered and burned. This will be very difficult if not impossible



in most riparian areas, particularly since infected ash has no value and the amount of debris can impede access. It would be prudent to treat all ash now and limit other hardwood resprouts, and that a conifer/hardwood mix should be the goal in riparian areas wherever feasible.

- 8) Decades ago, ODF policy defined “desired future conditions” as a tiered mixture of mature conifers and hardwoods. This proposal replaces this with “native trees well suited to the site”. There is a bias toward encouraging hardwoods resprouts, which will lead to an acceleration of hardwood growth, far beyond that which would naturally occur. Without an aggressive conifer reforestation effort, any volunteer conifer seedlings will soon be shaded out.

The State should be careful what its wishes for, because the Emerald Ash Borer will soon arrive and without some hardwood control and conifer reforestation, there will be no meaningful forest in the remediation zone.

To have have a realistic chance of establishing conifers in riparian zones, to achieve the “desired future conditions”, the following steps should be encouraged for SFO post-disturbance remediation;

- Where feasible, remove large debris that has no chance of becoming large woody debris.
- Where feasible, hand cut, collect, and burn invasive species, if the ground is too steep for equipment. Treat cut stems with a few drop of trichlopyr or other suitable herbicide
- Allow site prep sprays with available aquatic herbicides such as (glyphosate, trichlopyr, and imazapyr) which are specifically formulated to be safely used near open water. .
- Aggressively pursue the planting of conifers and where cost-effective, use Vexar tubes or deer repellant until trees are free to grow
- Allow moisture conserving post-emergent sprays with aquatic herbicides, to control grass
- Monitor the area for 3 years and replant (with limited sprays) and address invasive species as necessary
- Provide for SFO cost-sharing for the above in appropriate areas
- There needs to be flexibility to adjust any remediation work to site specific conditions.

in summary, the proposed change to SFO post-disturbance harvests and vegetation recovery won’t work. The prescription under OAR 629-643-0300(3) in the 2024 PFA handbook should remain in place, as it supports good long-term forest stewardship and would better achieve riparian rules.”

Theresa Hausser, Elk Ridge Tree Farm, Vida, OR

“Chair Kelly and members of the Board,

My name is Theresa Hausser and my wife Kate McMichael and I own and manage just under 40 acres of burned woodland in Vida.

I am writing regarding the rules for small landowners facing catastrophic disturbance in the riparian areas of their woodlands. At the end of this testimony, I am including my spoken comments to the Board on June 4. After all that, I will summarize my points.

Process and context

All Oregonians can weigh in on issues pertaining to forests in Oregon by means of public comment and testimony on issues. This is true whether the commenters have any experience of



caring for a woodland. It pertains whether the subject of discussion is public or private land. This means that the general public, irrespective of knowledge or experience, can weigh in on the rules I must follow in the management of my woodland.

Under the rubric of concern for the environment, both anti-forestry forces and concerned, well-meaning forest lovers call for an end to clear cuts (neither defined nor understood), an end to herbicide spraying (which is an invitation for global domination to every invasive plant and aggressive native weed), an end to the harvesting of old growth (which remains very loosely defined to be...any tree big enough to take to the mill?), and the protection of our water (primarily from forest, not recreation, activities).

These voices represent people who care about the forest (some of whom are paid to care about it). Why do these voices carry the same weight as people who actually care FOR and manage woodlands? We who care for (not just about) forest lands are most directly affected by the rules regarding our woodlands. We are most directly affected if rules hoping to protect riparian areas actually create fuel piles that only need a spark to devastate those riparian areas and the rest of our land as well. I don't think that's what environmental justice dictates are shooting for.

Content

Small woodland owners have been offering testimony about post disturbance salvage harvest rules. The rules that currently exist—the old rules (OAR 629-643-0300(3))—are sensible and allow for careful management to achieve desired conditions. Desired conditions, for most woodland owners, include a healthy, resilient riparian area that includes more trees than shrubs and looks like a place where a fire might slowly creep along the ground. Those conditions require management.

In an ideal situation, some forest management activities bring in money, and that money can go towards additional management activities, like fuels mitigation. (This is the model for the McKenzie Watershed Stewardship Group: federal timber sales fund stewardship activities). Even when we small woodland owners do our own management activities (rather than hire crews, if we can get them), they cost, and they cost more than sweat (and the inevitable blood and tears). Seedlings cost. Herbicide costs. Tools cost. Gas costs. Running machinery costs. To allow only activities that don't require a FERNs notification is a bizarre stance implying that the activity is ok as long as we don't make money. Given that for many of us, our land is both our primary concern and our primary asset, that stance is not only bizarre but damaging to our ability to care for our woodland (stewardship activities are often funded by income from other management/stewardship activities)—ESPECIALLY POST-DISASTER—and our ability to plan for our own financial futures (Kate and I had a backup plan for paying for future health care/premiums that went up in literal smoke). Allowing management activities (falling dead trees, removing deadfall) only if we do not gain financially—in other words, only if we lose money and time—seems overtly punitive. What is the punishment for? Owning a woodland? Or caring for it? I couldn't help but think of the post-disturbance rules when I saw posts about the Finn Rock Reach and Quartz Creek floodplain restoration efforts (along the McKenzie River). A lot of work—sometimes with heavy equipment—is going into those restoration efforts. People are being paid for their work. These are more landscape-scale projects, but the necessary work for a healthier riparian area is not precluded by buffers on the River.



As small woodland managers, we are faced with an ongoing series of trade-offs. (That was the heart of my public comments on Zoom at the June 4 Board of Forestry meeting.) During river restoration projects, the disturbance that is part of the restoration process is deemed worthwhile for the sake of the greater good—the longer-term restoration of floodplains and fish habitat. Is it not possible that the same dynamic is at play on a smaller scale on small woodland properties? Is it not possible that short term, carefully managed work might be the cost of a greater good—a riparian zone more resilient to disease, aggressive weeds, fire, and insect outbreaks?

Unfortunately, catastrophic disturbance is becoming normal in Oregon. That means more and more landowners have to grapple both with recovery and with how to pay for their ideal stewardship practices. ORS 527.714 (5) lays the groundwork for approaches to management parameters that can facilitate management that sets damaged woodlands on a road to recovery. The existing post-disturbance rules protect the land, enable small landowner stewardship, and provide for consequences for bad actors.

I urge you to protect our waters and our forests and not penalize woodland stewardship by retaining the existing rules regarding post-disturbance salvage harvest.

Thank you for your consideration.

June 4 comments to the Board of Forestry

Chair Kelly, Acting state forester Skinner, members of the Board, my name is Theresa Hausser and I am here today as a woodland owning member of the public.

Six years ago, my wife and I moved to Oregon. We moved for a forest property in Vida that we had fallen in love with and closed on months earlier, days before Snowmageddon. It was an exciting and overwhelming time: retirement at last, having a home built, learning a new context...At least we had our own little slice of paradise to tend and explore.

We got our first inkling that we didn't know a lot about our context when we went to a book event and the environmentalist author physically recoiled from us upon hearing we owned a small woodland property. Clearly, it was something we had said, but all we had said was that we had just purchased a small woodland property.

