



Oregon

Kate Brown, Governor

Department of Forestry
State Forester's Office
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September 1, 2022

Forest Practices Act Rule Revisions Directed by the Enrollment of Senate Bills 1501 and 1502

The Board of Forestry welcomes your comments on the proposed rule changes.

To view the proposed rules and notice of proposed rulemaking, visit:

<https://www.oregon.gov/odf/aboutodf/Pages/proposedlawsrules.aspx>

To provide written comment, submit it to:

Email: sb1501.rulemaking@oregon.gov

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

Comment period closes: September 30, 2022, at 11:55 pm

For more information, visit the Private Forest Accord website at:

<https://www.oregon.gov/odf/pages/private-forest-accord.aspx>

Virtual Public Hearings scheduled for:

September 26, 2022 6:00 PM

Please register for the hearing at:

https://odf.zoom.us/webinar/register/WN_jmTi8MSqQuCOlaWx_-9opw

September 27, 2022 10:00 AM

Please register for the hearing at:

https://odf.zoom.us/webinar/register/WN_VqJEUBFnTi2fiNRKF8-dZA

September 28, 2022 4:00 PM

Please register for the hearing at:

https://odf.zoom.us/webinar/register/WN_j_pA3AVwS0uNGeKJsNttUQ

After registering for a hearing, you will receive a confirmation email containing information about joining the webinar with a web-based or phone-in option. To ensure as many people as possible can testify, the department reserves the right to restrict testimony to no more than 3 minutes.

Rulemaking Summary:

The purpose of this rulemaking is to revise the Forest Practices Act administrative rules to align with Senate Bills [1501](#) and [1502](#). Senate Bills 1501 and 1502 directed the Board of Forestry to revise these rules in close consultation with the authors of the [Private Forest Accord Report](#) dated February 2, 2022.

In June 2020, the legislature adopted Senate Bill [1602](#). This bill set the topics and timeline for mediated discussions between forest industry and conservation groups, known as the Private Forest Accord, for making changes to the Forest Practices Act and rules from which the Board could apply for a programmatic habitat conservation plan. The accord concluded in late 2021 and the parties submitted the Private Forest Accord Report to the legislature. In March 2022, the legislature adopted the accord recommendations through Senate Bills 1501 and 1502, and House Bill [4055](#). Senate Bill 1501 modified existing Forest Practices Act statutes, directed rulemaking, and incorporated by reference the Private Forest Accord Report.

This rulemaking proposes the following changes:

- **600 DEFINITIONS:** Adds over sixty new definitions.
- **603 ADAPTIVE MANAGEMENT:** New division with 10 new rules outlining a process to guide future rulemaking informed by best available science to provide regulatory certainty.
- **605 PLANNING FOREST OPERATIONS:** Updates and clarifies the written plan and notification rules to align with other rule changes.
- **607 SMALL FORESTLAND OWNER:** New division with 12 new rules guiding the work of the Small Forestland Owner Assistance Office and the Forest Conservation Tax Credit.
- **610 FOREST PRACTICES REFORESTATION RULES:** Minor change to accommodate a definition of small forestland that only applies to OAR 629-610-0100: Exemption from Reforestation for Wildlife Food Plots.
- **625 FOREST ROAD CONSTRUCTION AND MAINTENANCE:** Repeals three rules, revises 12 rules and adopts four more, including extensive changes to the water crossing structures rule and requiring new inventories and assessments.
- **630 HARVESTING:** These rule changes focus on harvest on steep slopes. Amends seven rules and adopts six new rules to incorporate a new slopes model and address debris flow, sediment sources, and stream adjacent failures.
- **635 WATER PROTECTION RULES: PURPOSE, GOALS, CLASSIFICATION AND RIPARIAN MANAGEMENT AREAS:** Repeals one rule and amends six rules, including extensive changes to water classification.
- **643 WATER PROTECTION RULES: VEGETATION ALONG STREAMS:** Note this division replaces division 642. The new division with 17 rules reflects extensive changes to streamside vegetation retention rules, including increasing the size of riparian buffers and providing alternate prescriptions for small forestland owners.
- **655 WATER PROTECTION RULES: PROTECTION MEASURES FOR “OTHER WETLANDS,” SEEPS AND SPRINGS:** Amends one rule to clarify which wetlands are included.
- **670 - FOREST PRACTICES ADMINISTRATION — ENFORCEMENT AND CIVIL PENALTIES:** Amends seven rules and adopts two rules to allow for increased penalties and to specifically address repeat violators, adding the ability to require a financial assurance for those with a history of significant violations.
- **672 FOREST PRACTICES ADMINISTRATION:** Amends two rules to align with the rule changes in division 670.
- **678 COMPLIANCE MONITORING:** New division with four new rules to establish a process to assess and report on administrative rule compliance.