

# Report to the Board of Forestry On Rulemaking Hearings and Public Comments for Proposed Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502

Date: October 26, 2022

To: Chair Kelly, State Board of Forestry

From: Lisa Appel, Adaptive Management Program Coordinator,  
Forest Resources Division – Hearings officer for Forest Practices Act proposed rule  
revisions

Subject: Summary of written and oral comments received during the Comment Period on  
Proposed Forest Practices Act rule revisions directed by the enrollment of  
Senate Bills 1501 and 1502.

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### A. Executive Summary

This hearings report contains summaries of agency outreach and both written and oral public comment, along with verbatim text of all unique public comments received. Written comments were accepted up until 11:55 p.m. on September 30, 2022.

On August 24, 2022, the Board of Forestry directed the department to open public comment for 30-days and hold public hearings for oral comment on the proposed Forest Practices Act rule revisions package. The [Notice of Proposed Rulemaking](#) was filed with the Secretary of State’s Office on August 29, 2022. The formal Notice was published in the [Oregon Bulletin](#) on September 1, 2022, announcing a public comment period that remained open until 11:55 p.m. on September 30, 2022.

The Department used the following outreach methods to notify the public to provide written comments and participate in hearings:

- Issued a news release,
- Promoted hearings through social media and a flyer,
- Posted the hearings schedule, Notice filed proposed rules, and rulemaking information in the Oregon Bulletin and posted the Notice of Proposed Rulemaking on ODF’s proposed laws & rules webpage,

- Posted the informational sessions, hearings schedule, and rulemaking information on ODF's Private Forest Accord webpage, and
- Used a shared e-mail address ([sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)) to receive public comments.

The department specifically notified the following interested parties of the proposed rulemaking and opening of the public comment period through email:

- All Oregon legislators (Mandatory Notification to Legislators),
- Private Forest Accord gov delivery subscribers,
- Administrative rule notice gov delivery subscribers,
- All E-Notification subscribers (over 16,000 email addresses), and
- ODF committee and interagency members.

Note: The agency mailed a printed copy of the Notice statement to the ODF-maintained hard copy mailing list for administrative rule updates.

### **Public Hearings:**

The purpose of the public hearings was to receive public comment on the proposed Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

The department scheduled three public hearings conducted through the Zoom webinar platform with phone call-in participation. The format of the public hearings was consistent with the Attorney General's Model Rules of Procedure under the Administrative Procedures Act. Those who wished to testify were asked to submit their name and location through the online platform, and those calling in on the phone were solicited directly to make comment. Participants were told the hearing was being recorded. Before receiving comment, the hearing officer provided a brief overview of the rule changes.

Overall, the public hearings gathered 21 comments via oral testimony for the record. Table 1 outlines the dates, participation and the number of comments received at each of the hearings. Staff recorded the hearings and transcribed testimony for the permanent record, as enclosed further in this report.

**Table 1. Forest Practices Act rule revisions public hearings**

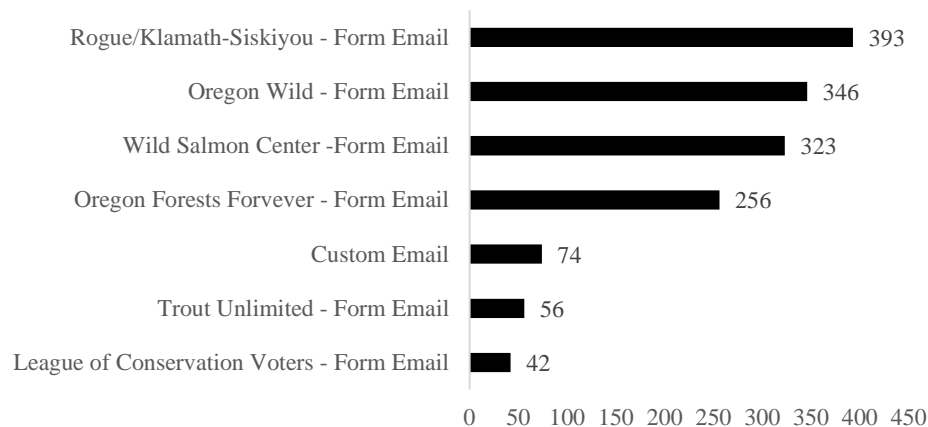
| <b>Date/Time</b>        | <b>Comments</b> | <b>Registered</b> |
|-------------------------|-----------------|-------------------|
| Sept. 26, 2022, 6 p.m.  | 8               | 40                |
| Sept. 27, 2022, 10 a.m. | 5               | 46                |
| Sept. 28, 2022, 4 p.m.  | 8               | 34                |

### **Written Comments:**

The agency accepted written comments until 11:55 p.m. on September 30, 2022, through the [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov) email address. During the comment period, the department received about 1,490 email comments on the proposed rules and one duplicate mailed letter. Figure 1 provides an overview of the type of emails received. The report gives further detail and categories in later sections.

**Figure 1: Overall Comments Received by Type**

## Private Forests Act Rule Revisions: Number of Comments Received Sept. 2022 by Type



### General Observations:

- Interest from the conservation community, as signatories to the Private Forest Accord, has been supportive, citing the proposed rule changes as an important and needed update to the Forest Practices Act and administrative rules.
- Interest from the timber community, as signatories to the Private Forest Accord, has been supportive, citing regulatory certainty as a critical component to the proposed rule changes.
- Interest from the small forestland landowner owner community has been opposed: they feel they were left out of the process and monetary value is being taken unfairly out of their land.
- Interest from counties has been opposed, citing several concerns including they will not receive the benefits of the draft habitat conservation plan.
- Interest from trade organizations has been mixed both in support and in strong opposition, citing concerns about the process, economic impacts, and recommending specific changes to the proposed rules.
- The Committee for Family Forestlands appeared to be in general support of the proposed rules but had several recommendations on aiding landowners, outreach needs, disproportionate impacts, management, and enforcement.
- Several agencies provided suggestions for rule refinement and asked for clarification on multiple issues, as well as a suggestion to increase the scope of the adaptive management program.
- Supporters of environmental organizations appear unanimously in favor of the proposed rule changes.

### B. Outreach

To help explain the proposed rule revisions and encourage public comment, the department conducted public outreach through three in-person events and one virtual informational session to give the public an opportunity to ask questions and learn more, see Table 2 for an overview of participation. ODF's Public Affairs and the Forest Resources Division collaborated to conduct the outreach. The outreach sessions all took place from approximately 5 to 7 PM and offered a 30-minute introductory presentation, followed by a Q&A open house format hosted by ODF staff. Staff made a guidance document available: *"Quick guide for making effective public comments to Oregon"*

*Department of Forestry and other government organizations” to encourage participants to comment on the proposed rules. At each location, ODF district office staff and stewardship foresters also participated.*

**Table 2. Overview of Informational Sessions Outreach**

| Date      | Location     | Attendance |
|-----------|--------------|------------|
| 9/15/2022 | Roseburg     | 15         |
| 9/20/2022 | Pendleton    | 11         |
| 9/21/2022 | Forest Grove | 21         |
| 9/22/2022 | Virtual      | 54         |

Common questions from session participants included:

1. How many new people are going to be hired for this new SFO program?
2. Are there going to be new Stewardship Foresters that we will be able to talk to about these new rules and regulations?
3. Is the tax incentive nonrefundable?
4. Can we apply the tax credit retroactively if we amend our tax returns?
5. Are the tax incentives only for small forestland owners with streams on their property?
6. Are there tax incentives for small forestland owners without streams on their property?
7. How can I comment on the draft rules when I don't know the economic impact because the slopes model won't be completed until next year?
8. What rules apply July 1, 2023?
9. Do small Type N streams have RMAs?
10. Do lateral small Type N streams have a protection requirement in Western Oregon?
11. When is the stream map going to be available to view?
12. How will you determine if a stream is perennial, seasonal, or if it is even a stream?
13. How does ODF apply protections in areas that have mixed land use such as agricultural and forestry?
14. How will the notification system work with the changes?

To further support the outreach, the department updated the Private Forest Accord webpage with new information, including one-page summaries on proposed changes:

- [Adaptive Management \(Division 603\)](#)
- [Notification of Completion and Compliance Monitoring Program \(Division 605\)](#)
- [Small Forestland Owner \(Division 607\)](#)
- [Road Construction and Inventory \(Division 625\)](#)
- [Harvesting on Steep Slopes \(Division 630\)](#)
- [Stream Classification and Vegetation Retention \(Division 635 and 643\)](#)
- [Enforcement and Civil Penalties \(Division 670 and 672\)](#)
- [Habitat Conservation Plan](#)

## **C. Public Hearings – Oral Comments**

The department held three virtual public hearings. Table 3 outlines the participation at the hearings.



**Table 3. Forest Practices Act rule revisions public hearings**

| <b>Date/Time</b>        | <b>Comments</b> | <b>Registered</b> |
|-------------------------|-----------------|-------------------|
| Sept. 26, 2022, 6 p.m.  | 8               | 40                |
| Sept. 27, 2022, 10 a.m. | 5               | 46                |
| Sept. 28, 2022, 4 p.m.  | 8               | 34                |

Table 4 provides a summary of testimony received at the public hearings. A description of the hearing and transcribed testimony follows. The summarized testimony below is grouped by interest.

|         |                                 |
|---------|---------------------------------|
| Legend: |                                 |
|         | Small Forest Landowner Interest |
|         | Environmental Interest          |
|         | Timber Interest                 |

**Table 4. Summary of Testimony at Public Hearings**

| <b>Name/Organization</b>               | <b>Date</b> | <b>Position</b> | <b>Summary of testimony</b>  |
|--|-------------|-----------------|--|
| Russ Glascock, Small Forest Landowner  | 9/26/2022   | Oppose          | New rules are taking up 25 of my 100 acres out of rotation. We were promised we could make income on this for retirement. We have been paying property taxes for decades. Exempt SFO from these rules to allow thinning inside the riparian buffer. We provide habitat as the current rules are. |
| Scott Hayes, Small Forestland Owner    | 9/26/2022   | Oppose          | Please review my written comments regarding suggestions to SFO rules. Many people aren't aware of the rule changes coming. OSWA represents about 2,000 of 70,000 small forest landowners. The Department needs an outreach plan.   |
| Derrold Burnett                        | 9/26/2022   | Oppose          | Is there a plan to reach out to 70,000 landowners so they know what is happening and what the changes mean to them?  |
| Russ Glascock, Small Forest Landowner  | 9/27/2022   | Oppose          | 25% of my property is being taken away from me being able to thin. Will there be a refund of property taxes on the devalued part of my land? Will property taxes be reduced in the future? Will there be an exemption for personal use for fences, for example?                                  |
| Brent Hennings, Small Forestland Owner | 9/28/2022   | Oppose          | Small forest landowners did not have proper representation in the formulation of this legislation. It constitutes a taking that you can't harvest timber on land you have been   |

|  |           |         |   |
|--|-----------|---------|---|
|  |           |         | paying taxes on it. There are other options to achieve the same result.   |
| Sean Stevens, Oregon Wild                          | 9/26/2022 | Support | Signatory to the PFA; supports rule changes. Rules are major advancement to protect aquatic species and habitats. Represent hard work and compromise and they provide regulatory certainty. Adaptive management program will guide the evolution of rules over time.  |
| Bob Van Dyk, Wild Salmon Center                    | 9/26/2022 | Support | Signatory to the PFA; supports rule changes. Noted improvements of stream and road rules for the health of salmon, and importance of SFO office and adaptive management process.  |
| Joseph Vaile, Klamath-Siskiyou Wildlands Center    | 9/27/2022 | Support | Signatory to the PFA; supports rule changes. Noted importance of road rules, better monitoring and adaptive mgmt. Work needed to support SFO and agency cooperation. Rules don't address all needs for drinking water protections.  |
| Stacey Detwiler, Wild Salmon Center                | 9/27/2022 | Support | Signatory to the PFA; supports rule changes. The Accord is a result of hard work and compromise. Noted importance of streamside protections, road standards and stream crossing rules, and planned yearly investments of \$15 million. More protections are needed through the adaptive management program. |
| Bob Rees, Northwest Guides and Anglers Association | 9/27/2022 | Support | Signatory to the PFA; supports rule changes, noted importance of adaptive management program, riparian buffers, road standards rules. Noted clean water assurances are needed in future.  |
| Emily Bowes, Rogue Riverkeeper                     | 9/27/2022 | Support | Signatory to the PFA; supports rule changes, noted importance of road and stream crossing rules. Stated further protections for aquatic species will be needed in future.   |
| James Fraser, Trout Unlimited                      | 9/28/2022 | Support | Signatory to the PFA; supports all rules noted importance of buffers, improved road rules and adaptive management program   |
| Grace Brahler, Cascadia Wildlands                  | 9/28/2022 | Support | Signatory to the PFA; supports rules, noted importance of buffer rules and streamside slope protection.   |
| Stacey Detwiler, Wild Salmon Center                | 9/28/2022 | Support | Signatory to the PFA, noted importance of buffers, improved road standards, adaptive management and resources for SFO; stricter standards for drinking water are needed for the future.   |

|   |           |         |  |
|---|-----------|---------|--|
| Bob Sallinger, Portland Audubon Society       | 9/28/2022 | Support | Signatory to the PFA; supports rules; more research on the needs of amphibians is needed for adequate protection. Additional species may need protection.  |
| Kevin Tuers, Sierra Pacific Industries        | 9/26/2022 | Support | Signatory to the PFA; supports rule changes. Adopt rules as drafted. New rules came from hard work and compromise and provide regulatory certainty; represent thousands of hours of work by PFA authors.                                   |
| Megan Tuttle, Weyerhaeuser Company            | 9/26/2022 | Support | Signatory to the PFA; supports rule changes. Adopt rules as drafted. Hard work to draft complex rules in short timeframe. Project management needed for smooth rule implementation, including revised technical guidance and new training. |
| Adrian Miller, Rayonier                       | 9/26/2022 | Support | Signatory to the PFA; supports rule changes. Noted importance of adaptive management program to put a stable, transparent regulatory process in place. Rule changes provide conservation uplift, while providing regulatory certainty.     |
| Joe Newton, Lone Rock Resources               | 9/28/2022 | Support | Signatory to the PFA; pass rules as written; consider and plan for challenges in implementation of the new rules.  |
| Paul Betts, Miami Alternatives, LLC           | 9/28/2022 | Support | Signatory to the PFA; supports rules but questions about whether rule changes do indeed provide regulatory certainty with ever-increasing regulations being pushed for? Will the compromise be worth it?                                   |
| Seth Barnes, Oregon Forest Industries Council | 9/28/2022 | Support | Signatory to the PFA; supports rules as they represent compromise; attention is needed for project management and smooth implementation at the Department level to support steep learning curve of new obligations.                        |

### 1. September 26, 2022, Hosted Virtually

Hearing Officer: Lisa Appel, Adaptive Management Program Coordinator,  
Forest Resources Division, ODF

At 6:00 p.m. the hearing officer initiated the hearing process on proposed Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

There were 40 participants in the hearing, eight of them provided comment. Their testimony is below in the order in which it was received.

**Russ Glascock, Landowner in Lincoln County, OR**

*"Hello, my name is Ross Glascock. Thank you for taking my phone call. I've been a landowner in Lincoln County for many decades. In 1977 I moved out here on my grandparent's place and after paying \$450,000 inheritance tax, it took 55% of the value of our place. We planted 10 acres along the Yaquina River. We were told, back in the seventies and eighties by the State, they were emphasizing of small landowners to plant trees, and we could retire on the money after planting the trees and harvesting later. And I've have thinned the 10 acres a couple times, and now in the current Forest Practices Act 100 feet along the river, I can continue to thin as the trees get bigger. Now, 110 acres - no thinning provides me no opportunity to make any money on those acres. I also planted in 2000, 90-acres up to the first bench on both sides of the Yaquina River, and multiple species and brush species to enhance wildlife. I anticipated thinning those acres along the Yaquina River to provide income and make the trees grow faster to help shade the river and enhance wildlife. And, Obviously, this new Forest Accord is going to take out those acres along the Yaquina River for me to be able to stand and make income for my retirement. I am 67 years old. I need to retire on this income. I planted 100 acres along the Yaquina River in anticipation of being able to thin it to make income for my retirement... You guys are taken up 25 of my 100 acres out of the rotation. I cannot thin inside of it starting next year. I think that is wrong. We were a promised that we can make retirement income off this property. We've been paying property taxes for decades and decades and decades. I think the committee should consider exempting small landowners from this harvest, that this riparian buffer allows thinning inside 100 acres as the existing rules are. We provide wildlife habitat as the current rules are. We are shading the river as the current rules are, and we are trying to do the right thing. But we also want to make retirement income. Thank you for your time."*

**Kevin Tuers, Sierra Pacific Industries, Eugene Oregon**

*"For the record. My name is Kevin Tuers. I am the Sierra Pacific Industry's Oregon Forest District Manager, in Eugene, Oregon. Chair, Kelly, and members of the Board. Thank you for the opportunity to testify today and support the Private Forest Accord draft rules. Sierra Pacific Industries is a third-generation family-owned forest products company. We are a leader in manufacturing and forestry, with over 2.4 million acres of sustainably managed forest land on the West Coast. 177,000 acres are located here in Oregon. In my role as the District Forestry Manager, I work closely with our crews of foresters, botanists, silviculturists, engineers, and manufacturing experts, and I want to express our support and appreciation for the thoughtful dialogue, evaluation, and compromise made by all involved with the Private Forest Accord working group. It is with thanks to this process, that decades of fighting between groups has ended, and we are now looking ahead to this place of certainty around the management of our private forest lands in Oregon. With the thousands of hours invested by many people in drafting the proposed rules, they now accurately reflect the intent of the PFA as it was written in the spirit of compromise and joint work by all sides involved. The rules provide land stewards like us, the certainty to continue our operations sustainably in communities across Oregon. But they may be costly, we understand the value of the long-term benefits, and we caution against the instinct to wordsmith, or modify, based on political or emotional pressures instead of science and data. We ask the*

*Board to support the draft rules as written, respecting the lengthy and thoughtful process navigated by technical experts to bring the rules to this point. Thank you for your thoughtful consideration.”*

**Sean Stevens, Oregon Wild**

*“My name is Sean Stevens and I am the Executive Director of Oregon Wild, a statewide organization dedicated to protecting and restoring Oregon’s wildlands, wildlife, and waters, as an enduring legacy for future generations, and I reside in Portland, Oregon. I’ve now worked for well over two and a half years with my conservation colleagues and our partners in the timber industry and small forest land owning communities on the Private Forest Accord. Both as an original signatory to the MOU in 2020 that led to the serious negotiations over Oregon’s forest practices and as a principal negotiator of the Accord itself. Oregon Wild strongly supports the rules being considered with some minor modifications, that we will submit in writing to the Department for consideration. These compromise PFA rules represent a major advancement in protecting aquatic habitats and species on private forest lands in Oregon. They are the product of well-intentioned people, crafting complex solutions to complex problems, attempting to do the most good possible for all who care about Oregon’s forests. These rules are meant to provide some significant level of regulatory certainty for those who seek to log their forests, while providing some significant level of habitat certainty for threatened and endangered species. But they’re not meant to be set in stone in perpetuity, and they are not perfect. Fortunately, there is a built-in adaptive management process to guide the evolution of these rules over time. And I think if there are aspects of these rules that the public thinks need changing, I urge everyone to engage in the upcoming adaptive management process that will be led by a diverse stakeholder group. Again, Oregon Wild supports these rules and supports the process that led to them, and I thank you for the opportunity to comment.”*

**Meghan Tuttle, Salem, OR Weyerhaeuser Company**

*“My name is Megan Tuttle. I am in Salem, Oregon, and I am the Environmental Affairs Manager for Weyerhaeuser Company. Weyerhaeuser is a signatory of the Private Forest Accord, was engaged in authoring the private forest accord report and participated in drafting the Forest Practice rules. I have two things I want to share today regarding revisions of the Forest Practices Act and Weyerhaeuser supports the comments of OFIC and industry Private Forest Accord co-authors during this public meeting process. Number one, we recommend the Board of Forestry adopt the Forest Practice rules as drafted. As discussed at prior board meetings, ODF staff, authors and others have collaborated to develop rule language that matched the historic agreement outlined in the Private Forest Accord and associated legislation. We would like to acknowledge the hard work of the ODF staff on driving this rule package under tight deadlines, and recognize that with 144 pages of updated regulations, including 110 administrative rule modifications, these rules changes are complex and detailed. Given the scope and breadth of the regulatory changes, we urge ODF Staff and the Board of Forestry to adopt the rules as drafted, and in particular, recommend the Board of Forestry avoid making substantive changes during the public comment process. Number 2: While the Forest Practices Administrative rule approval is a significant Private Forest Accord milestone, a lot of work remains after rule adoption in November. Senate Bill 1501 dictated a very aggressive timeline for this rulemaking effort, and the Board and staff should be commended for meeting the rulemaking timeline while engaging with PFA authors, state agencies like ODFW and other impacted stakeholders. However, many elements of Senate Bill 1501 and actions for successful rule implementation remain outstanding. These include upgrading the forest activity electronic reporting and notification system, otherwise known as FERNS, developing technical guidance,*

*creating training for steep slope certification and forming the Adaptive Management and Independent Research and Science teams. While long, this list is not exhaustive of all of the work in front of ODF, and does not even include longer term PFA commitments like rulemaking for tethered logging and post-disturbance harvesting. ODF leadership and the Board need to develop metrics, realistic timelines, and collaborative processes to ensure operational regulatory needs are completed well ahead of the January, 1 2024 rule implementation. Landowners, in particular, and regional Forest Practice Committees have a vested interest in a smooth FERNS update, clear technical guidance and development of appropriate and timely field training. In closing, we appreciate the efforts of ODF leadership, staff and the Board of Forestry in developing the draft Forest Practice regulations and strongly encourage the Board of Forestry to approve the collaborative rule drafts as presented. Furthermore, we look forward to ODF communicating and continuing to collaborate with stakeholders, as we transition from crafting rulemaking language to rulemaking implementation.”*

**Adrian Miller, Rayonier, Poulsbo, WA**

*“ My name is Adrian Miller. I reside in Poulsbo, Washington, and I represent Rayonier an Oregon forest landowner. We own and manage about 60,000 acres on the South Oregon coast. We are testifying today in support of this rule package, and I guess the tenor of my comment - I really want to focus around, what makes Oregon a successful place to own and manage timber. We've got some of the best soils and climate in the country for growing trees. We've got access to robust markets. We have access to a skilled labor force. But one of the things that we seem to miss in this equation is the ability to count on a stable regulatory process. The Private Forest Accord sets up a set of changes to how rules are changed. My friend and colleague, Sean Stevens, earlier alluded to this in the adaptive management program, and I agree with him for those who are interested in seeing changes in the future to understand and participate in this program. It attempts to take some of the conflict out of scientific debate and create a more transparent process for evaluating rule changes. So, this rule package creates a significant conservation uplift, and we hope it also provides additional regulatory certainty. This rule package does cost landowners and the state of Oregon, and we hope that the Board of Forestry continues to help implement these rules so that we can see the benefits of these rule changes, and that's all I've got, thank you very much.”*

**Bob Van Dyk, Wild Salmon Center, Forest Grove, Oregon**

*“Thank you for the record, Bob Van dyke I live in Forest Grove, Oregon, and I work for Wild Salmon Center. We're a conservation organization strongly committed to dedicated to abundant wild salmon runs. We strongly support the rule package before you today. The rule package contains a great many helpful improvements for our salmon runs. The larger stream buffers will help keep temperatures cool and regulate stream temperature, and also contribute significantly more large wood. The steep slope regulations will help regulate sediment as well as contributing more large wood. The road roles will also help reduce sediment from hydrologically-connected streams, and will dramatically increase fish passage. The new small forest landowner program includes a new office, tax credits and extensive outreach to this very important constituent for salmon habitat. And the new beaver rules and mitigation fund also promise significant improvements. We're also very pleased with the new adaptive management process, which helps give science and regulatory stability prominence. We encourage the Board to move to approve these rules, and to move with all deliberate speed toward the Habitat Conservation Plan. Thanks for the opportunity to testify tonight.”*



**Scott Hayes, Washington County, Oregon**

*"My name is Scott Hayes. I have a 40-acre tree farm. My wife and I have a home in Washington County. So, we are one of the SFO landowners, and I noted in the comments tonight there were a lot of folks that were supportive of this accord, and the rules, and I also agree. I did make some comments on September 10th I submitted the Board. I hope they review those. They really relate to the small SFO landowners, and I think it's important that maybe some of the issues be addressed that affect folks that have really small acreages, and they really don't know about these rules that are coming about. I do know some fellow tree farmers who are actually harvesting along riparian areas right now in anticipation of the new rules, which is a bad thing. We are not. But I hope that the Board would review my comments, and then also the comments of the gentleman that was the first on this evening who has a pretty significant financial impact. I do know that the Oregon Small Woodlands Association had great input into the process, and although they do represent about 2,000 of us tree farmers and small landowners in Oregon, there is 70 or 80,000 of them that really have no idea what is going on. So there needs to be a pretty significant outreach to those folks to what is happening on their streams and their stream riparian areas. So, thank you very much, and I will close now."*

**Derrold Burnett**

*"In regard to the comments made by Mr. Hayes. Is there a plan to reach out to those 70 to 80,000 other small forestland owners? So, they know what's happening, and what these changes mean to them? It's so important as the individual parcels may be small, but 70,000 of them represent a very large land mass. Thank you very much."*

The Hearing was adjourned at approximately 6:40 PM after all the other participants were queried for interest in providing testimony.

**2. September 27, 2022, Hosted Virtually**

Hearing Officer: Lisa Appel, Adaptive Management Program Coordinator,  
Forest Resources Division, ODF

At 10:00 a.m. the hearing officer initiated the hearing process on proposed Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

There were 46 participants in the hearing, five of them provided comment. Their testimony is below in the order in which it was received.

**Joseph Vaile, Klamath-Siskiyou Wildlands Center, Ashland, OR**

*"My name is Joseph Vaile, and I'm with the group Klamath-Siskiyou Wildland Center. We're based in southern Oregon and I was a part of the signatory group and worked on the Private Forest Accord. Down here in southern Oregon I worked a lot on wildfire issues and fuel issues and forestry. We have a very important landscape down here in the Rogue Basin with a lot of private land intermixed with Federal land. So, it's really important how our watersheds are managed, and the Private Forest Accord is greatly important to us. I want*

*to express my strong support for the rule package and recommend that the Board adopt these rules. There are many important rule updates that would bring Oregon rules closer to what nearly every other Western State is doing in terms of forest practices. So, this is long overdue and I want to express my strong support for the rule package. I was able to work really closely on the roads division of the rules, and they are critical for ensuring that our streams and rivers have clean water for communities and for fish populations. Roads can bleed damaging sediment into streams. Also, these rules would help make sure that those roads are not in a place where they're blocking the migration of fish, which is what often happens in many of our roads. So, these rules are a huge step in the right direction. There's so much more in the rule package as you described that would benefit Oregonians, including better monitoring, adaptive management, and protections that would benefit other species of wildlife such as the beaver and amphibians. That said there's still plenty of work ahead including the need to make sure that small forest landowners get the support that they deserve. Also, ODF and ODFW must do a much better job, moving forward, of cooperating as a result of these rules. That will mean a better, closer working relationship is needed there. We also need develop a lot more rules to protect our streams after fire and disturbance, something that the Private Forest Accord did not address but instead set up a process to address in the coming months ahead. So that's really important not to forget. Lastly, I would just say, these rules are really designed around protecting endangered species, and that's the focus of them. They don't address all the other needs that we have in our communities drinking water and other protections that are needed in terms of how climate change is affecting our forests. So there's a lot more work ahead, but as far as these rules and aquatic resources. I just want to say my strong support for them and I hope they're adopted. I appreciate the opportunity to give this testimony."*

**Stacey Detwiler, Wild Salmon Center, Springfield, OR**

*"My name is Stacey Detwiler and I'm the Oregon Policy Manager at the Wild Salmon Center, which is a nonprofit organization dedicated to conserving wild salmon, steelhead, rivers and ecosystems here in Oregon and across the Pacific rim. Thank you for the opportunity to provide public comment today in support of the proposed administrative rule changes to the Oregon Forest Practices Act, and we also recommend that the Board adopts these rules. Together with 12 other conservation and fishing organizations and 13 timber companies, Wild Salmon Center worked to negotiate the Private Forest Accord, which is really only possible through decades of hard work by community members, organizers, and scientists who are advocating for needed changes on how our private forest lands are managed here in Oregon. Private Forest Accord was the true compromise, and there were many hard decisions. But despite these challenges, it's also the first major update to Oregon's logging rules on private forest lands in decades, expanding stream side protections for harvesting trees near streams, overhauling forest road standards and requiring a comprehensive inventory process, holding road stream crossings to new standards for flow and fish passage that reflect a changing climate and establishing a 50 year fund with investments of 15 million a year, from the state and industry for projects that increase wildfire resiliency, support beaver conservation, establish conservation easements, and many more. Today, we ask the department and the Board to finalize the proposed rules and build on the success of the Private Forest Accord by continuing to update protections for forested watersheds as part of the adaptive management program, particularly as we learn more about the practices and management strategies that are needed to protect cold, clean water for fish and people under a changing climate. More protections are still needed to ensure clean drinking water is protected for all Oregonians, especially on steep and unstable slopes, or where pesticide use and loss of shade that keep streams cool threaten drinking water supplies. But despite these difficult tradeoffs, the Private Forest Accord is a critical step to better protect clean*



*cold water for all Oregonians. Thank you for the opportunity to provide public comment today in support the Private Forest Accord and the proposed administrative role changes."*

**Bob Rees, Northwest Guides and Anglers Association**

*"My name is Bob Rees. I am Executive Director for the Northwest Guides and Anglers Association, and a professional fishing guide of 26 years in Oregon. Thank you for the opportunity to provide these comments today. This hearing and process represent the culmination of decades of hard work by the conservation community and private forest landowners. It's a long overdue improvement meant to improve the water quality and to prevent wild salmon from going extinct. Currently Oregon's wild salmon are at 3% of their historical abundance. We urge the department to build on the success of the Private Forest Accord as part of the adaptive management program as the needs of our fish and wildlife change along with our dynamic climate. In particular, we want to highlight the improvements of increased riparian buffers, improving forest road standards, and prohibiting commercial beaver trapping on private forest lands. The accord, however, did fall short of providing clean water assurances, and we hope that we could continue to work the department to improve those components of regulation in the future. Thank you. That concludes my comments."*

**Emily Bowes, Rogue Riverkeeper, Ashland, OR**

*"Hello! My name is Emily Bowes of Southwestern Oregon. I am the Conservation Director of Rogue Riverkeeper. Rogue Riverkeeper has been involved in PFA since its inception and as a PFA author. Rogue Riverkeeper is a nonprofit organization that advocates for water quality and water quantity in support of clean drinking water, native fish, and healthy communities in the Rogue River watershed. I'm providing comment today in support of the proposed administrative rule changes, and that the Board adopt these rules. The PFA is making huge steps forward on an update of Oregon's logging rules and practices on private forest lands. But I ask these updates continue further to increase protections for aquatic species, and the health of the surrounding communities. Rogue Riverkeeper supports the changes negotiated under Private Forest Accord in particular including new requirements to upgrade roads to provide fish passage, and construct road stream crossings to new standards, with flow and fish passage that reflect a changing climate, expanding streamside protections for harvesting trees near streams, and improving forest road standards and establish a road inventory. However, there is still more to advocate for to ensure full water protections within our private forested watersheds, such as increase protections to ensure sources of clean drinking water, providing Clean Water Act assurances and additional updates to Forest Practices that will be required to comply with the Clean Water Act and comprehensive policies to fully address global climate change, and how forest can help communities mitigate and adapt these impacts. Private Forest Accord is a critical step to better protect clean, cold water for our communities and aquatic wildlife. So, I thank you for the opportunity today to provide public comment in support of the Private Forest Accord and the administrative rule changes."*

**Russ Glascock, Landowner in Lincoln County, OR**

*"My name is Russ Glascock. I called yesterday and gave testimony. I think I want to expand a little bit today. 25% of my property along the river is being taken away for being able to thin, as in the current Forest Practice Act allows - a fish stream is a 100 foot buffer and you are allowed to thin inside of it. You were that the Forest*

*Accord does not allow anything inside there. I have a question if Lincoln County is going to refund my property taxes that I've been paying for decades and decades and decades on that land, for the devalued part of my land. In the future, are they going to reduce my property taxes and for everybody else in Lincoln County that's affected similarly? I appreciate the offer to talk to you. And I also want to know is there going to be any exemption for personal use along the river to take trees for building fences and barns and things like that. Have a nice day."*

The Hearing was adjourned at approximately 10:30 AM after all the other participants were queried for interest in providing testimony.

### **3. September 28, 2022, Hosted Virtually**

Hearing Officer: Lisa Appel, Adaptive Management Program Coordinator,  
Forest Resources Division, ODF

At 4:00 p.m. the hearing officer initiated the hearing process on proposed Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

There were 34 participants in the hearing, eight of them provided comment. Their testimony is below in the order in which it was received.

#### **Joe Newton, Lone Rock Resources, Roseburg, Oregon**

*"My name is Joe Newton, and I am a Forester for the Lone Rock Resources based in Roseburg, Oregon. Lone Rock is a signatory in the Private Forest Accord was involved in the negotiation that led to establishing the agreement and passing drinking water protection legislation as part of that agreement in 2020, as well as the negotiation that led to the final agreement announced last October. We also participated in the review and feedback of the draft rule changes and feel satisfied that these rules accurately reflect the changes outlined in the agreement. We encourage the Board to pass these rules as written. Several of our environmental partners have made comments about what they feel are unresolved issues that they would like to see the board address; namely, drinking water protections and herbicide application. I'd like to state for the record that drinking water protections were, in fact, part of these negotiations. They were the very first issue the signatories addressed via legislation passed with nearly unanimous bipartisan support that was signed into law by Governor Kate Brown in July of 2020. That legislation created buffers around homes, schools, and water intakes for helicopter application of herbicides on forestland. That are, to my knowledge, larger buffers than any other Western state. Those new buffers went to effect last year. It also created the first-ever electronic notification system to communicate neighbors in real time when forest landowners plan to use helicopters to do aerial applications. Again, no other State in the nation has a notification system like this, and because of that, ODF had to create this complicated notification system from scratch. Because of that, it only just rolled out last winter and has been in use for less than a year. As one might expect with the brand-new IT program, it hasn't been without hiccups. For example, some foresters have reported issues with the new system getting stuck with a little spinning computer screen circle of doom and not processing a pending notice properly. Clearly, it's going to take some time to provide feedback and get all the kinks worked out. I strongly encourage the department and Board to remain focused on accomplishing what has been started and resist calls to keep piling on new regulations before we even have time to fully implement the massive changes we've already put in motion. And that includes implementing the new adaptive management program so baseline monitoring can be established to inform for future policy discussion. That is a proper*

*path for those scientific questions, and we encourage the Board to use it to its full potential. Thank you very much for the opportunity to comment.”*

**James Fraser, Trout Unlimited, Portland, OR**

*“Hello, my name is James Fraser and I'm the Oregon Policy Advisor at Trout Unlimited. I live in Portland. Trout Unlimited is a non-profit organization dedicated to the conservation of cold-water fish, such as trout, salmon, and steelhead and their habitats. Our organization has more than 350,000 members and supporters nationwide, including over 3,500 members in Oregon. TU is one of the conservation coalition authors of the PFA report, and we supported related legislation during the 2022 session. We've also been involved in many of the conversations between industry representatives and the Department of Forestry regarding these rules. TU supports the draft PFA rules and the protections those will provide to native salmon, steelhead, and trout, as well as the other covered fish and amphibian species described in the PFA. The PFA in these draft rules will significantly change the regulatory framework for timber activities on private lands, and I will not try to summarize those changes here. Rather I'll just say that TU greatly appreciates and supports the rules, because they'll meaningfully expand riparian buffers in Oregon streams, improve road and stream-crossing standards, remediate abandoned and legacy forest roads, provide new protections for streams from runoff, and commit substantial new funding for habitat and water quality restoration work. It's certainly a lot to review but many changes in Oregon's administrative rules; however, this new approach is necessary. TU expects the new framework to provide benefits to Oregon's aquatic resources, while also providing regulatory certainty to Oregon's timber industry. The new adaptive management program is a highly important component of this new framework, and I want to emphasize to you support for it. That program will provide science-based recommendations and technical information to the Board that allows the State to incorporate best available science and forest management on an ongoing basis. The result should be continued incidental take permit coverage that's based on effective administrative rules. To be clear, these draft rules do not fully implement all of the regulatory changes that are necessary under the PFA and related legislation. For example, the post-disturbance logging rules are still to come, but these draft rules will achieve a lot and are a necessary step to providing regulatory certainty for the State, while also protecting the interests of valuable fish and wildlife. Thank you for this opportunity to provide comments on the draft rules.”*

**Grace Brahler, Cascadia Wildlands, Eugene, OR**

*“Hi there, for the record, my name is Grace Brahler, I'm from Eugene Oregon, and I am the Wildlands Director for Cascadia Wildlands. Cascadia Wildlands is a nonprofit conservation organization with a mission to defend and restore Cascadia's wild ecosystems in the forests, in the courts, and in the streets. We represent approximately 12,000 members and supporters in Oregon and throughout the United States, who envision vast old growth forest; clean, cold rivers full of salmon; wolves, howling in the back country; and vibrant communities sustained by the unique landscapes of the Cascadia Bioregion. Thank you for this opportunity to provide public comment today in support of proposed administrative rule changes to the Oregon Forest Practices Act as directed by Senate Bills 1501 and 1502 as part of the Private Forest Accord for which Cascadia Wildlands is a signatory. We want to keep it short and sweet, and express our strong support for these changes negotiated under the PFA, including increased streamside buffers to protect water quality and salmon and stronger protections for steep landslide prone slopes. While there is certainly still more to be*

*done, the PFA and the proposed administrative rule changes represent significant progress in Oregon's forest regulatory landscape. Thank you again for the opportunity to comment."*

**Stacey Detwiler, Wild Salmon Center**

*"Thank you, for the record, my name is Stacey Detwiler, and I'm the Oregon Policy Manager at the Wild Salmon Center, a nonprofit organization dedicated to conserving wild salmon and steelhead rivers and ecosystems here in Oregon and across the Pacific rim. Thank you for the opportunity to provide public comment today in support of the proposed and administrative rule changes to the Organ Forest Practices Act, and we recommend that the Board adopts these rules. Wild Salmon Center was one of the original signers of the MOU and one of the authors of the Private Forest Accord, along with 12 other conservation and fishing organizations and 13 timber representatives, including small forest landowners. The final Private Forest Accord is the result of many months of negotiations and tough decisions all made possible through the hard work of community leaders, scientists and organizers advocating for changes to how private forest lands are managed here in Oregon. Despite these challenges, it's really the first comprehensive overhaul of Oregon's rules on private forest lands in decades. It improves forest road standards and establishes the forest road inventory, requiring all large landowners to inventory their roads over 20 years, and ensure that those roads meet the new standards. It establishes new programs and resources for small forest landowners, including the new SFISH program which provides dedicated funding to replace and upgrade failing culverts at road-stream crossings. It establishes an independent science team that will conduct studies and report them to the Board of Forestry, and under the adaptive management process it prioritizes research into impacts on stream-dwelling amphibians to fill data gaps and ensure that those protections are adequate to sustain and recover imperiled amphibian species. Today, we ask that the Department and the Board finalize the proposed rules and build on the success of the PFA by continuing to update protections for forested watersheds as part of the adaptive management program; this process will inform how the new rules are working and any changes that are needed moving forward. This is increasingly important as we continue to learn more about the practices and management strategies that are needed to protect cold, clean water for fish and people under a changing climate. There's still a long road ahead for forest management practices that fully protect clean water for people and fish. Without a federally-approved habitat conservation plan by 2027, these rules will roll back and stricter standards after wildfires and in forests that provide drinking water supplies to Oregonians are still needed. Despite these difficult tradeoffs, the Private Forest Accord is a critical step to better protect clean, cold water for all Oregonians. Thank you for the opportunity to provide public comment today in support of the Private Forest Accord and the proposed administrative rule changes."*

