

**Division 603**  
**ADAPTIVE MANAGEMENT PROGRAM**

**629-603-0000**

**Adaptive Management Program Purpose**

- (1) The purpose of the adaptive management program rules is to provide science-based recommendations and technical information to assist the Board of Forestry in determining when it is necessary or advisable to adjust rules, guidance, and training programs to achieve the biological goals and objectives.
- (2) OAR 629-603-0000 through 629-603-0600 shall be known as the adaptive management program rules.
- (3) It is the policy of the State of Oregon that regulation of forest practices for the protection of aquatic species shall, in addition to other statutory requirements, be subject to a process of adaptive management, whereby forest practice rules are:
  - (a) Monitored for effectiveness relative to the biological goals and objectives; and
  - (b) Modified if necessary to achieve the biological goals and objectives.
- (4) The adaptive management program is established to implement the policy stated in section (3) of this rule.
- (5) The purpose of the adaptive management program is to:
  - (a) Ensure timely and effective change as needed to meet biological goals and objectives.
  - (b) Provide predictability and stability of the process of changing regulation so landowners, regulators, and interested members of the public can understand and anticipate change.
  - (c) Apply best available science to decision-making.
  - (d) Effectively meet biological goals and objectives with less operationally expensive prescriptions when feasible.
- (6) For the purposes of this rule division, the following definitions apply:
  - (a) "Adaptive management program committee" (AMPC) means the adaptive management program committee described in OAR 629-603-0300.
  - (b) "Best available science" means the standards developed pursuant to OAR 629-603-0400(4).
  - (c) "Biological goals and objectives" means the biological goals and objectives as set by the department for an approved habitat conservation plan.
  - (d) "Independent research and science team" (IRST) means the independent research and science team described in OAR 629-603-0400.
  - (e) "IRST housing agency" means a public body that houses and supports the Independent Research and Science Team as described in OAR 629-603-0450.
  - (f) "Research agenda" means the prioritized research proposals and associated budget developed by the AMPC pursuant to OAR 629-603-0200(5)(a).

**629-603-0100**

**Adaptive Management Program Overview**

- (1) The adaptive management program must:
  - (a) Conduct effectiveness monitoring by assessing the degree to which the rules facilitating particular forest conditions and ecological processes achieve the

- biological goals and objectives. This assessment may include evaluation of cumulative effects.
- (b) Conduct research inquiry and validation monitoring on the following:
    - (A) Evaluating if the biological goals and objectives are being met to achieve overall program goals;
    - (B) Assessing whether additional scientific inquiry is needed to fill in knowledge gaps to inform if biological goals and objectives are being met to achieve overall program goals; and
    - (C) Testing and improving models and methodologies used to design and implement forest practices rules.
- (2) The adaptive management program participants include:
    - (a) The Adaptive Management Program Committee (AMPC) described in OAR 629-603-0300 and its composition specified in section 36, chapter 33, Oregon Laws 2022;
    - (b) The Independent Research and Science Team (IRST) described in OAR 629-603-0400 and its composition specified in section 38, chapter 33, Oregon Laws 2022; and
    - (c) The Adaptive Management Program Coordinator described in OAR 629-603-0500.
  - (3) The Board of Forestry and the department shall encourage access to land for the purpose of conducting studies and monitoring contemplated by Division 603 rules. The AMPC and the IRST may each prepare a report to the board describing instances where access to land has been insufficient to achieve the purposes of this rule division. If presented with such a report, the board shall consider whether to initiate rulemaking or other measures to address any research and monitoring problems arising from lack of access to land.
  - (4) The State Forester shall report to the board annually about the status of adaptive management program efforts.
  - (5) The board intends that the process of continuous improvement be applied to the adaptive management program. The department shall conduct performance audits once every six years per Generally Accepted Government Auditing Standards. The first audit must be completed by January 1, 2029. The performance audits will evaluate whether the program achieved the purposes outlined in OAR 629-603-0000(5).
  - (6) Adaptive management program studies will focus on issues related to the biological goals and objectives. However, studies may address issues that are not related to the biological goals and objectives only if the studies do not impair research and monitoring on issues related to the biological goals and objectives.
  - (7) Adaptive management program research may test whether:
    - (a) Operationally less expensive prescriptions can effectively meet biological goals and objectives; and,
    - (b) More risk averse prescriptions are necessary to meet biological goals and objectives.
  - (8) The following topics shall be prioritized in the initial phase of the adaptive management program:
    - (a) Literature review for eastern Oregon steep slopes;
    - (b) Requirements of baseline and trend monitoring of road rules; and
    - (c) Amphibians.

