

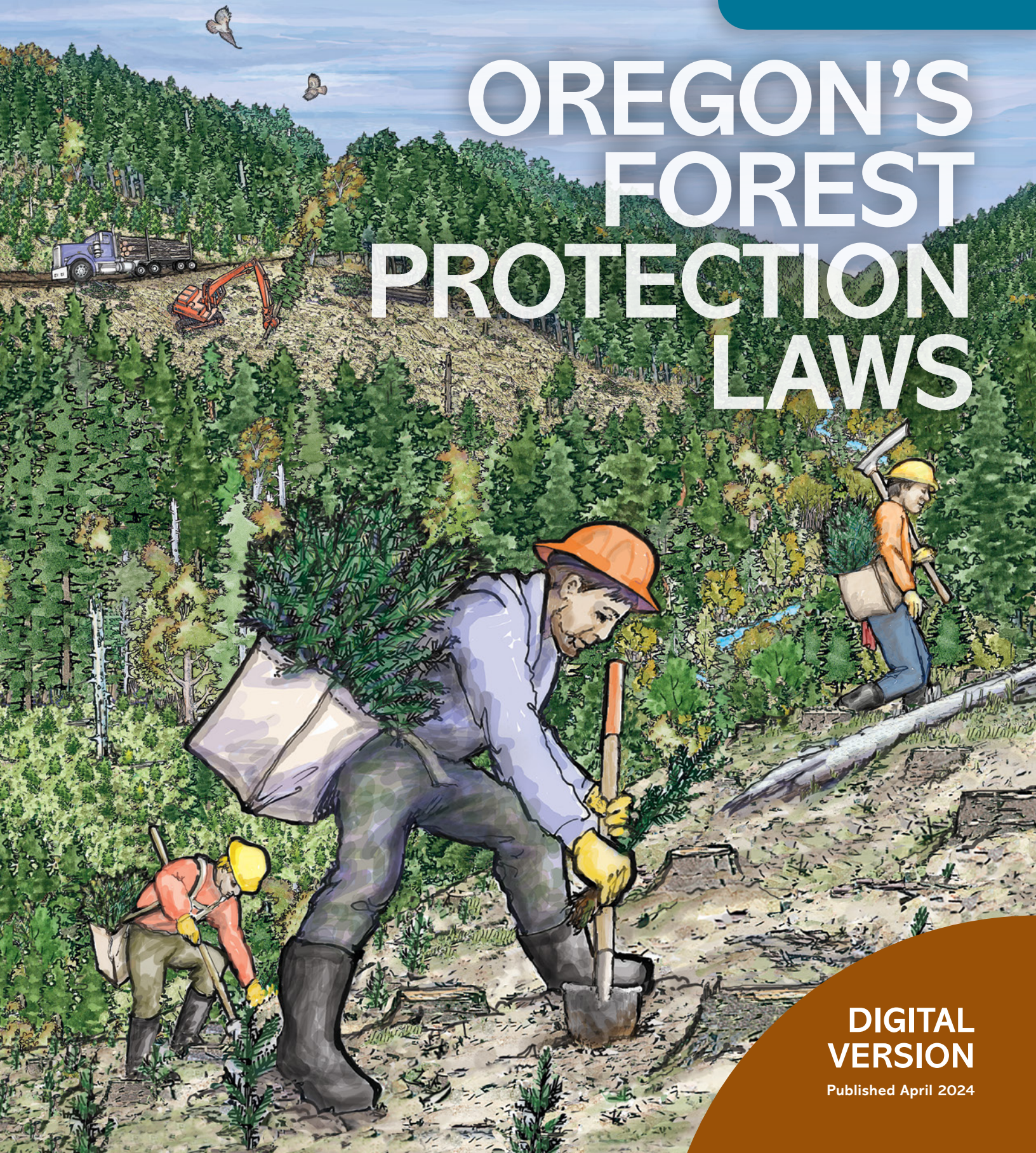
REVISED
Fourth Edition

AN ILLUSTRATED MANUAL
INCLUDES PRIVATE FOREST ACCORD UPDATES



Oregon Forest
Resources Institute

OREGON'S FOREST PROTECTION LAWS



DIGITAL
VERSION

Published April 2024

New rules, new manual

This revised fourth edition of *Oregon's Forest Protection Laws: An Illustrated Manual* incorporates a major revision of more than 100 Oregon Forest Practices Act (OFPA) rules as a result of the Private Forest Accord agreement between Oregon forest products companies and conservation groups, which was signed in October 2021.