**Paul Betts, Miami Alternatives, LLC, McMinnville, OR**

*"My name is Paul Betts, I'm the manager for Miami Alternatives LLC's lands in Grand Ronde, Oregon, a family timberland owner that has managed the property since 1910. Miami is not a signatory to the PFA. That being said, as Chair of OFIC Forest Management Policy Committee, I've likely invested as much, if not more time, in the rule Development work than anyone else, and was grateful that the process allowed for broader participation after the passage of Senate Bill 1501; however, please don't mistake this commitment as an enthusiastic endorsement of the PFA. Rather it was a pragmatic choice to help faithfully capture the agreement and the best rules possible, and I can say that I believe this has been done. Yet, I am frustrated by*

*how this agreement was forged, it's content, and it's cost. I represent a class of landowners that has a strong legacy of sustainable land management in Oregon. Miami has owned timberland in Oregon for over 100 years, and we are accustomed to regularly going above and beyond the rules in caring for our land. However, I found no recognition nor credit for doing so in the PFA, nor do I see the incentives for this style of management going forward. I'm told that what we purchased with our heavy sacrifice is regulatory certainty. Peace in our day. I find this highly dubious, especially since environmental signatories to the PFA have recently testified before this Board about the rulemaking, using a portion of their time to enumerate how this is just a starting point, and give their future wish list of yet more adventures in increasing regulations, all before the PFA rules have even been approved and adopted by this Board, let alone implemented monitored, or evaluated for effectiveness. Forest landowners have paid a steep price, and one that honestly threatens the continued existence of the class of family forest landowners that I represent. A decade from now, forest landowners will either feel that they secured a costly but strong and enduring compromise, or they will feel that they were suckered into a bad deal. It will be up to you, distinguished members of the Oregon Board of Forestry, to give either the truth or the lie to the promise of regulatory certainty through your work in the coming decade. I hope that you choose to honor the timber industry sacrifices, generate the promised regulatory certainty, and help cement the fragile and nascent cooperative relationships that developed these rules and that will be necessary for the PFA to be successful going forward. Thank you for your time."*

**Bob Sallinger, Portland Audubon Society**

*"Good afternoon, my name is Bob Sallinger and for the record I'm the Conservation Director for the Audubon Society of Portland. We were one of the signatories to the Private Forest Accord. We're also one of the six negotiating parties for the Forest Accord on the environmental side. We appreciate the hard work that our colleagues on the environmental side and the timber side put into forging this agreement, and we're here today to strongly support moving it forward. We think this does represent significant advancement for protection of aquatic species. And it has been a long, long time coming. We also want to recognize today that there are other elements of this plan that need to move forward, separate from this. And I think specifically of the work around beavers that is being done at ODFW. There is much work ahead, both in implementing the work under the Department of Forestry and also at other agencies as well. And it's important that the plan move forward holistically. I also want to recognize that there's uncertainty in this plan. We focused at Audubon specifically on amphibians. There is significantly less research about amphibians than there are about the fish that were covered into this plan. As a result of that, the protections are less certain. And the period for the habitat conservation plan is half of what it will be for the fish species that are covered. That's a reflection of the fact that there is much work to do to really understand the needs of covered amphibians. And that we need to prioritize them in the adaptive management and research that goes forward to make sure that we are adequately protecting them, and that changes won't be needed in the future. So, I want to highlight that as a top priority going forward. I also want to recognize that there are imperial aquatic species that we did not get to in this plan, I think about species like freshwater mussels and Cascade Torrent salamanders that may need additional protections in the future. We simply did not address the needs of those species specifically. So, while we covered a lot of the most imperiled species, there are still other species out there that we need to be aware of and thoughtful about. That being said we do strongly support moving this forward and adopting it. We think the work that's been done is very good and substantially advances protections for aquatic species in Oregon's forests. So, thank you for the opportunity to testify today."*



**Seth Barnes, Oregon Forest Industries Council, Salem Oregon**

*"Thank you for the opportunity to provide comment today. For the record, my name is Seth Barnes, and I am the Director of Forest Policy for the Oregon Forest Industries Council. I'm multi-generational Oregonian with a degree in Forest Management from OSU. Much has been said about the authors that came together to find common ground and abandon the battles of the timber wars seeking the common ground between environmental regulation and landowner certainty. The rules before you represent months of work, and now hours of conversation between parties. We appreciate the work of the department staff as well. These rules are the result of a lot of hard work and compromise, and there is no room for more. The original agreement was made in earnest consultation with professional foresters and engineers, and our members have continued to provide their expertise and practical experience to help shape these draft rules. There's no room for fine tuning and we humbly encourage the Board to support the collaborative nature in which these rules were created by adopting the rules as written. This agreement is a rare and genuine compromise. Not everyone got what they wanted, but everyone got something. We gave up a whole lot. We believe the sacrifice is worth it to get some certainty and stability for our future, and that's progress we're supporting. Senate Bill 1501 dictated a very aggressive timeline for this rule making effort and some elements remain outstanding, including many, many chapters of technical guidance. This rulemaking process that we're undergoing right now, and then another one for tethered logging and post-disturbance harvesting, and several trainings on top of all of that to develop and deliver. If there's one thing that we've learned in the rule drafting process is that to guarantee a thorough and complete job, the workload should be metered out at a measured pace and not run. We could sure use the Board's help and guidance making sure that happens and that all unresolved elements are resolved in the same collaborative spirit that has been cultivated. These PFA rules are indeed climate smart for those interested in additional trees growing and storing carbon in the forest, the PFA rules do that. For those concerned with stream temperatures and thermal refugia for wildlife species, the PFA does that. For those interested in promoting wood products and sustainable green jobs, the PFA was created to achieve certainty and a sustainable forest sector. And lastly, just wanted to remind everyone that the very first action taken by the Private Forest Accord authors was to agree upon new protection measures and a state-of-the-art neighbor communication tool for Helicopter Application of herbicides. These rules were adopted through Senate Bill 1602, which also directed the authors to continue to meet and come up with the rest of the PFA and seek that compromise that we're talking about today. These aerial application rules are indeed unique. No other State in the nation has greater protection or stronger communication tools. These too were rules developed through the collaborative process, and they only became operative in 2022. They offer greater protection for all water intakes, increased stream protections, strengthen compliance tools, and create real time and post-application communication for neighbors, and as was already mentioned the rules just went into place in 2022. We're still learning how to effectively implement and communicate with these new tools and we would appreciate the time to work out the kinks in all of this, and all of the other rules that are coming into place. It's hard to underscore the magnitude of this rulemaking process and what it's going to take. The significant lift it's going to take for every landowner large and small to not only learn what their new obligations are, but then to implement those things on the ground. And then we're not alone there, the department has to do the same thing. There's a steep learning curve with all of this, and we would appreciate people's patience and understanding as the department and the plan owners seeking to implement this properly work through that to ensure good compliance moving forward. Thank you."*

## **Brent Hennings, Small Forestland Owner**

*"My name is Brent Hennings. I have a small tree farm, 160 acres. I have been a tree farm inspector for the American Tree Farm system, since 2009, and currently I'm listed as the East Douglas County Tree Farm Inspection Coordinator. I'm very upset by the fact that small landowners were not aware of what was going on during the development of the Private Forest Accord. An awful lot of people are still totally unaware of how they're going to be impacted. I know that Jim James from Oregon Small Woodlands Association was a party, supposedly representing small woodland owners. But OSWA, although they're the largest small woodland landowner organization in the state, don't represent anywhere near half of the small private landowners - forest landowners in the state of Oregon. And I don't feel that small private landowners obtained proper representation in the formulation of this legislation. It was done largely under the cloak of secrecy, there's rush through and special legislation, and I think there's going to be a lot of concern when people start realizing they can't harvest timber that they have been paying taxes on for a long period of time. Land that they've been paying taxes on, these new riparian rules, in my belief, constitute a taking, and I think there are other ways that could achieve the same result. Partial thinning operations with directional falling away from streams, still maintaining adequate shade - those kinds of things. And I'm very upset that wasn't part of the final solution. I know a large number of small landowners are in a process now of either aggressively thinning, or in some places clear cutting areas that may be potentially affected when these rules go into effect. I think the result of that is going to be exactly opposite of what was intended when these rules were put together. Thanks for listening."*

The Hearing was adjourned at approximately 4:40 PM after all the other participants were queried for interest in providing testimony.

## **D. Written Comments**

The agency received approximately 1,490 comments, 74 were unique, custom comments; the remainder of approximately 1,416 are "form" emails facilitated by advocacy organizations in support of the rules. Comments are catalogued and presented in the following categories by the order in which they were received. Table 5 provides a count of comments within each category.

### **1. Committee for Family Forestlands**

#### **2. State or Federal Agency**

- a. Department of Fish and Wildlife
- b. US Environmental Protection Agency - Region 10
- c. Department of State Lands
- d. Department of Environmental Quality

#### **3. County**

- a. Josephine Board of County Commissioners
- b. Hood River County Board of Commissioners

#### **4. Timber Company**

- a. Rayonier
- b. Miami Alternatives, LLC
- c. Green Diamond Resource Company

#### **5. Environmental Organization**

- a. Private Forest Accord Conservation Coalition
- b. The Nature Conservancy

#### **6. Trade Organization**

- a. Coos-Curry County Farm Bureau
- b. Southern Oregon Timber Industries Association
- c. Oregon Forest & Industries Council
- d. Oregon Rural Electric Cooperative Association
- e. Oregon Farm Bureau

#### **7. Small Forestland Owner**

#### **8. Environmental Supporter**

#### **9. Advocacy Email**

**Table 5. Count of Written Comments by Category**

| Category                            | Count |
|-------------------------------------|-------|
| 1. Committee for Family Forestlands | 1     |
| 2. State or Federal Agency          | 4     |
| 3. County                           | 2     |
| 4. Timber Company                   | 3     |
| 5. Environmental Organization       | 2     |
| 6. Trade Organization               | 6     |
| 7. Small Forestland Owner           | 32    |
| 8. Environmental Supporter          | 24    |
| 9. Advocacy Email                   | 1416  |



# 1. Committee for Family Forestlands



## Committee for Family Forestlands Comments on the PFA Draft Rules September 1<sup>st</sup>, 2022



The Committee for Family Forestlands met on September 1, 2022, after individually reviewing the Draft Private Forest Accord Rules. The Committee's overarching comments are in bold headers below, with specific comments and quotes from Committee discussion following.

The Committee appreciates the opportunity to submit these comments on the new rules, and hopes that this document makes clear its support of the rules and key aspects including ongoing strong assistance for small forestland owners in learning about the rules, complying with them, and accessing new funding and advisory programs created by the rules.

### **Assistance for Landowners: The Committee notes the importance of ongoing assistance to small forestland owners and the importance of benefits intended to small forestland owners going to the small forestland owner community.**

- There is a line in the rules about highly encumbered woodland owners assuming that there might be a small number of people whose property is really severely impacted; that is not comforting if you are one of those landowners. There should be some process to help.
- We really want to make sure the benefits of the Small Forestland Provisions go to the Small Forest Landowners. We are interested in the definition of what a Small Forest Landowner is, and want to make sure it doesn't become a mechanism for Larger Forest Landowners to put their land holdings into small individual LLCs to try and get the benefit of the funding that way, because for this program to be effective, the funding that is intended to be directed say for SFISH, needs to benefit actual small landowners, not ones that are affiliated with larger corporate groups.
- Committee members are interested in statistics about SFOs. How many landowners in Oregon qualify as 5000 or less, within that bracket that we define Small Landowner? Where is the median value? It seems that 5/10-acre owners are going to be deeply affected by this. Do we have a sense of how many 5, 10, 40-acre landowners we have vs. the larger chunk of the 3,000-5,000 acres? It seems this whole thing is missing the micro-ownership. 5,000 is a large chunk of land. The reality for micro-ownership is very hard because many of them will never harvest with some positive income, will never harvest 20 truckloads of timber, and they may not find a logger. "The rules speak to one thing very dear to me in line one of the opening; the purpose and goal is to minimize the number of land use conversions. That is super cool, it is a collective commitment that is trying to keep forestland that is very valuable and even more valuable to those micro landowners that they really have no timber value and the only thing they can do is transfer that against this goal. You may have 28 acres with some timber that could be harvested but you will not find a logger that will come in and do it for you because one and a half truck loads are not crucial to scale, so you are really stuck in-between wanting to do something with minimum amount and the impossibility of that being financially do-able."
- The Committee noted the 5% of watershed limit (over 5 years) for the minimum option; not all Small Forestland Owners are allowed to utilize the minimum option.

## **Outreach: The Need for Education, Communication, Technical Support–**

- It is difficult to find what is being defined as a perennial stream vs. a seasonal stream, depending on what definition of perennial. What distinguishes some of the stream classifications? Sometimes it feels that some of the classifications/definitions are in conflict. Still confused on what is a perennial vs a seasonal stream.
- How do we communicate about these changes to all those landowners, the greatest majority of landowners, who may not know that they are involved in this.
- The committee discussed the need for a digestible guide that can support landowner's implementation and workshops, along with field tours. Outreach and education will be essential to help people feel successful about implementing these rules. It would be useful to have a guide to what a landowner mandatorily will have to do and what are the optional opportunities for landowners under the rules.
- The Small Forestland Owner Assistance Office is meant to coordinate and do communications and outreach about the Forest Practice Rules, these changes to them, grant programs under the Accord, and more broadly about programs and partnerships. That language seems to be stronger in the statute than it is in this rule. We'd like to see a broader spelling out that the Office should be a place for consolidated outreach because it is confusing having it diffused--we have heard that comment on the committee many times. Also, rules about mitigation grants are not referenced in these rules at all. It could be useful to have some kind of cross reference in the rules mentioning that under the Accord Mitigation Grant program there will be opportunities for Small Forestland Owners; this could be linked to the description of the Small Forest Landowner Office.
- AOL explained to the Committee that it is trying to help folks understand how they may be able to increase their business and to get help for the Small Forestland Owner when it comes to being an operator in that space. That's not all of AOL members but they do have a large portion of members who do both large and small forestland work. It's going to get complicated to explain the forest practice rules to AOL members because really in all reality there are four sets of rules now where there used to be one maybe two, East and West side, but then you also have the difference between Large and Small Landowner.
- It is important for landowners to know whom to contact. Is it the local ODF forester or is it going to be the office of Small Forestland Owners? For the Small Forestland Owner, who do they call first and what is the channel of their communication and learning?
- The SFO Assistance Office must take into account, and stewardship foresters must take into account, that many communities will have limited access to ODF resources and little knowledge of how to access digital materials.
- We should be investing in those organizations that will host those volunteers that will be assisting in outreach and grant additional capacity to those organizations to accomplish the outreach.
- It will be useful to have outreach that focuses on some of the positive aspects of the rules for the Small Forestland Owner community.

## **Disproportionate Impacts: small landowners with many streams, avoiding conversion-**

- Our big concern is that forestland is not converted out of forestland into something else. There is a huge value in forestland staying forest. There is a concern about the ability of forestland to be self-sustaining.
- Will there be some process if some people feel really extraordinarily impacted, what will happen to them? Some Small Forestland Owners may have a dense network of streams.
- There are a lot of small woodland owners of modest means. Is there a process to identify extraordinarily encumbered landowners?

## **Management plans, agreements: need for clarity and support about required plans–**

- The rules about waiver of statutory plans and stewardship agreements are complex. How will the Department support landowners in knowing what plans are needed? We can't expect that everyone can find a stewardship forester to write the landowner a plan.

- Landowners need to understand that there is a distinction between a management plan for property and a written plan for a specific forest practices operation on the property.
- In the definitions of written plans, the word statutory is crossed out, but below the rules keep referring to statutory written plans. This is confusing.
- How do we support private landowners with existing stewardship plans or management plans? They will be more affected by many of these new PFA guidance rules.
- Assistance for SFOs in determining what management plans are needed (for property in general; for specific operation) will be a key need of SFOs in future.

### **Enforcement: need for community input, process, and education -**

- Violations/enforcement: is there an option for some mediation that will help a landowner if they are confronted by a violation? What is the process?
- Does the community have any input in this?
- From occurrence to violation what is envisioned from the knowledge and practice into implementing the next step?
- There are provisions in the rules making enforcement more stringent for repeat violators, and that information about enforcement, and mitigation of penalties under the rules, should be part of the outreach to SFOs.

### **General Comments –**

- Really appreciate the glossary.
- This is a chunk of information, it's really a lot built in the document.
- The industrial member of the CFF noted that they are really, really excited about having this agreement come together. From a large industrial landowner's perspective, managing a large tract of land, this helps to manage a lot of the concerns from the environmental perspective and the differences of opinions and differences of standards that people wanted to see in how forests are managed. Both sides came together to work through these issues technically and reach agreement and specifically it gives some business security moving forward. There's a process for continuing monitoring and it's not going to be stagnant. There will be monitoring of how these new regulations apply and actually protect the resources they are intended to protect. There are scientifically defined changes through studies and monitoring that will promote additional protection standards; there is a mechanism to address that and move the forest practices regulations in that direction. This is an excellent opportunity for people to focus on what is important to them and a more consistent and defined business regulated opportunity is a good benefit for the industry.
- It would be helpful to have a list of the benchmark accomplishments and programs set out in these rules --the Small Forestlands Office, SFISH, and other programs.
- It would be useful to have just an overview of what things for sure will apply to Small Forest Landowners and what are more just opportunities.
- The definition of stumpage value is confusing. There can be some clarification of that including linking value to a specific date.
- It would be usefully to talk about the benefits specifically stated for Small Forestland Owners, for instances the availability for technical and funding assistance for culverts.

## **2. State and Federal Agency**

### **Department of Fish and Wildlife**

**From:** RITCHEY Alan D \* ODFW <[Alan.D.RITCHEY@odfw.oregon.gov](mailto:Alan.D.RITCHEY@odfw.oregon.gov)>

**Sent:** Wednesday, September 07, 2022 9:03 AM

**To:** BARNARD Josh W \* ODF <[Josh.W.BARNARD@odf.oregon.gov](mailto:Josh.W.BARNARD@odf.oregon.gov)>; ERB Greg R \* ODF <[Greg.R.ERB@odf.oregon.gov](mailto:Greg.R.ERB@odf.oregon.gov)>

**Cc:** CLEMENTS Shaun \* ODFW <[Shaun.CLEMENTS@odfw.oregon.gov](mailto:Shaun.CLEMENTS@odfw.oregon.gov)>; KRAHMER Rod W \* ODFW <[Rod.W.KRAHMER@odfw.oregon.gov](mailto:Rod.W.KRAHMER@odfw.oregon.gov)>

**Subject:** RE: Public comments now accepted on proposed rule changes to Forest Practices Act from the Private Forest Accord

Hi Josh and Greg

I had a few minor comments on the latest draft rules that were provided to me. I think these are pretty minor and typo/wordsmithing more than context so thought I would just send them direct to you. Let me know if any questions.

My page numbers referenced below are from the August 10, 2022 version. I also attached the reviewed version with notes in the identified suggestions.

Pg 35 (5)(a). OAR 625-412-0015(2). I suggest deleting "(2)". This will likely point to the wrong and unintended number once passage rules revised. OAR 625-412-0015 is strictly the passage prioritization section of rule. This should not change the intent of the PFA rules. Alternatively, in the current/final draft out for public comment, (6) is the subsection and language that was previously (2) and the intended target of this reference. I expect it to stay (6) but can't confirm until approved.

Pg 51, typo in (4)(a). Delete "of"

Pg 51, (4)(g). I think "...from the stream of an approved dike...." should be "...from the stream by an approved dike...".

Pg 61, (5)(b). The reference to ODFW definition for fish passage OAR 635-412-0005(18) will not be accurate upon passage rule revisions. "Fish passage" will still be defined in 0005 but under a different number. You could delete (18), 0005 are the definitions and fish passage will be located here.

Pg 64, (5)(B). "...fish consistent with OAR 635-412-0015(2) and other...". With the upcoming passage rule revisions, I think this is now referencing the wrong OAR number. In the draft that is now out for public comment this subsection references obstructions where there is a legal agreement that passage is not required. I suggest dropping the "2" all together and just using OAR 635-412-0015. This is the OAR that is specific to Prioritization. Alternatively, in the current/final draft out for public comment, (6) is the subsection and language that was previously (2) and the intended target of this reference. I expect it to stay (6) but can't confirm until approved.

Let me know if any questions.

Alan Ritchey  
Oregon Department of Fish and Wildlife  
Fish Screens and Passage Program Manager  
4034 Fairview Industrial Dr SE  
Salem, OR 97302  
503-947-6229  
[Alan.D.Ritchey@odfw.oregon.gov](mailto:Alan.D.Ritchey@odfw.oregon.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

OREGON OPERATIONS OFFICE

805 Southwest Broadway, Suite 500

Portland, Oregon 97205

September 30, 2022

Lisa Appel ([lisa.m.appel@odf.oregon.gov](mailto:lisa.m.appel@odf.oregon.gov))  
Oregon Department of Forestry  
2600 State St Bldg. D  
Salem, OR 97310

RE: Notice of Proposed Rulemaking: Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

Submitted to: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov) (as directed in notice of proposed rulemaking).

Dear Ms. Appel

The Environmental Protection Agency, Pacific Northwest Region 10, appreciates the opportunity to provide comments on the Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502. The Oregon Department of Forestry specifically requested public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

The EPA commends the work of ODF, the Governor's Office, State Legislators and all the participants of the Private Forest Accord (PFA) for developing forest practices that support the harvest of timber while reducing impacts to natural resources and protected species. We understand the goal of the PFA stakeholders is for these forest practices to provide the basis of a Habitat Conservation Plan that will achieve the issuance criteria of an Incidental Take Permit under Section 10 of United States Endangered Species Act for the Covered Species.

While meeting Oregon's water quality standards may not be an explicit goal of the PFA stakeholders, the EPA believes the forest practice rules play an important role in protecting water quality and helping Oregon meet its obligations under the Clean Water Act.

Section 629-635-0100 paragraph (5) states "the overall goal of the water protection rules is to provide resource protection during operations adjacent to and within streams, lakes, wetlands and riparian management areas so that, while continuing to grow and harvest trees, the protection goals for fish, amphibians, other wildlife, and water quality are met." The protection goal for water quality (as prescribed in ORS 527.765) is to ensure through the described forest practices that, to the maximum extent practicable, non-point source discharges of pollutants resulting from forest operations do not impair the achievement and maintenance of the water quality standards.



Oregon Revised Statutes ORS 527.765 state “The State Board of Forestry shall establish best management practices and other rules applying to forest practices as necessary to insure that to the maximum extent practicable nonpoint source discharges of pollutants resulting from forest operations on forestlands do not impair the achievement and maintenance of water quality standards established by the Environmental Quality Commission for the waters of the state. Such best management practices shall consist of forest practices rules adopted to prevent or reduce pollution of waters of the state.”

While the proposed rules are clearly more protective of water quality than the existing rules, the PFA stakeholders did not explicitly assess whether the rules meet the protection goal for water quality as prescribed in ORS 527.765. The EPA recommends that the Board and ODF prioritize an assessment of the effectiveness of the rules in meeting water quality standards. This would help the Board meet its duty under ORS 527.765 to ensure nonpoint source pollutants from forest operations do not impair the achievement and maintenance of water quality standards established by the Environmental Quality Commission.

Without an assessment of effectiveness, there is uncertainty about the adequacy of some of the buffer prescriptions’ ability to meet water quality standards. We understand the December 9, 2021, MOU between ODF and ODEQ is intended to ensure any shortfalls in meeting water quality standards are address through implementation of Total Maximum Daily Loads. We also understand the MOU requires coordination between ODF and ODEQ in conducting sufficiency reviews of whether the PFA rules are meeting desired goals for protecting water quality.

Another option ODF should consider is to revise section 629-603-0100 paragraph (8) to include an assessment of the rule’s effectiveness in meeting water quality standards among the priorities in the initial phase of the adaptive management program. The EPA recommends ODF pursue this option and, if necessary, that the Board provide direction to do so under section 629-603-0200(3)(b) of the rule.

In addition to the above option for achieving the rule’s substantive goals as requested by ODF, we suggest an alternative option for Section 629-643-0300 that we encourage ODF to consider along with our additional attached comments. We thank ODF and the Board for considering the EPA’s comments. Please contact me at [brown.dan@epa.gov](mailto:brown.dan@epa.gov) or 503-326-6832 for any questions related to these comments.

Sincerely,  
**DANIEL  
BROWN**

Digitally signed by  
DANIEL BROWN  
Date: 2022.09.30  
08:57:28 -0700

Daniel J. Brown  
Natural Resource Advisor - Forest Sector  
EPA Region 10, Pacific Northwest

Attachment: EPA Comments on Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502

CC: Jenifer Wigal, ODEQ; Eugene Foster, ODEQ; Josh Seeds, ODEQ

Attachment: EPA comments on Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502

- 1) The "biological goals and objectives" play an important role in the implementation of the rules and it is not clear what they are. The definition in Division 600 states "Biological goals and objectives" means the biological goals and objectives as set by the department for an approved habitat conservation plan." The rules should clearly state the biological goals and objectives and/or incorporate a reference where they can be readily found.
- 2) Section 629-625-0910 establishes that the department will consult with the EPA while leading a cooperative effort to identify abandoned roads. Any such cooperative effort should also include consultation with the Oregon Department of Environmental Quality. Paragraph (4) of this section specifies requirements for landowners following the identification of high-risk abandoned road segments. ODF should consider clarifying whether these landowner requirements apply to small landowners.
- 3) The water protection rules propose riparian buffers that are more protective of water quality than the current rules. At the same time, the rules eliminate the monitoring and evaluation provision of section 629-635-0110. While the new adaptive management program outlined in Division 603 will ensure some monitoring and evaluation of the rules, a focus on maintaining and improving water quality should remain to increase the level of confidence that the rules will maintain and improve the condition of the riparian vegetation and waters of the state over time.
- 4) Section 629-630-900: The "Slopes model" is defined as "the department's computer-generated model to identify designated debris flow traversal areas, designated sediment source areas, and trigger sources." Familiarity with the slopes model is limited. The 2022 Private Forest Accord Report describes Slopes Modeling in section 3.3.6 as using the models described in TerrainWorks (2022). The rule should be more specific in defining the "slopes model," providing references justifying the choice of the model and its application and whether it is based on the same methodology in TerrainWorks (2022). The PFA Report notes that most of the models used to identify landscape features have been published in peer-reviewed scientific journals (Miller and Burnett, 2007; Miller and Burnett, 2008; Burnett and Miller, 2007). However, some components of the model to identify Designated Sediment Source Areas based on the probability of sediment delivery to Type F or Type SSBT channels are new and have not been peer reviewed. Consequently, the Authors agree that the approach to identifying Designated Sediment Source Areas should undergo a scientific review before application. ODF should ensure all components of the "slopes model" have undergone scientific peer review/evaluation.
- 5) Section 629-630-0910 regarding Designated Sediment Source Areas and Slope Retention Areas, addresses a small proportion of potential landslide areas. The identification of slope retention areas is first limited to looking in "debris flow traversal area sub-basins," or those basins that contain debris flow traversal areas that have a probability of traversal in the upper 20 percent. Looking only in those "debris flow traversal area sub-basins," the slopes model is used to identify "designated sediment source areas," as hillslope areas

greater than 0.25 acres in size that provide the top 33 percent of the landslide-derived sediment to Type F or Type SSBT streams. Finally, among that population of “designated sediment source areas,” fifty percent are identified as “slope retention areas” where harvest of trees is not allowed. The EPA understands debris flows providing large wood and sediment are consistent with maintaining or improving aquatic habitat. However, debris flows without large wood reduces the benefits to streams. Therefore, this approach of providing limited slope retention areas should be monitored and evaluated as a priority of the adaptive management program. This is particularly true given that, as noted above, PFA authors indicated the approach to identify Designated Sediment Source Areas should undergo a scientific review before application.

- 6) Section 629-635-0200 paragraph (9) regarding fish use appears obsolete and could be deleted since the provisions for classifying fish use have been updated with the new rule language in paragraph (11).
- 7) Section 629-635-0200 paragraph (16) (c) states that “Any stream with a drainage area less than 200 acres shall be assigned to the small stream category regardless of the flow index calculated in (15)(a)” This paragraph carries over from the existing forest practice rules and seems at odds with the newly negotiated protections for Type N that vary based on stream size. Given the straightforward methodology for calculating average annual stream flow in paragraph (16)(a) of this section, there appears to be no rationale, scientific or otherwise, to support this default stream size for drainage areas of less than 200 acres. The EPA recommends striking this paragraph and relying on the methodology agreed to in the PFA as captured in paragraph 16(a).
- 8) Section 629-643-0130 Standard Practice Requirements for Small Type N Streams includes provisions for applying and R-ELZ and ELZ on Small Type N streams above the tree retention zones without providing a reference to the R-ELZ and ELZ width requirements. We recommend including a reference in this section that points the reader back to section 629-630-0800(8) where the R-ELZ and ELZ width requirements are described. We note the same language describing the R-ELZ and ELZ widths in section 629-630-0800(8) is included in section 629-630-700(6). An alternative could be to include the description of R-ELZ and ELZ and width requirements in the definitions of these terms in section 629-600-0100. It’s also worth noting that we are not aware of any assessment of the proportional length of small Type N streams covered by a 75-foot riparian buffer vs an R-ELZ nor the effectiveness of an R-ELZ prescription in meeting water quality standards. As noted in our comment letter, we recommend an assessment of the effectiveness of the rules in meeting water quality standards be conducted as part of the adaptive management program.
- 9) Section 629-643-0300 Alternative Vegetation Retention Prescriptions is at odds with the PFA Report and legislative direction in SB 1501. The short-term fixes ODF is proposing to existing provisions for Alternative Vegetation Retention Prescriptions (i.e., section 629-642-0600) do not account for significant advances in habitat and water quality protections provided by the PFA agreement that legislators directed ODF to adopt. It is apparent this discrepancy cannot be addressed by simply adjusting the basal area targets



in tables 5 and 6 while retaining outdated and inconsistent no-cut areas of 20 feet from the highwater mark. Furthermore, the alternative vegetation retention prescription for hardwood dominated sites appears to be in direct conflict with the PFA report which offers the following example of a restoration treatment, “removing conifers to ensure diverse hardwood habitats.” The PFA authors explicitly state “the current hardwood conversion option would not be used unless ODF makes a determination that the conversion would substantially improve the likelihood and timeline for reaching “desired future condition,” as it may hereafter be defined by the Board.” Both SB1501 and the PFA Report intend the Board and ODF to invest adequate time, adopting rules in November 2025, to define desired future conditions and alternative prescriptions that incorporate the increased habitat and water quality protections provided by the PFA. Therefore, EPA suggests ODF withdraw this section of the rule. To the extent landowners need alternative prescriptions for what the PFA report refers to as “activities genuinely undertaken for ecologically restorative purposes,” those alternatives could be provided as a plan for an alternate practice under the Site Specific Vegetation Retention Prescriptions for Streams and Riparian Management Areas under the provisions of section 629-643-0400. Alternatively, if ODF retains provisions for alternative prescription 1, wider no-cut buffers should be developed consistent with the new PFA riparian buffers and ODF should ensure basal area targets in tables 5 and 6 are adequate, particularly for the Eastern Cascade and Blue Mountain Geographic Areas, which appear comparatively low. If ODF retains provisions for alternative prescription 2, references for concluding that hardwood dominated sites cannot maintain fish, wildlife and water quality resources should be provided along with a demonstration that the alternative practices provide better protection of water quality resources than the standard practice vegetation retention prescriptions agreed to in the PFA.

- 10) Section 629-643-0400 Site Specific Vegetation Retention Prescriptions for Streams and Riparian Management Areas is carried over from the existing rules (section 629-642-0700) with minimum changes. Importantly this section requires the State Forester to review and approve any plans for alternate practice. While the factors to be used in evaluating the plans are substantively the same as the existing rules, the base-line level of protection provided by the new vegetation retention requirements are substantially better than the existing rules. Therefore, foresters will need to be trained to evaluate the ability of site specific plans for alternative practices to provide for the improvement to functions and values of streams and their riparian management areas that the increased vegetation retention goals provide. Since this can be a drastically different comparison compared to the existing riparian protection rules, we recommend ODF develop technical guidance for implementation of this section of the rules.

11) General comments:

- Language in Sections 629-643-0100 thru 629-643-0125 require operators to submit plans to the State Forester but it’s not clear whether those plans need to be approved prior to proceeding with them.
- There are over ten instances where ODF will be providing technical guidance for implementation of the rules. It would be helpful for ODF to share a general timeline for completing the technical guidance, including any opportunities for public review and comment.

## Department of State Lands

Dear Christina Helige,

Thank you for the opportunity to provide comments on the proposed rule revisions to the Forest Practices Act (FPA). Please accept these comments from the Department of State Lands (DSL) for your consideration.

By way of background, under the direction of the Oregon Legislature and on behalf of the State Land Board, DSL is working to develop the Elliott State Forest (ESF) into a research forest. The forest will be managed by a new state entity called the Elliott State Research Forest Authority (ESRFA). To facilitate the ESRFA management of the forest, DSL is negotiating a Habitat Conservation Plan (HCP) for an Incidental Take Permit (ITP) that would cover three species: Northern Spotted Owl, Marbled Murrelet, and Coastal Coho Salmon. DSL is providing these public comments to seek further clarity on how the anticipated obligations under the proposed amendments to the FPA will align with the anticipated obligations under an ESRFA HCP.

Specifically, DSL is requesting that the Board of Forestry provide further clarity on the pass through protection of Section 14 of SB 1501. As DSL understands it, Section 14 provides that if the ESRFA has an ITP for the Northern Spotted Owl, Marbled Murrelet, and Coastal Coho Salmon, and the ESRFA is engaging in a forest practice that is in compliance with that ITP, then the ESRFA operations are not subject to any of the FPA provisions that relate to the protection of the three covered species. DSL would request that the proposed rules provide further clarity on the Board's interpretation of Section 14.

DSL would appreciate the opportunity to continue discussing these issue with ODF as the final rules are developed.

Thank you.

Bill Ryan  
(he/him/his)  
Deputy Director, Operations  
Oregon Department of State Lands  
Landline 503-986-5259  
Cell 541-261-0336

DSL websites: [www.oregon.gov/dsl](http://www.oregon.gov/dsl); <https://lands.dsl.state.or.us>

## Department of Environmental Quality

*Begins next page*



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Water Quality Division  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
(503) 279-5696  
FAX (503) 229-6123  
TTY 711

September 30, 2022

Sent via electronic mail to [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

Oregon Department of Forestry  
2600 State Street, Building D  
Salem, OR 97310

RE: Notice of Proposed Rulemaking: Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502.

To Whom It May Concern:

Thank you for the opportunity to provide comment on the rules implementing the Private Forest Accords (PFA). Because the direction and specifics of these forestry rules are mandated in legislation and the PFA Report, DEQ is focusing our comments to those regarding clarity of rule language and rules on additional topics beyond those specified in the PFA legislation and associated PFA agreements. We welcome any questions, are available to discuss our comments, and look forward to continuing our work with the Oregon Department of Forestry.

#### Clarity of Tables

The presentation of tables in Division 643 includes multiple errors that lead to confusion. There are some tables repeated and multiple tables numbered 1, 2, 3, etc. These should be clarified to ensure that landowners, forest operators, interested members of the public, and public agencies can understand what protections are required and where.

#### Type-D Definition and Protection Changes

Perennial non-fish (Type Np) and seasonal non-fish (Type Ns) streams are defined as those that are not salmon, steelhead, or bull trout (Type SSBT), fish-bearing (Type F), or domestic use non-fish (Type D) streams (OAR 629-600-0100(150) & (151)). Reviewing OAR 629-635-0200, the Type D stream protections are unchanged. This implies that non-fish streams with domestic use downstream (i.e. Type D), which would in most if not all cases flow into fish use streams (F/SSBT), will have less protection than non-fish streams that do not have drinking water use. For example, a small perennial stream without fish use flowing into an SSBT stream would have a 75ft no-cut for 500ft and then a 50ft no-cut for 650ft. That same stream, if it is within 3000ft of a drinking water intake, would only get a 20ft no-cut, even though it has the same implications for covered species and the risk reduction for drinking water would be less than the Np rule.

However, in the Division 643 stream protection rules, the tables do reflect the overlap of Type D and Type Np/Ns streams. Large and medium Type D streams have 75ft buffers in the tables, and the small Type D streams have 75ft buffers until the end of Type Np protections, according to the table and



footnotes. These new Type D requirements do not appear to be in the text of Division 643, other than in OAR 629-643-0150(1) [the Type D section]: "For classified small Type D stream segments that extend beyond the tree retention areas described in the Small Type Np requirements in OAR 629-643-0130 and OAR 629-643-0143, the operator shall retain in both Western Oregon and Eastern Oregon;

- (a) All understory vegetation with 10 feet of the active channel.
- (b) All trees within 20 feet of the edge the active channel.
- (c) All trees leaning over the channel."

This rule language and the footnotes under the tables do indicate that the small Type D prescriptions only apply where the more protective small Type Np prescriptions do not apply. It is not clearly stated that the Np rules apply on D streams for the set distances from F or SSBT streams. The Type D rule construction was appropriate when Type D streams had more protection than Type N streams, but it does not seem appropriate with the revisions as a result of the PFA.

DEQ recommends removing "Type D" from the Type Np and Ns definitions, so that small non-fish streams can be classified as both Type D and Type N, reducing ambiguity about protections for these streams. This Np/D classification overlap will take some extra education and explanation during implementation of the new rules. The riparian protection tables can be updated to have "Type D above Type N protections" rows. It may also be advisable to add descriptive sections to OAR 629-643-0105 and -0125 to make clear the overlap between Type D and Type N protections.

#### Post-Disturbance, Hardwood Conversion and Site Specific Rules:

629-643-0000(2) through (6), -0300, and -0400

OAR 629-643-0000(6) reads, in part: "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 or develop a site-specific vegetation retention prescription as described in OAR 629-643-0400. 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."

The rules in this section are carried over from the existing forest practice rules (629-642-0600) with minor edits. DEQ understands that post-disturbance rules will be revised in a separate rulemaking, mandated in statute for completion by the end of November 2025, as stated in 629-643-0000(2). It appears that the hardwood conversion rules will also be evaluated at that time as part of the Board of Forestry evaluation of "desired future condition." As ODF is aware, this schedule will leave a gap between the implementation of the new PFA rules (July 2023 for fish-bearing streams, January 2024 for all other rules including non-fish streams) and the adoption and implementation of rules for post-disturbance and hardwood conversion activities (effective in 2026 at the earliest if adopted in late 2025).

### 3. County



# Josephine County, Oregon

Herman E. Baertschiger Jr., Darin J. Fowler and Daniel E. DeYoung

Josephine County Courthouse  
Board of Commissioners' Office  
500 NW 6<sup>th</sup> Street, Dept 6  
Grants Pass, OR 97526  
(541) 474-5221 #2

September 28, 2022

Attn: PFA – Christina Helige  
Oregon Department of Forestry  
Forest Resources Division  
2600 State St. Bldg. D  
Salem, OR 97310-0340

Via email to [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

Subject: SB 1501 & 1502 Rules Comment

Dear ODF & Board of Forestry,

Please exclude county owned forest tracts from the new Forest Practice Rules. It is possible that counties were not addressed by the legislation due to an oversight. The rules process is an opportunity to correct that oversight, and such a correction would result in a direct public benefit.

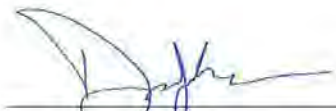
Josephine County is legally bound to operate its timber program on a sustained yield basis for the purpose of funding critical government programs, including the Juvenile Department and the Veterans Services program. Additionally, all of Josephine County's timber producing properties are open to the public for recreational use. The present draft of the Forest Practice Rules (FPR) will directly result in a decrease of harvestable ground, an increase in logging costs, and therefore a decline in revenue to support county programs.

Counties pay for the Harvest tax through reduced stumpage bids from purchasers. The Harvest tax will help pay for programs in the Private Forest Accord such as the Habitat Conservation Plan (HCP) that will cover only private timber lands. The HCP will not cover county owned timberlands, which will mean that under the current draft, counties are required to follow the new Forest Practice Rules without the benefit of HCP protection. That creates a situation whereby public landowners will be subsidizing private landowners. Without addressing this disparity in the rules, publicly owned property will become more encumbered and less valuable than privately owned property.