- (9) The AMPC may determine when section (8) of this rule is satisfied and therefore those topics are no longer priorities. In the event the AMPC makes these findings, the department shall present the AMPC findings to the board.

### **629-603-0130**

#### **Adaptive Management Program Budget**

- (1) It is the intent of the Board of Forestry that the State Forester and its cooperators place a high priority on the adaptive management program, which requires securing adequate resources to conduct the necessary work of the AMPC, the IRST, the Adaptive Management Program Coordinator, and other entities as needed. The State Forester shall work with its cooperators and the legislature to secure the necessary resources, funding, and coordination for an effective adaptive management program.
- (2) The board shall determine the budget for:
  - (a) The IRST Housing Agency described in OAR 629-603-0450;
  - (b) Participation grants for the AMPC and the IRST per OAR 629-603-0160;
  - (c) IRST research projects;
  - (d) Analyses per OAR 629-603-0100(7) as provided by OAR 629-603-0200(5)(e); and
  - (e) Other aspects of the adaptive management program that may arise, notwithstanding the process described in section (3) of this rule.
- (3) The AMPC shall create a detailed, preliminary budget of the funds from section (2)(c) of this rule for the research agenda per OAR 629-603-0200(5)(a), for a subsequent board vote per OAR 629-603-0200(5)(d).

### **629-603-0160**

#### **Adaptive Management Participation Grants**

- (1) Organizations on the AMPC and the IRST are eligible for participation grants to compensate the organization for organizational resources the organization dedicated to support the AMPC or the IRST. The Department of Forestry, Department of Fish and Wildlife, Department of Environmental Quality, and federal agencies on the AMPC are not eligible for participation grants.
- (2) The Board of Forestry shall determine the budget available for participation grants every biennium pursuant to OAR 629-603-0130(2)(b). The budgeted funds shall be equally divided by the number of members from eligible organizations who apply for the grants.
- (3) The board shall award individual participation grants to eligible organizations who request these grants.
- (4) If an eligible organization on the IRST has more than one member on the IRST, each eligible organization shall receive individual participation grants for each of their members.
- (5) Notwithstanding section (2) of this rule, the board may choose to award some members higher grant amounts if the members have significantly higher workloads than other AMPC or IRST members.