A small woodland property we needed to learn something about, and fortunately there were avenues for that. Extension, OFRI, OSWA, our stewardship forester, forestry supply stores, consulting foresters... So many people were helpful and supportive with science based information, including our extension and stewardship foresters who each also provided copies of the many, many rules governing our land and our care of it. (Not a surprise by then, but that author? The author had said small woodland owners had virtually no rules to follow.)

Fast forward, and every day my wife and I deal with the effects of the Holiday Farm fire on our woodland. We're still relatively new as landowners, but catastrophic fire really pushes you up that learning curve. For us, it underscores some of the things we learned, and forced us to grapple with tradeoffs we might not have had to consider if our little woodland hadn't experienced a stand replacing fire.



Trade-offs like, do I want to use grass seed on exposed slopes knowing that I will later be trying to kill that grass in order to protect my seedlings, or do I hope waterbars will be enough protection from potential erosion until understory and trees re-establish?

Trade-offs like, do I want to have trees and native vegetation on my woodland? Or do I want to use only mechanical means of invasive plant removal? Because even with careful herbicide use, limiting the proliferation of invasive plants is the stuff of nightmares.

Trade-offs like, do I let nature do its thing and let the woodland heal itself? Or do I honor my responsibility to the woodland and listen to the land saying that without my intervention, it will never be more trees than it is scotch broom, thistles, Himalayan blackberries, poison oak, and honeysuckle that girdles the trees that do make it to free-to-grow?

Unfortunately, catastrophic disturbance is becoming normal in Oregon. That means more and more landowners have to grapple with difficult trade-offs, and how to pay for their ideal stewardship practices. The Board of Forestry can make responsible, responsive management of hurt woodlands more achievable, rather than more burdensome. ORS 527.714 (5) lays the groundwork for approaches to management parameters that can facilitate management that sets damaged woodlands on a road to recovery.

Thank you for your time.

TESTIMONY SUMMARY

Woodland owner/manager voices should weigh more heavily than other voices, because knowledge, experience, and in many cases, expertise, count more than caring about an issue.

Woodland owner voices should carry more weight because through the lens of environmental justice, we who live on and manage our lands are the people most directly affected by the health of our woodlands.

Allowing management activities (falling dead trees, removing deadfall) only if we do not gain financially—in other words, only if we lose money and time—seems overtly punitive. What is the punishment for? Owning a woodland? Or caring for it?

There has been much excitement around the completion of the Quartz Creek floodplain restoration. That project involved tree cutting and using heavy equipment to move dead trees into the creek. I would not be allowed to have heavy equipment in my riparian area to restore it. Might the trade-off of salvage activities for the sake of a long-term healthy, resilient riparian area be as worth it on my land as on a wider scale?

ORS 527.714 (5) lays the groundwork for approaches to management parameters that can facilitate management that sets damaged woodlands on a road to recovery. The existing rules (OAR 629-643-0300(3)) provide for that.

Thank you for your consideration.

Theresa Hausser”



Oregon Small Woodlands Association

"Public Comments to the Oregon Board of Forestry
Re: Post-Disturbance Forest Practice Rules

Chair Kelly and Members of the Board,

Thank you for reopening the public comment period on the post-disturbance rules.

The Oregon Small Woodlands Association remains concerned about the post-disturbance rules and asks the Board to retain OAR 629-643-0300(3) for F streams on small forestland owner land.

A key value for most small landowners is stewardship, and we are concerned these rules present barriers to this stewardship ethic and effort, which we believe do protect and improve these areas.

In addition, the recent rules processes has caused considerable lack of trust across the small landowner community. Non-industrial landowners dedicated to forest stewardship are typically not in favor of negotiated settlements. Also, they want to follow good science. In this case, many feel the literature review and discussion has left out local science, conducted in Oregon with landowner and taxpayer funding, that appears directly related to the post-disturbance question. Leaving this out and unaddressed, while restricting management options, does not support strong relationships between the landowner community and the Board of Forestry.

Irrational rules don't foster good relationships either. As currently drafted, the rules for post-disturbance restoration efforts are more restrictive than those for harvesting timber in healthy stands—a discrepancy that is difficult to justify

We understand that landowners have the option to remove trees for personal use of firewood after a disturbance. This is irrational to landowners as well. It is hard to understand why removal that offsets restoration costs is bad, but removal without commercial benefit is acceptable.

We feel that inside the 75-foot buffer on F streams, the resource goals are unlikely to be attained following catastrophic fire, storm damage, or insect infestations. With these rules, it is apparent that hardwoods and low-growing shrubs will dominate these zones for the foreseeable future. Conifers will be absent.

Many OSWA members are concerned that the required ORS 527.714 analysis lacks available scientific information directly relevant to post disturbance in Oregon, which OSWA members have repeatedly pointed out. The rule addresses herbicide use, but this also appears to be lacking in the literature review. There are other shortcomings of the 527.714 analysis members have pointed out. The 527.714 rule intent is to gather the best science and then choose the least burdensome alternative to achieve the objective. We do not feel this has been accomplished.

Early in this rulemaking process, many in our community had mistakenly understood that the prescription noted under OAR 629-643-0300 in the 2024 FPA print was to remain in place. This rule was developed with a diverse committee with the intent to meet the desired future conditions needed to support riparian goals. We believe this previous rule better supports stewardship opportunities to meet these goals.



We reviewed other comments you have received on this topic. While many comments express fear that forest management will degrade stream health, we feel they do not recognize that without stewardship, the number of mature conifer trees will be very very low, and take very long time frames, if ever. The literature review also noted tremendous variability, and very few studies related to relevant causes of riparian tree mortality for much of Oregon. We feel many of the public comments don't recognize the field conditions and are really just negotiation techniques from advocates. Leadership is needed for Oregon's long term riparian health, not mediation between stakeholders.

Driving through Archie Creek Fire, Beachie Creek Fire and the Riverside Fire, the landscape context seems relevant. The mixed ownerships have left a tremendous amount of snags – miles and miles of them, both stream adjacent and landscape wide. In Oregon's checkerboard landscape, streams and watersheds have high but variable components of federal lands where it appears riparian and other management is rare or non-existent. On private lands, the range of age classes means many riparian areas are just not feasible locations for restoration. This rule really only has applications in rare circumstances where ownership goals align with access and a passion for restoration. From a landscape perspective, we should be urging more restoration, not preventing it, and attempting to get some areas that do grow large trees. If rules allow, some lower reaches of these streams, in many cases owned by small woodland families, may be rehabilitated promoting goals to restore future large wood.

While wildfire and storm damage are common west-side causes of riparian mortality, another area where these rules will soon have widespread application is in west-side valley bottoms, where the Emerald Ash Borer is expected to kill all Oregon ash trees. We see two common possibilities in these areas:

- No management occurs, leading to greater dominance by Himalayan blackberry and even fewer trees than exist today.
- Some of the dead ash is removed slowly and piecemeal for firewood (non-commercial), followed by further spread of Himalayan blackberry and other invasive species.

It is our perspective that these valley bottoms are exceedingly difficult places to successfully reforest. All possible tools, education, and support are needed. The new rules add more barriers and disincentives for caring landowners to overcome.