For these and other reasons Josephine County, by and through its Board of County Commissioners, formally requests that counties be excluded from the new Forest Practice Rules. In the alternative, it would be appropriate to classify counties as small landowners (under 5,000 acres) because zero acres in county portfolios are privately held. The point of contact for this matter is Josephine County Forestry Director Dave Streeter (541-474-5291 & [dstreeter@josephinecounty.gov](mailto:dstreeter@josephinecounty.gov)). Thank you in advance for addressing this important matter.

Board of County Commissioners

  
Herman E. Baertschiger Jr., Chair

  
Darin J. Fowler, Vice Chair

  
Daniel E. DeYoung, Commissioner

[www.josephinecounty.gov](http://www.josephinecounty.gov)





## Hood River County Board of Commissioners

Jeff Hecksel, County Administrator

### COMMISSIONERS

601 State Street · Hood River, OR 97031 · (541) 386-3970 · FAX (541) 386-9392

Michael Oates – Chair  
Karen Joplin – District No. 1  
Arthur Babitz – District No. 2  
Robert Benton – District No. 3  
Les Perkins – District No. 4

September 29, 2022

TO: Oregon Department of Forestry

RE: Hood River County Comments of Private Forest Accord and Proposed Rules

Sent via email to: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

Hood River County has successfully managed over 34,500 acres of designated forest since the 1940's for the primary purpose of providing revenue to the County General Fund through the sustainable harvest of forest products. The Hood River County Forest provides not only vital forest resources for homes and jobs but also a plethora of multi-use recreation opportunities enjoyed by locals and visitors alike. As the largest local government forest landowner in Oregon the County has often been involved in public forest practice rule change processes in the past.

Last fall the revelation of a closed-door private forest accord between selected forestland owners and environmental group representatives caught the County by surprise. Upon initial questioning, some indicated the Private Forest Accord would not apply to local governments as indicated by its name. Only recently was it confirmed the resulting new draft of the Forest Practices Rules would apply to local governments. Upon this news the County has begun to pursue the limited information available to provide comments.

At the Hood River County Board of Commissioners September 17, 2022, meeting, Commissioners determined providing comment on the proposed rules related to the Private Forest Accord would be necessary. It appears to the County that no local governments were involved in the stakeholder's group that developed the Accord. If the Accord and associated rules were to include local government lands, there should have been some local government participation in the stakeholder group meetings. Hood River County feels the process used was not adequate and is flawed.

While lands owned by local governments, and Hood River County in particular, may be a small percentage to the total amount of land to be regulated by these rules, it is an important resource managed at the local level with oversight from local elected officials for the benefit of the public. The County has both a Forest Advisory Committee and Recreational Trails Committee that provide input into use of County Forest lands as well as a Forest Management Plan that governs County forestry operations.

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While Hood River County is not necessarily opposed to changes to the Forest Practices Act, it is clear the new rules will remove timber from harvest which will have an effect on Hood River County's budget. The effect of the new rules on Hood River County is a reduction in harvest estimated at 5%-10%. Applying this to the past year's sales Hood River County would see a reduction of \$320,000 to \$640,000 in revenue. This will become an annual reduction in revenue and does not include extra road inventory and road improvement expenses mandated by the Private Forest Accord. Unlike small landowners represented in the Private Forest Accord, no compensation will be allocated to local governments for the reduction in allowed harvest limits. Hood River County's lost revenue will create a direct reduction of County Services and will place additional burden on local taxpayers. Service reductions could affect Public Health, Public Safety, and community wellness. Lack of inclusion in the process not only denied our opportunity for providing input, but also limited our window to plan for the impacts of the proposed changes.

Hood River County provides expansive public recreational access to most of its forestland and many roads. The new Accord has additional expectations regarding road condition which could also limit recreation access on county forestland due to increased maintenance costs related to passenger vehicle wear on the roads. Private landowners are not burdened with opening their land to recreational use for the public. The County upholds and strategically enhances the value of protecting streams and habitat and takes those matters into consideration when laying out timber sales. The County applies boots on the ground assessment to ensure resources are protected even when it means a reduction in harvest.

Regulatory certainty is promised and then downgraded in the Accord to just that portion relative to the HCP's and only 25 years for amphibians. The Forest Practice Act itself could still be further modified by more environmental restrictions within the next 25 years.

New stream protection rules are to be implemented July 1, 2023, followed by rule implementation by January 1, 2024. Hasty implementation of the rules will conflict with the timing of timber sale contracts. The County often lays out and sells timber for two (2) or more years. Contracts sold or laid out to be sold may conflict with new rules that are not even finalized at this time. Implementing rules less than two (2) years from the final Board of Forestry rule approval is unreasonable and does not give time for planning, layout changes or timber contracts to be completed as bid. Having to take timber, under contract, back due to changes would have detrimental effects to local government budgets.

The time allowed to develop, discuss, and review the draft policy is insufficient and exceptionally inconsistent with past Forest Practice Rule change process. The Senate

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Bills involved did not account for the time it takes to make informed policy and regulation amendments.

Hood River County encourages the State to allow an HCP to opt in for local governments that hold forestlands as the County would like to be included. At the onset of these rules, forest lands owned by the County should be exempt for at least two (2) years to avoid conflicts with existing contracts.

On behalf of the Hood River County Board of Commissioners, thank you for the opportunity to provide comment.

Sincerely,

DocuSigned by:  
  
59708B871C71447...  
Michael J. Oates, Chair

A Small County with a big mission: Providing Quality of Life for all.

#### **4. Timber Company**





September 26, 2022

Chair Jim Kelly  
Oregon Board of Forestry  
2600 State Street  
Salem, Oregon 97310

Submitted electronically: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

Re: Public Comment on Private Forest Accord Rulemaking

Chair Kelly,

Rayonier is pleased to support the comprehensive updating to Oregon's Forest Practice Rules consistent with the Private Forest Accord (PFA) and Senate Bills 1501 and 1502 and House Bill 4045. Rayonier is signatory the PFA and we have participated in the public processes to develop the enabling legislation as well as the rulemaking before the Board of Forestry.

Oregon has nearly all the ingredients to help grow a sustainable forest products sector. It has the best climate and soils to grow trees, robust markets, and a skilled labor force. However, the regulatory environment in Oregon has been unpredictable with conflict on natural resource policy playing out through initiatives, legislation, regulation, and the courts. While all of these avenues are part of our system of government, they can be blunt instruments and not always well suited to addressing the inherent complexities within natural systems.

Beyond the conservation uplift that this rule package provides, these rules fundamentally change the process for development of future regulation. The section of rules termed as Adaptive Management, creates a structure for interest groups to develop collaborative research to evaluate and monitor the effectiveness of the regulatory system. This process is designed to avoid dueling science from different interest groups and instead focuses parties on developing questions and scientific enquiry collaboratively.

In addition to the Adaptive Management Process, these rules enhance the Department of Forestry's existing compliance monitoring program and increases the level of enforcement, including fines for failure to adhere to forest practice rules. After this rulemaking, the Department will be applying for a Habitat Conservation Plan to be reviewed by the National Oceanic and Atmospheric Administration and the United States Fish and Wildlife Service for coverage under the Endangered Species Act. Collectively, these measures will boost the public's confidence in the regulatory system.

Landowners have contributed a significant amount of value to implement these new conservation measures. In addition, the State has made historic levels of investment in staffing and funding for research and monitoring. All this investment is contingent on the passage of these rules.

Sincerely,

Adrian Miller  
Director, Public Affairs

360.697.6626 P | [rayonier.com](http://rayonier.com)  
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Poulsbo, WA 98370

Oregon Board of Forestry  
Meeting Wednesday September 28, 2022  
Testimony in cautious support of the PFA.

Good afternoon, for the record my name is Paul Betts. I am the Manager for Miami Alternatives, LLC's lands in Grand Ronde, Oregon, a family timberland owner that has managed the property since 1910. Miami is not a signatory to the PFA. That being said, as Chair of OFIC's Forest Management Policy Committee I have likely invested as much, if not more, time in the rule development work than anyone else, and was grateful that the process allowed for broader participation after the passage of Senate Bill 1501. However, please don't mistake this commitment as an enthusiastic endorsement of the PFA. Rather it was a pragmatic choice to help faithfully capture the agreement in the best rules possible, and I can say that has been done.

Yet, I am frustrated by how this agreement was forged, its content, and its cost. I represent a class of landowners that has a strong legacy of sustainable land management in Oregon. Miami has owned timberland in Oregon for over 100 years. We are accustomed to regularly going above and beyond the rules in caring for our lands. Yet I found no recognition nor credit for doing so in the PFA, nor do I see any incentives for this style of management.

I am told that what we purchased with our heavy sacrifice is regulatory certainty – peace in our day. I find this highly dubious. Especially since environmental signatories to the PFA have recently testified before this board about the rulemaking, using a portion of their time to enumerate their future wish list of yet more adventurous and increasing regulations. All before the PFA rules have even been approved and adopted by the board, let alone implemented, monitored, or evaluated for effectiveness.

Forest landowners have paid a steep price, one that honestly threatens the continued existence of the class of family forestland owners I represent. A decade from now forest landowners will either feel that they secured a costly, but strong and enduring compromise or they will feel they were suckered into a bad deal. It will be up to you distinguished members of the Oregon Board of Forestry to give either the truth or the lie to the promise of regulatory certainty through your work in the coming decade. I hope that you choose to honor the timber industry's sacrifices, generate the promised regulatory certainty, and help cement the fragile and nascent cooperative relationships that developed these rules and that will be necessary for the PFA to be successful.

Thank you for your time.



6400 Highway 66  
Klamath Falls, OR 97601  
(541) 884-2240 • greendiamond.com

September 30, 2022

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

Re: Forest Practices Act Rule Revisions Directed by the Enrollment of Senate Bills 1501 and 1502 – September 2022

To Whom It May Concern,

Thank you for the opportunity to comment on the Forest Practices Act Rule Revisions. Green Diamond Resource Company owns and manages 695,658 acres in Oregon. The proposed revisions to the Forest Practices Act will have significant impacts to Green Diamond operations within Oregon.

629-625-0320 (4)(a) page 55: **(a) Permanent channel-spanning structures have at least of three feet of clearance between the bottom of the bridge structure and the water surface at the 100-year peak flow, unless engineering justification shows a lower clearance will allow the free passage of anticipated sediment and large wood.**

- The wording is unclear. The first "of" may need to be removed.

629-625-0320 (6)(e)(A) page 57: **(A) New water crossings in Type F and SSBT fish streams shall require manual placement of culvert bed materials during bed construction.**

- Why only manual placement for new water crossings? Natural accumulation and mechanical placement should be permitted with reasonable compliance expectations following a winter season. Mechanical and manual placement of culvert bed material may not be feasible in some size culverts. With proper invert embedded depth it is reasonable to naturally recruit substrate material during the first winter of culvert installation.

629-625-0320 (6)(f) page 58: **(f) Water depth and velocity. The maximum velocity in the culvert shall not exceed the maximum velocity in the narrowest channel cross-sections.**

- Water depth and velocity. "depth" should be removed since this metric is not used in this rule; only velocity is used. Clarification should be added to the velocity comparison expectation: Maximum culvert velocity to the narrowest natural cross sections.



629-625-0320 (8)(a) page 59: **a) Design temporary water crossings in Type N and Type D non-fish streams to pass at minimum the flows expected during crossing use with a minimum culvert diameter of 18 inches.**

- Ridged 18" culvert will require more streambed excavation and site disturbance than is necessary for most Type N and Type D streams that will have no to minimal flows. Flexible 6" should be minimum culvert size for feasibility. 6" minimum will better allow meeting the intent of 629-625-0320 (8)(i).

629-625-0320(8)(d) Page 59: **(d) Only use temporary water crossings on Type N and Type D non-fish streams:**

**(A) In Western Oregon if installed after June 1 and removed no later than September 30 of the same year;**

**(B) In Eastern Oregon if installed after July 1 and removed no later than October 15 of the same year; or**

- Adding "when dry or:" at the end of section (d) would meet the intent of the rule and add flexibility to the operating season in these areas.

629-625-0650 (5)(e)(B) page 68: **(B) Ensure stable side slopes that do not exceed a ~~horizontal to 1 vertical ratio, unless matching the natural stream bank or valley walls;~~**

- A specified horizontal to vertical ratio for excavated side slopes is not clear.

629-625-0900 (5) page 70: **(5) Pre-inventory. Landowners shall submit a pre-inventory of high conservation value sites on each road management block to the State Forester no later than January 1, 2025.**

- Pre-inventory of high conservation value sites. The definition of high conservation value sites should be added to the definitions section. Based on the examples provided on page 38, it is not clear how a pre-inventory of high conservation value sites can be completed without doing a complete inventory to know what issues are out on the landscape. Is this expected to be done through a pre-pre-inventory?

629-625-0900 (5)(a)(A) page 70: **(A) Areas of known chronic sedimentation. Consideration will be given to areas where log hauling will occur during the 5-year inventory phase.**

- What is the 5-year inventory phase? Is the pre-inventory intended to be a 5-year process? Section 629-625-0900 (5) states that pre-inventory is due Jan 1, 2025, which is less than 5 years away. Or is the 5-year inventory phase the post pre-inventory? When does the clock start for the 5-year inventory? It appears that it is due Jan 1, 2029 according to Section 629-625-0900 (6) which is 4 years from when the pre-inventory must be submitted to the State Forester.

629-625-0900 (5)(d) page 71: **(d) Landowners shall address prioritized pre-inventory projects after review from the department and Department of Fish and Wildlife beginning no later than January 1, 2026, and no later than January 1, 2029.**

- "beginning no later than Jan 1, 2026 and no later than Jan 1, 2029" is not clear. Is it intend to have pre-inventory projects completed no later than Jan 1, 2029?

6298-635-0220 page 99: Geographic Regions

For the purposes of assigning protection measures to waters of the state, [seven]the State Forester has defined two geographic regions ~~[have been delineated for forested areas within the state]~~ west and east of the Cascade Crest in Oregon, depicted as Western Oregon and Eastern Oregon, respectively. The boundaries and names of the geographic regions are displayed in Figure 1~~[. Precise boundaries are found on maps at department field offices.]~~. Geographic regions are not "forest regions" established pursuant to ORS 527.640.

- The western boundary of the Eastern Cascade region does not match the boundary between Western Oregon and Eastern Oregon; particularly at the north end near Hood River County and the southern end near Jackson/Klamath County.

629-643-0120 page 133: (A) The outer zone distances for each stream size, as described in Table 2, for the outer zone, as measured from the edge of the inner zone. To meet the basal area target requirement, the operator shall retain 27 trees from the largest diameter class per acre.

- Diameter size class should be added to the definitions section for consistency in application of this measure. What if there are not 27 trees in the largest size class? It would be clearer to clarify the language to "the largest available diameter class per acre."
- This rule is going to be very challenging and time consuming to implement on the ground. Foresters will be required to flag the inner zone, flag the outer zone, inventory the outer zone, determine the largest trees by diameter class per acre, then go back and located and mark them on every acre.

We appreciate the opportunity to comment on the revisions and look forward to being involved in the Technical Guidance development process.

Sincerely,

*Robert Douglas*

Robert Douglas  
Timber Resource Analyst  
Green Diamond Resource Company

## 5. Environmental Organization

Submitted to: sb1501.rulemaking@oregon.gov

Attn: PFA - Christina Helige  
Oregon Department of Forestry  
Forest Resources Division  
2600 State St. Bldg. D  
Salem, OR 97310-0340

September 29, 2022

We are writing to you as the conservation signatories to the Private Forest Accord and expressing our support for the proposed administrative rule changes to the Forest Practices Act as directed by Senate Bills 1501 and 1502.

There are 10 million acres of private forest in Oregon covering some of the most varied and ecologically significant forests in North America. The health of forested watersheds and adjacent communities are dependent on how those forests are managed. To this end, the Accord brings Oregon much closer to the mainstream of modern forest management practices that protect watersheds with endangered aquatic species. These are by and large practices that have been in place in Washington and California for over two decades.

While many painful compromises were made in the process, the Accord represents the first major update to Oregon's forest practices in decades, and we strongly support it. These difficult tradeoffs make this the first of many steps needed to ensure that the state's logging standards best protect clean, cold water for all Oregonians and all aquatic life. With the era of climate change already bringing more drought, wildfire, and stress to Oregon's forests, we ask that the Department and Board build on the success of the Accord. Please continue updating protections for forested watersheds through the Accord's Adaptive Management Program as we learn more about what is needed to ensure clean, cold water for fish and wildlife, as well as all Oregonians. Other modern forest management issues are outside the scope of the Accord and will require more work to find solutions.

**Key improvements in the Accord.**

*Stream Buffers.* The Accord expands streamside protections for harvesting trees near streams. The agreement would significantly expand streamside buffers, forested strips where forest conservation can help keep water cool and free of sediment.

*Small Forestland Owners.* Almost one third of private forests are owned by small forestland owners, and the Accord establishes new programs, standards, and assistance for small forestland owners to help them comply and conserve their streamside forests. Oregon's small forestland owners hold much of the state's best salmon habitat in their lowland properties, and these rules make some big changes for them.



*Road Pollution and Fish Passage.* The Accord improves road standards and establishes a 20 year inventory to ensure standards are met. This includes upgraded road-stream crossings to provide fish passage, and for flow and fish passage that reflect a changing climate.

*Monitoring, Compliance, Adaptive Management.* The Accord improves compliance monitoring and adaptive management by establishing a stakeholder body to inform rule effectiveness. It improves access to forestland to assess compliance and establishes a science team to conduct studies and report them to the Board.

*Beaver and Amphibians.* There are changes to reflect the critical role that beavers and beaver dams play in supporting fish and wildlife, including salmon, and improves protections for stream-dwelling amphibians.

*Mitigation Funding.* The Accord invests in protecting water quality and improving habitat with an annual commitment from landowners (\$5 million) and the state (\$10 million) to a 50-year fund to help improve habitat and protect water quality.

#### **What is left to do under the Accord?**

*Implementing the Programs.* There is a great deal of work to do to implement the Forest Accord. Not only do the new Adaptive Management and Small Forestland Owner programs need to be created and administered, but the new rules need to be communicated to the public and landowners. In addition, the PFA creates several areas of greater cooperation between ODF and ODFW, and we encourage the State Forester and DEQ director to develop an MOU to memorialize and clarify that new relationship.

*Getting the HCP.* The PFA mandates a Habitat Conservation Plan (HCP) based on the new rules to be completed by 2027. It is critical that the Board and Department keep the focus on that outcome.

*Post-Disturbance Logging.* The Accord does not address the standards that are needed to ensure that clean water and communities are protected from harmful logging practices after forest disturbances such as wildfire, insects, or windstorms. As part of the Accord negotiations, SB 1501 requires that rulemaking to address post-disturbance logging is completed by November 2025. It is critically important to address the impacts to watersheds from streamside logging practices immediately after fire. We urge the department and board to urgently address this gap in the Accord, especially because we cannot support harvest under the current rules being covered activities under the HCP.

*Tethered Logging.* The PFA also mandates formal rulemaking on tethered logging, and our community is ready to engage in that work.

**Outstanding issues in our community.**

*Drinking Watersheds.* The Accord did not include explicit protections for logging in areas that are sources of drinking water for Oregon communities. Moving forward, more protections are needed to ensure that sources of clean drinking water are protected for Oregonians across the state, especially on steep, unstable slopes, or where the loss of shade, pesticide use, and sedimentation can harm drinking water.

*Aerial Spray.* The Accord did not address limits to aerial pesticide spray as part of the negotiations beyond the provisions in SB 1602. The increased notification requirements and bans on aerial pesticide spray within 300 feet of schools and homes, within 300 feet of all drinking water sources, and within at least 50 feet of tens of thousands of miles of small streams are improvements, but many members of our community are interested in more protective measures. This is an issue that must be addressed in the future.

*Clean Water Act.* Unlike Washington State's private forest HCP, the Accord was not designed to seek Clean Water Act assurances. Given that the Accord only addresses the needs of listed fish species within their distribution, it is likely that there are additional updates to forest practices that will be required to comply with the Clean Water Act.

*Carbon.* We know this Board has put a strong focus on the importance of forests both to mitigate climate change and to adapt to it. We applaud your steps in that direction, and look forward to shaping policies to address the global climate crisis.

**Please support this rulemaking.**

The Private Forest Accord is the result of decades of hard work by community members, forest advocates, and scientists calling for change. The Accord and the proposed administrative rule changes to the Forest Practices Act as directed by Senate Bills 1501 and 1502 represent significant progress in Oregon's forest regulatory landscape. Despite the difficult tradeoffs, the Accord is a critical step to better protect clean, cold water for all Oregonians.

Sincerely,

Chrysten Rivard  
Trout Unlimited

Kelly Burnett  
Fisheries Biologist and PFA Negotiator

Sean Stevens  
Oregon Wild

Bob Van Dyk and Stacey Detwiler  
Wild Salmon Center

Bob Salinger  
Portland Audubon

Nick Cady  
Cascadia Wildlands

Joseph Vaile  
KS Wild

Emily Bowes  
Rogue Riverkeeper

Glen Spain  
Pacific Coast Federation of Fishermen's  
Associations

Kasey Hovik  
Umpqua Watersheds

Lisa Arkin  
Beyond Toxics

Bob Rees  
Northwest Guides and Anglers Association

Doug Moore  
Oregon League of Conservation Voters





The Nature Conservancy in Oregon  
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September 30, 2022

Re: Comments supporting the proposed revisions to Oregon Forest Practices Act rules

Submitted by: Pete Caligiuri, Forest Strategy Director

Oregon Department of Forestry and members of the Oregon Board of Forestry:

Thank you for the opportunity to provide comments on the proposed revision of the Oregon Forest Practices Act Rules as negotiated through the Private Forest Accord (PFA). The Nature Conservancy (TNC) recognizes the historic nature of the agreements reached through the PFA process and remains grateful to all the parties who worked so diligently over many months to find common ground to strengthen private forest management requirements in Oregon.

TNC is a science-based, non-partisan organization committed to conserving the lands and waters on which all life depends. In Oregon, TNC has over 80,000 supporters and members in every county. Based in communities around the state, we employ scientists, land stewards, fire managers, and conservationists to manage and protect lands and waters in varied ecosystems and partner with ranchers, farmers, fishers, timber and environmental interests on some of the most challenging conservation issues facing people and nature. Drawing from this experience we evaluated the proposed revisions to Oregon's Forest Practices Act (OFPA) rules and would like to share the following feedback for your consideration as this much-needed update to the OFPA is made.

#### Division 600 – Definitions

- The proposed definition of "forestland" means land that is used for the "growing *and* harvesting" of trees. TNC is concerned that this definition might transfer to other state level policies. For example, a definition will need to be created for Natural & Working Lands GHG inventory work and it would be problematic if the "growing *and* harvesting" language would be carried forward into other policy spaces and unintentionally exclude non-harvested forests from this definition of forestland. We recommend that it be made clear that this definition of "forestland" be clearly noted to only apply to these rules.

#### Division 630 – Harvesting

- Operational requirements in the R-ELZ (i.e., 30 feet in Eastern Oregon and 35 feet in Western Oregon) specify that disturbance from equipment shall be minimized and all trees less than 6" DBH and shrub species are retained where possible. TNC is concerned that this requirement to retain all trees under 6" DBH could impede conservation organizations like ours and other landowners who want to implement ecological restoration treatments aimed at reducing conifer encroachment and re-establishing hardwood species dominance in riparian areas, particularly in Eastern and Southwestern Oregon. Moreover, we are also concerned that the requirements do not include the retention/protection of old trees, which provide critical structural and ecological functions in riparian forest systems.

#### Division 635 – Water Protection Rules

- The development of plans for alternate practices includes a provision to provide “...opportunities to complete ecological, restoration, or operational objectives.” TNC appreciates the inclusion of considerations for ecological and restoration objectives, which is often necessary to improve the long-term function of riparian and aquatic systems. However, we would like to see additional clarification on “operational objectives”, to ensure there are adequate environmental sideboards within such plans.
- The proposed revisions reduce the state to two geographic regions (i.e., Western and Eastern Oregon), with no geographic designation for Southwest Oregon. TNC is concerned that this simplification could lead to potential unintended consequences for the ability to do ecological restoration treatments in the fire-adapted forest systems in Southwest Oregon.
- Finally, we are uncertain whether the fish distribution models (Fransen et al. and Penaluna et al.) that will be used for designating fish use are appropriate for both the Western and Eastern Oregon geographic regions and have concerns that certain species might be missed in these models.

#### Division 643 – Water Protection Rules: Vegetation Along Streams

- The desired future conditions for streamside vegetation in Western Oregon and the inner zone in Eastern Oregon are biased in favor of conifer forest cover and the development of mature conifer forest conditions. While this may be appropriate in the context of some Western Oregon industrial forestlands where the conifer component may be missing from riparian vegetation (e.g., riparian sites dominated by red alder) and thus not on a trajectory to provide inputs of long-lasting instream coarse woody debris, we would like to see additional nuance in the requirements for Eastern Oregon where conifer dominance is not always desired and may be counter to ecological restoration goals. This includes requirements for Type F, Type SSBT, and medium and large Type N streams in Eastern Oregon, which dictate all vegetation shall be retained within the inner zone (30 feet), and may not be consistent with restoration goals or re-establishment/recruitment of hardwood species that have been replaced due to changes in hydrology and fire exclusion.
- We appreciate that the species retention guidelines recognize the importance of fire-resilient species in Eastern Oregon (and should do the same in much of Southwest Oregon), but in some contexts within fire-adapted systems, it may be more appropriate to maintain riparian-adapted species, such as Englemann spruce or native hardwoods.
- Furthermore, the proposed rules dictate that hardwoods can only count for up to 30 sq. ft. of BA per 1000 feet of stream in some cases (e.g., Medium Type D and N streams), when in some systems (i.e. fire-adapted forest landscapes) hardwoods should constitute a majority of riparian vegetation cover.
- As a whole, we would like to see this issue addressed with more site-specific vegetation retention prescriptions that allow for retention goals that would intentionally shift riparian areas back to hardwood dominance consistent with ecological restoration goals where appropriate (i.e., fire-adapted forest landscapes).

In conclusion, we commend the Department and the Board for advancing these long overdue revisions to the OFPA, and for the work of the many NGO, private, state, federal, and tribal partners who engaged in the PFA and set the stage for this work. TNC appreciates the opportunity to share specific feedback on the proposed rules and encourages consideration of the points outlined above to address potential unintended consequences.

Sincerely,

Pete Caligiuri  
Forest Strategy Director  
The Nature Conservancy

## 6. Trade Organization



## Coos-Curry County Farm Bureau

87518 Davis Creek Lane, Bandon, Oregon 97411

September 7, 2022

Attention: PFA – Christina Helige  
State Forester Cal Mukmoto  
Oregon Department of Forestry  
Forest Resources Division  
2600 State St. Bldg. D  
Salem, Oregon 97310-0340

Comments delivered via email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

**RE: Extension of Public Comment Period for the Private Forest Accord Rulemaking process**

State Forester Cal Mukmoto and Board of Forestry:

Coos-Curry County Farm Bureau (CCFB) appreciates the opportunity to comment on the proposed Private Forest Accord rulemaking. At the monthly CCFB Board meeting tonight, it was brought to the Board's attention that there was still on-going negotiation on the Private Forest Accord Rulemaking with OFIC. It is assumed that the negotiations will bring about changes in the initial draft rules. Therefore, the CCFB request extending the public comment period. The CCFB Board represents multi-generational Small Forestry Ownerships as well as large timber ownerships. CCFB intends to write comments but do not feel it is appropriate to comment on draft rules that are ever changing. CCFB recommendation is to restart the comment period of 30 days only after the negotiation has been completed and the Board of Forestry has reapprove moving the negotiated rules forward. The other option CCFB discussed was to extend the rulemaking on the PFA rules to 60 days after the rulemaking is assumed to be the final draft with no further negotiation.

Coos-Curry County Farm Bureau thanks you for your consideration of extending the timeline for public comment in the PFA rulemaking. This PFA rulemaking has extensive impact to timber operations in our counties.

Respectfully submitted,

Marc Van Camp, President





## Coos - Curry County Farm Bureau

87518 Davis Creek Lane, Bandon, Oregon 97411

September 29, 2022

Lisa Appel  
Oregon Department of Forestry  
2600 State Street Bldg. D  
Salem, Oregon 97310

Submitted Via Email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

***RE: Forest Practices Act rule revisions as directed by the enrollment of Senate Bills 1501 and 1502***

Ms. Appel:

Thank you for the opportunity to provide written comment on the Forest Practices Act rule revisions. The Coos-Curry County Farm Bureau's (CCFB) membership includes not only agriculture producers on the southern Oregon coastal region but also many small and larger woodland owners in both Coos and Curry Counties. The CCFB Board has been diligent at reading the draft documents proposed under the PFA and have had thorough discussions on the impact of this rulemaking on the family forestry operations and Small Forest Owners (SFO) in our area. The southern Oregon Coast is habitat to most of the species defined in the HCP as well as rivers and streams that are fish bearing and non-fish bearing. The slopes are another major concern and overall, the coastal Oregon timber industry is the hardest hit by these rules. Yet, our members and other landowners are the ones doing so much of the fish and wildlife habitat restoration, water quality, as well as a multitude of conservation practices.

CCFB's major concerns are summarized below:

- (1) Page 24, 629-603-0600 (1): Remove: "the Board of Forestry may use the adaptive management program rulemaking process for rules that are not intended to achieve the biological goals and objectives." This is an open ended process and could totally shut down the forestry industry. The goal should be to develop practices to enhance our industry and encourage sustainable management of timber as well as to engage in practices that reduce the fuel loading which causes the devastating wildfires Oregon is experiencing.
- (2) Page 25, 629-605-0150(3)(c): Remove the 6 month timeline. Not all years are the same and in the coastal area, due to the amount of rain, the landowner may not be able to log until July or later.
- (3) Page 26, (8): The section on fertilizers should be removed. The use of fertilizer is an uncommon practice in small family forests. Fertilizers enhance soil health and the growth of trees which is a positive management tool.

Page 1 of 3

(4) Page 29, 11 (d): Remove “Comments provided by the State Forester do not constitute an approval of the written plan or operation”. Concern has been expressed that landowners should know the comments provided by the State Forester, if followed, should make their plan compliant with the rules.

(5) Page 31: The Division 607 rules should have been developed with actual small forestry owners. It appears no one on the team was an actual small forestry owner who understands the goals, management, and harvesting of these small tracks of timber. Contrary to (5), these rules do not “address the significantly disproportionate impacts on small forestland owners of modest means who are highly dependent on revenue from locations with highly dense concentrations of streams by the Forest Practice Administrative rules.” The SFO rules section should not be approved and a committee of actual small forestry owners should draft alternative rulemaking to realize and address the needs of the small family forestland owners throughout Oregon especially the coastal region where the HCP and rules will have the greatest impact on landowners.

(6) Page 32, 629-607-0200(1)(b)(B): Remove this section. If there is harvest, ODF has those records. How much a SFO harvests within the last three years should not be criteria for determining SFO’s.

(7) Page 32, (1)(b)(C): This section basically restricts the small forestry landowner’s harvest. Again, this is an inappropriate requirement for SFO’s. Harvest amounts should depend on landowner goals and maturity of trees, not a government regulation.

(8) Page 32, (1)(c): It is inappropriate for the rules to determine when a SFO can harvest more than the maximum allotment based on certain criteria.

(9) SFO Tax Credit: In reviewing this section, the amount of dollars received for the tax credit is insignificant when compared to the loss of trees, land use, and cost to comply with the rules.

(10) Page 36, 629-607-0400(4) Except in this section, the rules only refer to a “deed restriction”. This paragraph states “an **irrevocable** deed restriction prohibiting the owner and the owner’s successors in interest from conducting a harvest or otherwise removing trees within the forest conservation areas.” By legal definition, *irrevocable* means it cannot be changed and yet under 629-606-0700 there is a process for removal of the deed restriction. Therefore, “**irrevocable**” needs to be removed from these rules.

(11)Page 44: Division 625 rules will greatly increase the cost of constructing and maintaining roads. This section fails to acknowledge the fire protection benefits of a well-maintained road system, while disproportionally increasing costs to family timberland owners. Unlike large corporate timberland owners, family timberland owners do not have a large staff of professionals to develop and maintain these requirements. This is a common theme throughout the entire FPA rule revision. The blanket requirement for 100 year peak flow sizing and minimum 18” diameter for culverts is an unreasonable and unnecessary requirement. Culverts should not need to be replaced simply because a generalized calculation result that does not consider local factors. There needs to be an opportunity for landowners to use site specific data to show that existing culverts are adequate. Blindly replacing all culverts represents a greater risk to water quality with the construction process due to the scale of such an endeavor on the South Coast.

The reality is family timberland owners find the roads section to have significant impact on the cost of logging especially in the coastal regions. Why plant and grow trees if one cannot harvest them economically. Complying with the new fish passage rules is a challenge and costly for our coastal timberland owners.

(12) There is great concern also with the amount of timber a single small forestry owner will lose with the new slopes rulemaking, let alone the dramatic increase in riparian buffers. Timber is a

part of the small landowner's financial basis. These new rules will have an impact on the financial stability as well as the use of land our members have purchased, planted and managed for many generations. No one has the right to take this crop and land away without "just compensation".

There has been no economic study as to the impacts these rules will have on family timber operations, county governments, or the economics of Oregon's rural counties. CCFB realizes the Board of Forestry has heard numerous speakers on behalf of the Private Forest Accord. One of our concerns is that these presenters appear to have no on-the-ground basis for their comments especially when it comes to impacts to rural Oregon. Coos County, for example, has forestland which is harvested on a sustained yield to supplement the County budget. The Coos Forestry Department must follow the same Forest Practices rules as we private landowners. The cost of logging to meet those requirements under the new rules as well as the expansion of riparian buffers and slopes will definitely have a financial impact on Coos County's budget.

After thorough evaluation, Coos-Curry County Farm Bureau oppose these rules as written and would like to see the rules amended through a collaborative open process so that family forestland owners and small forest owners are not forced out of business. An economic impact study of the financial impacts to family forest ownerships, county governments as well as the State of Oregon should be completed prior to any approval of these rules.

Thank you for the opportunity to provide comment on this rulemaking process.

Respectfully,



Marc Van Camp, President





P.O. Box 310 • Medford, Oregon 97501 • (541) 773-5329

September 3, 2022

PFA - Christina Helige  
Oregon Department of Forestry Forest Resources Division  
2600 State St. Bldg. D  
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Via email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

RE: Forest Practices Rules Revision Comments

Thank you for the opportunity to comment on the Oregon Department of Forestry (ODF or Department) proposed revisions to the Forest Practices Act. These comments are submitted on behalf of the Southern Oregon Timber Industries Association (SOTIA). SOTIA promotes healthy forests and forest related industries through responsible management of public and private forests that sustain timber, wildlife, recreation and scenic beauty for the citizens of the area. Members of SOTIA are located in Curry, Jackson, Josephine, Klamath, and Siskiyou Counties where they have various roles in the growing, harvesting, and manufacturing of wood products. In this area there are nearly 10,000 people employed in forest products related industries.

The greatest impact of the proposed rules will be the economic harm that it imposes on timberland owners and the entire forest industry. The similarities of the proposed rules to those adopted in Washington under the Forest and Fish agreement are easy to recognize. When those rules were adopted, it reduced the private land harvest in Washington by 15 percent. That is a significant loss of revenue for forest landowners. Some landowners had a greater reduction.

The impact these proposed rules will have on the supply for forest products manufacturers is very concerning. These rules are estimated to reduce the harvest from private land by over 400 million board feet. Combine the reduction from these rules with the reduction in supply from the 2020 wildfires and the State Forests HCP and there is a tremendous loss of raw materials for Oregon mills. This loss will lead to mill closures and the loss of employment for hundreds of Oregonians.

If an analysis has been done to reflect these economic realities it is not easily found. The State of Oregon should conduct an analysis on the economic impact these rules will have on the Oregon economy as well as those in the forest industry. Conducting such an analysis would ensure compliance with ORS 527.630 (1) where *"it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species and the maintenance of forestland for such purposes as the leading use on privately owned land..."* Without such an analysis, the State



does not know how these rules will affect the landowners to ensure that forestry is still a viable business on their lands.

It is disappointing the stream type model mentioned at 629-635-0200 (11) and the steep slope mentioned at 629-630-0900 are not complete. We understand the models will not be available until the spring and early summer of 2023 which does not offer time to comment. It also leaves little time for adjustment prior to the stream rules going into effect on July 1, 2023.

These two models will have a significant impact on the implementation of rules and the operable land base. Without the output from those models, landowners can not fully analyze the effects of these rules on their ownership. That makes it difficult to offer comprehensive comments on the proposal.

SOTIA members are disappointed that the differences in geographic regions around the state will no longer be recognized. The elimination of the Siskiyou Region is particularly concerning. Recent history has shown that this portion of Oregon is a dry, and fire prone. Increased buffers and basal area along streams in this region will increase the fire intensity along streams. Since much of this area is a checkerboard of private and federal land, these buffers will act like wicks connecting the high fuel loads on federal land. The resulting burned acres will have long-term environmental effects on streams and water quality.

Implying that access to private lands will be mandated for the Adaptive Management Policy Committee, Independent Research and Science Team (629-603-0100 (3)), and the diverse group of stakeholders involved with compliance monitoring (629-678-0100 (7)) causes great concern. Diverse stakeholders implies that people adverse to timber harvest and the use of natural resources for profit will be on industry property. There is nothing that will keep the information they receive while visiting private lands confidential. Past articles and pictures that defame the industry from this group cause concern that their access will facilitate more propaganda decrying the timber industry.

It is unclear how adaptive management (629-603-0000) will be funded whether it be general funds, harvest taxes, grants, or a combination of the above. SOTIA feels strongly that this portion of the new rules be funded by the general fund. The operations of the Department of Forestry have struggled with adequate funding in the past. Adding this burden to their budget will greatly reduce their ability to provide other services.

All the additional requirements for written plans (629-605-0170 (10)(b)) will require significantly more ODF staff time. This will require additional staff and related expenses. Funding for additional staff should also come from the general fund.

Having significantly different rules which are less onerous for small landowners may provide incentive to large landowners to sell parcels under 5,000 acres. Most large landownerships are comprised of small tax lots. Selling tax lots under 5,000 acres may have a better financial benefit than retaining a parcel impaired by the new rules. This is another study that ODF should conduct to determine the long-term effects of the rules.

It is unclear how the Small Forestland Owner Assistance Office will be funded long-term. SOTIA strongly urges the department to get these programs funded from the general fund in the future. Again, ODF has a difficult time already providing the services required of them. Adding programs without guaranteed funding will lead to failure.

SOTIA appreciates the assistance that small forestland owners are proposed to receive and understands the sentiment behind the Small Forestland Owner Assistance Office. However, the discussion about the new rules potentially having disparate financial impacts on small forestland owner raises the question, what level does resource protections standards become disproportionate for small landowners? Does this level also work for landowners over 5,000 acres? If the threshold for a small landowner's revenue from their forest land is a reduction of 20%, does a large landowner receive assistance if their revenue declines by



20% due to the new rules? Not all large landowners are the same and the Department should acknowledge that some large landowners may be harmed significantly as well.

In 629-625-0100 (5)(a) Written Plans for Road Construction, the requirement of an operator to provide their transportation needs and management objectives for a water crossing is unnecessary. The Department does not need this information to ensure compliance with the rules. If the landowner or operator desire to have a water crossing, ODF should ensure they comply with the rules and do not cause resource damage.

The lack of necessity is also true for identifying risk factors at a watershed scale requested at 629-625-100 (5)(C). An operator may not know the factors such as event history, projected land management and projected watershed conditions. They may only own a portion of the watershed and not know what operations are planned on other ownerships. Asking for this information is burdensome and unnecessary.

The phrase in 629-625-0320 3 (b) states that operators should design water crossings to allow for the movement of water, wood, sediment, and organisms to the maximum extent possible. This terminology leaves the water crossing design to the interpretation of each individual. A culvert that meets the 100-year flood event but is within budget for the operation may be one interpretation. Another interpretation may be that a bridge is required on every crossing to maintain current stream conditions regardless of cost. It is not practical to install expensive crossings in all locations that fish may use. Such requirements will make utilizing the land for forestry uneconomical and could result in fragmentation of intact forests. SOTIA suggests this portion be written to say the operator will design water crossings to efficiently cross the stream minimizing disturbance to current stream processes.

