

Work Plan:	Forest Resources Division
Version:	2022-2024 Final
Primary Contacts:	Josh Barnard, Forest Resources Interim Division Chief 503-551-8568 <a href="mailto:josh.w.barnard@odf.oregon.gov">josh.w.barnard@odf.oregon.gov</a>
Date Presented:	March 9, 2022
Date Approved:	March 9, 2022

## **DIVISION NARRATIVE**

### **Purpose & Objective**

The Oregon Department of Forestry's (ODF), Forest Resources Division, provides resource protection and landowner assistance on Oregon's 10.3 million acres (34 percent of Oregon's forestland) under private forest ownership and assists with federal forest restoration on federal forestland. Oregon's forests are diverse in size and character, including large industrial ownerships, family woodlands of many sizes, federal forests, and treescapes in cities, suburbs, and rural residential areas. To support such diverse ownerships, the Forest Resources Division provides landowner assistance in the areas of forest and stream health protection and enhancement, urban and community forestry, enforcement of forest practices laws, research and monitoring, tree improvement, incentive programs, and federal forest restoration. These forests provide values for all Oregonians, including watershed protection, ecosystem services, economic activity, fish and wildlife habitat, and recreation.

### **Current Issues**

A significant task for the Forest Resources Division is administering the FPA *and* providing wildland, urban, and community forest education, technical assistance, and restoration of federal lands across all our business lines in the Division. ODF field staff spend an increasingly disproportionate amount of time working with complex natural resource situations and conflicts in forests already at risk of conversion and fragmentation. The Department continues to deliver a mix of services that meets the diverse needs of Oregonians, landowners, communities, developers, regulators, and stakeholders across a broad diversity of forests while promoting and conserving forest land and forest values.

Current issues include increasing public pressure on the role of private forestlands in aspects of water quality, fish and wildlife habitat, and other desired outcomes from forests. To help meet these challenges the Division remains anchored in the Board's 2011 Forestry Program for Oregon, which supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect

soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies include a commitment to continuous learning, evaluating, and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11; OAR 629-635-0110).

As an outcome of the 2021 Legislative session, the Department received legislative direction to implement provisions of Senate Bill (SB) 762. Aspects of the bill will be produced by the Protection Division, Forest Resources Division, and the Planning Branch, which are outlined in the issue-based Senate Bill (SB) 762 Implementation Board work plan. The Forest Resources Division specifically has been tasked with implementing programmatic elements relative to wildfire risk reduction and small forestland grants, and the milestones as it relates to the Board are noted in the SB 762 Implementation work plan matrix.

In March 2022, the Legislature passed Senate Bills 1501 and 1502, and House Bill 4055 relating to the Private Forest Accord. Implementing this legislation is the top priority for the Board work plan.

## **TOPICS FOR THE BOARD OF FORESTRY 2022-2024**

A key objective is ensuring privately owned forests are responsibly managed under Oregon's Forest Practices Act. Division staff also provide technical assistance to forest landowners, protect clean water and wildlife habitat, detect, and respond to threats to forest health, support work to safeguard and improve our urban forests, grow high-quality tree seed, and assist our partners with federal forest restoration.

1. Water Quality Topics
  - a. Western Oregon Streamside Protection Review
  - b. ODF-DEQ Sufficiency Review Alignment
2. Forest Practices Act Rule/Policy Review
  - a. Specified Resource Site Rule Analysis: Marbled Murrelet
  - b. Specified Resource Site Rule Analysis: Coho Salmon
  - c. Specified Resource Site Policy Review
3. Implement Legislative Direction
  - a. Private Forest Accord Implementation
  - b. Senate Bill 762-*See Senate Bill 762 Workplan for details*
4. Fire Recovery
  - a. Post Fire Restoration and House Bill 5006, grants to increase nursery capacity and supply
5. Climate Change and Forest Carbon
  - a. Climate Smart Forestry Award Development
6. Board Updates