We suggest that supporting Oregon's stewardship efforts is important, and that the new rules, as written, are a barrier to those efforts. We continue to recommend that the Board retain the existing post-disturbance rules for Type F streams, particularly considering the limited areas where restoration might realistically be contemplated.

A few additional points to keep in mind:

- Some have mentioned concerns about "bad actors" operating in riparian areas, however rather than focusing on the unknown negative potential, focus on the desire of most small woodland owners to restore and rehabilitate habitat. Other existing rules such as those governing slash treatment, chemical use, and harvesting provide resource protection.



- The one size-fits-all “hands off” approach prohibits active restoration, and does not complement desired future conditions across the varied landscape and actually serves as an impediment. In the varied landscapes and social conditions of Oregon, one-size-fits-all is a poor choice.
- The Plan for Alternate Practices is theoretically an avenue for landowners, but in reality it is too complex. Many stewardship foresters are inexperienced or hesitant to support these efforts. These stewardship forester positions already carry heavy responsibility and complexity —interpreting the full rule book, understanding forest incentives, the industrial rules, the minimum option rules, tax incentives, forest health questions, supporting wildfire suppression, etc... Proficiency in alternate practice review and support is difficult to maintain under these circumstances.
- Small Forestland Owners steward a disproportionate share of F streams, meaning that these 75-foot no-touch buffers disproportionately affect those landowners most likely to attempt restoration. Following catastrophic wildfire, they are also among the most financially vulnerable. This group bears the highest cost of exclusion from post-disturbance management.
- Landowners will have to deal with the safety issues of working and recreating on their landscapes post disturbance. Safety exceptions are generally applied around infrastructure, but the safety issues are much broader than that for families working to restore their lands. The existing post disturbance rule allows landowners to better mitigate safety issues than the proposed rule.

Considering all of this, we recommend the Board:

Retain OAR 629-643-0300(3) for F streams, including Table 5 and Table 6, as options for Small Forestland Owners.

For the N Streams and for the F stream requirements outside of the 75', we can support the proposed rules.

Below are some recent photos of the Archie Creek Fire area, subject to the previous rule set. We would be happy to host visitors for a tour to review streamside conditions and discuss riparian management practices

Respectfully,
Mike Cafferata
Oregon Small Woodlands Association







Dan Newton, Yoncalla, OR

"Dan Newton

{note: Address has been redacted}

April 25, 2024

Testimony to The Board of Forestry
Comments on Post-Disturbance Harvest Proposal

Chair Jim Kelly and Members of the Board,

Thank you for this opportunity to comment. My name is Dan Newton. I come to you today as a member of the OSHA Executive Committee. I have been part of two stream advisory committees, the first in 1993 and the second in 1999. In addition, I was one of the founders and supporters of the Hinkle Creek Watershed Research project that has provided some very important information with which to inform policy makers. In my career as a silviculturist, I have been doing large-scale reforestation work for more than 40 years, including restoration of burned-out riparian areas. My wife and I own and manage 630 acres in SW Oregon – a privilege and responsibility that I think about frequently.

OSWA does not oppose the Oregon Forest Industries Council (OFIC) position on post-disturbance rules as they relate to industrial forest lands. We support an alternate plan that allows salvage and restoration of devastated riparian areas.



As you review the issue of active management in riparian areas, please keep in mind that for small landowners, a catastrophic disturbance creates a massive financial and emotional hit. In many cases, the stand will be too young to be financially mature at the time of the fire or snowstorm. In other cases, log markets may be poor, like happened in the Labor Day fires when the log market became flooded with salvaged logs.

The reality is that the PFA ended all economic incentive to reforest burned out streams because it eliminated 100% of the economic value in future harvests. Prior rules allowed thinning which would generate at least some revenue to offset the cost and challenges of restoring native conifers to RMAs. Our hope is that the alternate plan will be something that will substantively be the “least burdensome” and will help us to restore burned out riparian areas.

Regarding the current proposal, I support the increased flexibility to remove dead trees from non-fish streams and large fish streams, but I have the following concerns:

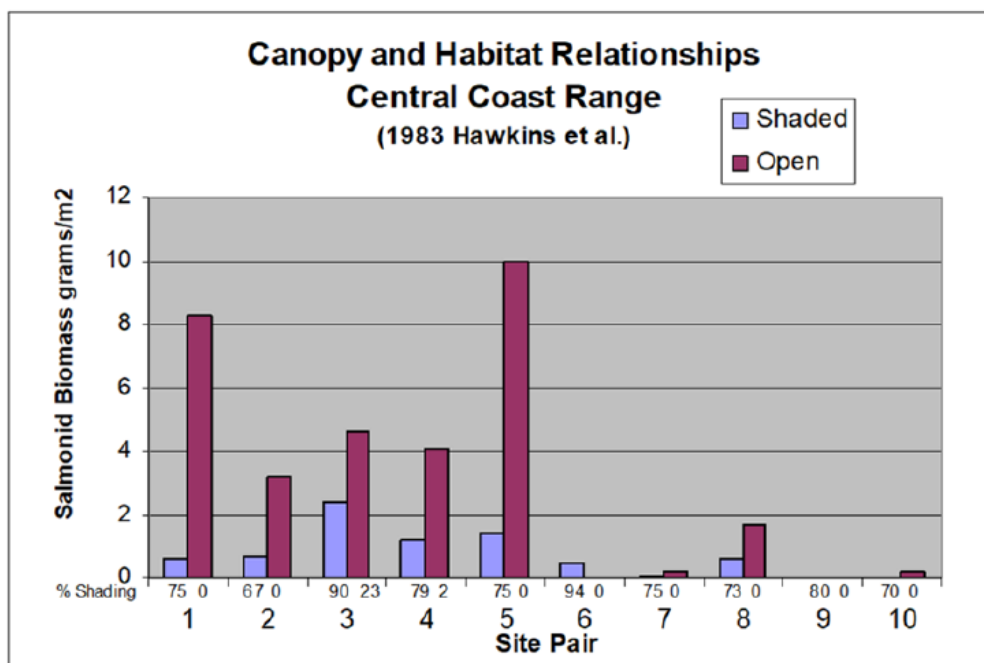
- The current proposal limits the harvest of any dead trees less than 75' from fish streams, thus prohibiting salvage from small fish or medium fish streams for landowners using the SFO option. These two classifications represent most of the network of fish-bearing streams. I see little scientific basis for this and if the goal is to have landowners use this restoration option, there must be something in it for them.
- Even without future economic incentive to restore conifers in RMAs, some of our landowners would like to restore native conifers next to streams to provide a source of large wood in the future. The proposed language that prohibits backpack spraying (except noxious and invasive weeds) will prevent effective reforestation on most sites – in effect creating “reverse buffers” in the future, occupied by brush with the conifers growing outside the buffers. Riparian areas are more difficult to restore than upland areas due to greater brush growth and other factors. Native weeds and non-native weeds frequently blow in with the wind, creating a mix of many weed species that all compete with newly planted trees – picture a mix of non-native thistles and grasses mixed with native weeds. There is no practical way to treat only one group of this mix without treating the others. Poison oak, a native weed would be untreatable with a backpack sprayer with this proposal. Taking away a safe and effective tool to remove competing vegetation will further reduce any chance of success. Without help from landowners, these buffers will be growing brush.
- Finally, there appears to be an inconsistency in the proposed restriction on backpack spraying. In the current proposal for salvage areas, backpack spraying is prohibited except for noxious and invasive weeds; however, if salvage is not done, landowners may use the current rules for backpack spraying. The net effect is that if a landowner salvages one tree, using the alternate plan, then these new restrictions would apply, whereas if they do not salvage, they can use current rules for backpack spraying. Is my interpretation correct? If yes, this makes little sense.