OR 629-625-0900 Forest Road Inventory and Assessment (FRIA) will be very expensive for large landowners. The Road Maintenance and Abandonment Plan (RMAP) requirement in Washington is very similar to the Forest Road Inventory and Assessment. Millions of dollars have been spent in Washington to improve roads and water crossings in the state. During periods when returns on owning forestland were low or negative, much of this work was paused. In some cases, landowners stopped their RMAP work and passed the responsibility on to future owners. The State of Oregon should be aware that this is a possibility for this program and provide financial assistance or incentives to ensure FRIA work is complete.

The use of models as described in 629-635-0200 (11) Water Classification is concerning. The best assessment of fish distribution and use is by physical surveys. Having to verify modeled stream information is likely to be expensive. Trusting models in resource management is not the best method for the resources. If the model indicates fish use where there has not been any in the past, waiting for a new survey will be expensive for the landowner. 12-24 months may miss significant economic opportunities. There need to be an expedited method of field verifying fish presence to allow landowners and operators to work efficiently.

The current rule language at 629-630-0900 through 0925 indicate the Slopes Model delineation for designated debris flow traversal areas and sediment source areas are final. Even if stream classifications change, the slopes model will not change immediately. There should be an avenue for review and change these designations. Models do not always reflect conditions in the field properly.

Slope model concepts are new for the Department as well as landowners and operators. The learning curve for this new concept will be steep, as are the slopes that will be reviewed for operation. This will require more time for ODF staff as well as those submitting a plan. The implementation of these rules will likely be difficult and therefore cause greater harvest deferrals than anticipated.

SOTIA members appreciate the effort to reduce the number of repeat offenders and forest practices violations. Those that do not adhere to the rules provide a poor image for those in the industry that are good stewards. The new rules should help reduce the number of bad actors.

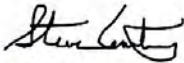
SOTIA applauds the Department for updating technical notes and providing technical guidance in many places throughout the new rules. This guidance will be necessary, particularly for those not trained in forest operations or do not perform them regularly. Publishing the guidance prior to the implementation of the rules will be a difficult, but necessary task.

This rule proposal has several new concepts and requirements for operators to understand. This will require extensive training for ODF field staff, landowners, and operators. If the ODF does not have a good training program planned prior to the enactment of the rules, implementation under the rules will be delayed until proper training can occur. We understand that ODF is trying to hire more personnel that will help deliver the training necessary to implement the rules. It will be difficult to get training accomplished prior to enactment of the rules.

SOTIA will be glad help facilitate training in the SW Oregon region once training programs are available.

Thank you for the opportunity to comment. We look forward to the progression of these rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Courtney".

Steve Courtney

Executive Vice President





## OREGON FOREST & INDUSTRIES COUNCIL

SUSTAINABILITY. SCIENCE. INNOVATION. GROWTH.

PO Box 12826  
Salem, Oregon 97385  
(503) 371-2942  
Fax (503) 371-6223  
[www.ofic.com](http://www.ofic.com)

September 29, 2022

Oregon Board of Forestry

Submitted via email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

Re: Private Forest Accord Rulemaking

Thank you for the opportunity to provide comment. The Oregon Forest & Industries Council (OFIC) is a statewide trade association representing forestland owners and forest products manufacturing firms in Oregon. Its members own more than 90 percent of Oregon's private, large-owner forestland base. OFIC's core mission is to advocate on behalf of its members to maintain a positive, stable business operating environment for Oregon's forest products community that fosters long-term investments in healthy forests; to ensure a reliable timber supply from Oregon's public and private forestlands; and to promote stewardship and sustainable management of forestlands that protect environmental values and maintain productive uses on all forestlands.

Much has been said about the authors that came together to find common ground and abandon the battles of the timber wars- seeking the common ground between environmental regulation and landowner certainty. The rules before you represent months of work, and hours of conversation between parties. These draft rules, as written, are an accurate reflection of the Private Forest Accord (PFA) agreement and OFIC encourages the Board of Forestry to adopt them. We appreciate the diligent efforts of the Department of Forestry staff, and the time they invested in putting together the draft rules being considered.

### **Support for draft rules- stability for the forest sector**

These rules are the result of a lot of hard work and compromise and there is no room for more. The original agreement was made in earnest consultation with professional foresters and our members have continued to provide their expertise and practical experience to help shape these draft rules. There is no room for fine tuning, and we humbly encourage the Board to support the collaborative nature in which these rules were created by adopting the rules as written.

This agreement is a rare and genuine compromise. Not everyone got what they wanted, but everyone got something. We gave up a whole heck of a lot, but we believe the sacrifice is worth it to get some certainty and stability for our future.

### **A lot of work remains**

Senate Bill 1501 dictated a very aggressive timeline for this rulemaking effort, and some elements remain outstanding, including chapters of technical guidance, rulemaking processes for both tethered logging and post disturbance harvesting, and several trainings to develop and deliver. If there's one thing we learned in the rule drafting process, it's that to guarantee a thorough and complete job the workload should be metered out at a measured pace and not rushed. We could use the Board's help and guidance making sure that happens and that all unresolved elements are resolved in the same collaborative spirit that has been cultivated.



**These are Climate Smart Rules**

These PFA rules are “climate smart”. For folks interested in additional trees growing and storing carbon in the forest- the PFA does that. For those concerned with stream temperatures and thermal refugia for fish and wildlife species- the PFA does that. For folks interested in promoting wood products and sustainable green jobs- the PFA was created to achieve certainty and a sustainable forest sector.

**Chemical Application was part of PFA process- first thing done/ state of the art**

The very first action taken by the Private Forest Accord authors was to agree upon new protection measures and a state-of-the-art neighbor communication tool for helicopter applications of herbicides. These rules were adopted through Senate Bill 1602, which also directed the authors to continue to meet to seek compromise and agreement on other important updates to the Oregon Forest Practices Act. These aerial application rules are indeed unique, no other state in the Nation has greater protections or stronger communication tools. These too were rules developed through this collaborative process, and only became operative in 2022. They offer greater protection for all water intakes, increase protections around streams, strengthened compliance tools, and create real-time and post-application communication for neighbors.

Thank you for the opportunity to provide comment.

Seth Barnes  
Director of Forest Policy  
Oregon Forest Industries Council

September 30, 2022



Oregon  
Rural  
Electric  
Cooperative  
Association

***Via Electronic Filing***

Oregon Department of Forestry Written Comments Email Address

[sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

**RE: Forest Practices Act Proposed Rule Revisions**

**Attention: Christina Helige and fellow Forest Resources Division staff**

Consumers Power Inc. (CPI) appreciates the opportunity to submit comments concerning the proposed revisions to the Forest Practices Act published at the beginning of September 2022. CPI understands that the revisions to the Forest Practices Act were authored by a coalition of timberland owners and conservation groups, in order to meet their shared goals of protecting the environment and wildlife in Oregon, while reducing the burden of litigation related to timber harvesting activities. CPI appreciates the collaborative effort but feels that this coalition was not properly representative of all the stakeholders who will be affected by the revisions and offers the following comments and perspectives on the draft rules.

CPI is an electrical cooperative, which is a type of privately held non-profit electrical utility owned by its members (customers). Electrical cooperatives were originally formed during the Great Depression and the post war years to provide electrical power to underserved rural areas. There are currently 18 electrical cooperatives operating across rural areas in Oregon. CPI itself was incorporated in 1939, and to this day mainly serves members in rural areas and within the Wildland Urban Interface. Like all cooperatives, CPI's core mission is to provide safe, reliable, and cost-effective power to our members. After reviewing the proposed revisions to the Forest Practices Act, CPI is concerned that adopting the revisions as drafted will degrade the safety, and reliability of rural electrical systems and consequently drive increased utility costs for rural Oregonians and their businesses.

CPI maintains over 3,000 miles of power lines and a great many of those lines run along and across rivers such as the Yaquina, Siletz, Santiam, Luckiamute, and others, along with their various tributaries. These are areas where the proposed revisions to the Forest Practices Act would make it very difficult to remove trees and other vegetation. Like all electrical utilities, CPI has a legal (OAR 860-24-0016(4)) and ethical responsibility to keep our lines clear of vegetation that could damage our system and cause outages, public safety hazards, and wildfires. CPI operates our system within a defined Right-of-way that is quite narrow in relation to the height of trees in Oregon's forested areas. Consequently, CPI depends on landowner partners to help remove hazardous trees and vegetation from outside our Right-of-way before they can fall through our lines. Draft rule OAR 629-643-0105(6) and its counterparts in the draft ruleset allows falling snags that pose a safety hazard but not hazardous living trees. CPI has already had some issues with landowners being unwilling to remove hazardous trees because of the proposed draft rules. If the revisions are adopted as written, CPI expects the hazard tree issue to

become more serious, and pose an ever-increasing threat to rural electrical systems in Oregon as the years pass.

If these proposed rules are adopted and hazardous trees near power lines within the stream buffer limits are tolerated, it will have several easy to anticipate negative consequences to the people of Oregon. The most serious consequence is the increased probability of wildfires starting and propagating in rural areas. Trees falling through power lines often cause thermal events (sparks and flame) that can and do start wildfires in forest lands. The Oregon Public Utility Commission recently adopted new OARs in their Division 24 rules that are meant to help prevent such wildfires. These proposed rules would not only increase fire danger but will also force utilities to pick and choose which OARs they can comply with in different areas. The connected issues of increased fire danger and regulatory dissonance make some of these proposed rules very problematic for utility companies and the people they serve.

Additional anticipated consequence related to the probability that more trees will fall through power lines more often all year round. This will greatly reduce the reliability of rural electrical supplies as outages become more common and last longer. Another consequence is reduced safety due to downed lines caused by falling trees. Downed lines can pose a direct safety threat to members of the public and first responders who may be in the vicinity of live wires. The upshot of these consequences is the increased operations costs that events such as system damage and wildfires lead to. Rural electrical utilities will simply be unable to absorb the costs of additional maintenance due to escalating system damage, and the financial consequences of wildfires. CPI and other rural electrical utilities will simply have to pass those costs on to the people they serve.

CPI understands the genesis of the Private Forest Accords and respects the efforts of the authors to protect wildlife habitat in Oregon. CPI feels that despite their laudatory work, the authors of the accord were not sufficiently aware of the knock-on effects that their proposed rules would have on the comfort and safety of rural Oregonians outside of their areas of interest and expertise. CPI therefore respectfully requests that the Oregon Department of Forestry consider adding limited exemptions to draft rule OAR 629-643-0105(6) and its counterparts in the ruleset. Specifically, CPI requests exemptions that will encourage landowners to remove hazardous vegetation from the vicinity of power lines and other critical infrastructure located near waterways. CPI envisions that an effective exemption would specify that both hazardous snags and trees are allowed to be felled, and that they can be taken to market if they are outside the limits of the pre-revision buffer distances. An exemption like this would not only allow landowners to help protect electrical infrastructure but also incentivize them to do so. Such exemptions would likely have little effect on the overall goals of the Private Forest Accords authors but would enhance the safety and security of rural Oregonians by protecting them from extended power outages, electrical safety hazards, and wildfires.

Sincerely,

Roman Gillen

President/CEO

Consumers Power Inc.

Ted Case

Executive Director

Oregon Rural Electrical Cooperative Association





September 30, 2022

Lisa Appel  
Oregon Department of Forestry  
2600 State Street, Bldg D  
Salem, Oregon 97310  
*Submitted Via Email:* sb1501.rulemaking@oregon.gov

*Re: Oregon Farm Bureau Comments on the Forest Practices Act rule revisions  
directed by the enrollment of Senate Bills 1501 and 1502*

Ms. Appel,

Thank you for the opportunity to provide written comments on the Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502. By way of background, the Oregon Farm Bureau (OFB) is the state's largest agricultural trade association, representing nearly 7,000 farm and ranch families in the state, including many small woodland owners.

While we appreciate all of the hard work that went into the Private Forest Accord (PFA) by the signatories and support the industry's work toward a Habitat Conservation Plan, our members – particularly those who are small woodland owners – feel very strongly that the PFA is not workable for their operations and will result in the sale of some of their multi-generational forestlands and we have expressed this concern at every available public comment opportunity since the release of the PFA. Unfortunately, because the groups who were at the table to negotiate the PFA were restricted from sharing information about the negotiation, our small woodland owner members did not have the ability to provide feedback on the PFA or share the impacts it would have on their operations. To that end, OFB once again writes to share those concerns, not only with the impact of the agreement on the viability of Oregon's small woodlands, but also the increased bureaucracy in Oregon Department of Forestry (ODF). Finally, OFB is troubled by the provisions that would remove a landowner's entitlement to just compensation for restriction of their use of real property due to these new land use regulations on their private forestlands.

**Lack of Transparency**

Since the beginning of the PFA it has remained a behind closed doors discussion where only a privileged few were able to add input. To continue to say small forest owners were represented because Oregon Small Woodlands Association (OSWA) provided input and was represented is completely misleading and disregards the voices of many Oregonians who are deeply affected by these new provisions. OSWA leadership did not discuss this with membership at any level



including directors of county chapters. Even if they had, OSWA represents a very small fraction of small forest landowners across the State. OFB's crossover membership has expressed deep concern that the OSWA representative was a past executive director of the organization who essentially was no longer beholden to the organization or its members. Additionally, to have the same behind closed door process used to develop these rules, with the drafting done by the same creators of the PFA, once again done behind closed doors continues to frustrate the same small woodland owners who already feel that their lands have been sacrificed by the state and larger timber owners.

#### **629-607-0400 Forest Conservation Tax Credit**

There are many levels where the economics of the PFA seem flawed, to both the small forest owner and the State. The PFA promises the small forest owner tax credits for participation while the up-front cost of participating far outweighs what is even paid in credits. Although there is language in the legislation of 1501 and 1502 to help the small forest owner, the cost of cruising, valuing, surveying and documenting (deed record) far outweighs what any tax credit or subsidization will pay. The additional cost of a small forest owner paying a consultant to flag additional streams will further cut into any revenue generated in small forest owner harvest due to harvest units on average being 30-50 ac and not the 80-120 ac size seen on industrial ownerships. Non-fish streams that will now require buffers could take a full day to flag especially on the coast where these regulations will hit the hardest. A small woodland owner may still be able to harvest timber in these cases, but they will still have to be flagged. Coastal harvests could see harvest layout costs triple in many cases and this does not even include the increase in operational costs as harvest logistics will certainly change as a result. Also included under item 4 in this section is the word "**irrevocable**" which does not show anywhere else and should be removed, as it has long lasting consequences for landowners.

#### **629-625-0920 Road Condition Assessment**

The road condition assessment should be removed for small forest owners. Operational roads, including haul roads, would make sense but requiring small forest owners to do a full road assessment could prove very costly in both time and money. Small forest owners do not have staff forestry like the larger industrial or investment forest owners to prepare these assessments. Some parcels could be more than a thousand acres and include miles of abandoned roads, which could take days if not weeks of work. Abandoned roads are not part of the operational area have no impact on the current operation being notified and only set the stage for retroactive regulation.

#### **Exemptions**

The proposed rules include no real exemptions, and there should be an outlined list of exemptions that is not exclusive but anticipates for items like forest fire salvage. The goal should be to harvest and replant especially regarding small type N streams. The dead trees will be providing minimal shade at this point and stumps will still provide bank stability. Landowners should have the option of an emergency exemption to recover loss as well as begin forest restoration on their property.

### **Oregon Department of Forestry Funding**

OFB is also remains very concerned about the new bureaucracy this creates within Oregon Department of Forestry (ODF), and how those positions are funded and filled long-term. ODF continues to struggle with adequately funding their current programs and with the creation of our comprehensive wildfire program under SB 762 last session, it remains unclear to OFB how the agency will remain solvent. While the PFA supports funding ODF implementation from the general fund and the parties made no commitment to seek additional revenues from landowners to fund ODF, the current legislature cannot bind future legislatures. As experience demonstrates, when we are in a cut budget scenario for the state, natural resources agencies usually see the largest cuts in terms of percent of budget. We are concerned that after just a couple biennium, ODF could see cuts to new programs that are being created within the agency, along with decreases in harvest on state managed forestland, which equates to less income coming into the agency as well. In these cases, the legislature often looks to increase taxes and fees on regulated entities, which our small woodland owners will not be able to afford, particularly in light of the reduced harvest from the new buffer restrictions. Additionally, how will ODF create 20+ new positions with qualified and competent personnel to adequately assist with forest operations or forest appraisal that would be required by the new rules?

For these reasons we oppose the rules as written and would like to see the rules amended through a collaborative open process so that small forestland owners are not forced out of business. Thank you for the opportunity to provide comment today and please do not hesitate to reach out with any questions.

Sincerely,



Lauren Poor  
Director of Government & National Affairs  
Oregon Farm Bureau  
[lauren@oregonfb.org](mailto:lauren@oregonfb.org)

## **7. Small Forestland Owner**

**APPEL Lisa M \* ODF**

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**From:** Russ and Linda Glascock < >  
**Sent:** Friday, September 02, 2022 12:08 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** My comments on the Oregon Forest Accord

My name is Russ Glascock from Eddyville. I am sending you comments on the Oregon Forest Accord (OFA).

My grandparents acquired 1240 acres in 1942. I have been at the ranch since January 1977. When my grandfather passed in 1978, the federal and state governments accessed 450,000 dollars in death taxes. This was a 55% rate after a 75,000 dollar exemption. That debt was paid over 15 years, and the rest of the family sold 1000 acres in 1994.

The forest practice act in Oregon has been changed 5 times (including the new OFA) since I moved here. In 1977, we planted 10 acres along the Yaquina river with doug fir seedlings. We were told that this would be a good investment for retirement. The OFA increases the stream side width from 100 feet to 110 feet. No thinning is allowed.

The ranch that I own includes 2 miles along the Yaquina river. In 2000, I planted 90 acres along the river with multiple species to help shade the river and provide wildlife habitat. Logs and stumps were placed along the river bank. Culverts were improved. The OFA will not allow me to thin trees within 110 feet of the river. Thinning would help with faster tree growth and provide me with retirement funds.

The OFA has convinced several of my Lincoln county neighbors to harvest trees in no cut buffer areas before the end of 2022. Without the OFA those trees would not have been harvested.

It takes 40 to 60 years to grow trees to harvest size. Family tree farms make decisions to plan for future income. This new rule is taking a significant portion of my retirement funds. After unfair death taxes and paying decades of property taxes, the OFA takes away financial use of large portion of my property.

I feel the State should reimburse small private timber land owners affected by the OFA for loss of income due to rule changes. Property taxes should be lowered to reflect loss of income.

Small private timber land owners contribute improvements to riparian areas and should be appreciated by the state, not punished financially.

Better yet, have the rules committee exempt small timber land owners from the rules of the OFA.

RRG

**APPEL Lisa M \* ODF**

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**From:** OLIVOS-ROOD Hilary \* ODF  
**Sent:** Tuesday, September 06, 2022 5:07 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** FW: Opposing PFA Draft Rules

The sender of this email verified that the below comments are to be shared with the Board and the PFA rulemaking team as a public comment. See below.

---

**From:** Jennifer Hamaker < >  
**Sent:** Monday, September 05, 2022 11:49 PM  
**To:** ODF\_DL\_Board of Forestry <BoardofForestry@odf.oregon.gov>  
**Subject:** Opposing PFA Draft Rules

## **Opposing the Private Timber Accord with ODFW's own reports and studies-**

As an Oregonian I oppose the draft rules for implementing the Private Forest Accord.

These rules will undermine our forests as well as punish the people and businesses that keep our forests healthy.

Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon, despite paying 1 1/2 times more taxes than any other industry, while our timberland is being closed down with HCP's which allow for little forest management - if any, while taxes, regulations, fees, paperwork etc are ever increasing, and while we are governed by the strictest of laws in any industry in the United States by the Forest Practices Act.

To punish them by making more unmanaged timberlands on their successfully managed timberlands is irresponsible and surrenders yet again to the Environmental groups anti-management agenda.

The rules are not a balanced approach to support both conservation and economic viability for Oregon's rural communities, and the science proves this.

There is no need for increasing the riparian buffers. Coho and steelhead populations have been increasing as reported in the studies done by Oregon Department of Fish and Wildlife (attached link).

Coho spend about 1.5 years at sea and before coming back to spawn whereas Steelhead spend up to 4 years in fresh water, and 3 years in the ocean and some survive spawning to return to freshwater. Ocean conditions play a major role in fish populations. The proposed rules have nothing to do with ocean conditions, but the timberland owners will be punished for them. That is neither balanced or fair!

Current spawning and resident bull trout distribution in Klamath basin is highly fragmented and limited to a few headwater streams. Poor water quality and irrigation diversions have isolated populations, minimizing opportunities for bull trout to express a migratory life history, mix among populations, and colonize unoccupied habitats. This has nothing to do with riparian buffers, and more to do with Klamath Basin's lack of water due to drought.



The 13 timberland owners and environmental group negotiating this Accord do not represent Oregon's 60,000 timberland owners. The environmental groups don't have to pay for the changes in rules, the timberland owners do.

Oregonians are ready to leave behind the years of fighting and litigation that have threatened our rural communities for decades with proven science. We were told to follow the science during the pandemic, shouldn't we apply the same thinking to forest management. It is NOT balanced or fair to cherry-pick fact and twist truths to push an agenda.

Environmental group's agenda should be exposed and held accountable for their hands-off approach instead of proper forest management as well as the destruction to our forests and wildlife due to wildfires that decimate unmanaged forests. The severity of fires can be mitigated substantially with healthy forests that are properly managed. Environmental groups are adding to global warming with their hands-off approach to managing our forests.

Please think long and hard about your vision of Oregon's forests as a whole. By supporting the PFA, you are not only treading on private land and you are making our forests less resilient to wildfire, infestation, and disease by adding swaths of unmanaged forests to timberland that was once managed and resilient with cherry-picked facts and then twisting them.

Sincerely concerned,

Jen Hamaker  
Oregon Natural Resource Industries

<https://www.dfw.state.or.us/fish/ONFSR/docs/final/01-coho/coho-summary.pdf>

<https://www.dfw.state.or.us/fish/ONFSR/docs/final/06-winter-steelhead/ws-summary.pdf>

Sent from my treehouse made of renewable and sustainable wood.

**APPEL Lisa M \* ODF**

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**From:** nancyn@everyactioncustom.com on behalf of Nancy Nichols <nancyn@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 4:37 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new Private Forest Accord

Dear Chair Jim Kelly,

My husband and I own 65 acres of forest land in Western Lane County. We support improving Oregon's forest practices. California and Washington have stricter regulation which are working. It is time for us to catch up.

We are in favor of increased buffers along streams and protections for steep landslide prone slopes. We experienced landslides during the 1996 flooding and can see how better forest practices would reduce landslides in heavy rain events.

We expect that you will also be addressing post-fire logging rules to make sure there is no a huge loophole for burned timber.

I'm sure this is a challenging job. Thank you for taking it on.

Sincerely,  
Ms. Nancy Nichols  
93849 Deadwood Creek Rd Deadwood, OR 97430-9715

**APPEL Lisa M \* ODF**

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**From:** Susan and Scott Russell < >  
**Sent:** Thursday, September 08, 2022 10:02 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Forest accord comments

Thank you for the opportunity to comment on this new rule.

The taking remedies as a result of this rule need to be modified. It appears that there are two choices regarding the trees adjacent to non-fish bearing streams, harvest the trees before the rule is in effect or, apply the value of the existing trees to the landowner's taxes. The first option will create less shading of these tributaries, contributing to higher stream temperatures, and the second option is not reasonable, see the following description. When The Dalles Dam flooded Celilo Falls in 1957, the Native Americans who had used the area for 11,000 years, were given \$3,700. ( HistoryLink.org) For reference, the list price for a 1957 Chevrolet was \$2000. This was poor policy when you consider the result to generations to follow. I suggest that those who choose retaining their trees in the newly created riparian area; that in addition to the value of the existing trees, future compensation, which could also be used to offset taxes, be made every twenty years based on the site class of the land. The chances that the riparian area will be changed in the future to the now existing status is slim to zero. The loss of productivity will extend past the current owner's lifetime. Let's be reasonable to what we leave to the next landowners. Every time a new punitive requirement to forest land is made, the land becomes less attractive to the next generation to maintain and keep forests healthy. So often, the passing of an owner results in the unplanned clearcutting of the land.

Thank you,  
Scott Russell  
31291 Raymond Creek road  
Scappoose, OR 97056

**APPEL Lisa M \* ODF**

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**From:** Judy Dickerson < >  
**Sent:** Thursday, September 08, 2022 1:20 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** New/old rules???

My husband, Clay worked for and helped write plans for ODF several times, retiring in 1999.

Except for the logging community, ODF has never been seen as an enforcement agency by the local SWO public. Even there, Clay seldom wore his badge and uniform when dealing with forest law when inspecting log operations. He found several who reacted with much less agitation when his clothing matched theirs. He usually was met with at least a gruff "Hello", and perhaps a hand-shake. His regulatory method was to educate and inform, then bring into compliance. He seldom wrote citations for minor or first-time offenses, but was tenacious tracking down violations such as trespass or overt safety issues. He was both respected and liked in the SWO District. Outside of that community, few people realized what Clay's work entailed. Many of our friends didn't even realize he often was fighting fires (locally or out of district) during the summer.

We've been closely connected to ODF summer fire for seven decades - so many family and friends have worked there. The current, very closest individual is our youngest grandson. He is in his 3rd season as crew on a patrol rig. Also, his older sister (who worked a notable project fire camp one summer, plus two additional summers in Dispatch) is engaged to a 7 yr veteran FO - both in SWO.

Since Clay's death I've been hesitant to offer too many comments about forestry beyond what I knew he would say. My interest is high, but my expertise is barely above the level of most common citizens - perhaps my view has some merit too? My 50+ years of close contact with ODF through marriage and his shared Forest Management ideas maybe gave me some insight beyond the obvious. Also we have always lived in or near the woods, and I still own about 140+/- acres of mixed pasture and woodlot in Douglas County.

This is not technical, but please bear with me as I write these thoughts.

I see two points ODF may want to address before going into this cycle of future rule planning. One is the current Public Image of the department and the second is the changing attitude of Oregonians in regard to State Land Management.

**PUBLIC IMAGE:**

ODF has relied on excellent fire suppression as a great way to sell themselves to the public. Reality is, you lost a lot of ground with your seasonal workers with the Covid shot mandate last fall. (THAT was an ugly mess - less said the better.) The SWO district was just beginning to pull it together when the Fire Map came out. I know ODF quickly realized the egg-on-face with the Fire Map issuance. The Governor's Office (either purposely or by accident) put ODF into the role of "bad-guy" in that situation. The big fires and the professional manner (as always) that ODF handled them partially put things back into balance BUT also should alert ODF to the potential harm of how the map might blow-up again in the future. ODF is on shaky ground, so I'd advise you move with caution going into the rule planning cycle ... and note you WILL be working with a new governor. Watch your 6.

**SUGGESTIONS:**

a.) When you return to the map at a future date tweak the presentation AS A GUIDELINE/ADVISORY. Also try (mightily and in every possible way) to show ODF less of the regulatory agency. At least minimize. (It was bad enough when the pot growers were taking shooting at ODF rigs in the 80's; do you want them shooting at the patrol rigs? I don't!)



b.) The map would be A LOT more useful for the public AND FOR ODF AND LOCAL AGENCIES if it wasn't so general. Make it a useful tool - a cross between a site-specific forest mgmt. species type map and the sweeping zone labels of the map you publicized. You already know the hot spots  
- some special marker there instead of all red zones???

c.) BE AWARE. Do NOT assume or trust. The Covid shot mandate made some sense for office folk but not much for field personnel - some of you good people walked and didn't come back. The map thing from the gov's office - well ..... Since you know there will be a new governor BE OVERLY PREPARED TO EDUCATE THE NEW PEOPLE SPECIFICALLY IN THAT OFFICE ABOUT THE BASIC FACTS OF FORESTRY!!! Politicians of any type are not necessarily friends of BALANCED forest practices or ODF either. (I'm 75 yr. old - All my working years I was employed by county or state agencies. I've learned the "game" of politics is played well only by those who willingly throw ANYTHING under the bus for a "deal".)

#### FOREST MANAGEMENT PLANNING:

Living in SWO obviously I'm most aware of what happens locally. You might not know the positive reaction to the late last winter brush clearing on Merlin Hill along I-5 north of Grants Pass. A huge number of people applauded ODF for that work. I don't get into Grants Pass very often, but sure heard about who did that work and how grateful the Josephine County people were. About summer fires - SWO population in general for decades has seen ODF snuff hundreds (probably thousands) of big and little fires, but watched USFS let millions of local acres burn. They are pro-firefighters across agency, but have a pretty low opinion of USFS as first responders. You and I know there are several good reasons why certain things happen - but we also know the USFS has had some very different initial attack methods that have allowed some fires to "GO BIG" that didn't have to. (I'm not pointing fingers - just some inside facts we all know.) About winter fires - As fall and winter comes and time comes for prescribed burning, remember (at least down here in southwestern Oregon) there have been many escaped WINTER BURNS over decades of time. USFS had a loooooong history of lighting up at some very questionable times of the year. ODF has lost a few too. As far as I know those fires have been mid-winter and much smaller.

#### SUGGESTIONS:

a.) Hire more winter saw crews, maybe put them to work for ODOT in high traffic fire-prone locations but put up ODF signage. By keeping your summer help they will be more likely to stay for next year (see the second sentence under "Public Image" above), and training will take less effort. Have those PI people promote ODF like crazy.

b.) Have you ever considered actively recruiting summer firefighters from high schools during the winter - disguised as a forestry/wildlife/outdoor/fire/ educational program? (Double advantage - maybe fewer accidental fires too?) I don't mean some environmentally driven agenda? I mean something that enlists math, science and (if possible lang. arts) teachers? I would suggest you check with UCC and RCC for potential partnership. (I know there are scads of materials that are around if you look. OSU's 4-H youth development program has useful materials. I know 'cause I wrote it. If I remember ODF has something too. Ted Mahl -if he's still around might know where. I've got a great book Clay wrote that is perfect for that age group too. At one time I had a whole box of reference materials - not that hard to find.) Maybe grants \$\$\$ out there???

d.) After the New Mexico escape, USFS will likely be ham-strung on doing prescribed burns. They so often fall into blanket reactions. If you have nervous people just remember, prescribed burns can be tricky. Choose your fire-boss and crew locally and with care. From there the timing and location should fall into place.

e.) Use the wisdom and information you have on hand, (including files and retired people with knowledge). ODF has always had a goodly share of excellent brains and knowledge to call on - make good use of all your assets, even old materials. Get boots on the ground. Public input is okay but use good judgement, not popular opinion. Stay independent as thinkers, do the right thing by Oregon's lands and the trust it's people have given to you to be good stewards using balanced management.

Lastly - for GOSH SAKE ! If you could plug your ears just for a little bit to shut off the noise - then look up at the mountains. Those "pointy" trees up there are growing because some not-so-dumb fellow who is now dead and long buried tried out a "new" management idea years and years ago – AND IT WORKED!!! If there is or isn't a climate thing, don't get your shorts into a wad. The trees and plants will adjust; they always have. Errors can teach as much or more than success. In decision making we can only go by good sense and what happened before. That's called "experience". It's a word for "been there - did that".

Teeny-boppers and Office-hoppers don't happen to have that qualification in forestry . Guesses about the future can't be made on wishes or dooms-day predictions.

Hopes for good decision making to you all ... Remember, the rains will come!

Judy D

**Date:** September 10, 2022

**To:** Board of Forestry Chair Jim Kelly  
Members of the Board of Forestry

**From:** Scott Hayes, Small Forestland Owner

**Subject:** Comments on proposed rule changes to Forest Practices Act from  
the Private Forest Accord

Chair Kelly,

Please thank the people who worked so hard on the Private Forest Accord Report and the legislation resulting in the proposed amendments to the Forest Practices Act. A special recognition is in order for the hard work by the Oregon Department of Forestry staff.

Following are my Recommendations 1, 1.1, and 1.2 that relate to policies that promote small forestland owner voluntary protection measures. Recommendation 2 removes a harvest requirement in order to trigger a Forest Conservation Tax Credit. Recommendation 3 adds Type 4 harvests as a tax credit trigger. Recommendation 4 is about forest carbon. Recommendation 5 is a request to the board to consider amendments to tax credit transfers.

**Recommendation 1. Encourage Small Forestland Owners to apply voluntary protection measures.**

The board is encouraged to add a goal to encourage voluntary actions by small forestland owners who exceed the standard harvest rules. For example, in 629-607-0000(3) Purpose and Goals:

- (3) Goals for this division include helping small forestland owners:
- (a) Comply with the Forest Practices Act and rules;
  - (b) Meet the biological goals and objectives;
  - (c) Practice standard harvest and road management rules;
  - (d) Implement minimum options;
  - ( ) Apply voluntary protection measures that exceed the standard harvest rules;
  - (e) Use the forest conservation tax credit;
  - (f) Seek funding under the Small Forestland Investment in Stream Habitat program; and
  - (g) Minimize the number of land-use conversions of timberlands to other uses.

**Recommendation 1.1. Amend the statute and rules to allow voluntary actions.**

**Notes on Recommendations 1 and 1.1**

The draft purpose and goals in Division 629-607-0000 focus on minimum rule compliance. Past boards have often stated their desire to provide small forestland owner incentives. Many small forestland owners, including myself, are willing and able to meet or exceed the standard



protection options outlined in the draft rules. Most of us with management plans certified by the American Tree Farm System substantially exceed the standards set in the FPA.

The premise that all small forestland owners are interested in meeting the minimum protection standards for all FPA resources is false. It is understandable why many large landowners argue for minimum standards, in large part due to the economics of their businesses. A valid concern may also be that if voluntary actions are “sanctioned or encouraged” by the board, then any higher protection standards may be held up, over time, as necessary for all landowners to follow.

Many of the almost 2,000 members of the Oregon Small Woodland Association manage their lands above the minimum standards in the FPA. Considering the 80,000+ small forestland owners who are not OSWA members, it may be true there are thousands of unengaged small forestland owners interested in applying higher levels of protection to their riparian areas. A board policy confirming that interest would be a positive step.

If the board’s policy is to encourage small forestland owners to voluntarily apply higher levels of protection to their riparian areas, it seems appropriate that the draft rules should reward those actions. Just as the current draft rules provide alternatives for small forestland owners who under “... rare circumstances... become highly encumbered by Forest Practice Administrative Rules...”, the board can amend the Program Participation Rules under 629-607-0200 to include small forestland owners who apply voluntary protection measures above the standard options.

If the board considers a voluntary protection goal, the related Forest Conservation Tax Credit draft rules, and the underlying statutes, should be amended to allow the tax credit to include up to 100% of the stumpage value voluntarily left in a fully-protected riparian area.

#### **Recommendation 1.2. Eliminate Type N stream RH Max distances.**

##### **Notes on this Recommendation**

If small forestland owners are willing to apply voluntary protection measures, the board should consider elimination of the Type N stream **RH Max** distance to a Type F or SSBT stream. If this somewhat arbitrary distance is suspended when voluntary protection measures are applied, the small forestland owner should be eligible to apply for the Forest Conservation Tax Credit.

Most likely the discussions between the administrative rule authors about Type Np and Type Ns protection measures were contentious. The compromises reached on the riparian area widths and the unique distances between Type N and Type F streams are telling.

Our forestland is an example how voluntary protection measures above the standard protections, with the RH Max distances eliminated, could benefit wildlife and water quality on Type N streams.

Our 40 acre woodland has a Type Ns Stream (~1,300 feet long) and one Type Np Stream (~500 feet long) where it becomes a Type Ns Stream (~400 feet long). The Type Np Stream exits the property and flows ~1,000 feet to a small Type SSBT stream, Little Beaver Creek. In 1992 the previous owner clearcut 12 acres above the Type N stream, leaving a substantial no-touch buffer. The rules at that time allowed the owner to harvest all riparian area trees. A 1994 aerial photograph is on page 6.

Incidentally, there is no evidence of any historic harvest in this riparian area. Most of the timber is old growth western red cedar, Douglas-fir, white fir and big leaf maple. Most foresters, hydrologists and biologists would conclude that this Type Np stream riparian area is at the “desired condition”.

When we purchased the forestland in 1996, a large percentage of the timber basis was in the Type Np stream riparian area. Today, absent a pathway for us to qualify for the Forest Conservation Tax Credit, there is no financial incentive to retain the timber. When we sell the property there is no way to prevent a new small forestland owner from clearcutting this important riparian area. If we applied voluntary protection measures and were given the opportunity to obtain the tax credit, the deed restriction would solve our dilemma and protect an important resource.

As a side note, it has been suggested that a conservation easement could protect the riparian areas. We checked with several organizations. Unfortunately, there is no interest in entering into an agreement because of the small size of the riparian area and its relation to the 40 acre tax lot, which includes our homesite.

### **Recommendation 2. Remove the harvest requirement to trigger the tax credit process.**

#### **Notes on this Recommendation**

The board should decouple the Notification of Operation trigger from a completion of harvest that allows a small forestland owner to apply for a Forest Conservation Tax Credit.

The statute suggests the tax credit will be granted when the proposed harvest is completed. The draft rule is silent on whether the harvest is completed. It may be that the intent of the law requiring a completed harvest is to limit the number of small forestland owners applying for the tax credit. If the board’s goal is to encourage willing landowners to provide protection prescriptions at, or above, the standard prescriptions - that endure for 50 years - then requiring a completed harvest before a tax credit is granted seems counterproductive. An easy way to meet this goal is to allow a small forestland owner to file a notification to trigger the tax credit review process without requiring a harvest next to a stream.

### **Recommendation 3. Include Type 4 harvests as a tax credit trigger.**

#### **Notes on this Recommendation**

If a completed harvest remains as a trigger to receive a tax credit, Type 4 harvests should not be excluded as a trigger.

It is not clear why Type 4 harvests were excluded in SB1502. Disallowing Type 4 harvests reflects a common bias against a very important forest management tool. Stand density management is critical to forest growth and yield, forest health and reducing wildfire risk.

Type 4 harvests are not popular for some large landowners and small forestland owners. Reasons include increased costs related to thinning (especially on steeper ground), lower immediate income than from Type 1, 2 or 3 clearcut harvests, and the complexity of thinning operations. For small forestland owners a key barrier is a lack of loggers with the skills,



equipment and willingness – especially when a Type 4 harvest covers a few acres with low timber volumes.

The Natural Resources Conservation Service (NRCS) offers technical and financial assistance to small forestland owners willing to complete of Type 4 harvests that reduce stand density for the benefit of wildlife and forest health. In August we completed a 9 acre Type 4 harvest, adjacent to our Type Ns stream, to reduce stand density to create an open stand structure. This is Conservation Practice E666F under the NRCS Conservation Stewardship Program.

Most silviculturists, water quality specialists, biologists and many landowners agree that a conducting a Type 4 harvest bordering a stream riparian area is a good management strategy.

**Recommendation 4. Promote forest carbon storage in riparian areas.**

The board is encouraged to include forest carbon in a subsection in OAR 629-607-0000 Purpose and Goals:

- (3) Goals for this division include helping small forestland owners:
  - ( ) Increase forest carbon sequestered in the trees, shrubs and down wood on their woodlands and in riparian areas.

**Notes on this Recommendation**

The board has the opportunity to introduce forest carbon into the FPA rules in alignment with its policies in *2022-2024 Climate Change and Forest Carbon Work Plan*. Forest carbon is an import solution to climate change. Small forestland owners are critical players.

**Recommendation 5. Remove the bias against small forestland owner successors.**

**Notes on this Recommendation**

Reference: SB 1502, Section 2(a)(b) “A credit under this section may not be transferred to a successor forestland owner.” and Section (6) “Upon the death of a small forestland owner that holds a certification”. Also refer to draft OAR 629-607-0600 Forest Conservation Tax Credit - Transfer to Heirs.

The board should propose an amendment to the statute to allow small forestland owners who hold a Forest Conservation Tax Credit to transfer any remaining tax credit to a new small forestland owner.

It is not clear why SB1502 excludes the transfer of the tax credit to a new small forestland owner. The fundamental question is why a small forestland owner’s estate is allowed to transfer the tax credit to a family member (or even a neighbor or a friend, aka a devisee), but a living small forestland owner is denied the same transfer right to a new (and alive) small forestland owner.

Around 2010, the Board of Forestry met in Washington County. During discussions on how to help family woodland owners, the son of a recently deceased landowner stated he was not interested in his parent’s forest. He did not share their passion. It surprised many, but his story



may be common with many of Oregon's 80,000+ small forestland owners. Plus, there are small forestland owners who do not have heirs.