Since it was first published in 2002, this manual has become a standard reference for planning and executing timber harvests, as well as other forestry work. Previous editions helped loggers, foresters, woodland owners, stewardship foresters and forestry educators understand and use best management practices to keep Oregon's forests sustainable. It is a visual resource, often found dog-eared and grimy in vehicles out in the forests. The publication seeks to make OFPA rules easy to understand and describes laws and rules that apply to Oregon's private forest landowners. Always verify current requirements and wording in the rules, as changes may occur.

This manual is not intended to replace the official version of the rules, which are available from the Oregon Department of Forestry (ODF), nor is it intended to replace the advice and resources of an ODF stewardship forester. The two-way communication between the stewardship forester and the landowner helps the state achieve its goals for best management practices.

The Oregon Forest Resources Institute (OFRI) produced this manual as part of its mission: to support the forest sector and the stewardship of natural resources by advancing Oregonians' understanding of the social, environmental and economic benefits of our forests. This education manual provides essential information for landowners, foresters and forest operators. OFRI acknowledges and thanks many people, agencies and organizations that participated in developing and reviewing the content; they are listed on the inside back cover at the end of the manual. OFRI would also like to acknowledge Robert Logan's vision for producing the original edition and Mike Cloughesy for the last two revisions.

The OFPA rules continue to evolve by responding to advances in forest research and experience, as well as public values for Oregon's forests. But as the rules have evolved, one thing has not changed: Oregon's forest landowners, managers and operators remain dedicated to sustainable forest management. Use this updated edition as an educational resource to help you manage and protect our state's valuable forest resources.

Julie Woodward

Director of Forestry
Oregon Forest Resources Institute

A resource for

- landowners, foresters and operators who manage and work in Oregon's forests
- those who develop management plans
- anyone interested in learning about the Oregon Forest Practices Act and other forest protection laws

Ways to use this manual:

- referring to it before starting any forest operation
- using it to plan forest management objectives while protecting natural resources
- keeping it in your vehicle as a ready reference

In this manual, you'll find information on protecting forests and meeting the Oregon Forest Practices Act requirements when:

- harvesting trees, especially around streams, lakes or wetlands and on steep slopes
- providing for the needs of wildlife
- disposing of forest slash
- building or improving forest roads
- applying chemicals to forestland
- protecting forests from fire and using fire

FOR FASTER ACCESS to items commonly referenced in this manual, bookmark this page:

[KnowYourForest.org/manual-links](https://www.knowyourforest.org/manual-links)

Verify rules with your ODF stewardship forester before moving forward with an operation.

INTRODUCTION

This manual includes the most recent changes as a result of the Private Forest Accord. Each chapter covers a topic that is integral to understanding the changes to the Oregon Forest Practices Act (OFPA) rules.

At the beginning of each chapter, you'll find a list of applicable rules for ease of reference.

APPLICABLE OREGON FOREST PRACTICES RULES

Adaptive management

- 629-603-0000: Adaptive management program purpose
- 629-603-0100: Adaptive management program overview
- 629-603-0400: Independent Research and Science Team
- 629-603-0450: Housing agency for IRST

Planning forest operations

- 629-605-0140: Notification to the state forester — types of operations
- 629-605-0150: Notification to the state forester — when, where and how
- 629-605-0160: Forest practices regions
- 629-605-0170: Written plans
- 629-605-0173: Plans for an alternate practice

Oregon's forest practice laws help protect soil, air, water, wildlife and other natural resources. At the same time, they ensure the state's vast forests will be sustained for generations to come, providing valued environmental, social and economic benefits.