I am appreciative of the fact that this rule will have to meet the requirements of ORS 527.714. The rule making standards are reasonable and were written to screen out regulatory proposals that are of high cost and low benefit. I have concerns that the rules will not comply with certain provisions and will provide my rationale along with citations from relevant literature.



ORS 527.714 The proposed rule reflects available scientific information and, as appropriate, the results of relevant monitoring and adequate field evaluation at representative locations in Oregon.

In ODF's literature review, a number of factors were listed that were considered important to stream health, with shade, large wood, bank stability, sediment production and others listed, but no mention of food for fish. Why were studies excluded that show the benefit of canopy opening to fish productivity? Examples include Hawkins et al. 1983, Murphy and Hall 1981, and Wilzbach et al. 2005. I have included a graph below to show the effects of canopy opening from timber harvest on fish (Hawkins et al. 1983). It contrasts the amount of shade with harvested vs unharvested stream reaches and fish response by site pair. It is clear that the reaches with less shade have greater fish biomass. This is not an isolated study.



A recent study of impacts to fish productivity in Hinkle Creek following the devastating 2020 Archie Creek Labor Day Fire showed significant increases, not decreases in cutthroat trout abundance (A. Roon, Allison G. Swartz, and Kevin D. Bladon, 2022).

In the proposed alternate plan, shade was listed as a reason for not managing competing vegetation and that fast-growing hardwoods would provide shade. I would agree that hardwoods will come in, along with a lot of brush and few if any conifers. But why focus on everything except food when it clearly can be a limiting factor for fish? The food chain in aquatic systems starts with photosynthesis, with algae providing the base and continuing up the trophic levels, which include salmonids. Fish have evolved and persisted in a disturbance driven landscape with periods of full sunlight which temporarily raised stream temperatures – a point that can get missed in the formulation of policy recommendations for protecting water and fish.

ORS 527.714 The availability, effectiveness and feasibility of alternatives to the proposed rule, including non-regulatory alternatives were considered, and the alternative chosen is the least



burdensome to landowners and timber owners in the aggregate while still achieving the desired level of protection.

Two ideas that would make this proposal less burdensome, and would increase the likelihood of achieving a desired future condition in a timely way:

- Allow small landowners to take dead trees out of the RMA on all sizes of fish stream (including those using the SFO option), and potentially place large wood. This would do two important things. One, it would reduce the number of dead snags that create a safety and fire hazard for landowners who are trying to restore conifers. The falling snags also damage planted conifers. Secondly, it would provide a small amount of revenue to help offset the cost of establishing conifers along streams, which can easily exceed \$1000/acre.
- Allow landowners to hand treat both noxious and non-noxious weeds with the same rules that exist now. There is no justification for adding even more restrictions that would negatively impact the restoration of these riparian areas.

In summary, I support the idea of removing dead trees and restoring riparian areas damaged by catastrophic disturbance, but this proposal should also allow removal of dead trees from small and medium fish streams for small landowners (along with potential wood placement), as well as to stay with current rules for backpack applications to control competing vegetation.

Sincerely,
Dan Newton

Citations:

Hawkins, C. P., M. L. Murphy, N. H. Anderson, and M. A. Wilzbach. 1983. Density of fish and salamanders in relation to riparian canopy and physical habitat in streams of the northwestern United States. Canadian Journal of Fisheries and Aquatic Sciences 40:1173–1185.

MURPHY, M. L., AND J. D. HALL. 1981. Varied effects of clear-cut logging on predators and their habitat in small streams of the Cascade Mountains, Oregon. Can. J. Fish. 38: 137-145

Margaret A. Wilzbach, Bret C. Harvey, Jason L. White, and Rodney J. Nakamoto, 2005. Effects of riparian canopy opening and salmon carcass addition on the abundance and growth of resident salmonids. Can. J. Fish. Aquat. Sci. 62: 58-67 (2005)

Warren, Dana R., David A. Roon, Allison G. Swartz, and Kevin D. Bladon. 2022. "Loss of Riparian Forests from Wildfire Led to Increased Stream Temperatures in Summer, yet Salmonid Fish Persisted." Ecosphere 13(9): e4233. <https://doi.org/10.1002/ecs2.4233>

"Dan Newton
{note: Address has been redacted}
June 4, 2025
Testimony to The Board of Forestry
Chair Jim Kelly and Members of the Board



Thank you for this opportunity to comment. My name is Dan Newton. I have been part of two stream advisory committees in the 1990s. In addition, I was one of the founders and supporters of the Hinkle Creek Watershed Research project. In my career as a silviculturist, I have been doing large-scale reforestation work for more than 40 years, including restoration of burned-out riparian areas.

Given my experience on stream advisory committees, I would like to emphasize the value of doing a rigorous evaluation of ORS 527.714 prior to adopting new rules. It is a very reasonable ask – we have not been asking for compensation for the take of our assets, but this will help keep our rules science-based and least burdensome.

Let us review the law, along with a few comments on the various sections:

Necessary Findings

■ ORS 527.714 (5)

- Certain rules must meet evidentiary criteria:
 - Monitoring evidence of resource degradation
 - Rule reflects available scientific information
 - Objectives clearly defined and restrictions on practices substantially advance the objective
 - Consider alternatives, including non-regulatory approaches, and chose “least burdensome”
 - Resource benefits achieved are proportional to the harm cause by forest practices

*from ODF, Board of Forestry Meeting, John Day, Oregon, Nov. 7, 2012

1. Monitoring evidence of resource degradation
 - *What is degradation? Example: What if actual stream temperatures are colder than optimal for fish? Should a one-degree temperature increase that dissipates within a quarter mile downstream be considered degradation if the fish biomass increases in the harvested section due to greater food supply?*
2. Rule reflects available scientific information.
 - *This needs to include an objective review of science that shows positive impacts as well as negative impacts if any.*
3. Objectives clearly defined and restrictions on practices substantially advance the objective.
 - *Example: if the goal is increasing conifer survival and growth for large wood recruitment, then would restrictions on vegetation management substantially increase the objective?*
4. Consider alternatives, including non-regulatory approaches, and choose “least burdensome.”
 - *This is an opportunity for landowners to offer options to accomplish the objective more effectively and/or at lower cost.*
 - *This gets at the feasibility of even accomplishing the proposed rule in actual field conditions.*



5. Resource benefits achieved are proportional to the harm caused by forest practices.
 - *This is where it is important to look at other land uses. Are we being asked to restrict the use of tools that ODOT, residential users (or any other land use) routinely use that already have less restrictions?*

And lastly, and not in ORS 527.714, this is just my recommendation. Consider how ODF will evaluate and enforce compliance. Stewardship foresters have a lot on their plate. They do not need rules that are fuzzy and lack clear enforcement guidelines. You will also get more buy-in from landowners if the rules are clear and they can understand the purpose.