It may be that the authors of the Forest Accord and SB1502, and the authors of the rules, focused on the heir issue because of estate and tax planning implications. The Oregon Small Woodlands Association encourages its members to address estate planning and involve their heirs in the management of their forestlands. That important focus is reflected in the law and these rules, which is good.

However, the tax credit should be viewed as a reward to current and future small forestland owners in exchange for providing a higher level of stream protection - for 50 years. A tax credit should be one of the bundle of rights in a small forestland owner's investment in land and trees. The statute and administrative rules should allow the tax credit to be transferred to a successor forestland owner.

### **Summary of Recommendations**

I took the liberty (as a subcommittee of one) to draft a new OAR 629-607-0455. It includes the general concepts in the above recommendations and some of the language in the proposed draft rules. It is written in red to honor Ms. Craighead, my 11<sup>th</sup> grade English Literature teacher. As I recall, her review of my homework usually included many red notes.

#### **629-607-0455 Small Forestland Owner Voluntary Vegetation Retention Prescriptions in Stream Riparian Areas**

1. The goal of this rule is to encourage small forestland owners to voluntarily apply maximum protections to stream riparian areas on forestlands under their ownership. Their goals may include, but are not limited to:
  - (a) Minimizing the conversion of timberlands through a system of incentives, education, and regulatory stability for the small forestland owner;
  - (b) Receiving incentives to improve streamside riparian areas for the benefit of water quality, wildlife habitat and forest carbon storage;
  - (c) Committing to increasing the forest carbon sequestered in the trees, shrubs and down wood within their stream riparian areas; and
  - (d) Ensuring that their commitment to enhanced riparian area protections are preserved by their heirs or any future owners of their forestlands.
2. For the purposes of this rule, a landowner who qualifies as a small forestland owner, as described in OAR 629-606-0200, may apply to voluntarily retain 100% of all trees, down wood and shrubs, above the requirements of the standard practices, within the full width of the riparian area(s) on their forestlands.
3. The small forestland owner exercising this option is eligible for the Forest Conservation Tax Credit described in OAR 629-606-0300 when a notice of operation is filed for a Type 1, Type 2, Type 3 or Type 4 harvest on forestlands adjacent to any riparian area. The notified harvest may, or may not, be started or completed. A filed notification of operation is the trigger to begin the tax credit review and approval process.

#### About Our Forestland

In 1996 we purchased 40 acres in NW Oregon, about seven miles west of Banks. Over the last two decades we harvested 299 MBF of Douglas-fir. The standing volume of merchantable timber is higher today than it was twenty-six years ago. Our management plan is certified under the American Tree Farm System and we are in our seventh year managing the forest under a Conservation Plan with the Natural Resources Conservation Service. Completed projects include several wildlife habitat and timber stand density thinnings, small patch-cut harvests, pollinator plantings, oak woodland conversion, and a current carbon storage agreement on twenty-one acres.

**Arbor House Tree Farm  
T2N, R4W, Section 30, NE ¼ NW ¼  
Washington County, Oregon**



**Photo Reference to Recommendation 1.2. Eliminate Type N stream RH Max distances.**

**APPEL Lisa M \* ODF**

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**From:** tom madison < >  
**Sent:** Tuesday, September 13, 2022 7:16 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Forest Practices Act rule revisions

Dear Chair Kelly,

I wouldn't support anything either Oregon's or Portland's government would recommend. I came to Oregon in 1989, when society was in a balance. Twenty three years later....defund the police? legalize controlled substances? caravans of homeless people infringing on our neighborhoods, expecting our children to understand transgender transitions, ignoring graffiti, litter, human waste.... unbelievable. And our leaders continue to direct our well-being and sanity slide into the abyss. Most of our state and federal monies go into projects in Portland, while the rest of the rural population struggles for jobs, education and health care. I wouldn't trust our Forestry department to improve or govern the land which lies in the hands of private citizens. Our forestry service doesn't investigate the cause of so many fires on public land, and if they happen to uncover the person that caused the fire, they don't ID this person nor punish them (Eagle Creek). Leave the landowners alone. They have a vested interest in the resources that own.

Thank you for the opportunity to comment on the rulemaking process for the Oregon Private Forest Accord. I urge the Board of Forestry to approve the draft administrative rules presented to the Board on August 24, 2022, in order to align the Forest Practices Act rules with the Private Forest Accord Report.

I support the Private Forest Accord and proposed administrative rules because the new framework will: (i) significantly increase riparian buffers for logging near streams (whether or not fish are present), (ii) invest millions of dollars annually in a fund to improve aquatic habitat and protect water quality, (iii) add protections against erosion of steep slopes in logging areas, (iv) create a new system for cataloguing - and then completing - road system and fish passage improvement projects to benefit aquatic species and water quality, and (v) establish a new adaptive management program to better inform resource managers about resource management on private lands.

The Private Forest Accord brings much needed updates to Oregon's logging rules for private forest lands. I encourage you to approve the rules so that we can fully implement the Private Forest Accord.

Sincerely,

tom madison  
3407 SW 64th Pl  
Portland, OR 97221



**APPEL Lisa M \* ODF**

---

**From:** Cody Coons < >  
**Sent:** Wednesday, September 14, 2022 10:20 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Rep Smith D; Sen Heard  
**Subject:** Comments against SB 1501

- In article 1 section 26 of Oregon constitution, how were the inhabitants of the state able to redress our grievances when the private forest accord was subject to mediation privilege for the majority of its creation, especially with the hindrances of meeting legislative representatives under COVID-19 pandemic restrictions?
- In article 1 section 17 of Oregon constitution "all civil cases have a right of trial by jury shall remain inviolate", OAR 629-672-0200 (4) is a direct violation of this?
- In article 1 section 9 of Oregon constitution "unreasonable searches or seizures", OAR 629-678-0100 in aggregate is a direct violation.
- In article 1 section 20 of Oregon constitution "equality of privileges and immunities of citizens" OAR 629-607-0000 to 629-607-00800 is a direct violation by basis of discrimination by property sizes or amount of stumpage harvested.
- In article 3 section 1 "separation of powers", OAR 629-607-0200 1(c) confers arbitrary lawmaking powers to the state forester is a violation of this section!
- Repeal Senate Bills 1501, 1502, and House Bill 4055
- Actually include all parties to redress our grievances to the legislative branch and then carefully finalize the laws before implementation starts, instead of this limbo land of regulatory guessing of what the new laws will be.

Thanks,

Cody Coons  
Brookings, Oregon

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**From:** Charles DeMoisy < >  
**Sent:** Friday, September 16, 2022 5:18 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Charles DeMoisy  
**Subject:** Changes to the FPA rules

Dear People,

If it ain't broke, don't fix it. There seems to be so little understanding that we currently have one of the best system's in place in the world. One that provides timber harvest for eternity. But instead there's a huge push to stop production, and the Feds are burning everything up with almost no salvage (what could be billions in revenue) and not reforesting (creating poor future forests, increased fire danger, and less carbon storage).

Looks like a lot of extra work for foresters and Small Forestland Owners. Regs on reports for logging road upkeep and maintenance or restrictions on streams running through a property.

Owners don't need big government help farming our forests. We know how to care for and harvest trees, then replant after the trees are cut. More regulation developed by government bureaucrats is not going to help us do our job better. And we know how to keep our land and streams safe. Restricting logging with over-regulating Small Forestland Owners will only make it more difficult to turn a profit with farm forests. Restrictions and more regulation will not mitigate fire danger but make it worse.

This entire document is a huge mistake and should be thrown out. We're good with what we have.

Charles DeMoisy  
Glide OR Landowner

**APPEL Lisa M \* ODF**

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**From:** OLIVOS ROOD Hilary \* ODF  
**Sent:** Monday, September 19, 2022 8:48 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** FW: Rule-making for the Private Forest Accord

The sender of this email verified that the below comments are to be shared with the Board and the PFA rulemaking team as a public comment. See below.

---

**From:** Candace Bonner < >  
**Sent:** Friday, September 16, 2022 12:23 PM  
**To:** Oregon Department of Forestry <boardofforestry@oregon.gov>  
**Subject:** Rule-making for the Private Forest Accord

**Jim Kelly** Board of Forestry Chair, Oregon Board of Forestry  
**Oregon Board of Forestry** Oregon Board of Forestry  
September 14, 2022

RE: PFA rule-making

Dear Chair Kelly and Board of Forestry Members,

I am writing as a small forest owner in support of the rule making for the Oregon Forest Practices Act to implement the Private Forest Accord (PFA.) The PFA provides a much needed and long overdue step forward in riparian protection. It does not deal directly with climate change, and carbon storage, but the waters of the state are increasingly vulnerable to degradation as climate change progresses. Improved protection of riparian resources mitigates the effect of climate change on our streams.

One of the most important aspects of the new rules for small forest owners—specifically those with forest acreage under 1,000 acres who live on their forest land—is the no-cut no-entry riparian buffers in the new rules. This is the long hoped for end to active management in the RMA, basal area calculations, tree spacing requirements, etc, so complicated for small forest owners who often harvest only once in a lifetime. Please, please, preserve this simplicity. It makes enforcement of rules so much easier as well, and so much less labor intensive. The PFA does give small forest owners the option of using the old rules, which include active management in the RMA. It is likely most resident small forest owners will prefer the new, no entry RMA, especially with a tax credit. ODF's own survey showed most did not enter the RMA with harvest under current rules.

Many of these resident small forest owners enjoy the beauty of their forests and streams. It can be hoped that at some later time climate change will be more directly addressed, such as with conservation easements with the state, so that small forest owners can reap the financial value of their trees without cutting them down. As climate change progresses, this may well be a cost-effective long term climate change mitigation strategy for the state.

I have much gratitude towards the negotiators on both sides who produced the PFA agreement. I urge the Board to implement these new rules.

Mahalo nui,  
Candace Bonner, MD, MPH  
Small forest owner in Corbett, OR.



Member, Northwest Regional Forest Practices Committee

**APPEL Lisa M \* ODF**

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**From:** Susan Phillips <[REDACTED]>  
**Sent:** Monday, September 19, 2022 7:29 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Restrictive management

Hello,

I have reviewed somewhat the sb1501 and find it to be much more restrictive to the small woodland owner and more complicated for us to conduct land improvement within the forest.

This is in contrast to some widely destructive practices conducted by large tract timber operators that have been somewhat slipshod with nobody to answer to apparently.

Susan Phillips

**APPEL Lisa M \* ODF**

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**From:** Thomas Lancefield <[thomas@lancefield.com](mailto:thomas@lancefield.com)>  
**Sent:** Wednesday, September 21, 2022 12:13 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Thomas Lancefield  
**Subject:** Comment on Private Forest Accord Proposed Rules

Hello - My family has an approximately 4-acre woodlot in one corner of our farm in Yamhill County. The woodlot is managed with periodic thinning harvests in mind, but also for wildlife habitat. It was replanted in Douglas Fir 30 years ago, after a clearcut. We had a first commercial thinning two years ago, which generated a small positive return, \$700 after expenses. Our woodlot is adjacent to a large, Type F (fishbearing) stream on two sides.

Under the proposed new rules, the riparian buffer strip for our timber stand would increase from 100 feet to 110 feet. When the woodlot was clearcut 30 years ago, the width of the no-harvest buffer strip was 50 feet. I didn't particularly appreciate the expansion to 100 feet, which encroached on our timber stand, and 110 feet is just a little worse. Maybe there was a good reason to expand the buffer to 100 feet; I love amphibians and other wildlife, but I'm no ecologist, so I lack solid criteria for judging.

I am struck by the seeming arbitrariness of the buffer strip rules, current and proposed. The large stream bordering our property has more-or-less permanent log jams interspersed along its length, and each winter sees lots of driftwood logs carried downstream (we're at about 200 feet elevation). I like coarse woody debris in the riparian zone, for habitat values. But some of it is at risk of being washed downstream in winter high water events. In a more perfect world, buffer strip widths might be determined for each land parcel based on evaluation by knowledgeable forester-ecologists, rather than laid down in a fairly arbitrary fashion. I recognize that such an 'ideal' scenario would require staffing levels in ODF that are not realistic.

You may appreciate my feelings a little better if I share that in the second summer after re-planting 30 years ago, I carried buckets of water to all 1,000-plus fir seedlings, twice, to avoid the sort of 30% die-off we experienced in the first summer. Plus hoeing 18 inches around each seedling to prevent girdling by voles.

The effort to forestall repeated battles over initiative measures on forest management is a worthy one. Initiative measures often include even less reasonable rules.

Thank you.

Tom Lancefield  
part-owner, Lancefield Farm Co.  
Amity, Oregon



**APPEL Lisa M \* ODF**

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**From:** Lance Morgan ✓  
**Sent:** Friday, September 23, 2022 3:24 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** new rules

I would like to make some comments on some of the new rules from the Private Forest Accord that will be implemented as the new Oregon Forest Practices rules. I will be focusing on the stream rules since that is the only segment I have had time to read. And the rest of the rules will not be implemented until a later date.

I will start by addressing the idea of only having 2 geographic areas for the entire state. The only reason to do such a thing would be to make the process easier for the authors and to speed up the process so the governor can claim it as a feather in her cap before she leaves office. The forest I manage is on the southern Oregon coast. Most of which is less than 10 miles from the ocean. The highest point in that forest is about 500' above sea level. To think this should be lumped in with the west side of the Cascade mountains and the inland valleys is ludicrous. And to not consult with all your ODF stewardship foresters that have on the ground experience says it all. You don't care about what is really happening on the ground.

We have devastating winds that can exceed 100mph. Rain that can reach 80" annually. Soft loamy soils. The buffers that are in the new rules are ridiculous to say the least for this type of terrain near the coast. Even with the buffers we have been applying for the last several years we have had complaints from ODFW and South Slough Reserve about the amount of sediment that enters streams from uprooted trees near the stream. And that was maybe ten trees. Do the authors have any idea how much sediment will enter the streams near the Oregon coast when we are leaving thousands of trees as buffers along not only fish bearing streams but also the soon to be required perennials.

I have included three photos below to demonstrate. There is no good way to photograph the devastation, but I have done the best I could. The first one is the entire 1000' buffer strip. It originally had 66 buffer trees with 134 sqft of basal area. There are maybe half at best left. This is relatively new and hasn't had a catastrophic wind even yet.

The second picture's buffer is in the foreground. There were originally 154 buffer strip trees left in the 1000' buffer.

There are maybe 20 of them left standing. That buffer was only 25' wide. We sometimes have very dense stands clear down to the water edge.

The last picture is of a stand logged 8 years ago. There were 66 buffer trees on the right side of the 600' creek buffer with 134 sqft of basal area. There maybe 5 of them left standing. Can you imagine the devastation when the new buffers are in place? And the sediment that will enter the streams? On the coast there can be a lot of perennials that can flow almost to the ridge tops since it is such a short distance. You think those buffers are going to survive a wind storm? Even the fish buffers are sometimes only 100' in elevation below the ridge tops. Pretty short sighted thinking by the authors. The fact that these rules were made in secret, the real words the governor's press release should of said instead of "met quietly", is beyond comment. This is a taking of land base plain and simple. If the authors and the government want to go ahead with this taking its time to pay up. Not just once, but every harvest rotation the land owner decides on. And let them implement the new rules on their lands only. This will most likely cost the people of Coos County a million dollars a year if not more from the Coos County Forest. That is not only the timber dollars lost, but the extra staff it is going to take to implement this boondoggle of a documents rules. This is one of the poorest counties in Oregon. We cannot afford this.

I could go on and on and write a book about the flaws of this document, but why. You most likely are going to shove it through. You are just going through the legal process. You are screwing over the small landowner and trying to appease him by throwing him a bone, small public forests who didn't have a seat at the table and stand to lose the most, and everyone else that wasn't represented. You screwed up. Admit it and start over.

Lance Morgan  
Coos County Forester









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**APPEL Lisa M \* ODF**

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**From:** Eric Farm < >  
**Sent:** Monday, September 26, 2022 4:59 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** PFA Comments

Good afternoon,

My name is Eric Farm and I'm a consulting forester based in Coos County. I have four items that I think need to be looked at prior to the final rules going into effect.

1. Covered Lands Agreement: Tribes in Oregon own land both in Trust and in Fee. The lands in trust have their own forest management plans approved by the Bureau of Indian Affairs. The lands they own in fee have been historically subject to the forest practices act. The author's report states that the PFA doesn't apply to "Land held by an Indian Tribe", so I wonder what version of the forest practices act will their fee ownership be regulated against? Will their fee lands be subject to the 2018 version of the FPA?
2. Creating the SFOAO within ODF and staffing it with close to 20 foresters seems to be in direct competition with local consulting foresters. Small landowner assistance is a cornerstone to my business and if the state is going to provide this scale of assistance free of charge, it could put me and my three employees out of business. I propose that rather than hire more state employees to staff the SFOAO, that instead the ODF partner with local consulting foresters to provide this service to small woodland owners. The NRCS Technical Service provider model could work well. Payment is made either to the landowner to hire a consultant or the state pays the consultant directly. Either way, state is not burdened with additional full time employees and doesn't have to try to hire experienced foresters to provide this service in a very difficult labor market.
3. 629-607-0400: This rule requires an SFO to provide an appraisal and documentation of stumpage values as part of the tax credit process. No sideboard were provided on what constitutes a valid timber appraisal. Performing timber appraisals that are unbiased and independent requires experience and sound methodology. I would recommend that this rule be revised to require an appraisal produced by a professional consulting forester (preferably an accredited Full Member of the Association of Consulting Foresters). This will ensure that appraisals produced by this rule are fair to both small landowners and the state.
4. The definition of a "Parcel" needs to be explained a little more clearly. SFOs need to understand what is actually being asked for when the road condition report for the entire parcel is required. In many cases this may require an assessment of the entire ownership prior to the first harvest. This could be a challenge for landowners at the upper end of the acreage criteria.

Thank you for the opportunity to provide comments to this rulemaking.

Respectfully,

Eric Farm, PE, ACF  
Farm Unlimited

**Comment regarding the Private Forest Accord.**

As a small woodland owner, I believe the Private Forest Accord creates a problem under the 14<sup>th</sup> Amendment to the U.S. Constitution—Equal Protection under the Law.

In the rush to further bludgeon the weakened and failing timber industry in Oregon during a temporary period of one-party dominance, the Portland political power base has lumped small forestland owners into the arcane web of burdensome and onerous new rules of the PFA.

By creating a small group of underprivileged Oregonians, small forestland owners, the PFA violates the constitutional guarantee that no citizen or group of citizens shall be denied protection afforded to all other citizens. The PFA does exactly that. Private forestland owners are held accountable for special rules and regulations that do not apply to any other group of Oregonians.

I believe the new law is unconstitutional. I do not believe the PFA will survive a Supreme Court challenge. I envision a class action lawsuit, Small Forestland Owners vs. State of Oregon, supported by Pacific Legal Foundation and others, that will reach the United States Supreme Court where the PFA will be tossed out.

I do not want this to happen. I want all Oregonians to adhere to the new rules, not just small forestland owners. For example, I met on site with the ODF Stewardship Forester on my land, pointed to a failed culvert under the County Road that blocks fish passage to and from a small Type-F stream draining my property, and said, "If this was all private forestland, the County Road and the land on both sides, wouldn't that be a violation under the Forest Practices Act?" He said, "Yes, not only is it a violation to not replace a failed culvert that is blocking fish

passage, but they would also be required to place straw bales to filter the gray water storm runoff that is flowing from the gravel road into that fish-bearing stream right now!”

Why are county road departments, city street departments, Oregon Department of Transportation, and the Federal Highway system exempt from these new standards of compliance? Shouldn't all citizens of Oregon who drive a car or truck on a public road be held accountable for failing infrastructure, stormwater runoff, stream sedimentation, contamination from oil spills, anti-freeze, and toxic tire wear chemicals entering aquatic ecosystems across the state? What are we doing about homeless people defecating on the sidewalks in Portland causing opioids and other contaminants to flow into the Willamette River?

If we are serious about reducing environmental damage caused by roads, then let's apply the new standards of the PFA equally to all roads in Oregon.

Paul Chantiny



**APPEL Lisa M \* ODF**

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**From:** Cathy Steere < >  
**Sent:** Tuesday, September 27, 2022 3:58 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Sen Anderson  
**Subject:** RE: Comments - Private Forest Accord

I am reaching out to protest finalization of the Private Forest Accord. Thirty plus years ago we planted timber and planned to work to retirement expecting to log off areas of our property and then replant and leave timber for our children to log off when we are gone. The Private Forest Accord will prevent either from happening. Our acreage under Timber Deferral designation will also be affected. If we are no longer able to harvest trees, what happens to our Timber Deferral designation? If we are mandated a sudden death payment of Timber Deferral tax, how are we able to pay it when we cannot make a profit from our timber? If large chunks of property are untouchable due to the Private Forest Accord, then it is also untouchable as an Ag Deferral designation as well. So next we have acres and acres of property that we are taxed on that we cannot make a profit on?

Even though small woodland owners had a representative seat at a "behind the closed door" table, we had no opportunity to bring reality and known science to the proposed rule changes. With the new stream width buffers, very little of our property is harvestable, and proposed road access restrictions makes it too expensive to harvest the little plots not bound by stream buffers. This is devastating to our family.

Please consider the damage that this will cause thousand's of small woodland owners.

You are destroying forestland owner's livelihoods and retirement.

Cathy Steere  
3870 S. Immonen Road  
Lincoln City, OR 97367  
971-237-1111

**APPEL Lisa M \* ODF**

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**From:** Dick Beers <  
**Sent:** Tuesday, September 27, 2022 11:33 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** new taking rules

Rehashing the same territory and story  
DICK BEERS

2185 Carmel Ave

Eugene, Oregon 97401

Descendant of Lane County Homesteader of 1895 on Indian Creek in Western Lane County, Oregon.

September 27, 2022

Gentlemen

I have reviewed the forest practices acts on acts and have concluded that the new revision and definition is a deed restriction which was not in the prescript deed on the property under the Homestead Act of 1895. The US Government controlled the land and the transfer of land to Oregon should be reviewed as to the authorization of control by the counties and states. In 1940 a logging permit was issued for the assurance of fire safety and nothing more. Review permits issued in the early logging permitted days. In the Last 20 years the land has been restricted to the degree, that the land of forest is sacred and only good for restricted viewing. I want the entire forest accord thrown out and the land rights reverted to the deeded owner. What small landowner can take the patience and read through 100 pages of gobblegook definitions and restrictions and know the rights left of the deeded property owner. Definitions on definitions, lines drawn through words and changed each week at the whim of a degreed expert, who has never talked to the private landowner or even know about the personal forest land and feelings of the deeded owner. Government and environmentalists are always right and know best for the simpleton property owner. The ignorant poor owner needs his government daddy and environmental mother to tell them their property really isn't theirs but can still pay the tax and any other cost seen fit by big brother. The nontax believers say all trees, water, dirt fish, birds, bugs, plants and any imagined something are under the control of the big and better sacred leader. The owner must worship and bow to all persons feeling the right to someone else's forest legal property and all accoutrements.

Having read through the new specifications, there is no recourse for the owner. Violations are spelled out to the nth degree. Restrictions are vocabularied to unheard of words that relate to forestry or trees. Land is no longer yours if you have any type of moisture on the property. This is a taking of property rights, property access and the right quiet enjoyment by the property owner. Again, this is an illegal taking and should and will be addressed by the supreme court of the United States. The forest landowner in dire threat by a hundred-page document regarding the ownership of forest property. Why is this?

Case in fact of history. Indian Creek was homesteaded in the late 1880s and all trees along the approximately 18 miles of creek and land were cut right down to the creek edge for farming and

fields. The creeks were a place to put dirt limbs and other residual from land clearing. The fish came back in droves. Logging of public timber started in the late forties and ended in the early 1990s. Families thrived from jobs in the forest industry that was free to employ workers, pay taxes and provide for the common school fund. Muddy streams, muddy roads and lots of turbidity prevailed. Fish, salmon, steel head, silvers, blue backs, eels, freshwater clams, crayfish, and dace, were in great abundance. Now comes the intellectual forest service, the tree hugging environmentalist along with the Oregon state selected board of forestry, the spotted owl lovers, the marble murrelet (no fact of real danger) and wham poor rural residents are controlled by the urbanites who cannot identify a tree. Now the supposedly representatives of forestry want to inhibit all types of activity on rich prosperous tree growing ground. There is no proof that 100 feet on the side of a stream will protect the fish nor the stream (remember, this area was bare to the stream edges for years. All the coast range is inundated with side streams seeps and small rivulets that abound throughout the rich growing timber properties.

This whole concept is an illegal taking and will have to be address by the Oregon Supreme Court. Tax credits don't work unless there is taxable income. Cash for government use of property will require rent to be paid in a monthly or yearly fashion. You cannot use someone else's private land or infringe on the land without just compensation. Upon implementation of the accord, I will be billing a monthly charge to the Oregon Department of forestry for the use of all trees, land and deed restrictions. I will be requesting payments for use of private property in the amount of around \$100,000 for 20 years plus a tree factor growth charge of around 7% per year. Thanks, my future retirement income and the family for the next 20 years. This is not to be construed as a tax credit. This a conscripted rent use of private property and rent is to be received accordingly. Forest tree and land use by government is no different than a rented building or vacant lot.

Thanks for the future income

R F Beers – future impacted landowner



**APPEL Lisa M \* ODF**

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**From:** Dave & Dianne Rankin < >  
**Sent:** Wednesday, September 28, 2022 3:17 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Private Forest Accord

To Whom It May Concern:

We have been trying to decipher the effect the new rules that will be instituted under the PFA will have on our property. There is not enough time in the day, week, month, year to come to a complete understanding. All we are convinced of is that the new rules will severely restrict any future harvest that might take place due to increased stream retention zones and proposed slope protections. The proposed changes are supposed to insure protection of endangered species, in particular, salmon. Let us say that having witnessed many efforts to improve the return of salmon to the Siuslaw River the general effect has been disappointing. Case in point: there is no fishing for salmon on the Siuslaw River this year. The efforts to save the salmon, while noble, are what we refer to as "faith based environmentalism." All the efforts seem to be based on faith that what is being done will have a beneficial outcome. That outcome is yet to be seen.

Our management plan is to complete a clear-cut harvest for stand improvement on a parcel that is not well stocked with merchantable timber. A former ODF Forester described this area as a "decrepit woodland." Our goal is to achieve a stand that will, in a 40 to 60 year harvest rotation, become a forest that would contribute to Oregon's economy. So now we two small woodland owners, who are not some wild eyed land and environment destroyers, must contend with a new set of rules that make owning and caring for our land as we had previously planned an exercise in futility. The new rules will restrict our ability to responsibly harvest the "decrepit woodland's" timber products and establish a stand that in a 40 to 60 year harvest rotation would be managed as a healthy commercial tree farm. It becomes apparent that we might just as well forget considering a harvest under the proposed rules. The proposed rules would preclude a harvest that could achieve our best laid management plans and goals for a healthy commercial tree farm, the best land usage for Oregon's coastal prime Douglas fir growing environment. In attempting to understand the effect the rules will have for us, we come to the conclusion that we should immediately prepare for a major clear-cut on this parcel. This choice is not what we had in mind for Rankin Woodlands.

Rankin Woodlands has another parcel, approximately 60 acres of property formerly owned by others, that was clear-cut in 1989 and replanted in 1991. This acreage abuts both a freshwater wetland and an estuary which we assume would severely limit the extent of possible harvest due to increased riparian zone retention rules. Doing a little arithmetic one sees that the trees have been growing for 31 years. We see many truckloads of this age timber going down the road to mills that prefer the small diameter timber. While we would like to keep this timber in a 40 to 60 year harvest rotation, it again seems appropriate to seriously consider harvesting this timber. Not exactly what we had in mind.

These choices and consequences are forced upon us by the proposed new rules. In light of this reality, we believe the process of adopting these new rules should not take place until a complete and

thorough explanation of the total effect upon the small landowner can take place. We assume that this suggestion will be dismissed by those who are about to make the decision to adopt these rules as too late in coming and from those who should have done their "homework" earlier. Perhaps that is true. However, please consider the actions that we and other small woodland owners may be forced to take in order to avoid the effect of these new restrictions. We don't believe that forcing small woodland owners to make hasty and presumptuous decisions to harvest was the intent of these rules. Let us step back and further consider the total results of these rules before their adoption.

Sincerely,  
David and Dianne Rankin  
Rankin Woodlands LLC  
85668 South Slough Road  
Westlake, OR 97493

**APPEL Lisa M \* ODF**

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**From:** Russ and Linda Glascock <  
**Sent:** Wednesday, September 28, 2022 4:33 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Oregon Forest Accord Rule Making Committee comments 2.0

These are comments directed to the Oregon Forest Accord rule making committee.

I am Russ Glascock, from Lincoln County. I own 100 acres of trees that we planted along the Yaquina river. 10 acres were planted by my family in 1977. I have thinned those acres twice, and the stand is shading the river and providing wildlife habitat. In 2000, I planted multiple species on 90 acres up to the first bench along the river. The current Oregon Forest Practice Act allows thinning within 100 feet of the fish stream. I dispute that occasional thinning in riparian areas harms fish. To the contrary, the thinning helps the leave trees to grow faster and taller, providing shade to the river faster. Thinned forests also provide wildlife habitat. And the thinnings provide income for my retirement. I request the Oregon Forest Accord rule making committee to exempt small forest land owners from the no cut buffer rules, instead revert to the existing Forest Practice Act rules.

My tree farm suffered from a fire about 15 years ago. I remember driving home from my job as a timber cruiser and seeing smoke from the general direction of my house. As I came upon a road closed ahead sign, I started to drive a little faster. Fire trucks on your property are not what you want to see when you get home. I was thankful that the Toledo Oregon Department of Forestry was on the scene and put down the flames that burnt 66 of my douglas fir plantation. I harvested those trees, cutting out the burnt trunks.

The reason for this story is to ask the committee to give small timber land owners the right to fight fires in the timber in riparian areas and clean up after the fire. The 66 trees I lost to fire were a stones throw from the riparian area.

Having lived through the 1962 Columbus day storm - "Originally named Typhoon Freda by meteorologists and called the Big Blow by many, it may have been the most powerful extratropical cyclone ever to hit the western United States. It had the force of a category 3 hurricane" - a large tree hit our garage, and I learned about firewood at age 7 during the cleanup. Many wind, snow and ice storms have come since.

I request that the committee give small forest land owners an exemption of the stream buffer rules to clean up timber affected by fire, floods, wind storms, snow storms and ice storms. The occasional cleanup will have no negative impact to fish.

Russ



**From:** Charles DeMoisy < >  
**Sent:** Wednesday, September 28, 2022 5:50 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Charles DeMoisy  
**Subject:** Changes to FPA rules

Dear people,

After listening to the hearing today, Sep 28th at 4 PM, I've come to the conclusion this entire process to change the rules was a sham. The hearing started out with environmentalist and conservationist representatives stating their absolute support for the new rules. These folks obviously were stooges, requested in advance to attend and support the new rule changes. They wrote the rules. They read from prepared scripts spewing words of support for a mountain of changes supporting streams, road improvements, fish, salamanders, birds and bees.

Only at the end do we hear from a small forest landowner, Mr Hennings, who like me, was never notified of the senate bills or need for changes to the FPA rules. One question... were any small forestland owners asked to participate in the draft rule-making process? This is like asking the Democrats or Republicans in congress to pass bills unilaterally in a partisan way without working across the aisle.

Why have these hearings? SB 1501 and 1502 passed. The draft is complete and now ready to sign. That's when you bring it up for public comment? Do you really think you will make any changes to the bill now?

So here is what you will get a few years from now as a result of these burdensome rule changes: Lumber prices will double or triple or worse yet, you won't be able to get lumber at all to build your houses as many

forestland owners will not be able to comply with these new rules - too costly. They'll go bankrupt or just quit farming. Then what, the forests sit there without being thinned or clear cut and replanted, making this land even more vulnerable to forest fires. What will that do to the streams, fish and bird sanctuaries? I don't feel like anyone drafting these rule changes were forestland owners themselves, just a bunch of bureaucrats, only concerned about the environment and not about the cost to landowners. I support the environment but there has got to be some compromise with rulemaking.

I realize my comments are too late now as this is a done deal, but I want you to know I think this is a grave mistake placing an unnecessary regulatory burden on forestland owners. Sometimes you get unexpected consequences from your actions. Expect you'll see the error of your ways in the near future. Shameful.

Sorry to say it,

Charles DeMoisy  
Forestland owner, Glide, OR

PS. BTW, My dad, Ralph DeMoisy, was a forester. He taught at OSU in the late 40s after serving in WWII and went on to work for Weyerhaeuser and FibreBoard Corp before he retired. He bought and farmed this land in Glide and would be rolling in his grave right now if he saw what you've done to the FPA rules and forestland owners. So Sad.



September 29, 2022

Mr. Cal Mukumoto  
Oregon State Forester  
2600 State Street  
Salem, Oregon 97310

Dear Mr. Mukumoto and Members ODF Board of Forestry

I am Richard W. Courter, ACF, CF, Professional Consulting Forester.

My family has owned timber land near Vernonia, Columbia County, Oregon for over 80 years. Our property is adjacent to the Nehalem River. Like many Oregon family landowners our ownership is on lower slopes closer to major waterways, thus, in many cases are impacted more heavily than those ownerships higher up slope.

The Private Forest Accord significantly impacts my family ownership. The proposed Private Forest Accord rule changes, locks up a minimum of 40% perhaps 50% of our ownership acres to which my family can never earn income from growing and harvesting timber. In fact we could lose more than 50% of the acres depending upon how the Private Forest Accord as published by the Working Forest Coalition Authors is interrupted by the Oregon Department of Forestry.

That compares to Government approaching me saying, "We understand your banked and growing savings account currently has \$500K on deposit. Government hereby notifies you that 50% of that growing savings account now belongs to the people of Oregon. That bank account will remain in your name and you will still have the opportunity to visit your bank account watch and witness it's growth but you will never be able to withdraw for your personal use anymore than 50%".

Not only is timber on affected acres devalued to zero but the entire ownership will have less resale value forever. That resale value could be far less than 50% of my property value prior to implementation of the Private Forest Accord if in fact anyone is interested in purchasing a property with heavy government regulated restrictions. Delivery volume to mills could also be affected.

So, this Private Forest Accord will impact families in more ways than one. Your answer might be that "Oh, you have the ability to be compensated under the Accord". I say good luck to anyone believing that comment. First, in my situation, I have plenty of holdover management expenses to lower my taxes for many years. Likely, I could never use credits that I might gain even if the credits were increased to 125% due to the five year 5% maximum wrinkle, which applies to any family landowner within any watershed being placed on a list waiting for their time to surface because to many participating acres are requesting credits during that 5 year window.

Secondly, as we all understand, the makeup of elected legislators frequently change. I would predict that sometime in the future Oregon's legislature will have second thoughts about handing out

1600 N.W. Skyline Blvd. Portland, Oregon 97229

(5 03) 297-1660



large amounts of tax credits effectively reducing revenue return to the State of Oregon. In all likelihood these credits could disappear during some future Legislative Session.

Furthermore, it is not clear to me how or whom calculates the tax credits and who approves.

Similarly, Senate Bill 100 creating the current Forest Practices Rules in the early 1970's included language compensating takings to which I have no knowledge of anything ever being paid.

No landowner should ever have government restrictions placed over their personal belongings to the level of severity as proposed to be placed over my family property.

Certainly, I consider myself, a Professional Consulting Forester, to be a good steward of my land and the lands I have been involved while advising other private landowners, but these types of radical Forest Practice Act changes causes us to complete activities that we would otherwise never consider. It bothers me that in all likelihood large numbers of private family landowners have no clue what is happening to them because of improper representation. These locked up acres likely will become over time accumulations of dead and dying material leading to potentially devastating wildfires to which my and other landowner remaining acres could be more heavily impacted.

Granted, family forest land owners had representation in the coalition leading to the Private Forest Accord legislation. Our vote was one (1) out of twenty-five (25) on that coalition. No wonder family ownerships were impacted heavily. Even industry had no significant vote having eleven (11) votes compared to thirteen (13) NGO votes. On top of that, all discussions were held in secrecy.

The argument heard often is that science is the driver. Well, over the years large amounts of science has been presented that directly disputes scientific interpretations used to formulate these rules. I witnessed presentations of much of that science by reputable forest researchers during the SSBT hearings roughly 6 years ago. Next to no presented applicable science was applied even then.

It disturbs me that those having the most to loose had the fewest votes. Families for example own the majority of timberland acres in Oregon compared to other owners and our representation had a minuscule one (1) vote. Should these kinds of regulations being implemented continually impact stake holders, it would be time for all Oregonians to monetarily be impacted not just those of us that have a lifetime invested in growing and improving our asset.

I encourage the Oregon Board of Forestry to rethink this issue. Please understand my concern that private family forest landowners were not properly represented during this process, and that we are the landowner group that could in all likelihood be affected to the greatest degree.

I, furthermore, encourage the Oregon Board of Forestry to abandon thoughts of implementing the Private Forest Accord Legislation. But, instead please return to the legislature and ask them to review this proposal in more depth and develop a more fair outcome.

I am in full support of protecting the landscape to include fisheries, but this Private Forest Accord goes way to far overboard.

Sincerely,



Richard W. Courter, ACF, CF  
Professional Consulting Forester  
Oregon Family Forest Owner

September 29, 2022

Lisa Appel  
Oregon Department of Forestry  
2600 State Street Bldg. D  
Salem, Oregon 97310  
**Submitted via email:** [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

RE: Forest Practices Act rule revisions directed by Senate Bills 1501 and 1502

Ms. Appel,

My husband and I are small forestry owners along the southern Oregon coast. I wrote comments and provided testimony during the legislative process on the Private Forest Accord. We own and operate a Century Ranch which means the original property we own has been in the family over 100 years. We believe our family has managed the land well over the years. We have planted thousands upon thousands of trees on our properties for retirement income and future generations. We have completed many conservation and water quality projects as well as have been active in the conservation community including SWCD's, Watersheds, SGT, etc. Trees are a crop and the people of Oregon have no rights to our crop let alone our property, all of which we have bought and paid for as well as managed. Coastal Oregon is the home of almost all the HCP listed species. Coastal Oregon lands are riddled with rivers, streams, steep slopes, and fast growing tree sites. These rules will put many a small woodland owner out of business. Those who can manage to hold onto their land will pay an exuberant price just for the privilege of being a small woodlot owner. Contrary to what was stated in the September, 2022 Board of Forestry meeting, the rulemaking has a huge impact on not only our county government but the economics of our area as well as the private landowners and wood processing mills.

Unfortunately, this process has lacked transparency from its beginning. Even when inconsistencies in the bills were pointed out, it seemed no one would provide a fix. The following comments reflect some of the changes that need to be addressed in the existing rulemaking that is directed by Senate Bills 1501 and 1502.

1. These rules take away the rights of landowners for "just compensation" from land use regulation. As a small forestry landowner, we anticipate we will lose around 25% of our overall timber land and the balance will have an increase in harvest costs which results in a major loss of income from our forest land. The creators of the PFA had no right to take away our legal right to "just compensation" under the law. This section of the rules should be removed.
2. Page 24, 629-603-0600(1): Remove: "the Board of Forestry may use the adaptive management program rulemaking process for rules that are not intended to achieve the biological goals and objectives." This is an open ended process and could totally shut down the forestry industry. The goal of this process should be to develop practices to enhance the forestry industry through management as well as reduce the fuel loading which causes extensive wildfires.
3. Page 25, 629-605-0150(3)(c): Remove the 6 month timeline. Not all years are the same weather wise. In the coastal area, due to the varying amounts of yearly rainfall, the



landowner may not be able to log until July or later. These rules need to reflect that not all of Oregon is the same.