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OREGON'S FOREST PRACTICES SHOW:

Forests matter

Forests provide environmental, social and economic benefits that extend beyond their boundaries. They provide clean water, habitat for fish and wildlife, and recreation. They create jobs, products and tax revenues that result in healthy communities. The Oregon Forest Practices Act (OFPA) helps sustain these values in a socially accountable manner.

Oregonians value their forests

Forests are key to our quality of life as Oregonians. Forest landowners, operators and foresters are stewards of Oregon's forests. They accept responsibility for sustaining our forests and for protecting soil, air, fish, wildlife, water quality and other valued resources. The OFPA rules ensure landowners can manage their forests for a variety of objectives while meeting public expectations for forest stewardship.

Oregon was first

The Oregon Forest Practices Act was the first law of its kind in the nation. The Oregon Legislature passed OFPA in 1971 in response to emerging concerns about multiple forest resources, including findings from pioneering research on forest watersheds. The OFPA also provides a statutory framework for a comprehensive program that includes detailed rules, technical assistance and monitoring.

Common standards protect forests

The OFPA sets standards for any commercial activity that establishes, manages or harvests trees on Oregon's forestlands. They regulate these forest operations on all non-federal lands (private, state-owned and county- or city-owned).

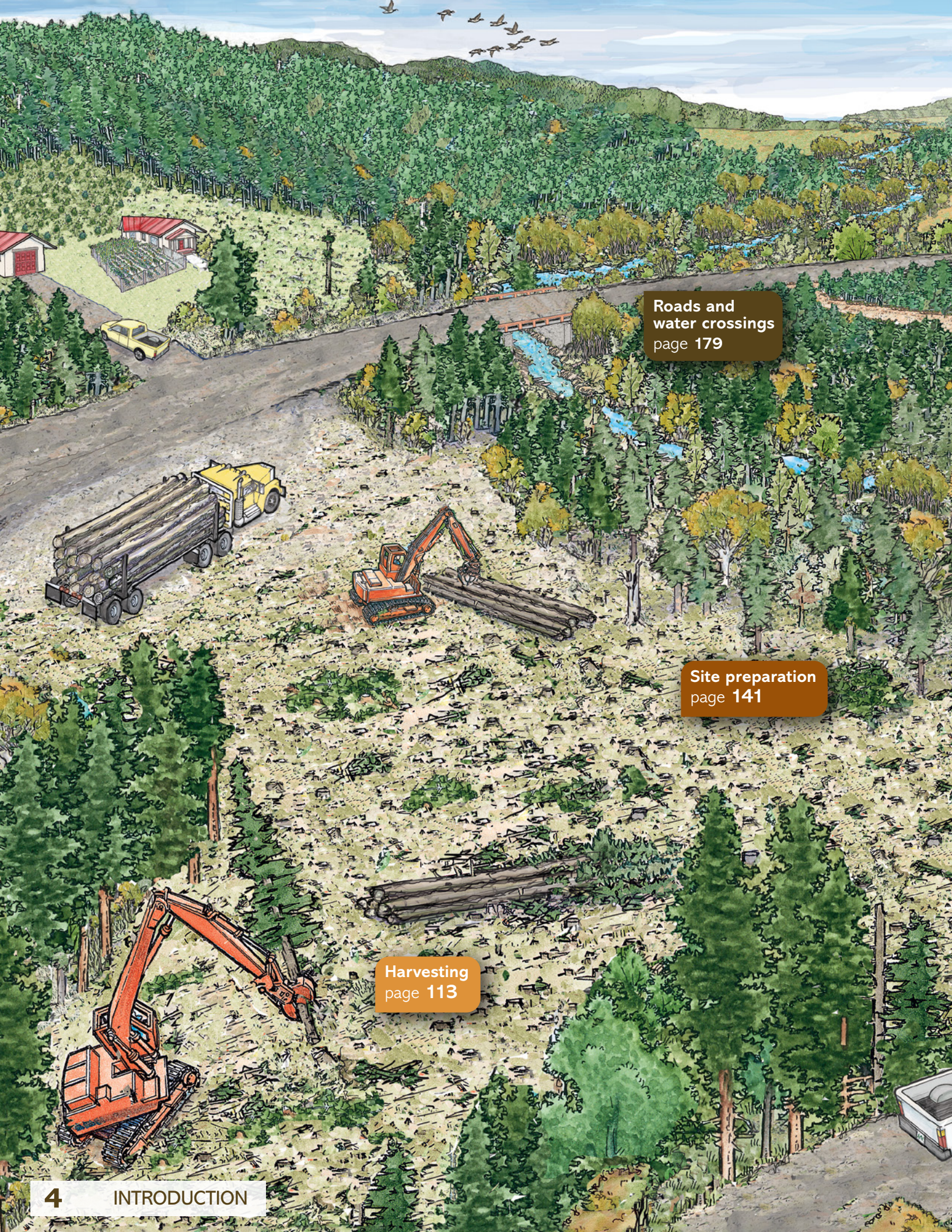
Operations on lands managed by the U.S. Forest Service and Bureau of Land Management are not directly regulated, yet both agencies agree to meet or exceed the OFPA requirements.