In conclusion, we believe that the BOF should rigorously use ORS 527.714 to sift through the recommendations when deliberating proposed rules that can impact forest landowners. Getting public input will improve the result and OSWA is happy to help with that.

Thank you for the opportunity to comment.
Sincerely,
Dan Newton”

“Dan Newton
{note: Address has been redacted}
July 25, 2025

Testimony to The Board of Forestry
Comments on Post-Disturbance Harvest Proposal
Chair Jim Kelly and Members of the Board,

Thank you for this opportunity to comment. My name is Dan Newton. I come to you today as President of OSWA. We currently have more than 1500 dues paying member families. My comments here are intended to be added to comments I submitted on June 4, 2025. This additional note is a follow-up to testimony I submitted on April 25, 2024, outlining the following concerns:

1. The virtual elimination of post-disturbance harvesting on most fish-bearing streams. The proposed buffers for small and medium fish streams are actually wider than the PFA small landowner option. A disincentive for restoration. We oppose this.
2. The lack of a rigorous evaluation of ORS 527.714. Letting you know that key studies showing the positive relationship of fish productivity to canopy opening (sunlight) were strangely omitted – and I provided references for these studies. Even more shocking, I have not seen any evidence of action to correct this serious omission in a law that requires the use of best available science. The apparent lack of interest and action in this important and required step will undermine confidence that this rule will be doing the right thing for restoration and seems very counter to improving fish populations. In addition, I have not seen any effort at producing a less burdensome alternative – also required by law. The lack of interest and effort on this important and required step will undermine confidence that the BOF is committed to doing the right thing for small landowners who care about restoration.



Now, it seems that your time is getting short. Should I worry that testimony from OSWA members has been ignored?

One option to consider is to simply let small landowners use the current law for the Type F stream reaches that will allow a bit more flexibility to restore landscapes following post-catastrophic disturbance. I doubt many landowners will do restoration since the PFA has eliminated future harvest, but at least there would be an option for our members who put a priority on restoration.

Dan Newton”

Kate McMichael, Elk Ridge Tree, Farm Vida, OR

“Chair Kelly, Acting State Forester Skinner and members of the Board of Forestry:

Thank you for an additional opportunity to provide comment on the Post-Catastrophic Disturbance Harvest Rules currently under (re)consideration by the Board. My comments are in three parts:

- (1) excerpts from my verbal public comment provided in April 2024 (the summary provided in the June 2025 Board packet was exceedingly brief and did not include what I felt was pertinent in my comments, which is not surprising since there was no written component at that time);
- (2) resubmission of public comment provided to the Board at the June 2025 meeting;
- (3) final thoughts to supplement the highly edited (to meet the 2-minute time limit) content of the June public comment April 2024

My name is Kate McMichael, a small woodland owner in Lane County. Additionally, I am the president of our local OSWA chapter and serve on the Board of the Oregon Tree Farm System. I am proud that our property is certified under the OTFS/ATFS program, which demands abiding by internationally approved sustainability standards in order to attain and retain certification.

As most of you know, my wife Theresa (who helped write and edit this testimony) and I are the stewards of 39 acres in Vida that burned in the 2020 Holiday Farm Fire. We understand, firsthand, both the immediate trauma and the complex, longterm aftermath of a destructive disturbance event. Like many small woodland owners, our forest has multiple streams running through it. Also like many small woodland owners, the health of our riparian areas, and indeed, the health of our entire watershed, is something we take very seriously.

When we were able to salvage a small portion of our property in 2021, we left wider than required buffers on the stream side edge of the harvest area. Today, nearly four years, a heat dome, on-going drought and an ice storm later, we are watching that protected area (including several generations of baby trees we have planted) fall victim to multiple hardwoods and leave trees causing their own “disturbances” as they shatter and fall or tip and fall, taking out seedlings and soil and creating a nearly impenetrable mess—one that seems terrifyingly ripe for another fire.



Where we have been able to do enough deadfall clearance to provide access to do vegetation management of pioneering invasives, we have seen the re-emergence of pre-fire native species. (This glimpse of healthier “desired future condition” is actually a return to a pre-fire condition that had qualified our riparian areas for the Preservation track of the Pure Water Partners program, a collaborative effort spearheaded by EWEB to maintain the health of the McKenzie Watershed.) Where we share a property line with a neighbor who has been unable to do either of those things on his side of the stream, we witness the steady expansion of an impenetrable mass of deadfall, brush, blackberry, scotch broom and thistle. However diligently we try to keep “our side” cleared, it feels like a losing battle. And if another fire were to come through, all our replanting and rebuilding efforts could disappear in a heartbeat. In fact, our riparian areas, minus post disturbance management, are chimneys filled with kindling.

We do not speak for OSWA, but as OSWA members we are unopposed to the post-disturbance salvage provisions regarding industrial forests. Our concern is family forests like ours, that have greater proportions of riparian areas under our care. The current post-disturbance rules for small woodland owners (OAR 629-643-0300(3)) seem to take the realities of SFOs into consideration far more than the proposed changes. Stripping away reasonable provisions for crafting a solution to restore disturbance-devastated riparian areas—with a stewardship forester, on a place-based, case-by-case basis—and replacing it with a one-size-fits-all prescription seems utterly counterproductive. Is the goal of these rules really the restoration and resilience of riparian areas—or is the unspoken intent actually to penalize SFOs for being SFOs, to provide protection against a caricature of rapacious landowners bent solely on profit? Small woodland owning is not, in our experience, a profit-making venture. Actually, our family “joke” is that to make a small fortune as an SFO you need to start with a large one.

These rules seem to actually undermine the work of riparian restoration rather than support it. The primary beneficiaries seem to be to invasive vegetation and destructive fire. Are these the desired future conditions that will actually benefit Oregon’s forests and riparian areas? And when the next catastrophic fire blows up and impacts not only rural residential neighbors, but suburban and urban-dwellers as well, will SFOs be blamed for not managing our forests? for not doing adequate fuels mitigation? for not restoring our damaged riparian areas and nurturing them back to health and resilience rather than allowing them to become fuel piles waiting to burn?

As you consider these proposed rules regarding post-disturbance practices for small woodland owners, please keep in mind the people, the woodlands and the actual streams and adjacent riparian areas that are impacted by your decisions. Not all management tools are necessary in every situation, but taking tools away could have downstream consequences that are potentially more damaging than leaving them in the tool box. Please place restoration and resilience ahead of political expediency.

Thank you for listening.

June 2025

My name is Kate McMichael. I am a small woodland owner in Vida, up the McKenzie. As many of you know, from multiple years of hearing me speak as landowner at large on the Committee for Family Forestlands, my wife Theresa and I have the privilege and responsibility of caring for 39 acres of Oregon Tree Farm certified forestland devastated by the Holiday Farm Fire.



