

Agenda Item No.:	D
Work Plan:	Forest Resources Division
Topic:	Adoption of an Administrative Deadline Modification in Rule
Date of Presentation:	January 7, 2026
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SUMMARY

This is a decision item. In September 2025, the Board of Forestry (Board) directed the Oregon Department of Forestry (Department) to file a Notice of Proposed Rulemaking to modify the deadline for the publication of maps related to perennial flow of streams. The Department is now returning for a Board decision regarding adoption of the proposed rule.

CONTEXT

In 2020, conservation and forest industry groups offered to revise the Forest Practices Act (FPA) and forest practice rules through a memorandum of understanding to include mediated discussions, known as the Private Forest Accord (PFA). Later that year, the Legislature passed [SB 1602](#) which set helicopter pesticide application requirements and required the Governor to facilitate mediated sessions between conservation and forest industry groups. As a product of this collaborative process, the [2022 PFA Report](#) was drafted and released by an author group comprised of representatives from those discussions. During the 2022 Legislative Session, [SB 1501](#) and [SB 1502](#) passed making substantial changes to the FPA and requiring the Board to incorporate the recommendations of the PFA Report into the forest practice rules through the adoption of a single rule package to support the development of the PFA habitat conservation plan (HCP) and prescribed two additional rulemaking efforts.

BACKGROUND

Within the PFA single rule package adopted by the Board in November 2022 and effective January 2024, Oregon Administrative Rule (OAR) 629-635-0200 (18) set the process and timeline for the Department to publish maps related to perennial streamflow. OAR 629-635-0200 (18)(b) involves developing a model and publishing maps sufficient for regulatory purposes for perennial streamflow as an option for stream classification by July 1, 2025.

Prior to the July 1, 2025 deadline, and after significant work, the Oregon Department of Fish and Wildlife (ODFW) and the Department determined a sufficient streamflow model was not available to be implemented and are collaborating to identify a viable model. However, the rule does not provide a process for initiating Phase 2 if the original deadline is not met.

At the September 2025 board meeting, the Department and ODFW presented the Board with additional background information and requested the Board consider rule modifications to set a new deadline of July 1, 2026, and add the word “the” before “Department of Fish and Wildlife”. The proposed rule reads:

“OAR 629-635-0200- (18)(b) Phase 2 Model. When advised by the Department of Fish and Wildlife that an approved flow duration model sufficient for regulatory purposes is

available, the State Forester shall promptly publish the information, including the modeled end, in all maps and the department's reporting and notification system, and in no event later than July 1, 2026."

The Board directed the Department to file a Notice of Proposed Rulemaking and determined the type of forest practice rule being proposed.

ANALYSIS

To implement the Board's September 2025 direction, the Department filed a [Notice of Proposed Rulemaking](#) which was posted in the October 2025 Oregon Bulletin. Additionally, the Department took the following actions:

- Issued a [news release](#);
- Posted information on the [ODF rulemaking webpage](#) and placed a banner announcing the comment window at the top of ODF webpages for the duration of the comment period;
- Provided direct notices to those signed up to receive rulemaking notices either electronically or via postal mail, and to legislators;
- Held a public comment period from October 1 to October 31, 2025; and
- Conducted a rulemaking hearing on October 21, 2025.

The Department did not receive written public comments and had one member of the public attend the rulemaking hearing; however, they only asked a clarifying question and did not wish to submit public comment.

In addition to rulemaking efforts, the Department and ODFW have continued work to identify a viable model. The agencies have been pursuing two options. While federal work that could result in potential models has been delayed, the Department has successfully executed an agreement with a contractor to provide the modeled end, and results for joint evaluation by the Department and ODFW are anticipated in the 1st quarter of 2026.

RECOMMENDATION

The Department recommends the Board adopt the proposed rule as written in the Notice of Proposed Rulemaking and presented in the background section of this staff report.

NEXT STEPS

If the Board adopts the proposed rule, the Department will file the rule action with the Secretary of State's Office.