

Private Forest Accord Rulemaking: Stream Classification & Vegetation Retention



Summary:

The revisions to the water protection rules are one of the keystone pieces of the Private Forest Accord agreement. Larger vegetation retention areas near streams will be required, depending on the stream type and location. Options include the standard practice for stream buffer widths designed for large forestland owners and a minimum option as an alternative for qualified small forestland owners (SFO).

The Oregon Department of Forestry will use light detection and ranging (LiDAR) technology to develop and publish a high-resolution stream network that will include fish use and perennial stream flow. This will allow ODF to apply appropriate protections and ensure that the water protection rules are implemented equitably and consistently. The proposed rules reflect the need to balance ecological and economic needs for landowners, while recognizing the important ecological benefits and functions that the riparian areas provide.

The vegetation retention requirements for harvesting near a stream vary based on the size and designated beneficial use.

Rule Division changes:

Revisions in the proposed rules in Division 635 reflect the changes to riparian management objectives and the stream classification process outlined in the Private Forest Accord Report. Major changes to the stream classification and hydrography network include:

- Using an approved fish distribution model and information from existing field surveys to ensure all streams on forestland are classified regarding fish use.
- Hiring a contractor to develop a high-resolution LiDAR-based stream network that incorporates the fish model and perennial flow status to provide a robust and a comprehensive stream classification system.

- Increasing efforts coordinating and sharing information with the Oregon Department of Fish and Wildlife (ODFW), including the adoption of robust perennial stream model for regulatory purposes, protocols for the field identification of the end of perennial stream flow, and field surveys for fish use.

Rule Division 643 replaces Division 642. Proposed revisions reflect new streamside vegetation requirements while providing long-term vision for riparian areas. The rules reflect major changes emphasized in the Private Forest Accord agreement regarding streamside vegetation retention and associated protections. ODF consulted with the Private Forest Accord authors to develop a revised desired future condition vision and goals statement for streamside stands to reflect the new riparian area protections. Major changes include:

- A standard practice which applies to large landowners and is also available to small forestland owners
- A minimum option practice is available for small forestland owners.
- Revised desired future condition for streamside areas definition to reflect new vegetation requirements while providing long term vision for riparian areas
- Allowance for alternative prescriptions when appropriate



Identifying Stream Perenniality:

Stream perenniality will be identified in two phases in Division 635:

- **Phase One** - Stream perenniality will be field identified during harvest planning, regardless of whether the new map of modeled end-of-stream perenniality does not show stream perenniality.
- **Phase Two** - On or before July 1, 2025, a comprehensive ODFW model end of stream perenniality will be developed, that relies on high-resolution LiDAR and field observations on stream flow permanence. Landowners may request a field review of the modeled end determination.

Geographic regions:

The rules for stream vegetation retention will be based on two distinct geographic regions in Oregon (Eastern and Western Oregon). Both geographic regions include provisions for an equipment limitation zones (ELZ) to protect soil function and habitats for species near stream areas during harvest activities with cable or ground equipment.

The **Western Oregon** standard practice prescriptions mostly provide for no-touch tree retention areas that range from 75-to-110 feet on streams with fish use and large and medium non-fish streams.

- Small streams have tree retention for portions of perennial small non-fish streams that flow into fish use streams.
- Depending on the identification of perennial flow, a combination of tree retention and an ELZ upstream apply to the entire small stream.
- On small non-fish streams in which no tree retention requirements are in place, the ELZ protections apply to a 35-foot area beginning at the edge of the stream and extending out.

The **Eastern Oregon** standard practice includes two distinct riparian areas, known as “inner zone” and “outer zone.”

The inner zone is the area immediately near the stream channel extending 30 feet out, and the outer zone is the area extending from the outside

edge of the inner zone that extends to variable widths based on the stream’s size and classification.

The 30-foot inner zone requires retention of all trees, while the outer zone may be managed by partial harvest/thinning to provide benefits such as fire resiliency and the retention of key tree species to enhance forest health in the riparian areas.

The ELZ is defined as 30 feet for Eastern Oregon and applies to areas outside the inner zone and near the channel where no tree retention is required, such as a small seasonal stream.

Alternate Vegetation Standards for Small Forestland Owner Minimum Option:

These revised rules reflect the inherent differences in the needs and requirements of these owners while meeting the overall objectives of the Private Forest Accord agreement. Division 643 provides for several options regarding riparian area management, including a minimum option prescription, the standard practice prescription, or a combination of the standard practice with the ability to apply for the Forest Conservation Tax Credit.

The minimum option prescription allows for the harvesting in the riparian area which has a narrower width than the standard practice. The availability of the minimum option is limited by a five percent cap based on the total stream miles owned by all small forestland owners inside the watershed within which their property is located

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