### **629-603-0200**

#### **Adaptive Management Program Process Steps**

- (1) This rule specifies communications between the Board of Forestry, the AMPC, and the IRST to implement the adaptive management program. To the extent there needs to be communications not identified in this rule for adaptive management program success, the Adaptive Management Program Coordinator will facilitate these communications.
- (2) By August 1, 2023:
  - (a) The AMPC shall:
    - (A) Complete their charter per OAR 629-603-0300(2); and
    - (B) Develop the initial list of research topics including the priorities in OAR 629-603-0100(8). Following completion of this list, the AMPC shall integrate the list into a Research Agenda developed via sections (3) through (5) of this rule.
  - (b) The IRST shall complete their charter per OAR 629-603-0400(2) and determine best available science per OAR 629-603-0400(4).
- (3) Step 1: The AMPC shall develop preliminary research question(s).
  - (a) The AMPC shall succinctly specify preliminary research questions that include the following:
    - (A) The type of research and monitoring per OAR 629-603-0100(1)(a) or (b);
    - (B) The rule, biological goals and objectives, or other issue being studied;
    - (C) The objective of the research;
    - (D) A brief description of the context of the research question; and
    - (E) Other information the AMPC deems necessary for the IRST's work per section (4) of this rule.
  - (b) The board may direct the AMPC to develop additional preliminary research questions.
  - (c) The AMPC shall send the preliminary research questions to the IRST annually on a date specified in the AMPC charter developed pursuant to OAR 629-603-0300(2).
- (4) Step 2: The IRST shall prepare a proposal for each preliminary research question.
  - (a) Within 45 days of receiving a preliminary research question from the AMPC per subsection (3)(c) of this rule, the IRST shall inform the AMPC of the timeframe to complete a research proposal described in subsection (4)(c) of this rule.
  - (b) The IRST shall hone each preliminary research question into a final research question. The IRST shall communicate with the AMPC via the Adaptive Management Program Coordinator to allow the AMPC an opportunity to provide input to ensure that the AMPC's original intent is maintained in the final research question. Following this communication, the IRST shall finalize the research question.
  - (c) The IRST shall develop, or direct through a third party the development of, a research proposal for each finalized research question. Each research proposal shall include:
    - (A) A literature review that specifies the need for or the type of monitoring, research, commissioned studies, or other means of scientific inquiry necessary to answer the finalized research question described in subsection (4)(b) of this rule;
    - (B) A preliminary estimate of the budget for each year of the research, and a timeline to complete the research project with specific deliverables; and,

- (C) A preliminary description of research project requirements, scope of work including an estimate of the timeline and key milestones, and an estimate of the degree to which knowledge may be improved if the research proposal is implemented.
  - (d) The IRST may develop multiple research proposals to address each research question. Each proposal must include all the elements of subsection (4)(c) of this rule. If multiple research proposals are developed, the IRST shall compare their costs versus the knowledge benefits of the research proposals.
  - (e) The IRST shall send proposal(s) from subsections (4)(c) and (4)(d) of this rule to the AMPC within the timeframe communicated from the IRST to the AMPC pursuant to subsection (4)(a) of this rule.
- (5) Step 3: The AMPC shall develop a research agenda.
- (a) The AMPC shall develop a multi-year research agenda that includes:
    - (A) Prioritized research projects;
    - (B) Key milestones for each research project;
    - (C) A timeline for progress on research projects; and,
    - (D) A comprehensive IRST budget, including annual budget for each year of each project.
  - (b) In prioritizing the research projects, the AMPC shall consider:
    - (A) Biennial appropriations from the legislature;
    - (B) Priorities outlined in OAR 629-603-0100(8);
    - (C) Research proposals received from the IRST per subsection (4)(e) of this rule;
    - (D) Board direction;
    - (E) Requirements for continuity of research projects under agreement or out for RFP review; and,
    - (F) Other information as appropriate.
  - (c) The AMPC shall send the research agenda to the board no later than July 15 of odd-numbered years.
  - (d) The department shall present the budget in the research agenda developed pursuant to subsection (5)(a) of this rule to the board for a vote at the September board meeting of odd-numbered years.
  - (e) The AMPC may request the department to hire a third party to complete analyses per OAR 629-603-0100(7).
- (6) Step 4: The IRST shall implement the research agenda approved by the board pursuant to subsection (5)(d) of this rule.
- (a) No later than November 1 of odd-numbered years, the IRST shall develop an annual work plan to implement the research agenda approved by the board in subsection (5)(d) of this rule.
  - (b) The IRST shall develop request for proposals (RFP) in an open, competitive process for research projects in the research agenda. The RFP shall include:
    - (A) Research project objectives, deliverables, and deadlines;
    - (B) A statement of work;
    - (C) The level of rigor needed for successful research project completion;
    - (D) The required expertise and capacity of proposers;
    - (E) The data as a deliverable;