Being on the cusp of another fire season grounds today's comments. None of us relishes the prospect of another catastrophic fire season. Yet, as I look across the valley seeing more standing dead and dying trees each year and brush-cut along our property line—where we share a McKenzie tributary stream with a neighbor who has left his side untouched—I fear for the coming summer and re-ignition of the trauma lingering just under our skin and on our landscape.

Post-fire restoration has been a struggle. Five growing seasons punctuated by dry springs, hot summers, delayed fall rains, winter ice storms and rain-and-wind events have continued the battery the fire began: jackstrawed deadfall, toppled live trees that rip the soil and slam into struggling seedlings, shattered habitat trees and hardwoods, acres of scotch broom, thistle and blackberry. The stream corridors on either side of our property—although particularly on the side shared with our no-touch neighbor—are like a chain of interwoven slash piles just waiting for a spark to transform all our work since 2020 into smoke and ash in a heartbeat.

The “profit” from our small salvage harvest ran out years ago, but our commitment to the rebirth of the forest we had—even though we won't be alive to see it—keeps us working, planting, pilfering from our remaining retirement savings. And that's the rub: more and more it feels like active management—active care—is under attack, not simply disincentivized, but villainized, as if we (not just T and me, but small woodland owners all over Oregon) pour our limited resources of time, energy and money into caring for our woodlands for some nefarious, destructive purpose. Every plea to keep our toolboxes full seems to fall on deaf ears, as if simply having tools—even the evil Hs of harvest and herbicide—constitutes an unthinking and intentional attack on water, fauna and flora.

According to ORS 527.714 (5) there are evidentiary criteria for forest practice rules: resource degradation needs to be monitored; science needs to be followed, alternative approaches that might be “less burdensome” need to be considered and the benefits achieved must be proportional to the harm caused. These touchstones seem to be missing from current forest policy conversations.

There is no magic protection against disturbance. But the science shows that we can mitigate some of the devastation, both of the event itself and of the aftermath. Fuels burn. So, mitigate the fuels and there's less to burn. Invasive vegetation hinders the re-establishment of native species. So, mitigate the invasives and the natives have a chance. It's science that even a former theology teacher turned small woodland owner can understand.

As you reflect on regulatory decisions that impact Oregon's forests and those who dedicate their lives to caring for them, please consider that caring *about* forests is never enough; we must care *for* them—with sound science, with all the tools in the toolbox, with the humility to adapt as necessary, with the courage to embrace the ambiguity of allowing short term disturbances for long term gains.

July 2025: Concluding thoughts

One size fits all regulations, like one size fits all clothing, rarely fits at all

It is all too easy to make declarations for “all forests” as if they are all the same. To some degree that is true, but the reality on the ground trumps—and sometimes confounds—the abstract



every time. Our 2024 Master Woodland Manager training in the Coast Range made it clear that even when the concepts are overarching, the forests are very different: the Cascades are not the Coast are not Eastside forests. Every forest ecosystem is unique, demanding adaptive management strategies to meet *their* needs, not our human desire to keep the boxes neat and tidy. That said, each of our different forests, regardless of location or ownership, deserves active, thoughtful care rather than neglect.

Walking away is not the answer

Following the Holiday Farm Fire, riparian restoration of the McKenzie River watershed became a key component of the Pure Water Partners Program. Spearheaded by the Eugene Water & Electric Board and handled by members of the Upper Willamette Soil & Water Conservation District and other conservation entities, PWP provided restoration work to landowners with significant McKenzie tributary streams. Since we had been involved in the previous iteration of the PWP, our streams qualifying for “preservation” status due to their health and diversity of native plants, we were happy to continue the relationship. Over time, their focus narrowed to one particular stream, where they planted—conifers and native plants—and conducted limited invasive species remediation (focused almost exclusively on himalayan blackberry). They planted (twice) and walked away. A few of their native plantings survived, although most were overcome by the regrowth of pre-fire hazel and bracken and blackberry, and the emergence (and astounding spread) of scotch broom and Canada thistle. Nearly every conifer died.

Perception matters

Most small woodland owners do not spend their evenings thumbing through the Forest Practice Rules. Not even the publication of the long-awaited *Illustrated Manual* has changed this reality. As a result, a vast number of forest landowners—and members of the public as well—interpret “no touch” as, well, no touch: no entry into the riparian areas, no replanting, no vegetation control, no cutting or removal of trees, period. Thus, the perception of many landowners is that the land has been effectively removed from stewardship, in fact, effectively taken from them. Many of us worry that our counties will decide that our now “unproductive” riparian areas will be disqualified as forest acres for property tax purposes, thus raising our taxes. Higher taxes mean less money left for management activities—none of which are “free” even if we do the work ourselves, since tools, equipment, fuel, seedlings, etc. all cost money. Ironically, what triggers the “no touch” seems to be the possibility that money might be made from the activity—even if the goal of the activity isn’t profit and when, more than likely, there won’t be much profit left once expenses are paid. In reality, having money left over is a bonus—and one that makes it possible to continue to pay for further stewardship activities. This can be particularly key when some work demands skills and equipment beyond what we have on hand. What we can’t afford to do is work that won’t get done—no matter how we want to do it.

Reciprocity

One of the thematic threads running through the *Vision for Oregon’s Forests* is reciprocity: our forests provide multiple benefits for us and we care for them in return—except in cases of catastrophic disturbance? Then we just walk away from them when they’re no longer pretty or productive? Neglect them? Allow them to become tangles of deadfall and vegetative fuel so that they are more at risk of becoming a nexus for insect infestation or disease—or a driver of future catastrophic fire?



After the Holiday Farm Fire, T and I realized that in the 18 months we had owned the property, we had forged a relationship with it. We could have taken the fire as an opportunity to cut our losses and move on—but that would have meant turning our back on a relationship. We are in relationship with our forest; our management activities are a tangible expression of our commitment to our battered woodland. We are responsible not just *for* our forest, we are responsible *to* it. And we honor that responsibility by learning all we can about forests, forest health, sound and science-based forest management—and then acting on what we learn.

Oregon's forests deserve no less. Oregon's small forest landowners deserve support in their commitment to authentic reciprocity with their woodlands. Are there some "bad actors" in the woodland world? Undoubtedly. There are bad actors in every walk of life. But the vast majority of landowners are not bad actors. How many acts (and acres) of good stewardship are you willing to dismantle, how much good will are you willing to squander, how much trust are you willing to erode further under the guise of "protecting from (potential not proven) bad actors"?

Weighing voices

As you weigh testimony, I hope you ask yourselves who is speaking, what is their agenda, their bias, their connection to forests and forest management? I hope you can ask yourselves whose voices are being heard in your deliberations, whose voices are given more weight and whose are discounted. Environmental justice demands listening to those most involved and directly impacted. In the case of decisions regarding the management (or not) of small woodland properties that would mean paying particular attention to the voices of small woodland owners. From where I stand, as a small woodland owner who has testified over and over again, it does not feel like we've been heard. In fact, it feels more like our voices have been deliberately ignored, our concerns systematically overlooked, our experience intentionally discounted. Why? Who has more of a stake in the health and resilience of small woodlands than small woodland owners?