Finding the rules

At the beginning of each chapter, a list of applicable rules offers an easy reference. Access the full Oregon Forest Practices Act and its rules through the Oregon Department of Forestry's (ODF) website: oregon.gov/odf. Click on the "About ODF" tab and select "Laws & rules" from the drop-down menu to download the current version for reference.

Rules are modified over time, so refer to the ODF site for the most current version.





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ROLE OF THE OREGON DEPARTMENT OF FORESTRY

Oregon Board of Forestry

Oregon law gives ODF's Oregon Board of Forestry primary responsibility to adopt or revise state forest practice rules. The board uses information and input from regional committees and other diverse advisory groups to identify recommended changes to the rules. This approach helps keep the requirements current and responsive to evolving knowledge and concerns. Occasionally, the Oregon Legislature has amended the Oregon Forest Practices Act (OFPA) to include some specific requirements for forest operations, such as those for timber harvests near scenic highways.

Stewardship foresters

Stewardship foresters employed by ODF work with landowners and operators to help them achieve their objectives while complying with the rules. This involves a balance of education, technical design and enforcement. Stewardship foresters review pre-operation plans, inspect operations, determine reforestation compliance, investigate complaints and take enforcement actions. Sometimes enforcement action may lead to civil or criminal penalties.

How do I find a local ODF office?

For more information about Oregon's Forest Practices Act, please contact your local ODF district office, or the headquarters office at:

2600 State St. Building C
Salem, OR 97310

503-945-7200; Fax 503-945-7212
TTY 800-437-4490

Email: forestryinformation@odf.oregon.gov
Web: oregon.gov/odf

This manual explains OFPA requirements. The application of forest practices on specific sites can sometimes be complex. Always verify details with ODF. Get a copy of the OFPA rules. Ask your ODF stewardship forester before starting any forestry work. You may also benefit from educational and technical assistance from the Oregon State University Extension Service, consulting foresters, and other specialists and organizations.



COMPLY WITH THE OREGON FOREST PRACTICES ACT AND RULES

The Oregon Forest Practices Act (OFPA) and its rules evolve over time. Landowners and their advisors must stay informed about changes. Stewardship foresters are good sources of information. Before moving forward with a timber harvest, prepare by asking these questions:

- What are the site features, including the slopes, drainage and other natural characteristics?
- How could the harvest and road construction affect water quality?
- Are there soils with potential for compaction and erosion?
- Are there riparian and wetland areas that require special attention?
- What accommodations need to be made to protect wildlife habitat?
- When reforestation is needed after harvest, what is the plan?
- What slash treatment and site preparation will be necessary to establish a new forest?



File a Notification of Operation as required

After you've planned the operation, submit a Notification of Operation via ODF's E-notification website at least 15 days prior to the start of the operation. Notification is required for anyone cutting and selling timber, including operations on farmland or rural residential land. Failure to file a notification is a violation under the OFPA. For more information, see E-Notification at oregon.gov/odf.