- (F) The expectations for a detailed final report;
  - (G) An after-action review meeting between the IRST and the contractor and other cooperators; and,
  - (H) Other RFP elements required by the IRST Housing Agency agreed to perform work specified in OAR 629-603-0450.
- (c) RFPs may include requirements for:
    - (A) Contractor and other cooperator presentations to the AMPC, the board, or other entities as appropriate.
    - (B) A summary report. If the contractor and other cooperators are required to produce a summary report for the agreement, it must contain the elements listed in section (6)(g) of this rule.
  - (d) The RFP announcement and award process shall follow procedures of the IRST Housing Agency, with the IRST selecting the RFP successful proposer.
  - (e) If an IRST member applies for an RFP, the IRST shall ensure RFP selections follow conflict of interest standards as established by the Oregon Government Ethics Commission.
  - (f) The IRST shall develop and manage agreements for RFP successful proposer.
  - (g) If the agreement in subsection (6)(f) of this rule did not require development of a summary report, the IRST shall complete the summary report within 90 days of receiving the contractor and other cooperator's detailed final report in paragraph (6)(b)(F) of this rule. The summary report shall be written for a lay audience and include:
    - (A) Methods sufficient to allow others to understand what was done and to evaluate the results and conclusions;
    - (B) A detailed description of the results; and
    - (C) Discussion and conclusions about:
      - (i) Effectiveness: In studies examining alternative prescriptions, the likely effectiveness of each prescription shall be reported.
      - (ii) Causal links: An assessment of how the results of relevant new research findings developed by the IRST or through outside research clarify or support causal links between forest practices and aquatic resources, and implications regarding how well forest practices rules or rule sets are likely to address these linkages.
      - (iii) Magnitude of impact: An assessment of the magnitude of impact on covered species or biological goals and objectives on a sliding scale.
      - (iv) Timescale of effects observed, and the immediacy of likely changes in the environment.
      - (v) Scope of inference.
      - (vi) Scientific uncertainty versus confidence: An assessment of the scientific uncertainty and confidence in the results.
- (7) Step 5: Within 30 days of completion of the last of the reports described in paragraphs (6)(b)(F) and (6)(c)(B) and subsection (6)(g) of this rule, the IRST shall send both reports to the AMPC and the board.
  - (8) Step 6: The AMPC and the board shall assess the IRST reports described in section (7) of this rule and determine next steps per the following process.

- (a) The AMPC shall consider reports described in paragraphs (6)(b)(F) and (6)(c)(B) and subsection (6)(g) of this rule from the IRST. Within 90 days of receipt of these reports from the IRST, the AMPC shall send its report to the board. This AMPC report shall include:
  - (A) Alternative actions, including a no action alternative, to address research findings identified in the IRST reports.
  - (B) The AMPC may recommend one or more of the alternatives. Recommendations shall include:
    - (i) Reasoning for the recommendation.
    - (ii) If a recommendation for a rule change, a clear description of the proposed rule change.
    - (iii) If a recommendation for additional scientific inquiry, a clear description of the preliminary research question.
    - (iv) If a recommendation for any other policy action, including rule guidance and training, a clear description of the proposed policy action.
  - (C) Minority reports may be included in reports to the board.
- (b) By the second regular meeting after receipt of the AMPC report, the AMPC shall present their recommendations to the board for a vote.