While I understand that you must—and in fact should—listen to everyone, I would hope that you will reflect on your own "listening bias" and raise up the voices of small woodland owners on not only this issue, but every decision you make that impacts our ability to care for our woodlands. I ask that you give more weight to those who care not only *about* Oregon's forests (and the people, wildlife and watersheds that rely on them), but those who care *for* them, day in and day out, with passion and science, with heart and sweat and lots of literal tears.

Lastly, back to ORS 527.714 (5)

If healthy, resilient, RESTORED riparian areas are indeed the desired future condition of this rule set, then let that goal be the touchstone for your decisions—in this instance and for other deliberations that will inevitably come. Follow the best, most complete, place-based and current science. Listen to boots on-the-ground land stewards and support their stewardship efforts. Determine the least burdensome alternative(s) for small landowners seeking to do the right thing. Don't compound the devastation of catastrophic disturbance, either for the landowners or the land they love. Oregon doesn't need to lose more forestland to —conversion—whether to other uses or to becoming a monocrop of scotch broom or blackberry or thistle.

Please retain the current post-disturbance rules (OAR 629-643-0300(3)) for small forestland owners.





top three photos: the “untouched” side—a plethora of dead not-quite-fallen (and beyond our skills to deal with) hardwoods and resurgent vegetation

remainder: our PWP riparian area: no downed wood in the streams (it couldn't reach even if it fell), but LOTS of berries, thistle, etc; dead conifers

note 1: the stream is in the bottom left corner

note 2: it all looks green, but it was green when the Holiday Farm Fire came through as well



Gordon Culbertson, White Water Forests LLC, Springfield, OR

“Re: Board of Forestry Comments, June 4, 2025

Chair Kelly and Board Members,

My name is Gordon Culbertson; I am the president of the Oregon Small Woodlands Association and a small woodland owner. Four members will address you today on the topic of restoration forest policy and a fifth with written comment. We're concerned the Board may be responding to



urban Oregonians who don't have experience of how to care for woodlands. This may lead to a bias against active response to mitigate fire hazards and restore forests after catastrophic events.

Small woodlands owners' heritage and care for the lands is crucial and we wish to keep family forests as forests. We own about thirty-five percent of Oregon's private forests and produce a bit more than 10% of annual harvests. Small forest owners typically use longer rotations with older trees and higher value per acre. This places the owners at risk of greater loss in the case of catastrophic events. Much of this land is in the hands of the older generation. In many cases, there will be succession to younger family members in the near future.

Is forest ownership a good long-term investment? It's a risky combination of creeping regulations, cost of doing business, land and timber taxes and ultimately estate taxes that often force families to cut trees prematurely or sell the land. These are grave concerns.

Oregon's small woodlands provide clean air, pure water, fish and wildlife habitat and sustainable wood products. Are these public values appreciated and encouraged?

Will owners decide it's not worth the risk and trouble, choose to see out or see alternate uses? Aesop warned of killing the Golden Goose, it's my caution this is coming closer each day.

A significant portion of small woodlands have been restricted by the Private Forest Accord. In our case it was about 10 additional percent that is off limits to active management. We're unable to remove dead trees, mitigate fire hazards and restore the forest, that's not forward thinking in my opinion.

As the Board of Forestry evaluates policy I'm concerned there is an unwillingness to consider science that is contrary to the decided outcome. For instance, there are numerous well documented studies that contradict the science justifying stream measures in the PFA. Yet they are ignored. Is sanctity of the PFA more important than forest restoration after catastrophic events?

Don't be afraid to endorse research and science that may be uncomfortable under the dominant paradigm. The Board should encourage a vigorous and robust adaptive management committee promoting incentives for imaginative restoration projects that will be valuable tools to reach desired results. I urge you to willingly support desired future outcomes using creative, active management strategies rather than strict, absolutely no touch, politically motivated guidance.

Remember communities and real people with families, homes and heritage forests are part of the equation too. Don't let blind public policy lead us to killing the Golden Goose.

Sincerely,

Gordon Culbertson
Whitewater Forests LLC
{note: Address has been redacted}"



"July 29, 2025

Re: Post-disturbance harvest rules comments-Culbertson Whitewater Forests LLC

Chair Kelly and Board of Forestry Members,

I am writing today to share our comments and concerns on the proposed "Private Forest Accord" rules governing post-disturbance restoration as applied to western Oregon's streams. We have serious reservations about the rules proposed and see them as detrimental to desired future outcomes and the well-being of family forests.

Citing the "Vision for Oregon's Forest" this document calls for specific policy recommendations including:

- *Policies will be based on a comprehensive, all-lands approach, that will reflect the unique landscape and forestland ownership of Oregon, and will honor the complexity of relationships Oregonians have with Oregon's forests.*
- *Policies will be based on the best available information, and be applicable in a place-based manner to meet local, regional and statewide expectations of Oregonians.*

Further, the "Visions" glossary of terms identifies the aforementioned "place-based" concept as follows:

"General planning approach which emphasizes the characteristics and meaning of places as a fundamental starting point for planning and development. "Solutions that are uniquely tailored to a geography and the relevant communities or people for a given locale."

Passages of the "Private Forest Accord" seem contrary to the "Vision for Oregon's Forest" and doesn't honor the intent of the document. Without a doubt, some of the "best available" science was ignored.

Three generations of our family are dedicated to the stewardship and long-term resilience of forest, wildlife and water resources integrity for our woodlands in Lane and Douglas Counties. We are actively committed to pursuit of practical public policy that will encourage family forest health and longevity. Advocacy for family forestry is important to us; I served a term as the President of Oregon Small Woodlands Association, have been a long-time member of the Lane County Small Woodland Association Board and in 2019 our family was recognized as "Oregon State Outstanding Tree Farmers" of the year. We care for forests and our values as small forest owners compel us to question the wisdom of post-disturbance rules as presently proposed.

Small woodland owners are disproportionately impacted by these proposed rules. Geographically speaking, small woodland ownerships are most likely to be situated at lower elevations near main stem fish bearing streams. Tributaries frequently are identified as fish bearing streams. Considering the riparian goals to encourage large wood and promote shade, it is inconsistent to prohibit small woodland owners from actively restoring these characteristics.

We aren't opposed to the Oregon Forest Industries Council (OFIC) position on post-disturbance rules as they relate to industrial forest lands. We support elements of the proposed rules that



allow for harvesting dead, down and dying trees located in areas designated as non-fish stream buffers and support the use of herbicides to control noxious weeds or invasive plant species using herbicide ground application methods.

However, small woodland (non-industrial) issues of concern differ in some cases than those of industrial forests. Small woodland families have unique goals for their property and the post-disturbance rules as proposed do not adequately protect interests and values of small woodland families.

The post disturbance rules as proposed discourage stewardship of multiple small woodland resources. We are interested not only in commercial timber harvest; but recreation, hosting family and educational events associated with riparian areas.