Here's an overview of the process:

- The landowner, operator or a representative submits a Notification of Operation using the Forest Activity Electronic Reporting and Notification System, commonly known as FERNS, to tell ODF what activities are planned, where they will take place and who will be doing them.
- ODF must have the Notification of Operation at least 15 days before the operation starts.
- The notification form is also used to apply for a permit to use power-driven machinery or burning. See more about fire prevention requirements in the Harvesting chapter.
- When a notification is submitted, FERNS will send an e-mail with a notification number, which is important for forest products harvest tax purposes.
- Throughout the operation, the landowner or operator must follow all forest practice requirements that apply.
- Anyone can subscribe to receive copies of notifications and submit official comments about written plans for forestry work.
- Landowners must notify ODF of completed activities, generally at the end of the calendar year.

A notification is not a permit. The 15-day waiting period and written plan review allow for planning to comply with forest protection rules.

NOTIFICATION REQUIREMENTS

When a commercial activity establishes, manages or harvests forest trees, it is an operation or forest practice. Most involve road construction and maintenance, site preparation, reforestation, harvesting or use of pesticides or fertilizers. Before doing any of these activities, landowners and operators will usually need to inform the state by submitting an E-Notification of Operation (see page 7) to the Oregon Department of Forestry (ODF).

This list clarifies what does and does not require notification:

Requires a notification

- road construction
- slash disposal (burning, chipping, biomass processing, etc.)
- precommercial thinning
- harvesting
- chemicals application and use of petroleum products
- quarry site development for rock used in forest operations
- site preparation for reforestation
- converting forestland to non-forest use

Does not require a notification

- tree planting
- routine road maintenance
- cutting firewood for personal use
- collecting tree boughs, cones or similar minor forest products

An **emergency operation** can start without a notification, when its delay could result in additional resource damage. Within 48 hours after starting an emergency road reconstruction operation, the operator must contact ODF, report the operation and demonstrate that an emergency actually existed.

Activities that are not operations

These activities must be conducted in compliance with any applicable forest practice requirements, even though they do not require a notification:

- Christmas tree farms on land used solely for their production
- hardwood plantations harvested on a rotation cycle that is 12 or fewer years after planting and subject to intensive agricultural practices
- agricultural tree crops, including nuts, fruits, seeds and nursery stock
- ornamental, street or park trees within an urbanized area
- juniper species management in a unit of less than 120 contiguous acres within a single ownership
- trees intended to mitigate agricultural practices that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands

In some cases, a permit to operate power-driven machinery may be required for operations or activities that do not require a notification.

Other requirements covered in this manual

- when to provide wildlife trees and down logs while harvesting
- limitations on the size of clearcut harvests
- how to protect bird nesting, roosting and watering sites
- ensuring fish passage through stream-crossing structures
- how to operate where rapidly moving landslides might occur
- how to harvest and reforest next to scenic highways
- log landing requirements
- proper disposal of logging waste
- chemical application