## **629-603-0300**

### **Adaptive Management Program Committee**

- (1) The purpose of the Adaptive Management Program Committee (AMPC) is to complete work described in division 603 of OAR chapter 629 and section 36(7), chapter 33, Oregon Laws 2022.
- (2) The AMPC shall develop its operating procedures through a charter approved by the AMPC. The charter shall include:
  - (a) A values statement on the purpose of the AMPC, including the need for ongoing good relationships.
  - (b) Ground rules for AMPC member interactions.
  - (c) Determination of what constitutes a substantial decision per section 36(8), chapter 33, Oregon Laws 2022.
  - (d) Process for selecting chairperson(s). The chairperson shall have the usual duties and powers of a presiding officer.
  - (e) Roles, expectations, and representation on subcommittees.
  - (f) Regular deadlines including the deadline specified in OAR 629-603-0200(3)(c).
  - (g) Measures to maintain and improve the long-term effectiveness of AMPC, including:
    - (A) Succession management procedures;
    - (B) Onboarding of new AMPC members; and
    - (C) Regular review and updating of the AMPC charter.
- (3) After the Board of Forestry appoints the first AMPC members pursuant to sections 36(5)(a) and 37, chapter 33, Oregon Laws 2022, members' terms may be renewed by a vote by the board. If an AMPC member's term is not renewed by the board or there is any other vacancy of a voting member on the AMPC, then the entity described in sections

- 36(3), 36(4), 36(5)(a) chapter 33, Oregon Laws 2022 shall propose two new candidates for a vote from the board for AMPC appointment.
- (4) The AMPC shall conduct their meetings per the AMPC charter, and all AMPC meetings shall be conducted as public meetings consistent with Oregon Public Meetings Law. The AMPC will provide for public testimony at meetings unless the chairperson determines that doing so would be detrimental to the conduct of the AMPC's business.
  - (5) An organization on the AMPC may designate someone to serve as an interim member in place of their current member for up to 90 days. The interim member will have all the rights and responsibilities of that organization's voting status per Section 36, Chapter 33, Oregon Laws 2022. The organization must submit in writing to the adaptive management program coordinator:
    - (a) The name of the interim member; and,
    - (b) The duration of their interim status.

## **629-603-0400**

### **Independent Research and Science Team**

- (1) The purpose of the Independent Research and Science Team (IRST) is to complete work described in division 603 of OAR chapter 629 and section 38(8), chapter 33, Oregon Laws 2022.
- (2) The IRST shall develop its operating procedures through a charter approved by the IRST. The charter shall include:
  - (a) A values statement on the purpose of the IRST, including the need for ongoing good relationships;
  - (b) Ground rules for IRST member interactions;
  - (c) Measures to obtain research expertise or review from outside the IRST;
  - (d) Determination of what constitutes a substantial decision per section 38(9)(b), chapter 33, Oregon Laws 2022;
  - (e) Process for selecting chairperson(s). The chairperson shall have the usual duties and powers of a presiding officer;
  - (f) Process for nominating new members to fill vacancies and add new disciplinary expertise pursuant to section 38(6), chapter 33, Oregon Laws 2022;
  - (g) Role, expectations, and representation on subcommittees; and
  - (h) Measures to maintain and improve the long-term effectiveness of the IRST, including:
    - (A) Succession management procedures;
    - (B) Onboarding of new IRST members; and
    - (C) Regular review and updating of the IRST charter.
- (3) An IRST member's term may be renewed upon a two-thirds vote of the rest of the IRST and then ratification by the board. A two-thirds vote of the other IRST members, or a majority vote of the board, may remove an IRST member before the end of their term.
- (4) The IRST shall develop standards for best available science for the adaptive management program that include:
  - (a) Types of sources of best available science;
  - (b) Process for determining what is best available science based on criteria set by the IRST, including an assessment of study quality and relevance;
  - (c) Testable hypotheses as a crucial element for successful research;



- (d) A peer review process that is transparent and addresses both study designs and study reports. The IRST shall not grant anonymity to authors, handling editors, or peer-reviewers before January 1, 2028. After January 1, 2028, the IRST may modify the anonymity requirements to peer reviewers by a substantial decision of the IRST; and
- (e) Other elements the IRST determines are necessary.
- (5) The IRST may update the best available science standards developed pursuant to section (4) of this rule.
- (6) The IRST shall conduct their meetings per the IRST charter, and all IRST meetings shall be conducted as public meetings consistent with Oregon Public Meetings Law. The IRST will provide for public testimony at meetings unless the chairperson determines that doing so would be detrimental to the conduct of the IRST’s business.
- (7) The IRST may pursue scientific inquiry via various avenues, including:
  - (a) Literature review;
  - (b) Field monitoring;
  - (c) Original research;
  - (d) Commissioned studies; and,
  - (e) Other means of scientific inquiry.