Following a catastrophic event such as wildfire, ice storm or windstorm, the proposed rules inhibit the small forest owner from post disaster rehabilitation efforts near fish streams. There is no clear direction or incentive for a stewardship forester to risk collaboration with a landowner in an "alternate prescription." Rules as proposed will prohibit the landowner from treating large swaths of dead, dying or down trees on their property. This will exacerbate wildfire hazards, encourage insect infestation in adjacent forests and place nearby homes in jeopardy.

Mother nature does not preclude catastrophic forest destruction from designated one-size-fits-all retention buffers. Active management practices are in order that will encourage collaborative solutions for post-disturbance situations. Small forest families need an approved procedure in the spirit of alternative vegetation retention prescriptions. We suggest rules encouraging an alternate plan procedure that recognizes individual circumstances and considerations for active restoration.

Retaining the "alternative vegetation retention 1 (catastrophic events)" as a restoration option for small forest owners (SFO) in post catastrophe situations is our suggested option for small woodland owners. This alternative prescription is noted under 629-643-0300 in the publication of Forest Practice Administrative Rules and the Oregon Forest Practices Act dated January 2024.

This will encourage small woodlanders' options to engage in rehabilitation efforts after catastrophic disturbance. In January 2024 a severe ice storm devastated thousands of forest acres on both sides of the Southern Willamette Valley. Our Penn Road Forest west of Eugene suffered serious damage from the heavy ice and snow. One of the most severely impacted areas was a valley drained by a small fish bearing stream. Our stewardship forester and I jointly developed "alternative vegetation retention" written plan outlining resource protections to protect stream buffers and facilitate removal of down and destroyed trees, mitigating resource damage.

Restoration efforts are costly. I personally worked for well over a month, using our logging machinery to complete the necessary salvage work. We recovered three sawmill loads and one pulp load of small Douglas fir and red alder logs from the surrounding jumble of uprooted, broken and splintered trees.

We were paid \$ 3665 delivered to the mill. The trucking cost amounted to \$ 925. About \$ 13 per hour was left to cover my labor, fuel, saw and machinery expenses. Obviously, the outcome wasn't economically profitable, but the meager economic return wasn't the goal.



Our family all agreed, it was imperative we clean this mess up to promote good stewardship and healthy future of the tree farm. We accomplished our restoration goal, we mitigated the fire hazard, and once again allow recreation having recuperated the streamside area from under a mountain of slash. I hope you will agree this was a sensible and credible undertaking. I encourage you to promote rules that encourage latitude for family forest owners to care for their lands.

For your consideration with today's testimony is a document including photographs and a commentary outlining our collaboration with our stewardship forester and experience in post-disturbance recovery. I hope you will consider this example of how a successful restoration effort can work if we seek active management outcomes rather than a "hands off, no touch" one-size-fits-all approach.

Lastly, I am dismayed by insinuations from the Board that prescriptive post-disturbance rules prevent misbehavior from "bad actors". The Forest Practices Act has definitive rules that have plenty of consequences for addressing misdeeds. Rather than questioning landowner motives, rules should encourage proactive habitat enhancement, such as planting riparian conifers or placement of large wood. I would propose you consider incentives supporting those who wish to do the "right thing."

Small woodland owners are significant contributors in protecting Oregon's forest legacy. We cherish our forests and the amenities, both natural and economic. How we address post-disturbance restoration treatments will have significant and long-lasting implications for our communities, forests, and our desired future habitat conditions.

Sincerely,

Gordon Culbertson
Whitewater Forests LLC
{note: Address has been redacted}"

"Our post-disturbance harvest experience
Gordon Culbertson
April 14, 2024 (updated July 30, 2025)

In mid-January 2024 a significant winter storm affected much of Western Oregon. Freezing rain and heavy wet snow combined to create havoc with major tree damage. Lane County was the epicenter of these conditions and many forest owners including SFO suffered serious down timber and tree breakage.

Our Penn Road tree farm in Western Lane County suffered serious damage totaling about five acres. This area was comprised of 30-year-old Douglas fir and red alder as the primary species affected. Swaths of timber were pushed over, and many trees were snapped off at varying heights.





Ice storm damage on Penn Road tree farm. A small fish tributary of Wildcat Creek is located center of photograph. Near location of Photo 8. (Photo 1)

One area particularly hard hit was along a draw with a small fish stream, a tributary of Wildcat Creek. The most impacted area was about 150 feet wide and 500 feet long following the stream course. As a result of the storm this area was an impenetrable tangle of down trees, many trees hanging in standing or leaning trees, broken tops, limbs, and slash.



Mix of conifer and hardwood, layered several deep with some trees up rooted others snapped off. (Photo 2)

Around February 1st I assessed the damage and asked the local stewardship forester from the Western Lane office to join me, survey the damage and advise in developing a plan to mitigate



this undesirable and risky situation. Under the Private Forest Accord restrictions, I was uncertain of cleanup opportunities because of the mandatory stream setbacks required by the PFA.

Our management objectives for this area included commercial timber management outside the restricted area but also it was an area our family used frequently for recreation with hiking trails along both sides of the stream.

Without some intervention the area damaged in the ice storm would be negative for the health of the surrounding forest, a significant wildfire hazard and would make the recreational experience impossible due to safety concerns.

During the joint inspection with our stewardship forester, he advised me the “post-disturbance harvest alternative” would give us the greatest latitude to intervene and improve forest conditions. Under the guidance of the FPA we developed an “alternate plan” allowing us to harvest the damaged timber and mitigate the hazard to our property. We selected and marked adequate reserve trees meeting a pre-determined basal area along the stream course, meeting the objectives for shade and stream set back protection.

After the waiting period was concluded our written plan was approved and weather permitting, we started the clean-up.



Previous page – harvest is underway, we carefully bucked and individually removed trees from the “layers” of down timber to protect the reserve trees in the buffer strip. Orange marked trees are reserved to maintain the prescribed buffer. The area across the stream was almost entirely wiped out. (Photo 3)

The harvest was completed in the riparian area by early summer. The results were definitely a “win-win” for all. We did not operate machinery anywhere near the stream and were able to remove most of the hazardous trees. There is an abundance of down wood and reserved standing trees within the harvest area. Accumulations of broken stems and limbs are



manageable. Prescribed burning during the winter season is an option if necessary to mitigate the potential wildfire hazard.



Alder logs recovered from storm damaged area. (Photo 4)

One year later (July 2025) let's go back and look at the results of our post-disturbance restoration project.



Reserved conifer and hardwoods retained in the stream buffer. The stream is under the salmon berry in pictures center. Trees marked for retention are in good condition, hardwood trees have recovered damaged crowns. (Photo 5)





This is the small fish buffer one year post harvest, looking from west to east. Logs were yarded to the road on the right. This is about the same perspective as Photo 4. (Photo 6)



One year post harvest stream flow through the reserved buffer. This area was “layered” with down trees that were carefully individually cut and removed. The opening in the background right is the devastated area in Photo 3. (Photo 7)





Some of the most severe ice damage in this area. (Photo 8)

Thank you for joining me on this “field trip” of our post-disturbance restoration and harvest. The stewardship forester responsible for the Penn Road area and our family were pleased with the result. The post-disturbance alternate vegetation prescription as implemented was the proper choice. It is a good example of collaborative decision making to improve forest conditions considering site specific conditions.”