4. Page 26, (8): The section on fertilizers should be removed. From our knowledge, the use of fertilizers is uncommon in small family forests. Fertilizers enhance the soil and growth of trees which is a positive management tool. Fertilizer can be found in the same tubes used to protect the trees the first years of life from the wildlife. In my opinion, it is inappropriate to mandate notification and rates of fertilizers in the forest practices rules.
5. Page 29, 11(d): Remove: "Comments provided by the State Forester do not constitute an approval of the written plan or operation." Landowners/operators should know the comments by the State Forester, if followed, should make their written plans compliant with the rules. There should be a sign off by the forester so landowners/operators know their plan is compliant with the rules when followed. It is inappropriate to cite a landowner/operator when they have followed the plan as reviewed by ODF foresters.
6. Page 31: The Division 607 rules should have been developed by actual small forestry owners/operators so we SFO's were provided an equal voice in the process. Contrary to (5), these rules do not "address the significantly disproportionate impacts on small forestland owners of modest means who are highly dependent on revenue from locations with highly dense concentrations of streams by the Forest Practice Administrative rules." The SFO rules should be amended and a committee of small forestry **owner/operators** should draft alternative rulemaking to address coastal Oregon issues as well as statewide small forestry issues. New draft rulemaking should provide an equitable economic benefit for the losses. The definition of a SFO should be landowners/operators under 5,000 acres. Eliminate the other two requirements.
7. Page 32, 629-607-0200(1)(b)(B): Remove this section. There is no reason for the DOF to know the amount of harvest. If there is harvest, they have those records. How much a SFO harvests within the last three years should have absolutely nothing to do with this section and meeting the criteria of a SFO.
8. Page 32, (1)(b)(C): This section basically restricts the landowner's harvest amount to 2 million board feet per year for TEN years unless you fit into the designated criteria. Again, this requirement for the SFO's is inappropriate. The Government should not be telling the small landowner how much they can harvest. Harvest should be the landowner's choice based on their goals and the maturity of the trees, not government regulations. There is nothing in the rulemaking requiring MBF limits on the large corporate commercial timber companies. Discrimination between the big boys and us small forestry people is inappropriate.
9. Page 32, (1)(c): Again, the Government should not be determining when a SFO can harvest more than the maximum allotted based on certain criteria. This is a crop and should be harvested according to the goals of the landowner and the maturity of the trees.
10. SFO Tax Credit: In reviewing this section, the amount of dollars received for the tax credit is insignificant when compared to the loss of trees, use of the land and the cost to meet the Tax Credit criteria.
11. Page 36, 629-607-0400(4): Except in this section, the rulemaking document refers to a "deed restriction". This paragraph states "an *irrevocable deed* restriction prohibiting the owner and the owner's successors in interest from conducting a harvest or otherwise removing trees within the forest conservation areas." By legal definition, *irrevocable* means it cannot be changed and yet under 629-606-0700 there is a process for removal. Therefore, the term "*irrevocable*" needs to be removed from these rules.



12. Without going through the entire road rule individually, both SFO's and family timberland owners will find the roads section to have a significant impact on the cost of logging especially in the coastal regions. Do you expect timber owners to hire engineers and build roads to who knows what specifications let alone meet the new proposed fish passage rulemaking? Do you not realize family forestland owners do not have a staff of professionals to construct and maintain forest roads? Why should we even plant trees as a crop for harvest when these rules are making it uneconomical to harvest? Let the trees burn and develop the land into something that will make money. A McMansion or a golf course would make much more financial sense.
13. The amount of timber land the coastal Oregon timber producer will lose due to the riparian buffers and slopes is extraordinary. Again, this will put many small family timberland owners out of business and will reduce the value of the land. Due to the PFA, we can't even get our property taxes reduced due to the loss of the land use. These rules restrict the land use to a point where we can no longer produce an income from the land (buffer areas). It is totally inappropriate for the Department of Forestry and Legislature to take away our crop and the use of our land.
14. I won't go into the beaver management section as that is another lengthy issue. Just know if you don't have beavers on your property, you shouldn't be making the rules. I suggest all relocation of beavers be to urban regions of the State.
15. I have listened to the numerous speakers testify and speak on behalf of the Private Forest Accord. One of the concerns I have had is the lack of knowledge by PFA representatives. They are not the "boots on the ground" people who have planted the trees, managed the forest land, seen the damage from wildlife and experienced those losses, built the roads, harvested the trees as well as individually paid the expenses to plant these forest lands and calculate the profit and loss bottom line. Those of us who have worked 50 years to be where we are today lose a portion of our retirement, income, and timber we have planted for the next generation's future. The riparian and slope buffers will eventually decay or die wreaking havoc with riparian areas. Why didn't anyone think of that? The goal should be for healthy forest management which is what we all should want. Timber land whether it is a buffer/conservation area or a harvest area needs proper management, harvesting, and reforestation to maintain healthy habitat and a healthy stand of trees. This plan does not promote healthy riparian habitat.
16. It is mind boggling this piece of legislation has gone this far without an actual economic impact study. I have heard presenters tell you that the PFA has very little impact on County Governments. They obviously have no knowledge of rural Oregon governments, the economy of rural Oregon, or the contribution the forestry industry, small or commercial, makes to the economics of the community.

Thank you for the opportunity to provide comments on this issue. This non-transparent regulatory process has major economic impacts on family forestry owners, SFO's, and the rural counties and communities. Please request an economic impact study immediately. You need to put on your boots and walk the land, measure the buffers and slopes and see what is left in the southern Oregon coast region.

Respectfully,



Sharon Waterman, timber owner  
Coos County, Oregon

**APPEL Lisa M \* ODF**

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**From:** CLEMENTS Paul R \* ODF  
**Sent:** Friday, September 30, 2022 11:54 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** FW: comments - 9/22 virtual mtg

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**From:** svaught1@juno.com <...>  
**Sent:** Thursday, September 29, 2022 8:54 PM  
**To:** CLEMENTS Paul R \* ODF <Paul.R.CLEMENTS@odf.oregon.gov>  
**Subject:** comments - 9/22 virtual mtg

Paul --

I feel the 9/22 meeting was well done by all ODF people involved -- please share my comments with your co-workers. In my opinion you are all working under very tight deadlines to implement a complicated [and costly] forest regulatory regime [Private Forest Accord]. In my opinion / observation:

- ODF probably had very little input into the PFA as it was being crafted [behind closed doors].
- The PFA may be an expensive, bureaucratic solution to an ideological conflict [only time will tell].
- The PFA is a solution in search of a [non-existent] significant and demonstrable environmental problem.
- The SFO community was not equitably represented during PFA "negotiations" [OSWA accounts for small percentage of that community]; many in the SFO community [outside of OSWA] have not yet heard of the PFA, much less have any idea what it is.
- The SFO incentive tax credit with its "deed restriction" may actually be more of a dis-incentive to many SFO's. The SFO incentive mechanism appears to be complicated [both for the SFO and ODF] and the complexity by itself, is a disincentive. That along with the deed restriction will likely be a non-starter for many SFO's.

Thanks for the opportunity to give comments.  
Steve Vaught

9/28/2022

To: Oregon Board of Forestry  
RE: Private Forestry Accord (PFA)

I am a small forest landowner with 160ac in Lane Co. and 40ac in Baker Co with 160ac. parcel enrolled in the American Tree Farm System. I have been actively involved in forestry and agriculture my entire adult life. I started planting trees when I was 13 years old as part of restoration the “Big Cow” burn on the Malheur National Forest in 1963 with my father who was a tree planting contractor at the time. I continued working in forestry projects and paid my way through college at Oregon State University graduating with two degrees – Forest Engineering and Forest Management. After college I worked for several timber companies in salaried positions, and later as a timber faller, and as a logging and biomass thinning contractor. I've worked on a number different land ownerships, both public and private, in both Oregon and California and have witnessed substantial changes in forest management rules and regulations. Since 2009 I have worked as a voluntary tree farm inspector for the American Tree Farm System trying to assist other small forest landowners meet the goals of sound forestland stewardship

I always dreamed of owning my own tree farm and was able to acquire 160 acres of cutover land in Lane Co. in 1989. After more than thirty years of management I've developed a substantial stand of timber. This did not happen by accident. I have clear cut a total of 6 ac. of the 160 ac. in more than 33 years of ownership and have consistently worked to improve my property. I've limited harvesting activities to periods when soil moisture content is low, thinned overstocked stands, identified areas with disease problems, worked at controlling invasive species and modified road systems to benefit fish passage.. I purchased a portable sawmill to utilize forest products that local companies can't utilize. Until very recently I left my property open for other people to use until theft of my first portable mill made that unfeasible. All that being said, I have felt a commitment to manage my property with the idea in mind that future generations should benefit from the productivity of the land.

It came as a shock to me and many other small landowners when the PFA was announced Oct. 31. It was stated that small landowners had representation during the talks when in fact almost no small woodland owners were aware of the talks underway. I've been told that participants of the discussions were sworn to secrecy. As a member of OSWA at the time I was not told that Jim James was to be representing my interests. Further OSWA represents only a portion of the private forestland owners and none of the forestland ownerships of less than 10 acres. Rules proposed under the PFA were adopted by reference as law without public input and I have been informed by ODF that they will not be modified as a result of public comment. That and the fact that most owners of very small parcels are not even aware that they will be impacted may be why there has been so little participation during the so called public comment zoom meetings.

The total no-cut rules of the PFA riparian setbacks without “just compensation” feels as bad to me as the theft of my sawmill. From what I have witnessed over my lifetime, these total no-cut rules are not necessary to provide habitat for aquatic species except in wetlands. Compared to timber harvest of fifty years ago, when fish populations remained high, today's practices are remarkably improved. Rules put in place less than ten years ago which allowed limited harvest in riparian protection areas were adequate and have not been given time to show the long term benefits that will result from their implementation. Further, there are a number of factors which have caused much greater impacts on fish populations (offshore commercial fishing, changes in predation from other species, pollutant runoff



from city water drain systems, climate related change and I am certain many others) which should be addressed, but are not, due to political reasons. In any case, if the government has determined that it is in the public interest to take private property (which these new rules do because there is no other viable economic use of the land set aside for no timber harvest under Oregon law) for the benefit of the public then landowners must be provided "just compensation" as provided under Article 5 of the U.S. Constitution unless the landowners agree otherwise which, because of lack of representation in formulation of the rules, they have not.

I see two possible solutions to this problem-1) Through the adaptive management plan modify the rules to allow limited harvest of trees in riparian set asides over time. 2) Pay landowners fair market value for the land and timber and reduce taxation to reflect loss of acreage in an ownership.

In general, continuous increase in regulations limiting ability of foresters on the ground to make decisions often results in bad outcomes. It becomes more difficult for small forest operators to function as part of the timber production process and it deters future generations from continuing the management of family owned tree farms. Ultimately, many owners of smaller timber parcels will sell their properties to large timber companies which I feel is detrimental to our society. We've seen the decline of small family ownership nationally in agriculture and forestry.

I do applaud supporting the cost of improving drainage structures being supported by the state. In general, concerns about mass debris flow or mass wasting from logging operations should be focused on road and landing construction which may have more potential to change water flow/drainage leading to slumps, etc. than actual timber harvesting.

On a broader scale, we have seen a shift in timber production from the Pacific Northwest to the Southeastern region of the U.S. With the Southeastern region producing almost 50% more wood products than the Northwest. Many of our large landowners are shifting operations out of our area at least in part to changes in the regulatory environment

Respectfully,

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Brent Hennings  
Cottage Grove, Oregon

01521 Winchuck River Road  
Brookings, Oregon 97415  
September 29, 2022

To Oregon Board of Forestry,

Thank you for the opportunity to comment on the proposed Forest Practices Act administrative rules resulting from Senate Bills 1501 and 1502.

My family owns 235 acres of forestland on both sides of ¾ mile of the Winchuck River in Southern Oregon. In addition to the river, two streams are designated SSBT. The bench land is rich in water resources with at least 14 additional streams that will be affected by the proposed rule changes. Using the minimum option for harvesting, the changes would expand the RMA on the property to 31.4 acres.

My family has lived here for 71 years. We have carried out limited conservative timber harvests. As a result of these proposed rule changes we will prioritize harvests in the areas that will be affected by the change in the riparian area prior to the date the rules become effective.

I appreciate the effort to make accommodations for small woodland owners. A stated goal is to "Minimize the number of land-use conversions of timberlands to other uses." For us, the only choice may be to convert the land to other uses. Many of the rule changes will make it more difficult for us to meet the requirements without employing a professional forester, increasing the price of operations.

629-607-000 Purpose and Goals #5 indicates that the "department will work to develop a process prior to July 1, 2023, to address the significantly disproportionate impacts on small forestland owners of modest means who are highly dependent on revenue from locations with highly dense concentrations of streams by the Forest Practice Administrative Rules." The process to address the impacts should be in place by effective date.

Given the fickle nature of politicians and the public, I am concerned that future state funding may not be adequate for the changes these rules require. There are no guarantees that woodland owners won't be charged increased fees to meet the costs of expanded administrative structures and staffing.

As a member of OSWA, I have followed the process from MOU to PFA to the current proposed rules. The purpose and goals of the Forest Practice Act haven't changed significantly in the proposed new rules. From the beginning, no scientific evidence has been presented to show that the proposed overhaul will better protect Oregon streams. Making changes because a portion of the population feels our forestry rules are too weak is not an adequate reason to make these changes.

My experience of small woodland owners in Oregon is that they are a dedicated group of people who protect and enjoy clean waters and the wildlife that thrives in the riparian areas. In the 20 years I have been managing this piece of property, regulations have continued to restrict our harvests. In my 70+ years on this land, I have watched the density of the forest surrounding the streams increase and the fish population decrease. Since the 1960's there has been limited timber harvest in the Winchuck River drainage. The homeless live on the river bars in the forest, polluting them with garbage and human waste. The USFS doesn't maintain their roads or lands. Vehicles carrying yard debris and garbage pass my house regularly, dumping the load in the forest. There is no oversight of existing septic systems along the river. No amount of regulations on forest land owners (large or small) will make a difference if the whole of the problem continues to be ignored.

Sincerely,

Cilde Grover  
Operations Member – Grover Timberlands, LLC

To Oregon Dept of Forestry regarding the Private Forest Accord.

September 30, 2022

From: William Hanson, Manager of Big Fir Timber LLC, a small private family company, Vernonia, Oregon. Big Fir Timber is a Small Forest Owner.

Our little company is the legacy of our ancestors and we are proud of how we take care of the land, plants and creatures. At least 29 types of native trees and shrubs, world-class timber, many native flowers and fungi and all types of animals inhabit our forest which comprises about one tenth of one percent of Columbia County, Oregon, one of the smallest counties in the state. I have personally submitted more than 30 NOAPS while manager of our company. I am a board member and also chair of the seedling program for Columbia County Small Woodlands Association, a chapter of OSWA and I have an advanced degree in science from a research university.

I appreciate and respect the hard and sincere work that has been done and is still being done by dedicated and sincere ODOF employees and others to create the PFA. I do not question their efforts or knowledge but I do resent the coercive situation during which this has happened.

Were Small Forest Owners represented by only 1 of 20 negotiators for the Private Forest Accord while under threat from law suits and adverse legislation? Tyranny of the majority?

I will address two topics: 1) my opinion as to the inequity of the riparian rules; 2) reasons why the optional tax credit for the incremental enlargement of the riparian areas may not be of value to some or many SFOs.

- 1) Almost everyone wants clean water, forested landscapes, abundant and thriving wildlife and native vegetation. We are proud of our riparian areas and how we have protected them except for two seasonally dry gullies which in recent years were claimed to be fish-bearing and will thereby enable a process to take another strip 100 feet wide from us. We paid a 51% tax for that land and timber before it was declared riparian. That is not fair. We have 7000 linear feet of riparian areas that we protect and for which we pay taxes. How much more is to be taken? The Private Forest Accord does not end the bit by bit taking. The marbled murrelet lurks like a raven in the trees except that I am not sure that one has ever been seen in this county. Agricultural, residential, and incorporated land is interspersed with our forest land and other forestland in this area. Those hay fields next to us have little or no forest along the streams and industrial activity occurs right up to the bank, including excavation but we are required to, and do, maintain a healthy, no touch riparian buffer including fir trees as great as 4 feet in diameter. Now our buffer will increase to 100 to 110 feet but nearby, nothing.
- 2) It is contrary to my professional experience to support the enlarged and expanded riparian areas without knowing how much and what land is to be conscripted and the cost of harvest prohibitions and impacts to access of forestland. How much land and timber? What %? What value and what cost? Further, I foresee that with the costs of administering the PFA and SFO



options by the Oregon DOF and Dept of Revenue, soon an argument will be made that our taxes should be increased to pay for these costs, but the benefits are claimed to be for all Oregonians?

- 3) I thank those who have worked hard to devise ways to provide flexibility and fairness to SFOs. Regardless, I can think of multiple situations for which the **tax credit** for timber that may not be harvested because of the incremental enlargement & regulatory change for the riparian areas, will be of little or no value.
- A. A Century Farm, now all forestland of about 400 acres, much of which is young timber, has had to harvest timber every year to pay their property tax. An income tax credit will be of no value to this historic family company.
  - B. A person on social security who harvests a small amount of timber each year to pay the bills will not benefit from an income tax credit.
  - C. When an estate is settled, a tax as great as 51% is paid. Because of the step up in basis for the value of the timber, the income tax credit is of little value.

I know that this writing has delivered complaints without solutions. I apologize for that but we have had only a few days to comment and there are other responsibilities. My principle recommendation at this time is that because of the declared importance of the PFA to all citizens of Oregon and the USA, the **burden should be shared** and SFOs should not be treated as the “bad guys” but rather as the “**good guys**” who have protected and preserved the natural resources. To encourage SFOs to use the new riparian rules, a property tax credit should be an option.

William Hanson

Vernonia, Oregon

**APPEL Lisa M \* ODF**

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**From:** Frieda Kessi < >  
**Sent:** Friday, September 30, 2022 11:27 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Comments on the proposed administrative rule changes to the Oregon Forest Practices Act

I have been involved with small forest acreage land management for over 50 years. I have witnessed over my lifetime numerous changes to the Oregon Forest Practices Act and the negative consequences of these efforts primarily in relation to riparian rule changes. Most likely, greater flexibility in the rules would yield more long term benefits for the environment and the small forest land owner.

I would recommend staying with the current more localized district office for ground management and planning, because the familiar and longer lasting relationships with current and future stewardship foresters is invaluable for small forest land owners.

Regarding: Section 5.3.4 Requirements and Limitations on the Use of the Riparian SFO Minimum Option, paragraph b., Page 102.

I recommend increasing horizontal lineal feet of streams owned by SFO's from 5% to 10%. This change would help minimize the record keeping and enable viability of small forest ownerships.

Thank you for your careful consideration of our comments.  
Don and Frieda Kessi

Sent from [Mail](#) for Windows

**APPEL Lisa M \* ODF**

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**From:** Aol !! < >  
**Sent:** Friday, September 30, 2022 6:25 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** PFA  
**Attachments:** PFA Testimony Figures 9-30-22.pdf

To whom it may concern:

Overall we are concerned about the PFA. We and many others were not included in the process which was conducted behind closed doors. We were not represented. OSWA does not represent us.

We own forest land in Hood River County where we manage this land ourselves, which means management activities as well as hands on work. We precommercial thin, do brush conversion, fuel reduction, felling, skidding and loading ourselves with our own equipment. We have for 50 years operated under the Individual Tree Selection method brought to us by Richard and Mark Smith of Woodland Management. We do not clear cut. Historically we have principally only salvaged logged, removing dead, down and dying trees while they are still merchantable.

The new stream buffers will harm our ability to pay for taxes, insurance, wildfire mitigation work and reforestation work. The narrative around stream protection does not take into account our practices. The "science" in no way supports the buffers to be No Cut buffers. Our logging methodology is not represented in the considerations. Limited removal of dead, dying, blow down trees, for example on a Medium Fish Stream between 30 and 70 feet from stream will not alter stream shading or stream tree recruitment. See Figure 1.

We measured standing volume on 5 tenth acre plots along the stream channel. Volume averaged 34 MBF per acre, 170 trees per acre average. We calculated that it would take a stream buffer of 28 ft to achieve the current 140 sq ft of basal area per 1000 feet of stream side. This means that currently we could cut all of the timber in the area outside of 28 ft. According to the new rules for SFO's we will not be allowed to cut from the 28 ft to 70 ft area along Medium Fish Streams. This means a loss of gross revenue of \$116,000 on this one stream area.

If we cut a limited amount in the area from 28 ft to 70 ft as shown by the X marked trees in Figure 2. it would be impossible to find a significant statistical effect on stream temperature, wildlife habitat, or tree recruitment. There is no science on this experimental design. It is likely that up to 20% of the timber volume could be removed every ten years without effect as long as roads and skid trails were done properly. So why the current rules?

If we consider the Standard buffer area, that doubles the area of protection when compared to the SFO area if we use the 30 ft (28 ft-140 sq ft basal area) protected buffer. The loss of gross revenue then is \$233,000.

How do SFO's recover any of this value? If an SFO chooses to do the Standard option, the SFO' must cut an area adjacent to and equal in size to the area they want to claim a credit on. To obtain all of the permanently lost value the SFO must clear cut. So we are incentivizing clear cutting. Seems like not the goal. And we don't clear cut so we are forced to make a full donation of all of this value.

There are SFO's where almost all of the timbered property is along a stream. This will be an extreme hardship on them and in cases will result in families losing their land.

In our case will not be able to recover thousands and thousands of dollars of timber we have responsibly grown and paid taxes on for 100 years. We have counted on this value to pay expenses to keep the land in our family.

There needs to be a tax credit that helps families recover the value lost in the areas similar to our example above. Timber owners are subsidizing and unproven public value.

Mike McCarthy  
China Hill Farm  
541 806-6476



Figure 1

Actual Data

CHF Medium Fish Stream 2100 ft length

Vol per Acre 34 MBF

Buffer Width to get 140 sq ft Basal 28 ft - Old Rules

170 Trees/Acre PFA  
SFO

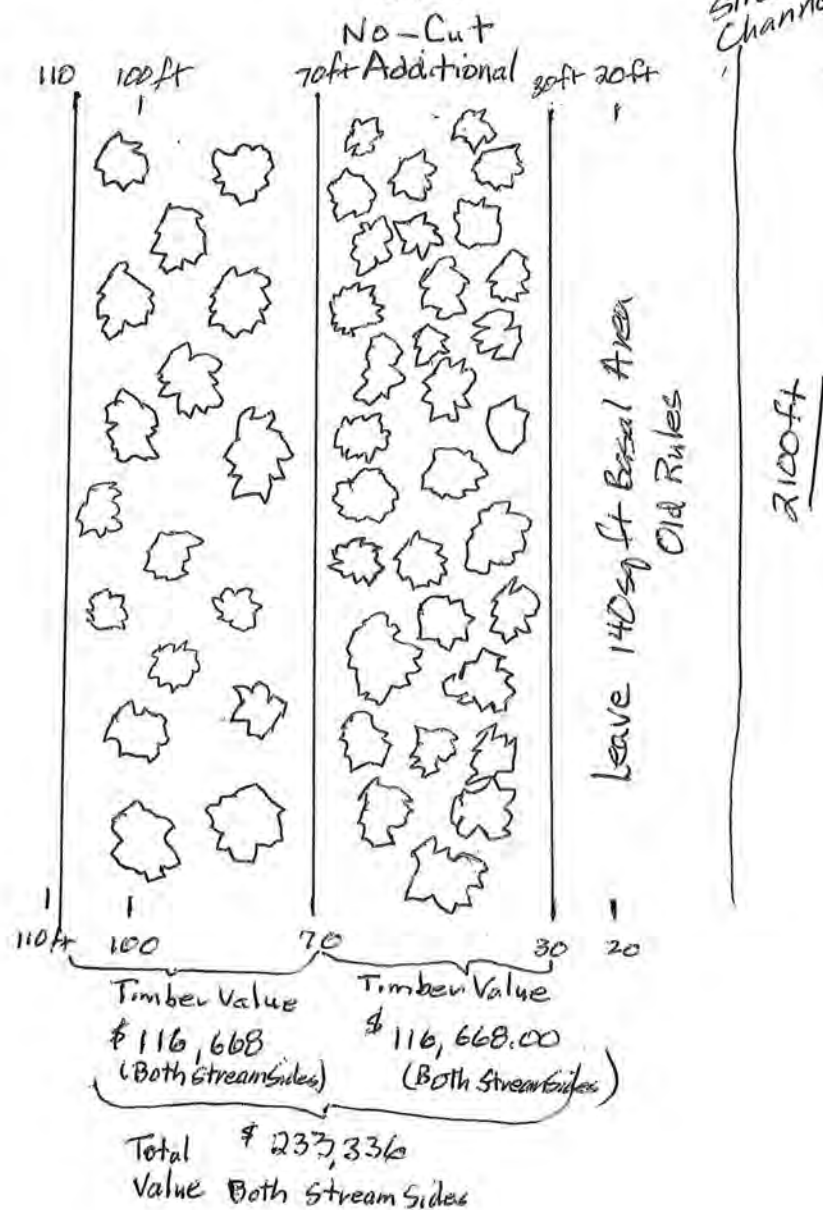


Figure 2

Actual Data

CHF Medium Fish Stream 2100 ft length

Vol per Acre 34 MBF

Buffer Width to get 140 sq ft Basal 28 ft - Old Rules

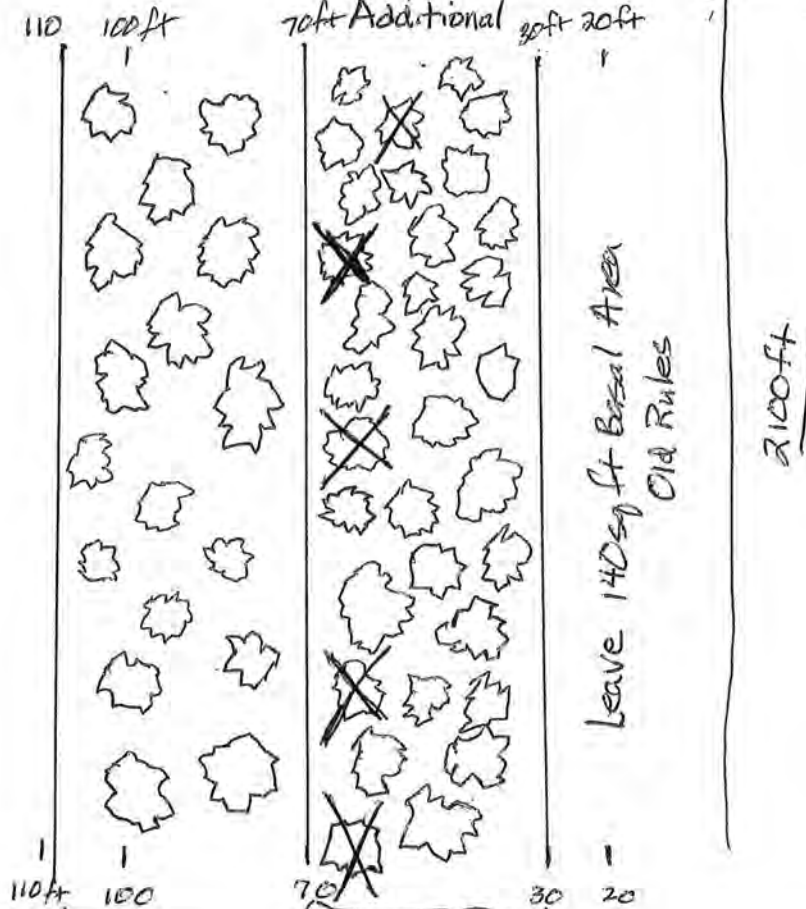
170 Trees/Acre PFA

SFO

No-Cut

70 ft Additional 20 ft 20 ft

Medium  
Fish  
Stream  
Channel



Timber Value

\$116,668

(Both Stream Sides)

Timber Value

\$116,668.00

(Both Stream Sides)

Total \$233,336

Value Both Stream Sides

**APPEL Lisa M \* ODF**

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**From:** NANCY HATHAWAY <nancy.hathaway@odf.org>  
**Sent:** Friday, September 30, 2022 7:36 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** thoughts on sb 1501

Re: sb1501

Dear lawmakers,

You have passed this discriminatory bill against timber growers. But you have some facts wrong.

1. The correct term for "environmentalists" is "anti-forestry activists." Fisher persons want 100' either side of a stream on my property so they can kill more fish. Everybody wants something for free. No science has proved that 100' feet adjacent to a stream will provide more fish. It hasn't happened in California or anywhere else. And I doubt it ever will with population increasing every day.
2. Accord is another term you have wrong. Forest owners were blackmailed into agreeing. When threatened with multi-million dollar initiative petitions and anti-timber advertising, you would agree to sign most anything.
- Reminds me of the Golden Rule! Whoever has the gold, makes the rules!
3. Why do you feel that Oregon should follow California and Washington rules? California is a failed state and Washington isn't far behind. I've always felt that Oregonians figured things out based on science and common sense. Notice that we Oregonians aren't flocking to California.
4. I am a small woodland owner and member of Oregon Small Woodlands Association. We've had members drop their membership due to the onerous rules imbedded in the FPA and our participation in its development.
5. Conservationist??? The only things they want to conserve is somebody else's property.  
I am the environmentalist and conservationist, always working in the woods to improve forest health, clean water, carbon sequestration, and wildlife habitat.

6. And, we're going to be monitored for compliance!! With one person in ODF to help approximately 70,000 forest landowners. Wow!

The idea of an Accord was good, but threatening timber owners with millionaire-backed never-ending regulation and initiative petitions doesn't leave us with a win-win feeling.

Thank you,  
Nancy Hathaway  
Corvallis, Oregon



September 29, 2022

Lisa Appel  
Oregon Department of Forestry  
2600 State Street Bldg. D  
Salem, Oregon 97310

Submitted Via Email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

RE: Forest Practices Act rule revisions directed by the enrollment of Senate Bills 1501 and 1502

Ms. Appel:

As a small forestry owner, I oppose the proposed rulemaking. Since the beginning of the PFA, we small landowners were basically left out of the process and OSWA had no authority to represent the majority of small landowners as their membership only represents a small portion of small timber ownerships. Members of OSWA that I talked to felt they were not represented in this process either. Yet, corporate and commercial timber was well represented as well as the environmental community. I am fine with large timber being regulated by these rules since their representatives signed off on the agreement and they had a large voice in this process. Their representatives also meet with the legislators to push this legislation forward. I ask you not to approve the small forestry ownership section and allow SFO's to work collaboratively to develop rules that are workable for the small timberland ownerships. Remove the section that takes away our rights to "just compensation" under the law. Remove the section that takes our right to reduce property taxes since these rules make the so much of our land worthless. Make reasonable rules for road building and maintenance and do not expect small landowners to hire an engineer and other professions just to put in a road that will be used very seldom except during harvesting, planting, and management over the next 40-50 years. Include selective harvesting, planting and management plans for the riparian buffers because 50 years from now those partial or fully grown trees today will decay or die wreaking havoc with the rivers and streams as they blow over and provide fuel for wildfires. The goal of this rulemaking should be for a healthy managed riparian area but it will not happen since these rules take away any income and incentive for a landowner to manage the area for fish and wildlife habitat.

Please oppose this rulemaking especially for small timber land owners and go back to the table with actual timber owners to draft new rules which will not put these landowners out of business, will not take their trees and will not make their land non-income producing and unusable.

Thank you for the opportunity to comment. The SFO's should have had equal representation in the process and the process should have been transparent rather than being done behind closed doors and then shoved through by the signers of the agreement.

Respectfully,



C. H. Waterman, Member  
C & S Waterman Ranch, LLC  
Bandon, Oregon 97411

**APPEL Lisa M \* ODF**

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**From:** Kathleen Flannigan < . . . . . >  
**Sent:** Friday, September 30, 2022 9:19 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Forest Accord Comments

Hello,

I am a small woodland owner and I do greatly appreciate the recognition of the differences between small woodland owners and large industrial owners. The efforts made to address some of the challenges the private Forest accord changes will have on the small woodland community is commendable. That said, I do have some concerns.

- Like many small woodland owners, I have a regular job and being asked to review, understand, figure out all the ways this will impact my property, and make meaningful comments on this level of change, in the time frame allowed, is not realistic.
- There doesn't seem to be anyone to help a person understanding the proposed rules or their impacts as the stewardship foresters don't know the answers and have yet to receive any training on them.
- It is difficult to comment on programs that are not yet developed. Funding the AMPC, IRST, their work and the additional employees is covered by saying, the state forester, cooperators and legislature will work to secure funding. There is also no budget or budget projections I am aware of. Is this going to increase the harvest tax to the point you can't harvest at a profit?
- Who and how is the disproportionate impact to a small woodland owner derived. Who and how will the determination of modest means that are highly dependent on the revenue calculated.

I bought my property with the plan to help supplement my retirement and because I enjoy forestry and looking after and improving a piece of land. My biggest concern is that these changes will take my ability to harvest at a profit and/or devalue my land. Will I be required to hire engineers, geologists, hydrologists, biologists, and professional foresters to do any work on my property. That may not be the intent, but I think back to the 1994 NW Forest Plan. Part of the deal was that harvest would be reduced 80% from the traditional cut and there would be a steady and predictable supply of wood from the federal lands. All the restrictions were implemented but the government produced less than half of the 20% of board footage for at least the 15 or so years of the agreement.

There are people that will cherry pick or misuse science to meet their objectives. There is an often quoted, peer reviewed study that suggests that wood loses 2% of its carbon each year so wood over 50 years old doesn't sequester any carbon. I have seen wood much older burn and can assure you it is full of carbon. If wood can't hold carbon for more than 50 years a 300-year-old tree would have 250 years of growth without any carbon in it with the last 50 years decreasing from full carbon to 2%.

Using the best science we have is the right thing to do but history shows that some of the best science is wrong, for example it wasn't long ago that we were removing woody material from streams to help fish passage. Much more of our understanding is incomplete. The tailed tree frog in Washington was believed to be old growth dependent. After Mt St Helens wipe out a

bunch of old growth the frog's numbers increased. Turns out the pollywog food supply does better in streams with good sun. Not what one would expect but nature doesn't care about what we think. A lot is made of sediment delivery to streams but I think some sediment delivery has always happened and is good. A lot of organisms from lampreys to bacteria live in the muck,

mire, and sand of the streams. These organisms may well be critical to the base of the food chain. A stream full of good spawning gravel isn't beneficial if the fry all die of starvation. I care about my land and the land and wildlife around me. That is why I choose to live there. I am not looking to do harm, but we can't do anything without some potential impact. There needs to be room for common sense. Should we have biologists patrol all the roads in case a Western Pond turtle or Fenders Blue butterfly is in the area and shut the road down. Risk, cost and reward have to be considered.

My 25 acres won't impact log supply or greatly impact wildlife but when you add up all the small woodlands it does make a difference. Less timber supply means higher home prices, that leads to fewer people able to buy a home or afford rent. That will lead to more homelessness. It also increases the demand for third world wood and many countries have few or no environmental protections.

One of your stated objectives is to decrease the land use changes from forestry to other uses. If harvesting can't be done at a profit many landowners will seek to change the use of their land so they can pay their taxes and feed their families. If they can't get a land use change, I suspect folks will run cows, goats, or whatever to try and make some money. Most certainly they won't put time or money into maintaining or improving their land for wood production or wildlife habitat.

Some parting thoughts. There is also an element of fairness and private property rights. Logging is looked at by many as being a bad thing should be stopped. I would argue that it is necessary and can be done so it brings positive benefits to the land. Perhaps everyone should follow similar rules for protecting the environment. After all we are all in this together. Much of the best potential habitat and forestry ground in the state is under urban areas. Urban areas should do their part too. Zoning doesn't mean anything to fish and there is a lot of development along fish streams in urban areas that impact and destroy RMA's. Should this be stopped, and current developments removed? Should parks plant native vegetation along all stream banks and keep people out so as not to disturb wildlife? Do hiking trails need to be removed? Mountain biking only done in dry conditions? No more oak savanna should be lost to vineyards. No property landscaping near streams etc. (Mill Creek in Salem might be a good place to start.) The laws requiring replanting seemed once to be about timber supply and now seems to be going toward protecting the environment. The government owns a lot more land than I do. You may be better putting your efforts into good management of those lands.

Sorry if my tone got a little snarky but this is an important issue for me. I realize you can only work on things that are within your authority and the goal is to do good. I just worry about the unintended consequences of the effort.

Sincerely,  
John Flannigan



## **APPEL Lisa M \* ODF**

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**From:** Greg Peterson < >  
**Sent:** Friday, September 30, 2022 11:23 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Cc:** Nancy Hathaway  
**Subject:** comment on PFA

### **COMMENT ON PFA**

#### **Background**

I'm a small woodland owner, retired from a five decade career in environmental engineering. I have tended my 60 acres of forestland for 25+ years, anticipating that I would be able to conduct a harvest and supplement my limited fixed income and perhaps help put my grandson through college. Unfortunately, we are now overwhelmed by 40 year high inflation rate and basic needs are becoming out of reach, so every \$ counts more than ever before. Two years ago, It came as a great shock that the government wanted a PFA "take" amounting to 15% of my property, by restricting harvest areas and adding further access restrictions. This "take" did not reduce my property taxes or obligation to manage fire risks, and only reduced the harvest area. With the emergence of PFA, the viability of my 60 acre investment suddenly changed and became in serious jeopardy.

#### **Environmentalists vs. Forest Industry**

For decades, the environmental lobby and Democrat officials have incessantly tried to limit the viability of Oregon's forest industry. In 2019, they gathered sufficient financial backing to threaten that unless forest owners succumbed to their demands, they would start an endless series of ballot initiatives to entirely shutter forestry in Oregon. Even the large timber companies could not afford such a sustained fight, and small landowners were unable to support such a contest, but were caught up in an unprecedented tidal wave of politically-directed money thrown against them.

The forest industry has a long history of boom and bust cycles, and during 2020/2021, a period when lumber prices were at all-time highs, the Environmentalists saw an opportunity and began pushing the PFA-concept hard. They claimed that industry was making so much money that greed shouldn't get in the way of "protecting the environment", even though it was only 14 months since prices bottomed at the lowest level in a decade. There's never been any evidence of forestry causing any environmental harm. The environmentalists acted as if forest landowners had endless funds and that an average 8% take of property wouldn't affect the viability of forest ownership and stewardship.

Today, lumber prices are only 30% of their May 2021 high, and at these prices, PFA's financial burden becomes even more apparent. The WSJ forecasts that as interest rates rise, lumber prices will continue to fall for the foreseeable future (Ref; Lumber Prices Fall Back to Around Their Pre-Covid Levels, WSJ Sept 27, 2022).

The PFA was forced on forest landowners by coercive tactics by environmentalists, the Governor's overwhelming political pressure, and strong-arm tactics by NOAA. These heavy-handed political tactics reduce the area available for harvest, greatly increase government's control of daily operations, require detailed mapping and stream computer simulation, and significantly increase reporting.

NOAA's involvement was particularly egregious, since they came with a predetermined list of wants, which included mandatory minimum riparian widths, with no scientific basis or justification to support them. They showed no interest in various Oregon studies showing that the existing stream buffer widths were adequate to protect fish and enhance spawning. They looked at ODF's 2019 Ripstream study, which a peer review debunked in many areas, including the fact that it only gathered 17% of the required minimum data set, failed to have a local weather stations, and many other significant deficiencies. They paid no heed to the three independent paired watershed studies that rigorously gathered full data sets, and were thoroughly peer reviewed. These studies all concluded that the existing riparian buffers were adequate to limit temperature change and significantly increased fish populations.

As Steve Vaught, retired ODF forester told me recently, "PFA is essentially the federalization of forestry"

#### **Small forest owners are caught up in the "federalization of forestry"**

Small forest owners don't have the resources or scale of harvests of large landowners, so they are usually limited to small harvest areas (average 5-7 acres) and less than optimum markets, since it's impossible for a small woodland owner to find a logger and trucker during peak markets. This results in significantly lower returns than large landowners, who enjoy substantial economies of scale with large harvests and have in-house logging capability.

Under PFA, small landowner involvement in the detailed mapping and stream simulation is temporarily deferred until the first harvest on a parcel. However, once a harvest is proposed, a small landowner will already have a lot on his plate to select a logger and prepare the site roads. With PFA, there will also be an avalanche of data required by ODF and if there is a need to install or replace a culvert on a fish bearing stream (Type F or SSBT), culvert size and complexity has significantly increased under the PFA. If there is such a need, it begins the overwhelming challenge of gathering detailed site data, designing, and contracting for the work. No small woodland owner has a staff of experienced engineers and other professionals, ready to take such a significant project that will take up to a year to complete and permit. The project will likely cost between \$100,000 to \$750,000, or more, so it is no small undertaking. The bidding process will be complicated and open to ODF scrutiny. Once a contractor is selected, the landowner will be able to put his project on the SFISH list and will then have to wait for funding priority, which could require months or years. Selected contractors will be exposed to inflationary cost increases during this wait and thus will have to have their bid adjusted, as time passes.