Notification of completion

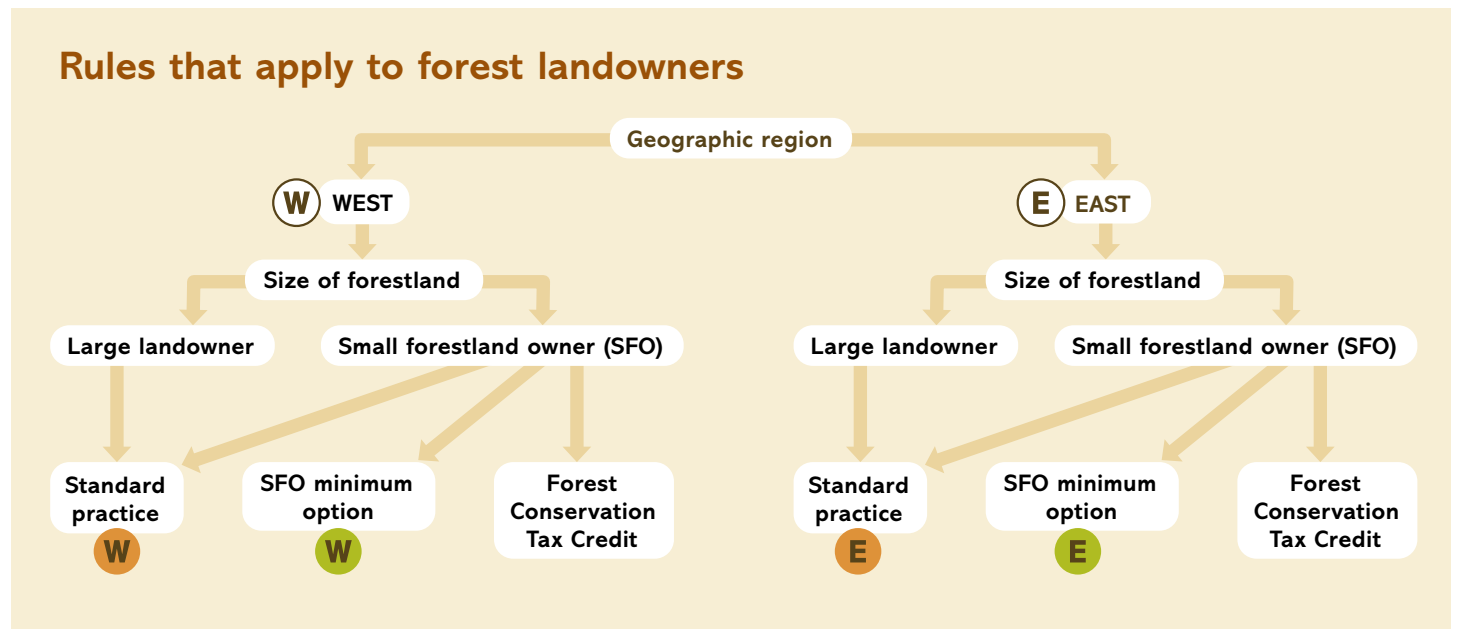
Using the E-notification system or other methods, landowners must notify ODF of completed activities:

- at the end of the calendar year the notification was submitted, or
- at the end of the following calendar year for notifications that continue into that year.

Landowners must complete a notification for each forest operation activity covered by an E-notification.

TYPES OF FOREST LANDOWNERS

Oregon's forest practice rules apply to private forest landowners differently depending on how many acres of forestland they own, how much they harvest and where the forestland is located. This flow chart helps identify the rules that apply to each type of forest landowner:



Size of forestland

A small forestland owner (SFO) is defined under the Oregon Forest Practices Act (OFPA) as an individual or common ownership who:

- owns less than 5,000 acres of forestland in Oregon
- harvests no more than two million board feet of merchantable forest products per year on average over three years
- affirms that they do not plan to exceed an annual harvest average of two million board feet in the next 10 years

An emergency exception may allow SFOs to exceed the timber harvest threshold when the Oregon Department of Forestry (ODF) agrees the harvest will provide funds to pay estate taxes, extraordinary medical expenses or a court-ordered judgement.

Landowners who do not meet the criteria above are classified as large landowners.

Look for these icons for specific information regarding your situation

- | | |
|--------------------|--|
| (W) western Oregon | (W) western Oregon, standard practice |
| | (W) western Oregon, SFO minimum option |
| (E) eastern Oregon | (E) eastern Oregon, standard practice |
| | (E) eastern Oregon, SFO minimum option |



Small forestland owners (SFOs)

About 35% of the forestland in Oregon is privately owned, and nearly five million acres of that land is in ownerships that are less than 5,000 acres. Oregon law recognizes that SFOs often differ from large forest landowners in their management goals and financial resources. They also own a disproportionate share of Oregon's forested lowland fish and wildlife habitat. In recognition of these differences, Oregon created the Small Forestland Owner Office, housed within ODF, to provide supportive services to Oregon's SFOs, including regulatory, incentive and technical assistance.

To qualify as an SFO with access to special programs and resources, as well as specific rules in the OFPA, landowners must notify ODF that they meet the forestland ownership size and harvest volume requirements when submitting a Notification of Operation. Available programs include the SFO minimum option for stream habitat protection, the Small Forestland Investment in Stream Habitat (SFISH) program, and the Forest Conservation Tax Credit. Consult with your ODF stewardship forester to better understand options for SFOs.