**629-603-0450**

**Housing Agency for IRST**

- (1) The department shall have an agreement with Oregon State University-Institute for Natural Resources to house the Independent Research and Science Team with an initial six-year agreement. At the end of the initial term, and for all periods thereafter, the department shall develop an agreement with a public body every six years to house and support the work of the IRST. The agreement shall align with Division 603 rules. As used in this rule, the term “public body” has the meaning provided in ORS 174.109.
- (2) Every six years, the Board of Forestry shall consider the location of the IRST Housing Agency in alignment with performance audits per OAR 629-603-0100(5). As part of this review, the AMPC must submit a report to the board evaluating performance of the IRST Housing Agency. The AMPC report shall reflect all the views of the AMPC members and does not require a vote of the AMPC.
- (3) The IRST will oversee the IRST Housing Agency’s work to:
  - (a) Help refine research questions and associated proposals per OAR 603-629-0200(4);
  - (b) Draft requests for proposals to address research projects per OAR 603-629-0200(6);
  - (c) Post requests for proposals using standard public bidding processes per OAR 603-629-0200(6);
  - (d) Develop agreements for successful proposers of request for proposals per OAR 603-629-0200(6);
  - (e) Administer agreements mentioned in subsection (3)(d) of this rule per standard agreement processes for the Housing Agency per OAR 603-629-0200(6);
  - (f) As requested by the IRST, draft reports summarizing the results of funded research, per OAR 603-629-0200(6)(g);
  - (g) Provide administrative functions for the IRST including:

- (A) Coordinate and host IRST meetings and ensure they adhere to Oregon Public Meetings Law;
  - (B) Draft and maintain the IRST charter per OAR 603-629-0400(2); and
  - (C) Provide other administrative functions as needed.
- (h) Provide other support duties as needed.

#### **629-603-0500**

##### **Adaptive Management Program Coordinator**

The State Forester will appoint an Adaptive Management Program Coordinator to serve as the program administrator. The Adaptive Management Program Coordinator will be a neutral facilitator whose primary function is to assist the program by:

- (1) Facilitating communication between, and coordinating the work of, adaptive management program participants listed in OAR 629-603-0100(2);
- (2) Reporting to the Board of Forestry on annual progress of adaptive management program pursuant to OAR 629-603-0100(4), in addition to appearances as needed to present AMPC reports and other adaptive management program work;
- (3) Managing budgets for participation grants described in OAR 629-603-0160 for the AMPC and the IRST;
- (4) Coordinating agreements for regular performance audits of the adaptive management program per OAR 629-603-0100(5); and
- (5) Performing other duties as needed.

#### **629-603-0600**

##### **Rulemaking Topics**

In addition to requirements specified in section 39, chapter 33, Oregon Laws 2022 and other law, 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.

- (1) The board shall ensure that the use of the adaptive management process for issues unrelated to the biological goals and objectives does not impair the ability of the adaptive management program to address issues related to the biological goals and objectives.
- (2) If the board directs the AMPC and the IRST to address issues unrelated to the biological goals and objectives, the IRST shall consult with experts in that non-aquatic research discipline to support IRST projects and reports.

### **Division 605**

#### **PLANNING FOREST OPERATIONS**

#### **629-605-0150**

##### **Notification to the State Forester – When, Where and How**

- (1) The operator, landowner or timber owner shall notify the State Forester as required by ORS 527.670(6), at least 15 days before starting an operation.
- (2) The State Forester may waive the 15-day waiting period required in section (1) of this rule, except as prohibited in ORS 527.670(9) for aerial applications of chemicals and 527.670(10) for operations requiring a written plan under 527.670(3)(a), (b) and (c). Waivers may be granted when the State Forester has already previewed the operation site