Ideally, a small woodland owner would be able to start the design and bidding process for any fish-bearing culvert a year or two before a harvest. This would significantly reduce the crunch on time, resources, and site access. The PFA is silent on whether there will be funds for a landowner to hire an engineer to help him with this effort, which would also enable the project to be put on the SFISH list earlier, with the goal of having the work completed before a harvest occurs.

The typical small woodland owner is going to need a LOT of help from the SFISH office. If the SFISH office is unable to provide meaningful help to the landowner, who will be already consumed by organizing for the proposed harvest, then word will soon get out that PFA's added bureaucracy is excessive and many small woodland owners will defer harvests and the land will fall into disrepair and the landowner will be unable to afford to be a good steward of the land.

As an experienced professional engineer with over 5 decades experience, I believe the SFISH role will play a vital role, but to be meaningful, it must have credible resources that the average small woodland owner lacks. Establishing SFISH will pose a substantial challenge as unfortunately, its scope is woefully vague under the PFA. To be a success, it will require a lot of outside expertise to set up and manage such an important office for the 70,000+ small woodland owners in Oregon. ODF likely will not have the in-house expertise to create this office. It should be periodically overseen by outside experts and a small woodland owner(s), aware of the specific needs of SFOs.

**Other small woodland owner issues:**

Small woodland owners need access to riparian areas for pre-commercial and commercial thinning for forest health, to lower fire risk, and to achieve Desired Future Forest conditions. If riparian areas are not thinned, they will become clogged with an excessive number of trees, which will increase fire risk substantially. These areas are also prone to being overtaken by invasive species and noxious weeds, and need to be actively managed, as needed.

Stream fords can be the only access for remote forest properties and have been historically used for most of the year. Their use should be allowed to continue, except during high flow periods and when use would disturb stream sediment.

During our last conversation, ODF's Greg Urb was not certain that bridges would be eligible for SFISH cost-reimbursement when installed or replaced at a fish-bearing stream crossing. Since bridges and culverts provide the same permanent stream crossing function, and it is often a site-specific call as to which is used at a particular stream crossing, both bridges and culverts should be eligible under the SFISH scope.

Perennial fish streams (Type F & SSBT) require an 18" minimum culvert. Other perennial stream culverts should be at least 15" diameter.

Ditch relief culverts, ditch crossing, groundwater/spring water collection, and non-perennial streams should have no minimum size

A stream's Point of Perenniality (point of zero flow for >25 ft) should be designated no earlier than Sept 30.

Regards,  
Greg Peterson PE

## 8. Environmental Supporter

**APPEL Lisa M \* ODF**

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**From:** Millie Mathis <team@speak4.co>  
**Sent:** Thursday, September 01, 2022 8:50 AM  
**To:** ODF\_DL\_Board of Forestry  
**Subject:** Support Compromise Over Conflict

September 01, 2022 @ 03:44pm  
Support Compromise Over Conflict

I am reaching out to voice my support for the draft rule changes to the Oregon Forest Practices Act that were a result of the Private Forest Accord.

As someone who supports compromise, I was pleased to see that the decades of fighting between groups could end, and Oregonians will have some certainty around the management of our private forest lands.

In support of clean water, jobs and healthy forests, I ask that you support these rules changes as written.

Thank you.

Ms. Millie Mathis  
1 Meadow Lane,  
Shady Cove, OR 97539

360-751-0489



**APPEL Lisa M \* ODF**

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**From:** william conklin <team@speak4.co>  
**Sent:** Thursday, September 01, 2022 8:50 AM  
**To:** ODF\_DL\_Board of Forestry  
**Subject:** Support the Future of Forestry

September 01, 2022 @ 03:44pm  
Support the Future of Forestry

As an Oregonian I support the draft rules for implementing the Private Forest Accord.

These rules will ensure that Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon. The rules are a balanced approach to support both conservation and economic viability for Oregon's rural communities, which in turn is good for all of Oregon.

Oregonians are ready to leave behind the years of fighting and litigation that have threatened our rural communities for decades. Please adopt the proposed rules as written and support a new era of forestry in Oregon.

Thank you.

william conklin  
205 s 54 th st k springfield oregon, k,  
Springfield, OR 97478

541-726-6816

**From:** [oregon-gov-web-services@egov.com](mailto:oregon-gov-web-services@egov.com) <[oregon-gov-web-services@egov.com](mailto:oregon-gov-web-services@egov.com)>

**Sent:** Tuesday, September 06, 2022 7:19 AM

**To:** ODF\_DL\_Board of Forestry <[BoardofForestry@odf.oregon.gov](mailto:BoardofForestry@odf.oregon.gov)>

**Subject:** Rulemaking

|          |   |
|----------|---|
| Name     | Greg Miller   |
| Email    | <a href="#">_____</a>   |
| Subject  | Rulemaking  |
| Comments | <p>RE: Private Forestry Accord Draft Rules September 6, 2022 Dear Members of the Oregon Board of Forestry, Respectfully, I ask you to support and adopt the draft rules as written for implementing the Private Forestry Accord. At the end of 2019 and on into the first half of 2020, it was my honor to manage the initial project to build the foundation of the Private Forestry Accord. As you know, Senate Bill 1602 passed during a special session of the Legislature on June 26, 2020. It was the first step. In addition to formalizing the Private Forest Accord, it increased drinking water protections on our private forestlands. Watching from afar, I know all sides poured their souls through difficult compromise into Senate Bills 1501 and 1502 which Governor Brown signed into law. Before you now are the draft rules for implementing the Private Forest Accord. The agreement and proposed rules are a product of more than two years of negotiations among devoted Oregonians with very different perspectives. They put aside their differences, came together, and stayed at it reaching a historic agreement. A remarkable achievement often known as the" Oregon Way". These rules ensure Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon. The rules are a balanced approach to support both conservation values and economic viability for Oregon's rural communities. This is good for all Oregonians. Please adopt the proposed rules as written and support this new era of forestry in Oregon. Thank you. Peace and blessings to you all, Greg Miller (Forester, retired)</p> |

**Submission ID:** 0db3573b-b7e8-42f0-b897-a9f95a388b44

**Record ID:**

**From:** [esterbentz@everyactioncustom.com](mailto:esterbentz@everyactioncustom.com) on behalf of [Ester Bentz](#)  
**To:** [RULEMAKING Sb1501 \\* ODE](#)  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules  
**Date:** Tuesday, September 06, 2022 1:20:26 PM

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Dear Chair Jim Kelly,

As a local frequent hiker/forager on the Wallowa Whitman NF, I've been sickened in recent years in the clear-cutting by pvt. timber co's. on the steep slopes above salmon-spawning streams (i.e. Crow Cr., out the "46" Rd.).

The various agencies to which I complained assured me that state guidelines for pvt. landowners are being followed. To which I responded: THEN THE GUIDELINES HAVE GOT TO CHANGE!..

Of course, enforcement is always the 'bugaboo'. Given our relatively remote location, I fear we're often overlooked when it comes to oversight where the environment is concerned (DEQ ignores us completely)

I so hope these proposed new guidelines make it harder for the 'cut & run timber beasts' to do their dirty work.

Thankyou for your service.

Sincerely,  
Miz Ester Bentz  
303 Residence St Apt 28 Enterprise, OR 97828-1680



**APPEL Lisa M \* ODF**

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**From:** klillebo@everyactioncustom.com on behalf of Karen Lillebo <klillebo@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 2:14 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Oregon needs sustainable forests

Dear Chair Jim Kelly,

I am writing today in support of the comprehensive rule changes proposed as part of the implementation of the Private Forest Accord and to urge you to continue to improve the state's logging standards to better protect clean, cold water for all Oregonians.

This is the first major upgrade to Oregon's Forest Practices in decades and brings Oregon closer to the protections that have been standard practice in Washington and California for years.

The Board will also be faced with rulemaking in the coming years related to post-disturbance logging. With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended to comport with the best available science and to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

I urge the Board to keep the pressure on the Oregon Department of Forestry to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Ms. Karen Lillebo  
636 NW Saginaw Ave Bend, OR 97703-1122

**APPEL Lisa M \* ODF**

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**From:** tidmorek@everyactioncustom.com on behalf of Kayla Tidmore <tidmorek@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 2:53 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** PFA Rules are a GO!

Dear Chair Jim Kelly,

I'll keep this short and sweet, I highly support the new PFA rules and see it as a giant step forward in preserving Oregon's prized natural resources. We have fallen significantly behind in terms of modernizing outdated forest regulations, and because of this, face dire consequences as we are on the brink of losing some of our most iconic species, salmonids specifically. We have a long way to go in righting the wrongs of our predecessors, but, the Private Forest Accord is a step in the right direction. I would also like to acknowledge the new jobs that are coming with this new legislation, as I personally have just applied for a job made only possible by the PFA.

Please keep the momentum and positive change going!

Sincerely,  
Ms. Kayla Tidmore  
6923 N Fork Siuslaw Rd Florence, OR 97439-9261

**APPEL Lisa M \* ODF**

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**From:** tedchudy@everyactioncustom.com on behalf of Ted Chudy <tedchudy@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 3:48 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

I have been involved in Lane County's Master Gardener program. Through that program I became fascinated by soils and the interactions of plants through their root systems, as well as the value of fungi and microorganisms in the soil. It has become painfully obvious to me that we have been abusing these natural processes through our out-dated practices of lumber harvesting.

While I can understand that years ago the forest soils were not considered of any significance, this is no longer the case. The more I read about the complexity of the organisms and their relationship to healthy forests, the more I cannot abide the acceptance of these primitive harvesting techniques.

Everyone who is responsible for managing our forests should be required to study extensively all soil related literature and videos. Or they should be in another line of work. We can no longer proceed with "business as usual" for the profit of shareholders. The consequences will be disastrous.

Soil health is nearly invisible and easy to overlook, but it is critical to the future. Healthy forest soils are a powerful weapon for our plants and trees in their battle against climate change. They can no longer be overlooked.

(Healthy forest soils and healthy soils for food agriculture are equally important. Both must be aggressively maintained.)

Here is some suggested reading:

Most recently this article in National Geographic

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nationalgeographic.com%2Fmagazine%2Farticle%2Fmeet-the-marvelous-creatures-that-bring-soil-to-life-feature%3Frid%3DB021A12CD7EC5CA641F11F4CEA2C1393%26cmid%3Dorg%253Dngp%253A%253Amc%253Dcrm-email%253A%253Asrc%253Dngp%253A%253Acmp%253Deditorial%253A%253Aadd%253Dphotography\\_20220813%26logged%3Dtrue&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBTi6lk1haWwILCjXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=bJdgvYsmoWle3sxlHOiGJltzn%2BnO3e3CQqA1OHke8ag%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nationalgeographic.com%2Fmagazine%2Farticle%2Fmeet-the-marvelous-creatures-that-bring-soil-to-life-feature%3Frid%3DB021A12CD7EC5CA641F11F4CEA2C1393%26cmid%3Dorg%253Dngp%253A%253Amc%253Dcrm-email%253A%253Asrc%253Dngp%253A%253Acmp%253Deditorial%253A%253Aadd%253Dphotography_20220813%26logged%3Dtrue&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBTi6lk1haWwILCjXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=bJdgvYsmoWle3sxlHOiGJltzn%2BnO3e3CQqA1OHke8ag%3D&reserved=0)

Also from National Geographic regarding funga:

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nationalgeographic.com%2Fenvironment%2Farticle%2Ffungi-are-key-to-survival-are-we-doing-enough-to-protect-them%3Fcmid%3Dorg%3Dngp%3A%3Amc%3Dcrm-email%3A%3Asrc%3Dngp%3A%3Acmp%3Deditorial%3A%3Aadd%3Dscience\\_20210324%26rid%3DB021A12CD7EC5CA641F11F4CEA2C1393&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBTi6lk1haWwILCjXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=AwlG%2FWAfuEotbjKuYTces8imFNM%2FgmZu1yfzoNAennw%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nationalgeographic.com%2Fenvironment%2Farticle%2Ffungi-are-key-to-survival-are-we-doing-enough-to-protect-them%3Fcmid%3Dorg%3Dngp%3A%3Amc%3Dcrm-email%3A%3Asrc%3Dngp%3A%3Acmp%3Deditorial%3A%3Aadd%3Dscience_20210324%26rid%3DB021A12CD7EC5CA641F11F4CEA2C1393&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBTi6lk1haWwILCjXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=AwlG%2FWAfuEotbjKuYTces8imFNM%2FgmZu1yfzoNAennw%3D&reserved=0)

From the Guardian (UK) "soil is the most neglected of major ecosystems"

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.theguardian.com%2Fenvironment%2F2022%2Fmay%2F07%2Fsecret-world-beneath-our-feet-mind-blowing-key-to-planets-future%3Fposition%3D1%26utm\\_medium%3Demail%26utm\\_source%3Dpocket\\_hits%26utm\\_campaign%3DPOCKET\\_HIT-S-EN-RECS-](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.theguardian.com%2Fenvironment%2F2022%2Fmay%2F07%2Fsecret-world-beneath-our-feet-mind-blowing-key-to-planets-future%3Fposition%3D1%26utm_medium%3Demail%26utm_source%3Dpocket_hits%26utm_campaign%3DPOCKET_HIT-S-EN-RECS-)



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Force of Nature - Soil and the Gut

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fforceofnaturemeats.com%2Fblogs%2Fdefending-meat%2Fsoil-and-the-gut-two-ecosystems-with-a-deep-connection%3Ffbclid%3DIwAR3\\_oKUGZqPHmHvN5A3BlyqbQNc4UpqHB3pQMaDNZ0k4drGwpgW14DiFjdQ&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwLJCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ei6PTIUyTkhZJO35Qyg%2BHruyq82Ucdb7GajOF3GHFi4%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fforceofnaturemeats.com%2Fblogs%2Fdefending-meat%2Fsoil-and-the-gut-two-ecosystems-with-a-deep-connection%3Ffbclid%3DIwAR3_oKUGZqPHmHvN5A3BlyqbQNc4UpqHB3pQMaDNZ0k4drGwpgW14DiFjdQ&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwLJCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ei6PTIUyTkhZJO35Qyg%2BHruyq82Ucdb7GajOF3GHFi4%3D&reserved=0)

An essay by WC Lowdermilk - Conquest of the Land Through Seven Thousand Years

You'll have to find this on your own - I have the essay but no URL. It explains how misuse of soil has collapsed civilizations.

Finally the one everyone involved with forest management should be required to read. An excellent study and the best reason we must change our harvesting techniques:

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffe360.yale.edu%2Ffeatures%2Fexploring\\_how\\_and\\_why\\_trees\\_talk\\_to\\_each\\_other&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwLJCJXVCI6Mn0%3D%7C3000%7C%7C%7C&p;sdata=c7dSb2yBH%2BAQKZDD3eQIgTIP5lp%2FmgKvjvMi0QuXxWY%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffe360.yale.edu%2Ffeatures%2Fexploring_how_and_why_trees_talk_to_each_other&data=05%7C01%7CSB1501.RULEMAKING%40oregon.gov%7C2250cf88725b43ddf29308da9059cd4b%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C637981012616441760%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwLJCJXVCI6Mn0%3D%7C3000%7C%7C%7C&p;sdata=c7dSb2yBH%2BAQKZDD3eQIgTIP5lp%2FmgKvjvMi0QuXxWY%3D&reserved=0)

Sincerely,

Mr. Ted Chudy

1395 E Briarcliff Ln Eugene, OR 97404-3201

**APPEL Lisa M \* ODF**

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**From:** johnsd@everyactioncustom.com on behalf of David Johns <johnsd@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 6:22 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

I was born in Oregon and have lived her most of my life. I travel the west (wet) side and east side for recreation. Too many waterways of all sorts have been exposed to heat, silt and other degradation by logging, road building and grazing. Strong rules need to be proposed and implemented as part of the Private Forest Accord. Please do so. .

The Private Forest Act was a compromise resulting from dueling initiative efforts and industry fear they would have to really start behaving. This compromise is certainly not all I want or what is needed. But it's a start after decades of weak rules and damaging logging that has hurt forests and wildlife.

The difficult tradeoffs in the Private Forest Accord make this the first of many steps to improve the state's logging standards to better protect clean, cold water for all Oregonians, including fish.

The new rules aim to increase stream buffers, expand protections for steep slopes prone to landslides, and ensure the road network does not cause excess sedimentation are critically important. This agreement is built on modeling and assumptions that spring from our current best understanding of the science. It will be imperative going forward that the Board ensure all parties are participating in the adaptive management process in good faith so that these rules can evolve as our understanding of these complex systems increases.

With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended to comport with the best available science and to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

No doubt some will have a steep learning curve to adjust to these new rules. I urge the Board to keep the pressure on the Oregon Department of Forestry--which is too often in bed with industry, to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed. A huge part of the success of the PFA will hinge on the Oregon public trusting that logging operators are following these new rules and that ODF is protecting the public interest.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Mr David Johns  
PO Box 725 McMinnville, OR 97128-0725

**APPEL Lisa M \* ODF**

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**From:** kimberly.brown@everyactioncustom.com on behalf of Kim Brown  
<kimberly.brown@everyactioncustom.com>  
**Sent:** Wednesday, September 07, 2022 8:36 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Private Forest Accord

Dear Chair Jim Kelly,

I have studied the effects of forestry pesticides on our streams and bivalve organisms. Our streams have detectable amount of chemicals in them that are hurting our valuable fishing and aquaculture industries not to mention the ecosystems they inhabit. This, I urge you to support the rule changes proposed as part of the implementation of the Private Forest Accord.

Many of these chemicals that we spray out use in household products have not been adequately tested for the health of the ecosystems, the organisms that encounter them or the health of the communities in the area. We need more protections at least to the point of coming more in line with the practices in California and Washington.

Sincerely,  
Dr. Kim Brown  
3606 SE Kelly St Portland, OR 97202-1843



**APPEL Lisa M \* ODF**

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**From:** kpottermom@everyactioncustom.com on behalf of Dave Potter  
<kpottermom@everyactioncustom.com>  
**Sent:** Wednesday, September 07, 2022 11:18 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

My wife and I strongly feel that water is the most important component of life here in Oregon...and everywhere. We all know that stresses and strains and shortages are happening to water supplies. It is past time for all, government and citizens do everything we can to protect and improve our watersheds and the water they provide us...Or else we'll have even bigger problems coming decades.

We totally support broad brush, comprehensive upgrades/changes as part of the Private Forest Accord. You - please - should do all you can to enact them and improve other forest laws to give strong protections to waterways [streams, rivers, etc.] and their most vital components: the watersheds and associated plant - not asphalt, not the current logging way too close to waterways and not large clear-cuts! - coverage.

Oregonians must have water! Most Oregon water comes directly or indirectly from land covered by trees and other vegetation. These lands [water sheds] must be better protected for the benefit of all of us.....Please!

Sincerely,

Mr. Dave Potter

3930 Rio Vista Way Klamath Falls, OR 97603-7729

**APPEL Lisa M \* ODF**

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**From:** bbharris1936@everyactioncustom.com on behalf of William Harris <bbharris1936@everyactioncustom.com>  
**Sent:** Wednesday, September 07, 2022 11:23 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

The PFA is a wonderful accomplishment. I am thrilled and proud of Oregon. I am writing today in support of the comprehensive rule changes proposed as part of the implementation of the Private Forest Accord and to urge you to continue to improve Oregon's forest laws so that community and environmental health are adequately balanced with sustainable logging.

Please adopt the proposed rules relating to healthy streams and sustained wildlife and enforcement.

In addition, move forward with the very important broad challenge to require that private forest practices do not degrade stream water supply for communities and do promote maximal green house gas storage in addition to production of wood and wood products. All elements of our society must manage in a manner that reduces global warming.

The challenges will continue. I expect the Department and the Board to commit to and put continuous effort into refining and increasing actions which support long-term life in Oregon.

We should expect to become equal to California and Washington in effective forestry.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Dr. William Harris  
2803 NW Cumberland Rd Portland, OR 97210-2803

**APPEL Lisa M \* ODF**

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**From:** shavana@everyactioncustom.com on behalf of Ellen Fineberg <shavana@everyactioncustom.com>  
**Sent:** Wednesday, September 07, 2022 11:58 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** YES to new PFA rules; push for more rules for forests on private lands

Dear Chair Jim Kelly,

YES! to the comprehensive rule changes proposed as part of the Private Forest Accord.

That is a great step.

We HAVE to consider our health even more important than getting as much wood as possible.

Thank you.

Sincerely,

Dr. Ellen Fineberg

PO Box 474 Williams, OR 97544-0474



**APPEL Lisa M \* ODF**

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**From:** kevinrussell1958@everyactioncustom.com on behalf of Kevin Russell <kevinrussell1958@everyactioncustom.com>  
**Sent:** Monday, September 12, 2022 8:28 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

Please protect the vulnerable forest streams.

Sincerely,  
Mr. Kevin Russell  
1055 W 7th Ave Apt 5 Eugene, OR 97402-4651

**APPEL Lisa M \* ODF**

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**From:** kathnzz@everyactioncustom.com on behalf of Kat Balogh <kathnzz@everyactioncustom.com>  
**Sent:** Friday, September 16, 2022 2:32 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Request to approve new PFA rules; More sustainable rules needed!

Dear Chair Jim Kelly,

Hello,

I strongly support the new proposed Private Forest Accord (PFA) rule changes. In addition, I'm requesting your support to increase the forestry standards to implement more sustainable practices like those established in WA and CA.

We need to:

- increase stream buffers,
- expand protections for steep slopes prone to landslides,
- and ensure roads to not erode into water bodies.

As a board member, I ask you hold the ODF accountable by ensuring education and compliance with the PFA.

Thank you in advance.

Sincerely,

Ms. Kat Balogh

30765 Pisgah Home Rd Scappoose, OR 97056-220C

**APPEL Lisa M \* ODF**

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**From:** maggiedo2525@everyactioncustom.com on behalf of Maggie O'Sullivan <maggiedo2525@everyactioncustom.com>  
**Sent:** Friday, September 16, 2022 10:29 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Please comprehensively implement strong new PFA rules to protect our forests!

Dear Forestry Board,

Please comprehensively implement strong new PFA rules to protect our forests! As a local Central Oregonian, and someone who has had the privilege of growing up in such a beautiful place, it pains me to see our natural spaces being encroached upon as Bend expands. Please think of the future generation rather than profits. Love our Earth please.

-Maggie O'Sullivan

Junior at Bend Senior High School

Sincerely,

Maggie O'Sullivan

60643 Thunderbird Bend, OR 97702-9653

**APPEL Lisa M \* ODF**

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**From:** DrLaurenOliver49@everyactioncustom.com on behalf of Lauren Oliver <DrLaurenOliver49@everyactioncustom.com>  
**Sent:** Wednesday, September 21, 2022 1:55 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Support for Oregon Forest Stream Protections

Dear Chair Jim Kelly,

I am writing to express my support for the proposed administrative rule changes to the Forest Practices Act as directed by Senate Bills 1501 and 1502. I urge you to continue to improve Oregon's forest laws so that community and environmental health are adequately balanced with sustainable logging.

There are 10 million acres of private forest in Oregon covering some of the most productive and significant forests in North America. The rivers, streams, and wetlands that are affected by the management of these forests are home to a breadth of fish and wildlife species, as well as downstream communities.

The Private Forest Accord brings Oregon much closer to the mainstream of modern forest management practices that protect watersheds with endangered aquatic species. The Accord and the proposed rule changes represent significant progress in protecting our watersheds from the ravages of industrial logging and chemical spraying.

I urge you to ratify and strictly implement this accord and the protections it offers.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Dr. Lauren Oliver  
175 Beacon Hill Ln Ashland, OR 97520-9701



**APPEL Lisa M \* ODF**

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**From:** roughskinnednewt@everyactioncustom.com on behalf of Dianne Ensign  
<roughskinnednewt@everyactioncustom.com>  
**Sent:** Wednesday, September 21, 2022 7:44 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

As a person with a lifelong concern for the environment and other species, this issue is extremely important to me. I strongly support the comprehensive rule changes proposed as part of the implementation of the Private Forest Accord and urge you to continue to improve Oregon's forest laws so that community and environmental health are adequately balanced with sustainable logging.

As you know, the PFA is the product of decades of hard work by community members, organizers, and scientists calling for change and is ultimately the product of compromise between parties who have long been in conflict. This is the first major upgrade to Oregon's Forest Practices in decades and brings Oregon closer to the protections that have been standard practice in Washington and California for years.

The difficult tradeoffs in the Private Forest Accord make this the first of many steps to improve the state's logging standards to better protect clean, cold water for all Oregonians.

The new rules to increase stream buffers, expand protections for steep slopes prone to landslides, and ensure the road network does not cause excess sedimentation are critically important. This agreement is built on modeling and assumptions that spring from our current best understanding of the science. It will be imperative going forward that the Board ensure all parties are participating in the adaptive management process in good faith so that these rules can evolve as our understanding of these complex systems increases.

To that point, the Board will also be faced with rulemaking in the coming years related to post-disturbance logging. With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended to comport with the best available science and to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

The changes contemplated by these rule updates are significant and there is no doubt that some will have a steep learning curve to adjust to these new rules. I urge the Board to keep the pressure on the Oregon Department of Forestry to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed. A huge part of the success of the PFA will hinge on the Oregon public trusting that logging operators are following these new rules and that ODF is protecting the public interest.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Ms. Dianne Ensign  
11600 SW Lancaster Rd Portland, OR 97219-7655

**APPEL Lisa M \* ODF**

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**From:** Jukka  
**Sent:** Wednesday, September 28, 2022 5:16 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** comments to implement new rules to Oregon FPA

From: Jukka Naukkarinen, local tax payer and forest owner,  
Deadwood, Oregon, 97430,

**Comments:**

Please limit clear cutting much more. Planting new trees will not restore biodiversity that existed.  
Once you got down older trees  
you degrade the ecosystem that took centuries to form with little human intervention.

There should be 30 day mandatory advance written notification to all neighbors for any logging operation, or helicopter/land pesticide spraying, including the name and type of spray used. The direction of the wind must not carry the said spray toward neighbor's property.

Mandatory clear markings of all trees to be "fell" within 200ft of neighbor's boundary.

To insure compliance and understanding of regulations, there should be mandatory inspection of timber operations of 10 acres or more by ODF Forester before, during and after the operations.

Mandatory biological survey by independent, certified biologist, at the expense of timber companies to determine presence of endangered species on any timber harvest operation greater than 30 acres, private or public land.

Chemicals used for pesticide spraying should be EPA approved based on long term research, 10 years or more.

No helicopter spraying within 10 mile radius of any neighbor's residence without their advance approval. Notification is not enough, said approval is required.

Thank You,  
Jukka Naukkarinen

**From:** Francesca Anton < >  
**Sent:** Thursday, September 29, 2022 8:19 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Private Forest Accord (PFA), and Senate Bills 1501 and 1502, proposed rule changes to Oregon Forest Practices Act (FPA)

Dear Committee and Support Staff,

First, let me thank you all, along with our Governor, Kate Brown, who has worked so hard to try to bring some sanity, in the form of accountability and transparency, at least, to the way we approach the (once) Pacific Northwest temperate rainforest biome humans have benefitted from for so many years, for all the work completed up to this date.

As a (now retired) science educator, farmer, business owner and devoted Oregon resident I have spent long years constantly interested in deepening my knowledge of Oregon's natural and human histories. We all know, without a doubt, that the history of logging in Oregon, like so many other human endeavors throughout our history, has been one of "Boom and Bust". Driven by a perceived outrageously "lucky" opportunity for easy wealth, human greed has led the way in terrorizing almost everything once healthy and abundant about the Pacific Northwest forests. It is glaringly obvious that, without intervention on the part of a few thoughtful state and federally elected government leaders, there would be nothing left for future generations by now. Even the title of "Private Forest Accord" is inaccurate and misleading. There are no *private forests*". There is only private (and some state-owned) **industrial timberland**.

I have watched the clear-cutting, even on steep mountainsides and down to the delicate stream waters, for years. I have walked through (yes, I know it's illegal) acreage of "private forestland" in many counties, just to see what happens when industrially-planted trees replace once, even moderately healthy forest. These areas are dank, dark and lifeless. The soil is depleted and no-longer able to support a healthy soil biome. Logging companies know that at some point they will no longer be able to grow "wood", as any trees planted will no longer grow fast enough to keep the corporate shareholders swimming in their expectation of good profits. We cannot EVER call these industrial woodlots "forests", and everytime I hear timber companies, who spend millions of dollars hiring their Public Relations professionals to sweeten their message, refer to private woodlots as forestland, I cringe, and am filled with sorrow for the children coming who are being robbed of a healthy Oregon.

Many people have documented this travesty on the part of the Timber Industry quite accurately, including the fact that this industry has had their hands around the necks of Oregonians and Oregon state government for years, making sure their profits are not disturbed, so there is no need for any of us to bore each other with additional diatribes.

So my humble request of this committee, which I believe is of absolute importance, is that this committee **formally acknowledge** the unnecessary abuse and neglect of both the natural and human communities in Oregon by the timber industry. Our young people, our rural communities who have been used up and spit out, our citizens who have been, and are currently being lied to, need to hear this. Our polluted and compromised waterways from the smallest to the largest, need to formally hear a deep apology, even though they cannot speak for themselves.

I know that the same abuse and neglect of land with trees happens on the part of private landowners also, and this is due to our ridiculous insistence that we should be able to wreck and abuse anything we own just because we are "free" to



do so, with no responsibility for what comes after. Because we Oregonians, as a whole, have not educated ourselves and stood up to this kind of thoughtless abuse and neglect in the form of demanding better care of the lands that support such incredible trees and wildlife, we are culpable also. It rarely, if ever, occurs to us as we drive into Home Depot, Parr Lumber, etc., that while we happily purchase the wood we so value, our Timber companies are not only abusing and neglecting Oregon lands for their own profit, but conducting business knowing that there isn't a future of decent wood for future generations. Many of us do the same on our own land. Still, our Timber industry needs to apologize to Oregonians for inappropriately abusing our government to maintain control of their own profits, and not taking a stand about helping us be better stewards ourselves.

This would be a good start to moving forward with clear eyes and heavy hearts, as we try, hopefully together, to be honest and forthright about what Oregon's future looks like. Despite climate scientists telling us loud and clear that a complete collapse is coming, we must attempt, as best as possible, to be stewards of a healing land. That means we MUST turn our focus away from profits. We MUST turn our focus to using our good science, along with a great humility, to how we can both have healthy and abundant, true, *forestlands*, and still provide some wood for human life, knowing that we have options we haven't used yet of other building materials that don't destroy our land and climate. Any other choice will bring us to a dead end. And not in the "distant" future, but sooner than we are completely unprepared for.

I now live in the Upper McKenzie River Valley. The Holiday Farm fire started just west of my 8 acres of abused and neglected old meandering river sandy loam that I am deeply involved in helping to heal. I'm doing this even tho' everything

I see around me speaks of collapse. The historic abuse of this valley since white settlers inhabited it is breathtaking, literally. When people aren't finding ways to benefit from this extraordinary river and environs, we have collectively treated it as

Public Enemy Number One. I'm talking about both individuals *and* timber companies. And it's still happening as I write this letter. Driving up and down Hwy 126 is depressing as Hell. And it didn't have to happen.

It turns out that Lane Electric Cooperative never established exactly WHO would attend a fire that started from downed electric lines up here. Can you imagine that this community never inquired about this, and with such a historically meager ability to deal with a fire caused by downed electric lines? Unbelievable. We all know now that industrial timberlands burn far faster and hotter than a healthy forest, and that's exactly what happened. We all know that a majority of people living up here allowed

their properties to become funeral pyres with all the crowded plant material, much of it invasive species, and their own "Junk" lying around, and many residents failed to purchase fire insurance!. We all have seen the clear-cut and mono-planted trees on the mountainsides, now covered by black stumps all the same diameter and height (and currently getting logged, leaving the ground hopelessly barren). We all know we have been warned for years by knowledgeable experts that we've been *courting with disaster* in the mismanagement of our forest and timberlands, and still, collectively, we did nothing. We have no one to blame but ourselves for this devastating fire.

This once unique and extraordinary river valley is just about finished, with the exception of the humble attempts of the McKenzie River Trust and a few others who are trying to bring some human sanity back. And even so, the timber interests have

actually been arrogant enough to CHARGE the McKenzie River Trust for land they have compromised and ravaged that the trust strives to help heal! I don't know how much worse it can get. But if the members of this accord can't face the truth

about the grave situation we face today, none of us should have any hope for a better future.

Thank you for your effort to give us Oregonians the chance to weigh in on this crucial topic. I hope something good and true comes from it.

Respectfully submitted, Francesca Anton  
54841 McKenzie River Drive, Blue River, Oregon 97413



541.822.1084

**APPEL Lisa M \* ODF**

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**From:** Kate Evans <[REDACTED]>  
**Sent:** Friday, September 30, 2022 5:43 AM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** ODF rule-making hearings for the Forest Practices Act

Sirs,

I support rule-making that puts the FPA agreement into rules that fully incorporate the agreement.

Kate Evans

**General Comment:** I support adoption of these rules as a key aspect of the implementation of the Private Forest Accord. Thank you for the opportunity for input.

**Specific and Technical Comments:**

**Rule 629-600-0100: (definition 24). Common Ownership; Look-through rules re SFO qualification & affiliates.** It is important for the Minimum Option for Small Forestland Owners ("SFOs") and other benefits intended for SFOs are in fact available for true SFOs. The rules should include terms by which a landowner, for purposes of qualification as an SFO, is deemed to hold interests held by its affiliates. That is, the statutory definition of "Common ownership" should be detailed in the rules to avoid manipulation by creating new LLCs or other entities to hold small acreages and qualify as SFOs. Specific suggestion follows (adding language in italics to current draft rule):

"Common ownership" means direct ownership by one or more individuals or ownership by a corporation, partnership, association, or other entity in which an individual owns a significant interest. *For purposes of these rules, common ownerships of an entity, by an entity, and otherwise affiliated with an entity shall be taken into account, including with respect to qualification as a small forestland owner and eligibility for SFISH and other programs.*

**Rule 629-600-0100 (definitions 124 and 125).** The definitions of "Small forestland" in definition 124 does not incorporate the entire definition of "Small forestland owner" in definition 125. This should be fixed so that definition 124 refers not only to acreage but also volume of harvest. Also, "person" as used in Definition 125 of "small forestland owner" should be replaced with "individual or entity".

**Rule 629-600-0100 (definition 138).** The definition of Stumpage value should include a date of valuation.

**Rule 629-607-0200: SFO Minimum Option.** The rules allowing SFOs to follow small forestland minimum option in the case of compelling and unexpected obligation should be expanded to make clear that a landowner's compelling and unexpected obligation can't be applied to more than one year in ten.

**Rule 629-607-0000: SFO Office.** The statute states that the SFO Office is to support programs associated with the Accord and also with other programs, partnerships and educational opportunities for SFOs. The rule (subsection (4) is narrower than the statute. It should clarify that programs under SB 762, for instance, will be included. Expand to include "other programs providing technical, funding, or other assistance to SFOs."

**Rule 629-603-0000 & ff. (Adaptive Management).** There should be a specific procedure for addressing any budget shortfalls and their affect on programs. This may belong in another place, but there should be a provision for addressing funding, budget, and appropriations issues in the future.

**Rule 629-605-0170 (Statutory and Non-Statutory Written Plans).** It is not clear why the word "Statutory" has been deleted in the heading of this section, and how this relates to the definitions of Statutory Written Plans and Non-Statutory Written Plans in the following sections.



September 29, 2022

Oregon Board of Forestry  
Private Forest Accord comments  
Emailed to: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov).

Dear Board of Forestry,

Thank you for improving protections for fish through the Private Forest Accord, the proposed administrative rule changes to the Oregon Forest Practices Act (OFPA) as directed by Senate Bills 1501 and 1502. It is long overdue. I have witnessed landslides and other sediment falling into fish-bearing streams from nearby clearcuts – all legal clearcuts.

The Private Forest Accord brings Oregon closer to our neighbors with more modern forest management practices that protect watersheds with endangered aquatic species. This rule-making is a step in the right direction. However, it doesn't go far enough. Please continue updating protections for watersheds, especially watersheds that supply Oregonians with drinking water.

The new rules to increase fish stream buffers, expand protections for steep slopes prone to landslides, and improve the road network are important. Thank you! Going forward, the Board must make sure that all parties are participating in the adaptive management process in good faith so that these rules can improve in the future.

One area of the OFPA that needs improvement is the 120-acre limit for clearcut openings. For post-fire logging this is relaxed, so we have seen entire sections clearcut after the Archie Creek fire. The fragile, burnt soils are laid bare for as far as the eye can see in some areas, with road-related landslides already impacting streams. These harmful logging practices allowed under the OFPA must be amended to better align with the best available science and to comply with the new PFA stream buffer rules.

I also encourage you to increase protections for all aquatic species, even those in Type N streams more than 1,150' from fish streams. I have a Type Np stream on my property that is further than 1,150' from a fish bearing stream. All of the wildlife that depend on water flowing in these streams should be protected from sediment, low water flows, clearcuts, and herbicide spraying. We have put trail cameras at our Type Np stream and have documented spotted owls, red legged frogs, red shoulder hawks, townsend's big-eared Bats, pacific giant salamanders, and other vulnerable species and species on Oregon's Conservation List.

When Seneca clearcut the headwaters of our stream, a High Landslide Hazard Location, the ODF came to our house to see if we would be impacted by the public safety regulations. They measured the height of our home above our creek. We were told we were safe because our home was 28' elevation above the creek, 8 feet above the danger zone of 20'. Therefore, we were assured, a landslide from the Seneca clearcut would not kill us. But no consideration was given to any of the wildlife using the creek that would be destroyed.

1

Thank you for improving some aspects of the Oregon Forest Practices Act, especially on fish-bearing streams. Next, please protect ALL streams that flow into fish-streams, more than a tiny 1,150 feet upstream.

Finally, I am not clear on why Oregon wants a Habitat Conservation Plan (HCP). This is expensive and will not improve anything. The OFPA has been allowing the "taking" of endangered fish for decades. Why now, with the proposal to increase protections for fish, is the expense of an HCP necessary? If you are going for an HCP to incidentally take fish, shouldn't you also get an HCP for the coastal marten or spotted owl? If you are going to spend taxpayer dollars for an HCP, why not include all endangered species impacted by private land logging?

Thank you for considering my comments.

Sincerely

Francis Eatherington  
Douglas County Oregon  
541-643-1309

**APPEL Lisa M \* ODF**

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**From:** erichmreeder@everyactioncustom.com on behalf of Erich Reeder  
<erichmreeder@everyactioncustom.com>  
**Sent:** Friday, September 30, 2022 1:21 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Support for Oregon Forest Stream Protections

Dear Chair Jim Kelly,

When considering adding new regulations to Oregon's forest laws, it is worth asking ourselves, why do we need any regulations at all? Why indeed do we even have a FPA? After all, is it not in the self-interest of all private owners of Oregon's forest lands to responsibly care for the lands and waters temporarily under their stewardship? To manage those forest lands so that the soils, streams, and forests remain healthy and productive?

Alas, experience teaches us when short term profits may be made despite long-term ecological damage we'll often go for the cash. So, regulations to protect Oregon's lands and waters are necessary, and must be updated when weak.

Thus, I am writing to express my support for the proposed administrative rule changes to the Forest Practices Act as directed by Senate Bills 1501 and 1502. It is a small step, but an important one, in a miles long journey we need to make conserving the magnificent forest lands, waters, and wildlife of Oregon. I urge you to continue to improve Oregon's forest laws so that community and environmental health are adequately balanced with sustainable logging.

There are 10 million acres of private forest in Oregon covering some of the most productive and significant forests in North America. The rivers, streams, and wetlands that are affected by the management of these forests are home to a diversity of fish and wildlife species, as well as downstream communities.

With the era of climate change already bringing more drought, wildfire, and stress to Oregon's forests, I ask that the Department and Board build on the success of the Accord. Please continue updating protections for forested watersheds as we learn more about what is needed to ensure clean, cold water for fish and wildlife, as well as all Oregonians.

As you know, the PFA is the product of decades of hard work by community members, organizers, and scientists calling for change and is the product of compromise between parties who have long been in conflict. This is the first major upgrade to Oregon's Forest Practices in decades and brings Oregon closer to the protections that have been standard practice in Washington and California for years.

The difficult tradeoffs in the Private Forest Accord make this the first of many steps to improve the state's logging standards to better protect clean, cold water for all Oregonians.