Local soil and water conservation districts, watershed councils and other organizations may also offer assistance programs for forest landowners. ODF works with the Natural Resources Conservation Service, the U.S. Forest Service and the Farm Service Agency to help make financial assistance available to qualified landowners. Through these programs, landowners can receive payments for desired practices, project cost sharing from 50% to 75%, annual land rental payments, tax credits, or partial to full land value compensation for easements. Contracts are required for some programs, and multi-year commitments may be an option.

For more information about assistance for SFOs, see Appendix.

Find more information at ODF's Small Forestland Owner Office:

oregon.gov/odf/working/pages/sfo.aspx

You can also contact your local ODF stewardship forester to determine which programs are available for your property: **oregon.gov/odf/working/pages/findaforester.aspx**



Look for this color

Throughout this manual, you'll find information specific to SFOs highlighted in light blue.

PRIVATE FOREST ACCORD

Since it was first enacted in 1971, the Oregon Forest Practices Act (OFPA) has been amended and changed, and the Private Forest Accord set a landmark because of the extent of changes made and the collaborative process used to identify them. Each of the manual's chapters includes the most recent changes as a result of this agreement. Two additional items are described below.

The Private Forest Accord – signed in 2021 by 13 conservation and fisheries groups, 11 timber companies and the Oregon Small Woodlands Association – outlines key goals, including significant changes to Oregon's forestry regulations, that should allow Oregon to receive federal approval for a Habitat Conservation Plan (HCP) for aquatic wildlife on private forestlands, and an accompanying incidental take permit for those species. It also outlines an adaptive management process for coordinating future changes to the OFPA. The Oregon Legislature passed several bills that codified the Private Forest Accord into state law in 2022.

Habitat conservation plan

Changes to parts of the OFPA stemming from the Private Forest Accord should lead to creation of a federally approved HCP that outlines how the state's new forestry rules are likely to benefit certain species of fish and amphibians.

Private landowners will automatically be covered under ODF's incidental take permit. This provides regulatory assurance under the Endangered Species Act and protects landowners against any incidental take during forest operations and activities covered under the HCP. Also, the HCP will

not establish restrictions to ongoing and planned forest management activities beyond those covered in the OFPA.

The HCP is intended to include the following aquatic wildlife species:

- all native salmon and trout
- bull trout
- mountain whitefish
- Pacific eulachon/smelt
- green sturgeon
- Columbia torrent salamander
- southern torrent salamander
- coastal giant salamander
- Cope's giant salamander
- coastal tailed frog

If approved by the relevant federal agencies, the HCP will cover all privately owned forestlands in Oregon for a term of 50 years for fish species and 25 years for amphibian species. The approval process for the HCP will probably conclude in 2025.





Adaptive management process

The Private Forest Accord outlines an adaptive management program to coordinate future changes to the OFPA. With stakeholder input, the program will use a science-driven process to analyze the need for any changes to rules, policies or training.

The program's purpose is to apply the best available science to the Oregon Board of Forestry's decision-making, which includes measuring the effectiveness of the rules to meet certain biological goals and objectives (BGOs) that benefit several fish and amphibian species. The program ensures effective change to meet the BGOs, seeks to limit operational costs when possible, and creates a process to increase awareness of regulatory changes.

The BGOs broadly describe the desired future conditions of an HCP in order to direct work toward reaching the vision and purpose of these goals. Each goal has one or more objectives that define how to reach these conditions in measurable terms.

Adaptive management program participants

Through the adaptive management program, two public committees will advise the Board of Forestry: the Adaptive Management Program Committee (AMPC) and the Independent Research and Science Team (IRST). Both the AMPC and IRST must maintain self-developed guides, may receive participation grants and may use super-majority votes for important decisions. The IRST applies science to answer the policy questions put forth by the AMPC, and there is a process to report that information back to the board. This team must include one member each from a public institution, the timber industry and a conservation group. Members must be subject matter experts with graduate degrees in natural resources disciplines such as forestry, fisheries and ecology.

For transparency and accountability, ODF will provide status reports on AMPC and IRST to the board annually, and contract for performance audits every six years. The public may take part in board decisions via public comment.