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| Agenda Item No.: | D |
| Work Plan: | Private Forest Work Plan |
| Topic: | Wildlife Food Plot Rule Making |
| Presentation Title: | Rules for Wildlife Food Plots – Proposed Rule language |
| Date of Presentation: | January 8, 2020 |
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SUMMARY

As directed by the legislature and the Board of Forestry, the Department has developed draft rules for implementing HB 3013 originating from the 2015 legislative session, Oregon Revised Statute (ORS) 527.678 “wildlife food plots” (Attachment 1).

The purpose of this consent agenda item is to notify the Board that the Department is initiating the public comment period for rulemaking and provide the Board with a copy of the draft rules.

CONTEXT

During the 2015 legislative session, HB 3013 was introduced, made its way through the legislative process and was signed by the Governor. Legislation took effect January 1, 2016. This statute requires the Board of Forestry to adopt rules to allow the implementation of wildlife food plots as an approved activity under the Forest Practices Act (FPA). Wildlife food plot means a small area of forestland that, instead of being used for growing and harvesting a forest tree species, is planted in vegetation capable of substantially contributing to wildlife nutrition (ORS 527.678(1)(c)). Small forestland is defined as ownerships greater than ten acres and less than 5,000. For these ownerships, there is a sliding scale for the amount of acreage that can be converted to food plots based on ownership acreage ranges as follows:

| Oregon Forestland Ownership Acres | Percent of Ownership | Maximum Combined Acres |
|-----------------------------------|----------------------|------------------------|
| 10 to 500 | 2.5% | .25 to 12.5 |
| 501 to 1,000 | 2% | 10 to 20 |
| 1,001 to 5,000 | 1% | 10 to 50 |

The statute also requires consultation with the Oregon Department of Fish and Wildlife (ODFW) on rule development.

BACKGROUND AND ANALYSIS

The Department developed interim guidelines and an approval process in 2016. To date, there have been three landowner applications and one which qualified for this activity.

The Department, in preparation for developing new rules, identified the Committee for Family Forestlands (CFF) as the advisory committee for this rulemaking. Staff have

presented information to the CFF to familiarize them with the enabling statutes and gathered input on the draft rules. Similar outreach has been conducted with the Tribal Cultural Resources Cluster and the three Regional Forest Practices Committees (RFPCs). Staff have consulted with ODFW about the process, goals, and outcomes for the rule making as described in statute. Input from these groups and lessons learned from the interim guidance has been consolidated in proposed draft rule language (Attachment 2).

RECOMMENDATION

Information only

NEXT STEPS

- 1) Open for public comment and hearings spring 2020.
- 2) Summarize and review public comment in a report to CFF spring/summer 2020.
- 3) Present final proposed rules to Board of Forestry for adoption summer 2020.
- 4) Rules effective fall 2020.

ATTACHMENTS

- (1) 2015 House Bill 3013 (now ORS 527.678)
- (2) Proposed draft rule language – available 1 week before board meeting.