

Agenda Item No.:	1
Work Plan:	Forest Resources Division Work Plan
Topic:	Adoption of Proposed Rule Package
Presentation Title:	Forest Practices Act Rulemaking
Presentation Date:	October 26, 2022
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SUMMARY

This agenda item seeks from the Board of Forestry the approval to adopt Senate Bill 1501 Section 2 proposed rule package, and revise Oregon Department of Forestry's Administrative Rules as directed by the legislature. This is a decision item.

CONTEXT

Senate Bill (SB) 1501 directs the Board to adopt one rule package consistent with the Private Forest Accord (PFA) Report by November 30, 2022. SB 1502 directs the department to adopt rules in coordination with the Department of Revenue to offer small forestland owners a Forest Conservation Credit. House Bill 4055 set the harvest tax rates for calendar years 2022 and 2023 and funds a Department of Fish and Wildlife managed mitigation subaccount.

BACKGROUND

In February 2020, conservation and forest industry groups offered to revise the Forest Practices Act and administrative rules through a memorandum of understanding to include mediated discussions, known as the Private Forest Accord (PFA). In June 2020, the legislature adopted SB 1602 which increased helicopter spray buffers, directed rulemaking for salmon, steelhead, and bull trout streams in the Siskiyou Region, and set communication laws for spraying pesticides by helicopter. The bill set the accord timeline and topics for making changes to the Forest Practices Act and rules from which the Board could apply for a programmatic habitat conservation plan (HCP). The accord concluded in late 2021. In March 2022, the legislature adopted the accord recommendations through Senate Bills [1501](#) and [1502](#), and House Bill [4055](#). Senate Bill 1501 incorporated by reference the [Private Forest Accord Report dated February 2, 2022](#). The PFA Report further detailed the recommended changes to the Act and rules and a pathway for an HCP.

ANALYSIS

Since March, staff has closely consulted the representative authors of the PFA Report to draft administrative rules as directed by the legislature. Each administrative rule topic had a staff lead to focus on this work and consult the authors on a bi-weekly basis from April until August. 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 draft proposed rule package. The department completed these actions as detailed in the Hearings Officer Report, Attachment 3. Since the August Board meeting, staff also reviewed the draft rules for copy editing, consistency, errors, and omissions. The updates from that review are summarized in Attachment 2. The staff leads stepped out of their core business roles to dedicate their focus on developing

these rules and will continue to develop products for rule training and outreach work to successfully implement the rules over the next couple of years.

The rulemaking covers riparian areas, timber harvesting on steep slopes, roads, setting up a small forest landowner office with alternate riparian and road management options, compliance monitoring, enforcement, adaptive management policy committee framework, and a Forest Conservation Credit. The PFA Report further details the intent for amphibian conservation and mitigation funding for the Department of Fish and Wildlife to develop and administer rules that includes beaver conservation.

The Oregon Department of Forestry (department) provides the attached proposed rule package for consideration.

RECOMMENDATION

The department recommends the Board adopt the proposed rule package as submitted.

NEXT STEPS

The department will submit the rule changes to the Secretary of State for filing. The department is developing a training plan and drafting technical guidance.

ATTACHMENTS

- (1) Proposed rules for adoption in these divisions:
 - OAR Chapter 629 Division 600 Definitions
 - OAR Chapter 629 Division 603 Adaptive Management Program
 - OAR Chapter 629 Division 605 Planning Forest Operations
 - OAR Chapter 629 Division 607 Small Forestland Owners
 - OAR Chapter 629 Division 625 Forest Road Construction and Maintenance
 - OAR Chapter 629 Division 630 Harvesting
 - OAR Chapter 629 Division 635 Water Protection Rules: Classification
 - OAR Chapter 629 Division 643 Water Protection Rules: Vegetation along Streams
 - OAR Chapter 629 Division 655 Water Protection: Other Wetlands, Seeps, and Springs
 - OAR Chapter 629 Division 670 Enforcement and Civil Penalties
 - OAR Chapter 629 Division 672 Forest Practices Administration
 - OAR Chapter 629 Division 678 Compliance Monitoring Program Rules
 - OAR Chapter 629 Division 610-0100 Reforestation - Wildlife Food Plots
- (2) Modifications from proposed to recommended rules for adoption
- (3) Hearings officer report
- (4) Timeline Graphic