The new rules to increase stream buffers, expand protections for steep slopes prone to landslides, and ensure the road network does not cause excess sedimentation are critically important. This agreement is built on modeling and assumptions that spring from our current understanding of the science. It will be imperative going forward that the Board ensure all parties are participating in the adaptive management process in good faith so that these rules can evolve as our understanding of these complex systems increases.

To that point, the Board will also be faced with rulemaking in the coming years related to post-disturbance logging. With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended with the best available science to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

The changes contemplated by these rule updates are significant and there is no doubt that some will have difficulty adjusting to these new rules. I urge the Board to keep the pressure on ODF to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed. A huge part of the success of the PFA will hinge on the Oregon public trusting that logging operators are following these new rules and that ODF is protecting the public interest.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Mr. Erich Reeder  
41 Eastwood Dr Medford, OR 97504-7501



**From:** Sandy Duveen <[sduveen@odf.org](mailto:sduveen@odf.org)>  
**Sent:** Friday, September 30, 2022 5:31 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Subjects for Consideration

regarding the upcoming ODF regulations review:

I am writing to request that ODF implement regenerative practices in their approach to the timber industry. The writing is on the wall when we witness catastrophic events like hurricane Ian with increasing frequency. Besides the recognized role of fossil fuels' effects on catastrophic climatic events, it needs to be acknowledged that the industrial chemical industry, too, has wreaked havoc on the planet and its inhabitants. Including the soil.

What follows is a potential win-win solution that I believe needs to be considered in the new legislative bill.

"Since the 1930 s there has been a growing concern about the consequences of industrial agriculture — chemical-based agriculture and factory farming of animals — on human health. Intensive techno-agricultural practices of the last 70 years have taken their toll on American soil. The soil is depleted and poisoned with the toxic chemicals sprayed on them, which, in turn, poisons aquatic life and everything else in the food chain.

"Soil is one of our most important resources. A healthy, well-balanced soil is alive and crawling with microbes, fungi, worms, nematodes, small insects and rodents. Like the organs in the body, each performs a vital function necessary for the whole to survive.

"The relationship between plants [especially trees] and soil microbes is symbiotic. Plants make a nutritional food that attracts and sustains soil microbes. In return for this benefit, microbes produce chemical substances that stimulate plant growth and reproduction and help them resist extreme temperatures and drought.

Some fungi even secrete antibiotics or chemicals that inhibit the growth of pathogenic species. Working together in balance, they thrive. A healthy soil food web can protect plants and humans from the toxins that are being dumped into our environment. If microbes are present in the soil, they do their best to ingest and digest toxic chemicals into less harmful compounds. The bacteria *Bacillus laterosporus* and the fungal species *Phanerochete* are known degraders of 2,4-D and DDT.

"With the death of basic soil organisms, the system slips out of balance and pathogens proliferate. Plants become vulnerable to disease-producing organisms. Chemicals are applied. Organisms die or fight back and mutate. More chemicals are applied. The system is out of control.

"Optimum health and our resistance to disease is interconnected with the health of the soil, and the health of our planet. With soil and plants, we can co-create a sustainable and healthy environment that supports and nurtures all of life."

Excerpted from the article : *The Crucial Connection: Human Wellbeing Can Only Happen with Healthy Soils* by Jessie Emerson. The full article appears in the [September 2020 issue](#) of the *Acres U.S.A.* magazine.

**POST SCRIPT: The use of rodenticides needs to be outlawed absolutely. Dead and dying rodents are known to be fodder for many species on the food chain, including the Northern Spotted Owl, which will ultimately become extinct.**

**APPEL Lisa M \* ODF**

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**From:** billkucha@everyactioncustom.com on behalf of William Kucha <billkucha@everyactioncustom.com>  
**Sent:** Friday, September 30, 2022 6:09 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Please comprehensively implement strong new PFA rules to protect our forests!

Dear Forestry Board,

I am writing to express my support for the Private Forest Accord agreement and the comprehensive rule changes within it that amend our state's logging regulations to offer greater protection for ecosystems and at-risk species. I urge you to steadfastly continue improving Oregon's logging laws to safeguard vulnerable communities and the health of our state's forest lands from the consequences of irresponsible and unsustainable industrial logging.

The PFA agreement between environmental groups and timber companies was decades in the making, and implementing the new rules laid out by this compromise signals a major advance in Oregon's forest conservation practices, finally amending our lax logging laws to diminish climate impacts on forest ecosystems and threatened species.

New rules put in place by the PFA to increase distance buffers between logging sites and aquatic streams, expand preventative measures for logging on highly prone to landslides, and install road building guidelines that put an end to excess sedimentation and runoff to nearby ecosystems are all vital for the preservation of our forests. Extensive scientific research went into determining these rules, and as the climate changes, we must change our state's industrial logging practices to diminish the impacts of climate change on the incredible forests that Oregon is known for.

While implementing the updated PFA rules for loggers on the ground offers considerable benefit to endangered species, and aquatic habitats there is still much work to be done in the protection of our forests. I encourage you to continue doing all you can to conserve our state's public forest lands from the pollution and destruction of big timber, as there are still many changes that must be made before Oregon's logging practices can even begin to be considered truly "sustainable." Further, if the PFA rules are passed, we must continually monitor big timber's implementation and observance of these rules, and keep up the pressure towards logging companies and landowners to adjust their industrial logging practices in more climate-friendly ways.

Thank you.

Sincerely,  
William Kucha  
3673 Otter Crest Loop Depoe Bay, OR 97341-9779

*Roger Sabbadini, Ph.D.*

3124 NW Quiet Rider Lane Bend, Oregon 97703

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Date: September 29, 2022

Via Email: [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov)

To: Attn: PFA - Christina Helige  
Oregon Department of Forestry  
Forest Resources Division  
2600 State St. Bldg. D  
Salem, OR 97310-0340

RE: Testimony on Private Forest Accord rulemaking

Dear Ms. Helige:

I am in full-support of the Private Forest Accord (PFA) in its goals to establish comprehensive rulemaking in implementing the ground-breaking PFA that was passed in the last legislative short session. In general, rulemaking as outlined in the Private Forest Accord Report has achieved a good first start.

However, I have some issues with the compliance and enforcement provisions outlined in the Private Forest Accord Report (the Report) on rulemaking.

According to the Compliance and Monitoring Program (CMP) outlined in the Report, The Board of Forestry (the Board) is charged with oversight of the PFA to ensure that implementation of the PFA is in conformance with the Habitat Conservation Plan (HCP) and the Oregon Forest Practices Act (Report, p 123). The CMP reports to the Board and to the Legislature. Despite my reservations regarding deficiencies in the Forest Practices Act, I believe that the mandate CMP is reasonable.

I have some problems with the membership composition of the Adaptive Management Plan Committee (AMPC) which will do the real work of assessing compliance and enforcement according to the CMP (outlined beginning on p. 133 of the Report). Of the ten proposed members of the Committee, only one position is represented by a conservation group, and one position is to be held by a tribal person. Many of the other voting members have potential conflicts of interest such as the landholder community, timber industry stakeholders, and small forest landowners. There is not one scientist who would be a voting member of the Committee. Regarding scientific input, the Committee is charged with nominating to the Board, people who would serve on the Independent Research Science Team (IRST) (Report, p. 135). However, the IRST is charged only with "research projects that the AMPC prioritizes and delineates." As such, the IRST does not participate in compliance and enforcement and its composition is subject to biases and economic interests of the Committee composition. Thus, both the AMPC and IRST are lacking independent scientific input on rulemaking, compliance, and enforcement. As such,



the plan is terribly flawed in that forests, wildlife, and streams may not be adequately protected due to lack of oversight by forest ecologists, fish biologists, and limnologists.

Regarding the enforcement provisions outlined beginning on p. 127, my overall concern is that the PFA will be an empty shell of a law if private landowners are not held accountable for violations of the rules. I was quite disturbed by the opening statement on enforcement that says, "ODF lacks staffing and statutory authority to adequately enforce laws and rules." It goes on to say that education of landowners and other stakeholders (presumably the timber industry) will be the "foundational component" of enforcement. Firstly, there will be no penalties or sanctions if there is inadequate monitoring of compliance. In addition, the penalties that are anticipated are entirely inadequate in deterring violators from harvesting timber in violation of the PFA and FPA. Remote sensing is identified as a principal method to identify violators. The ORF is charged with enforcement, but only three FTEs are assigned to the task with only one of the three FTEs specifically charged with enforcement (Report, p. 130). This lack of sufficient human resources devoted to enforcement will not ensure compliance with the rules.

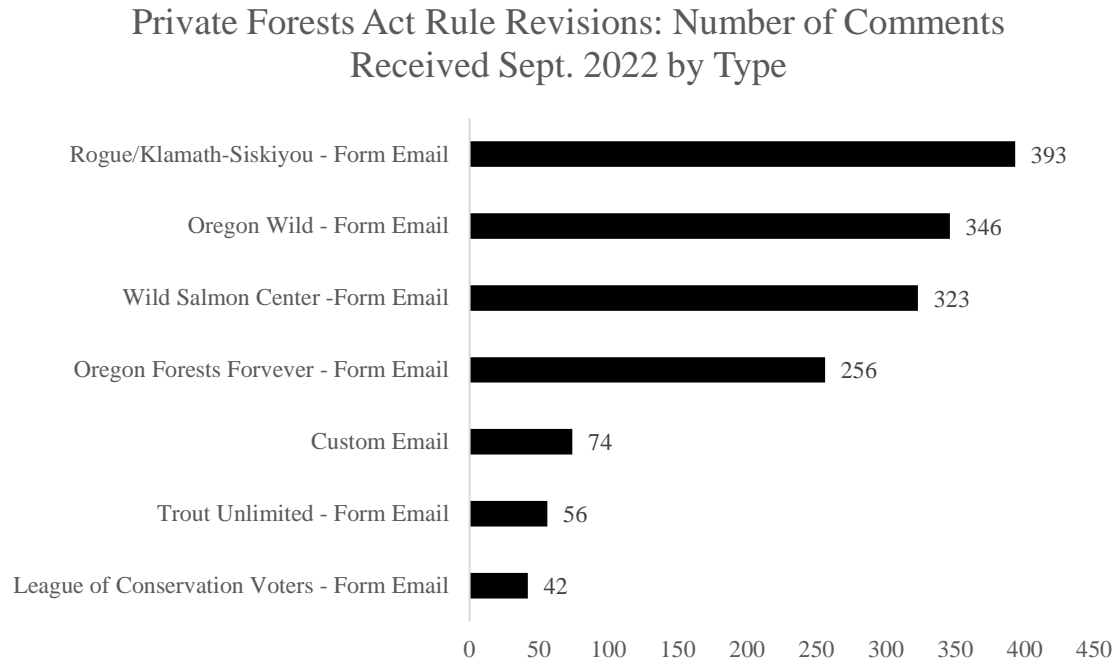
Sincerely,

Roger Sabbadini, Ph.D.  
Emeritus Distinguished Professor of Biology  
San Diego State University  
3174 NW Quiet River Lane  
Bend, Oregon 97703  
619 787-0570 (cell)

## 9. Advocacy Email

The agency received several “form” advocacy emails that appeared to be facilitated by conservation organizations in support of the proposed rules. Figure 1 provides an overview of comments received in this format. Examples of those emails follow.

**Figure 2: Overall Comments Received by Type**



The following pages provide an example of a “form” email that appears to be from supporters of Rogue Riverkeeper and Klamath-Siskiyou Wildlands Center, of which the agency received approximately 393 copies from distinct email addresses.

**APPEL Lisa M \* ODF**

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**From:** klsbkr777@everyactioncustom.com on behalf of Kelsey Baker <klbkr777@everyactioncustom.com>  
**Sent:** Wednesday, September 21, 2022 6:57 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Support for Oregon Forest Stream Protections

Dear Chair Jim Kelly,

I am writing to express my support for the proposed administrative rule changes to the Forest Practices Act as directed by Senate Bills 1501 and 1502. I urge you to continue to improve Oregon's forest laws so that community and environmental health are adequately balanced with sustainable logging.

There are 10 million acres of private forest in Oregon covering some of the most productive and significant forests in North America. The rivers, streams, and wetlands that are affected by the management of these forests are home to a breadth of fish and wildlife species, as well as downstream communities.

The Private Forest Accord brings Oregon much closer to the mainstream of modern forest management practices that protect watersheds with endangered aquatic species. These are by and large practices that have been in place in Washington and California for over two decades.

With the era of climate change already bringing more drought, wildfire, and stress to Oregon's forests, I ask that the Department and Board build on the success of the Accord. Please continue updating protections for forested watersheds as we learn more about what is needed to ensure clean, cold water for fish and wildlife, as well as all Oregonians.

As you know, the PFA is the product of decades of hard work by community members, organizers, and scientists calling for change and is ultimately the product of compromise between parties who have long been in conflict. This is the first major upgrade to Oregon's Forest Practices in decades and brings Oregon closer to the protections that have been standard practice in Washington and California for years.

The difficult tradeoffs in the Private Forest Accord make this the first of many steps to improve the state's logging standards to better protect clean, cold water for all Oregonians.

The new rules to increase stream buffers, expand protections for steep slopes prone to landslides, and ensure the road network does not cause excess sedimentation are critically important. This agreement is built on modeling and assumptions that spring from our current best understanding of the science. It will be imperative going forward that the Board ensure all parties are participating in the adaptive management process in good faith so that these rules can evolve as our understanding of these complex systems increases.

To that point, the Board will also be faced with rulemaking in the coming years related to post-disturbance logging. With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended to comport with the best available science and to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

The changes contemplated by these rule updates are significant and there is no doubt that some will have a steep learning curve to adjust to these new rules. I urge the Board to keep the pressure on the Oregon Department of Forestry to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed. A huge part of the success of the PFA will hinge on the Oregon public trusting that logging operators are following these new rules and that ODF is protecting the public interest.

Thank you for your service on the Board and to Oregon.

Sincerely,

Ms. Kelsey Baker

2310 NE 8th Ave Apt 1 Portland, OR 97212-3860



This page provides an example of a “form” email that appears to be from supporters of Oregon Wild, of which the agency received approximately 346 copies from distinct email addresses.

**APPEL Lisa M \* ODF**

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**From:** chmackie1948@everyactioncustom.com on behalf of Craig Mackie <chmackie1948@everyactioncustom.com>  
**Sent:** Tuesday, September 06, 2022 1:01 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Approve new PFA rules and continue to push for more sustainable private forest rules

Dear Chair Jim Kelly,

I am writing today in support of the comprehensive rule changes proposed as part of the implementation of the Private Forest Accord and to urge you to continue to improve Oregon’s forest laws so that community and environmental health are adequately balanced with sustainable logging.

As you know, the PFA is the product of decades of hard work by community members, organizers, and scientists calling for change and is ultimately the product of compromise between parties who have long been in conflict. This is the first major upgrade to Oregon’s Forest Practices in decades and brings Oregon closer to the protections that have been standard practice in Washington and California for years.

The difficult tradeoffs in the Private Forest Accord make this the first of many steps to improve the state’s logging standards to better protect clean, cold water for all Oregonians.

The new rules to increase stream buffers, expand protections for steep slopes prone to landslides, and ensure the road network does not cause excess sedimentation are critically important. This agreement is built on modeling and assumptions that spring from our current best understanding of the science. It will be imperative going forward that the Board ensure all parties are participating in the adaptive management process in good faith so that these rules can evolve as our understanding of these complex systems increases.

To that point, the Board will also be faced with rulemaking in the coming years related to post-disturbance logging. With fire an increasing factor in forests across Oregon, it is very important that the Board ensure harmful post-fire logging practices currently allowed under the OFPA are amended to comport with the best available science and to match the intent of the new PFA stream buffer rules. Stricter standards will ensure that clean water and communities are protected from harmful logging practices after wildfires.

The changes contemplated by these rule updates are significant and there is no doubt that some will have a steep learning curve to adjust to these new rules. I urge the Board to keep the pressure on the Oregon Department of Forestry to conduct the proper landowner education and to take seriously their role as the enforcement entity charged with ensuring these rules are followed. A huge part of the success of the PFA will hinge on the Oregon public trusting that logging operators are following these new rules and that ODF is protecting the public interest.

Thank you for your service on the Board and to Oregon.

Sincerely,  
Mr. Craig Mackie  
PO Box 636 Camp Sherman, OR 97730-0636

This page provides an example of a “form” email that appears to be from supporters of Wild Salmon Center, of which the agency received approximately 323 copies from distinct email addresses.

Dear Oregon Board of Forestry,

I am writing to express my support for the Private Forest Accord agreement and the comprehensive rule changes within it that amend our state’s logging regulations to offer greater protection for ecosystems and at-risk species. I urge you to steadfastly continue improving Oregon’s logging laws to safeguard vulnerable communities and the health of our state’s forest lands from the consequences of irresponsible and unsustainable industrial logging.

The PFA agreement between environmental groups and timber companies was decades in the making, and implementing the new rules laid out by this compromise signals a major advance in Oregon’s forest conservation practices, finally amending our lax logging laws to diminish climate impacts on forest ecosystems and threatened species.

New rules put in place by the PFA to increase distance buffers between logging sites and aquatic streams, expand preventative measures for logging on highly prone to landslides, and install road building guidelines that put an end to excess sedimentation and runoff to nearby ecosystems are all vital for the preservation of our forests. Extensive scientific research went into determining these rules, and as the climate changes, we must change our state’s industrial logging practices to diminish the impacts of climate change on the incredible forests that Oregon is known for.

While implementing the updated PFA rules for loggers on the ground offers considerable benefit to endangered species, and aquatic habitats there is still much work to be done in the protection of our forests. I encourage you to continue doing all you can to conserve our state’s public forest lands from the pollution and destruction of big timber, as there are still many changes that must be made before Oregon’s logging practices can even begin to be considered truly “sustainable.” Further, if the PFA rules are passed, we must continually monitor big timber’s implementation and observance of these rules, and keep up the pressure towards logging companies and landowners to adjust their industrial logging practices in more climate-friendly ways.

Thank you.

The following pages provide an engagement summary report from Oregon Forests Forever with examples of messages from 256 of their supporters.



October 3, 2022

To: [boardofforestry@odf.oregon.gov](mailto:boardofforestry@odf.oregon.gov); [sb1501.rulemaking@oregon.gov](mailto:sb1501.rulemaking@oregon.gov).

**RE: Support for draft Private Forest Accord rules**

Please see attached list of 256 Oregonians sent to the Oregon Department of Forestry and the Oregon Board of Forestry during the September 2022 comment period by Oregonians in support of the draft rules changes that resulted from the Private Forest Accord legislation, SB 1501. A summary of their comments can be found below.

- The agreement protects water quality and wildlife habitat for generations to come and is an example of how opposing sides can work together on viable solutions to some of the toughest problems facing Oregonians today.
- Please pass these rules as drafted to ensure this rare compromise is complete so we can turn the page on the Timber Wars of the past.
- Compromise isn't easy. This agreement comes with a significant price tag for the timber industry and those who depend on our forests. But the sacrifice is worth it as it puts decades of fighting to rest and creates certainty for the forestry industry and the tens of thousands of family-wage jobs it supports.
- The agreement sets forth an important new framework for how future water-related changes to Oregon's forest practices will be made that incorporates a robust and thoroughly vetted scientific process – and importantly, it ensures timber voices remain at the table when those changes are considered
- The agreement will protect a stable forest products sector, family-wage jobs, ample recreation opportunities and management options that reduce wildfire risks.

In addition to the full list of names, we have also attached a few sample comments.

We ask that you please hear their request.

Sara Duncan  
Oregon Forests Forever

*Oregon Forests Forever is growing statewide coalition of individuals, organizations and businesses – led by the Oregon Forest & Industries Council — who support active, sustainable management of Oregon's forests.*

| Submitted       | First Name | Last Name  | Email | City          | State | Zipcode |
|-----------------|------------|------------|-------|---------------|-------|---------|
| 9/30/2022 18:25 | Gregory    | Stinson    |       | Gresham       | OR    | 97080   |
| 9/30/2022 2:30  | MORGAN     | MCNAUGHTAN |       | Salem         | OR    | 97301   |
| 9/29/2022 20:13 | Billie     | Unruh      |       | Eugene        | OR    | 97404   |
| 9/29/2022 13:35 | Alice      | Knapp      |       | Baker City    | OR    | 97814   |
| 9/29/2022 8:27  | Frances    | Bandelman  |       | Roseburg      | OR    | 97470   |
| 9/28/2022 22:02 | Steven     | Dietrich   |       | Gresham       | OR    | 97030   |
| 9/28/2022 19:34 | Susan      | Ellison    |       | Florence      | OR    | 97439   |
| 9/28/2022 17:58 | judiths    | seltzer    |       | Grants Pass   | OR    | 97526   |
| 9/28/2022 17:46 | Bruce      | Alber      |       | Portland      | OR    | 97203   |
| 9/28/2022 17:38 | Doris      | Bedsole    |       | Happy Valley  | OR    | 97086   |
| 9/28/2022 16:51 | Jerry      | Lackner    |       | Lyons         | OR    | 97358   |
| 9/28/2022 16:20 | Jeanne     | Olson      |       | Creswell      | OR    | 97426   |
| 9/28/2022 13:32 | Lloyd      | Wilson     |       | Vernonia      | OR    | 97064   |
| 9/28/2022 8:09  | Annett     | Berger     |       | Portland      | OR    | 97239   |
| 9/28/2022 6:00  | Tom        | Benedict   |       | Florence      | OR    | 97439   |
| 9/28/2022 5:28  | Holly      | Thomas     |       | Winchester    | OR    | 97495   |
| 9/28/2022 4:19  | Kimberly   | Parish     |       | Grants Pass   | OR    | 97526   |
| 9/28/2022 3:35  | Cassandra  | Mendoza    |       | Hillsboro     | OR    | 97124   |
| 9/28/2022 2:57  | Arlon      | Solomon    |       | Dallas        | OR    | 97338   |
| 9/28/2022 2:22  | Bret       | MAHONEY    |       | Central Point | OR    | 97502   |
| 9/28/2022 1:50  | Tod        | Jones      |       | Eugene        | OR    | 97402   |
| 9/28/2022 1:47  | Patty      | Gooderham  |       | La Grande     | OR    | 97850   |
| 9/28/2022 1:18  | Maxine     | Schwartz   |       | Portland      | OR    | 97202   |
| 9/28/2022 1:00  | Gary       | Herge      |       | Troutdale     | OR    | 97060   |
| 9/28/2022 0:48  | John       | Coppoletti |       | Amity         | OR    | 97101   |
| 9/28/2022 0:26  | Linda      | Williamson |       | Cottage Grove | OR    | 97424   |
| 9/28/2022 0:08  | Bret       | MAHONEY    |       | Central Point | OR    | 97502   |
| 9/28/2022 0:04  | Elizabeth  | Campbell   |       | West Linn     | OR    | 97068   |
| 9/27/2022 23:40 | Chester    | epperson   |       | Forest Grove  | OR    | 97116   |
| 9/27/2022 23:09 | Jessie     | Godden     |       | Prospect      | OR    | 97536   |
| 9/27/2022 22:58 | Ed         | Casey      |       | Tualatin      | OR    | 97062   |
| 9/27/2022 22:33 | William    | Foust      |       | White City    | OR    | 97503   |
| 9/27/2022 22:18 | karen      | reed       |       | Eugene        | OR    | 97402   |

|                 |                 |               |  |               |    |       |
|-----------------|-----------------|---------------|--|---------------|----|-------|
| 9/27/2022 22:01 | JANIS           | HANCOCK       |  | Eugene        | OR | 97405 |
| 9/27/2022 21:35 | Brian           | Conover       |  | McMinnville   | OR | 97128 |
| 9/27/2022 21:19 | Karla           | Kirchner      |  | Florence      | OR | 97439 |
| 9/27/2022 21:08 | Marlene         | Gleason       |  |               |    |       |
| 9/27/2022 21:03 | Cheryl          | Anderson      |  | Silverton     | OR | 97381 |
| 9/27/2022 21:00 | Judy            | Anderson      |  | Cottage Grove | OR | 97424 |
| 9/27/2022 20:44 | John            | Ward          |  | Klamath Falls | OR | 97603 |
| 9/27/2022 20:41 | Brittany        | Kilmer        |  | Springfield   | OR | 97478 |
| 9/27/2022 20:39 | Donald          | Stone         |  | Florence      | OR | 97439 |
| 9/27/2022 20:32 | Dyann           | Shaver        |  | Madras        | OR | 97741 |
| 9/27/2022 20:25 | Larry and Carol | Larson        |  | McMinnville   | OR | 97128 |
| 9/27/2022 20:24 | Clark           | Nelson        |  | Lake Oswego   | OR | 97035 |
| 9/27/2022 20:18 | Dan             | Connolly      |  | Springfield   | OR | 97477 |
| 9/27/2022 20:13 | Joseph          | Kovich        |  |               |    |       |
| 9/27/2022 20:01 | Kristin         | Rasmussen     |  | Portland      | OR | 97203 |
| 9/27/2022 20:00 | Brian           | Vick          |  | Bandon        | OR | 97411 |
| 9/27/2022 19:51 | Donna           | Grubbs        |  |               |    |       |
| 9/27/2022 19:44 | John            | Ernst         |  | Gilchrist     | OR | 97737 |
| 9/22/2022 3:36  | Melissa         | Fullerton     |  | Summerville   | OR | 97876 |
| 9/19/2022 3:28  | Jeff            | Gottfried     |  | Corvallis     | OR | 97333 |
| 9/17/2022 15:12 | Jerry           | Chetock       |  | Salem         | OR | 97305 |
| 9/16/2022 21:47 | Megan           | Vanderpool    |  | Drain         | OR | 97435 |
| 9/16/2022 14:46 | nigel           | Bray          |  | Beavercreek   | OR | 97004 |
| 9/16/2022 14:00 | John            | Mergl         |  | Philomath     | OR | 97370 |
| 9/16/2022 8:28  | Sue             | May           |  | Salem         | OR | 97302 |
| 9/16/2022 3:13  | Nicholas        | Martin        |  | Philomath     | OR | 97370 |
| 9/15/2022 19:39 | Stacey          | Bowman        |  | Harrisburg    | OR | 97446 |
| 9/15/2022 18:55 | Edwin           | Cochran       |  | Dairy         | OR | 97625 |
| 9/15/2022 17:12 | Gail            | Rosenquist    |  | Salem         | OR | 97305 |
| 9/15/2022 15:52 | Jim             | nylund        |  | Springfield   | OR | 97478 |
| 9/15/2022 14:42 | Ruth Anne       | Fackler       |  | Estacada      | OR | 97023 |
| 9/15/2022 8:54  | Paulette        | Switzer-Tatum |  | Beaverton     | OR | 97078 |
| 9/15/2022 6:18  | Deborah         | Swenson       |  | Tangent       | OR | 97389 |
| 9/15/2022 5:46  | Daniel          | Radke         |  | Portland      | OR | 97220 |



9/15/2022 3:12 Estella Kissell  
 9/15/2022 3:10 Ralph Wiley  
 9/15/2022 2:05 christine hurd  
 9/14/2022 23:57 Lise Hull  
 9/14/2022 22:31 Wendy Hart  
 9/14/2022 21:57 Clark Nelson  
 9/14/2022 21:55 Tim Teal  
 9/14/2022 21:51 Deborah Loftis  
 9/14/2022 21:14 Ronald Paul Paul  
 9/14/2022 19:48 Debbi Weiler  
 9/14/2022 19:11 Deborah Lackowitz  
 9/14/2022 18:45 Patrick Parker  
 9/14/2022 18:41 David Gould  
 9/14/2022 17:30 Pamela Collord  
 9/14/2022 16:48 Carol Lofgren  
 9/14/2022 16:35 Richard W.Ziegler  
 9/14/2022 16:32 Denise Cohen  
 9/14/2022 16:31 John McMurtray  
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 9/14/2022 16:30 Pavla Zakova-Laney  
 9/14/2022 16:26 Terry Silbernagel  
 9/14/2022 16:17 chuck mihevc  
 9/14/2022 16:15 Keith Galitz  
 9/14/2022 16:07 Monte Gingerich  
 9/14/2022 16:02 TAMMY FLEMING  
 9/14/2022 15:54 Jacquelin Muro  
 9/14/2022 15:46 Rachel Janzen  
 9/14/2022 15:32 John Glen  
 9/14/2022 15:31 Ulrich Lau  
 9/14/2022 15:31 John Glen  
 9/14/2022 15:31 Connie Hoskin  
 9/14/2022 15:28 Karen Roldan  
 9/14/2022 15:28 sandy kammeijer  
 9/13/2022 19:28 B Bond Starker

Coquille OR 97423  
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 Dallas OR 97338  
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 Newport OR 97365  
 Blodgett OR 97326  
 Canby OR 97013  
 Scio OR 97374  
 North Bend OR 97459  
 Portland OR 97267  
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 Coos Bay OR 97420  
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 Scappoose OR 97056  
 Salem OR 97317  
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 Corvallis OR 97333  
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 Happy Valley OR 97086  
 Warrenton OR 97146  
 Bandon OR 97411  
 Warrenton OR 97146  
 Elgin OR 97827  
 Saint Helens OR 97051  
 Lake Oswego OR 97035  
 Corvallis OR 97333

9/12/2022 2:34 Karen Holder  
 9/10/2022 4:13 Amy Strommer  
 9/8/2022 14:10 William Hales  
 9/8/2022 0:05 Valerie Conner  
 9/7/2022 22:28 Connie Ronda  
 9/7/2022 21:29 Robert Teran  
 9/7/2022 15:14 Nancy Johnson  
 9/7/2022 2:21 rachel paul  
 9/6/2022 20:35 Beverly Lousignont  
 9/5/2022 23:08 John Tupper  
 9/5/2022 18:13 Kenneth Swartout  
 9/5/2022 16:55 Susan Wood  
 9/5/2022 0:14 Gary Whitaker  
 9/4/2022 16:08 Pamela Schossau  
 9/4/2022 15:27 Martha Vest  
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 9/3/2022 22:45 Dyane Lloyd  
 9/3/2022 22:17 Marnie Jeffers  
 9/3/2022 22:17 Renee Clark  
 9/3/2022 22:10 Carl Schock  
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 9/3/2022 5:12 Ken Barrios  
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 9/3/2022 0:21 Melissa Hathaway  
 9/2/2022 21:22 David Gratke  
 9/2/2022 17:09 Matt Bjornn  
 9/2/2022 13:04 Fauna Fauth  
 9/2/2022 12:44 Collin Edwards  
 9/2/2022 8:24 Sydney Layton  
 9/2/2022 5:32 Bacilio Miguel  
 9/2/2022 3:43 Sarah Burton  
 9/2/2022 3:36 Jean Troudt

Salem OR 97317  
 Coquille OR 97423  
 Pendleton OR 97801  
 Medford OR 97504  
 Tillamook OR 97141  
 La Grande OR 97850  
 Springfield OR 97478  
 Newberg OR 97132  
 Astoria OR 97103  
 Monmouth OR 97361  
 Hillsboro OR 97123  
 Portland OR 97222  
 Springfield OR 97477  
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 Portland OR 97224  
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 Merlin OR 97532  
 Lyons OR 97358  
 Rainier OR 97048  
 Portland OR 97230  
 Cottage Grove OR 97424  
 Cloverdale OR 97112  
 Sublimity OR 97385  
 Hillsboro OR 97123  
 Cornelius OR 97113  
 Tigard OR 97224

9/2/2022 3:25 Nan  
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Salem OR 97302  
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 Swisshome OR 97480  
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 Springfield OR 97477  
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 Corvallis OR 97333  
 Yamhill OR 97148  
 Phoenix OR 97535  
 Lebanon OR 97355  
 Portland OR 97220  
 Roseburg OR 97471

9/1/2022 19:07 Bil  
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Salem OR 97317  
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 Portland OR 97222  
 Trail OR 97541  
 LA Pine OR 97739  
 Post OR 97752  
 Mulino OR 97042  
 Jefferson OR 97352  
 Oregon City OR 97045  
 Gresham OR 97030  
 Sublimity OR 97385  
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 Brookings OR 97415  
 Vida OR 97488  
 North Plains OR 97133  
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 Central Point OR 97502

9/1/2022 16:38 Michael Query  
 9/1/2022 16:36 Jen Hamaker  
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 9/1/2022 16:27 Prof Dave White  
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 9/1/2022 16:21 Judith Mosteller  
 9/1/2022 16:18 Pat Finley  
 9/1/2022 16:17 Linda Hartig  
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 9/1/2022 16:15 Marjorie Ackerman  
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 9/1/2022 16:11 GEORGE PARHAM  
 9/1/2022 16:09 Linda Barrett  
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 9/1/2022 16:02 William J Wiggins  
 9/1/2022 16:00 Anna Holub  
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 9/1/2022 15:44 Kate Bolinger  
 9/1/2022 15:42 jason hunton  
 9/1/2022 15:40 Diane Ferguson  
 9/1/2022 15:39 Jennifer Miller

Salem OR 97305  
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 Coquille OR 97423  
 Portland OR 97229  
 McMinnville OR 97128  
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 Roseburg OR 97470  
 Newport OR 97365  
 Gold Beach OR 97444  
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 Junction City OR 97448  
 Central Point OR 97502  
 Sheridan OR 97378

9/1/2022 15:39 Yvonne Brod  
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 9/1/2022 15:36 Brian Schorzman  
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 9/1/2022 15:35 Bethany Dengler-Germain  
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 9/1/2022 15:30 Juan Martin Ruiz Ortiz  
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 9/1/2022 15:27 dorinda kelley  
 9/1/2022 15:27 Kurt Spak  
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 9/1/2022 15:26 Dianna Paz  
 9/1/2022 15:26 Kurt Spak  
 9/1/2022 15:25 Donald Wirth

Portland OR 97224  
 Forest Grove OR 97116  
 Gresham OR 97080  
 Springfield OR 97478  
 Corvallis OR 97333  
 Portland OR 97219  
 Lake Oswego OR 97034  
 Portland OR 97221  
 Eugene OR 97408  
 Salem OR 97301  
 Corbett OR 97019  
 Beaverton OR 97007  
 Rhododendron OR 97049  
 Portland OR 97213  
 Portland OR 97206  
 Bandon OR 97411  
 Springfield OR 97478  
 Portland OR 97206  
 Tangent OR 97389

Dear Board of Forestry,

I am reaching out to voice my support for the draft rule changes to the Oregon Forest Practices Act that were a result of the Private Forest Accord.

As someone who supports compromise, I was pleased to see that the decades of fighting between groups could end, and Oregonians will have some certainty around the management of our private forest lands.

In support of clean water, jobs and healthy forests, I ask that you support these rules changes as written.

I am convinced we thin and log our forests or we watch them burn. I am really upset that Portland Beauracrats let an 8,000 acre fire burn for a month before it blew up to over 100,000. I am not buying the "It was in a steep area" They let it burn and lost a chunk of Willamette National forests! Will they salvage the Timber or let it rot on the stump? Rest in Peace Waldo Lake Wilderness

Thank you,

Janice Hancock, Eugene

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Dear Board of Forestry,

With the exception of the taking of 50 feet on both side of a waterway, as an Oregonian I support the draft rules for implementing the Private Forest Accord.

These rules will ensure that Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon. The rules are a balanced approach to support both conservation and economic viability for Oregon's rural communities, which in turn is good for all of Oregon.

Oregonians are ready to leave behind the years of fighting and litigation that have threatened our rural communities for decades. Please adopt the proposed rules as written and support a new era of forestry in Oregon.

Thank you.

Robert Siegmund, Eugene

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Dear Board of Forestry,

I support for the draft rule changes to the Oregon Forest Practices Act that were a result of the Private Forest Accord.

Some certainty regarding the management of our private forest lands should help land and resource managers make mutually beneficial decisions.

In support of clean water, jobs and healthy forests, I ask that you support these rules changes as written.



Thank you.

Linda Barrett, Bonanza

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Dear Board of Forestry,

As an Oregonian I support the draft rules for implementing the Private Forest Accord.

These rules will ensure that Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon. The rules are a balanced approach to support both conservation and economic viability for Oregon's rural communities, which in turn is good for all of Oregon.

Oregonians are ready to leave behind the years of fighting and litigation that have threatened our rural communities for decades. Please adopt the proposed rules as written and support a new era of forestry in Oregon.

As a professional forester and consulting arborist for over 40 years I support this compromise.

Thank you,

David D. Hunter, Forest Grove

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Dear Board of Forestry,

As an Oregonian I support the draft rules for implementing the Private Forest Accord.

These rules will ensure that Oregon's forests and timber industry remain healthy and continue to support tens of thousands of family wage jobs in rural Oregon. The rules are a balanced approach to support both conservation and economic viability for Oregon's rural communities, which in turn is good for all of Oregon.

Oregonians are ready to leave behind the years of fighting and litigation that have threatened our rural communities for decades. Please adopt the proposed rules as written and support a new era of forestry in Oregon.

Manage to reduce fire hazard and for yield of saw able timber.

Thank you,

Donald Wirth, Tangent

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This page provides an example of a “form” email that appears to be from supporters of Trout Unlimited, of which the agency received approximately 56 copies from distinct email addresses.

**APPEL Lisa M \* ODF**

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**From:** Chuck Gehling <user@votervoice.net>  
**Sent:** Wednesday, September 14, 2022 12:51 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Forest Practices Act rule revisions

Dear Chair Kelly,

Thank you for the opportunity to comment on the rulemaking process for the Oregon Private Forest Accord. I urge the Board of Forestry to approve the draft administrative rules presented to the Board on August 24, 2022, in order to align the Forest Practices Act rules with the Private Forest Accord Report.

I support the Private Forest Accord and proposed administrative rules because the new framework will: (i) significantly increase riparian buffers for logging near streams (whether or not fish are present), (ii) invest millions of dollars annually in a fund to improve aquatic habitat and protect water quality, (iii) add protections against erosion of steep slopes in logging areas, (iv) create a new system for cataloguing - and then completing - road system and fish passage improvement projects to benefit aquatic species and water quality, and (v) establish a new adaptive management program to better inform resource managers about resource management on private lands.

The Private Forest Accord brings much needed updates to Oregon's logging rules for private forest lands. I encourage you to approve the rules so that we can fully implement the Private Forest Accord.

Sincerely,

Chuck Gehling  
1613 Freedom Loop  
Hood River, OR 97031

This page provides an example of a “form” email that appears to be from supporters of League of Conservation Voters, of which the agency received approximately 42 copies from distinct email addresses.

**APPEL Lisa M \* ODF**

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**From:** rosegerstner@everyactioncustom.com on behalf of Rosemarie Gerstner  
<rosegerstner@everyactioncustom.com>  
**Sent:** Friday, September 16, 2022 3:17 PM  
**To:** RULEMAKING Sb1501 \* ODF  
**Subject:** Please comprehensively implement strong new PFA rules to protect our forests!

Dear Forestry Board,

I am writing to express my support for the Private Forest Accord agreement and the comprehensive rule changes within it that amend our state's logging regulations to offer greater protection for ecosystems and at-risk species. I urge you to steadfastly continue improving Oregon's logging laws to safeguard vulnerable communities and the health of our state's forest lands from the consequences of irresponsible and unsustainable industrial logging.

The PFA agreement between environmental groups and timber companies was decades in the making, and implementing the new rules laid out by this compromise signals a major advance in Oregon's forest conservation practices, finally amending our lax logging laws to diminish climate impacts on forest ecosystems and threatened species.

New rules put in place by the PFA to increase distance buffers between logging sites and aquatic streams, expand preventative measures for logging on highly prone to landslides, and install road building guidelines that put an end to excess sedimentation and runoff to nearby ecosystems are all vital for the preservation of our forests. Extensive scientific research went into determining these rules, and as the climate changes, we must change our state's industrial logging practices to diminish the impacts of climate change on the incredible forests that Oregon is known for.

While implementing the updated PFA rules for loggers on the ground offers considerable benefit to endangered species, and aquatic habitats there is still much work to be done in the protection of our forests. I encourage you to continue doing all you can to conserve our state's public forest lands from the pollution and destruction of big timber, as there are still many changes that must be made before Oregon's logging practices can even begin to be considered truly “sustainable.” Further, if the PFA rules are passed, we must continually monitor big timber's implementation and observance of these rules, and keep up the pressure towards logging companies and landowners to adjust their industrial logging practices in more climate-friendly ways.

Thank you.

Sincerely,  
Rosemarie Gerstner  
5198 Sterling Creek Rd Jacksonville, OR 97530-9073