## **Water Quality: Western Oregon Streamside Protections Review**

### Overview

ODF completed the RipStream vegetation and large wood analysis, which was reported in ODF [Technical Report #21](#). ODF is developing a modeling analysis of riparian stand growth and large wood recruitment over time and is tentatively planning for a literature review of Desired Future Conditions (DFC) of riparian forests and large wood in streams. These topics were identified as a high priority in the Division's 2016 Monitoring Strategy. This project was delayed due to the focus of staff resources on the completion of the Siskiyou streamside protection review and post-fire response. With the passage of the Private Forest Accord, this will move from a final decision item (i.e., sufficiency decision) to an informational item as we complete this analysis.

### Purpose

Provide the Board with information from a modeling analysis and scientific literature about the protection and function of streamside riparian areas including large wood recruitment in streams.

### Board Deliverables with Timelines

ODF will be presenting the combined literature review and modeling analysis to the Board in April 2023 as an informational item.

### Outreach and Public Involvement

The Division had previously developed and utilized an external review team for this work. We will continue to work with this group and update our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **Water Quality: ODF-Department of Environmental Quality (DEQ) Collaboration**

### Overview

In March 2018, the Oregon Board of Forestry (Board) directed ODF to conduct a literature review to inform the Board's determination of the sufficiency of Forest Practices Act (FPA) stream protection rules for water quality temperature standards, and the shade and riparian stand structure components of desired future conditions (DFC).

ODF completed the literature review and presented it to the Board in June 2019. The Board expressed a desire to use DEQ's Total Maximum Daily Loads (TMDLs) as a basis for assessing the sufficiency of riparian rules for the stream temperature portion. The Board directed ODF to collaborate with DEQ and to formulate a range of other approaches to study the sufficiency of FPA rules.

ODF and DEQ have revised an existing Memorandum of Understanding (MOU) between the agencies to develop a mutual understanding of their respective policies and authorities and to align their water quality responsibilities and processes.

The Division and DEQ delivered approximately quarterly updates on their collaboration to the Board, as well as the Environmental Quality Commission (EQC). The Board and EQC reviewed the MOU at the November 2021 joint EQC-Board meeting, and the agency directors will sign the revised MOU soon.

#### Purpose

To provide an update on the implementation of the revised MOU.

#### Board Deliverables with Timelines

The Division and DEQ will return in June or July 2022 to provide an update on the implementation of the MOU and relevant work on total maximum daily loads (TMDLs).

#### Outreach and Public Involvement

We will provide updates on this work to the Board. In addition, we will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

### **FPA Rule/Policy Review Specified Resource Site Rule Analysis: Marbled Murrelet**

#### Overview

In June 2016, the Board received a Petition to Initiate Rulemaking under specified resource site rules for the marbled murrelet. In November 2016, the Board directed ODF to start a rule analysis for marbled murrelets and develop a technical report per Oregon Administrative Rule (OAR) 629-680-0100.

Staff presented the draft technical report to the Board in April 2018. Findings from an expert review of the draft technical report were presented to the Board in November 2018 and the final technical report was approved by the Board in April 2019. The approved final technical report lays out a range of options for both the definition of resource sites for marbled murrelets as well as a range of protection options the Board may want to consider protecting those resource sites.

To inform the Board's future decision-making work, ODF plans to seek input on the range of options from tribal governments and stakeholders. With the help of a facilitator, the meetings are designed to help identify preferred resource site determination and protection strategies. This input from focus groups will be summarized and submitted to the Board when completed.

The department initially experienced delays in gathering input from stakeholders due to COVID-19 restrictions and then workload relating to the recovery after the 2020 fires. This work is planned to resume in late 2023 following Private Forest Accord rulemaking.

### Purpose

The purpose of this review is to complete a specified resource site rule analysis for marbled murrelets. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites
3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

### Board Deliverables with Timelines

Plan to re-start the rule analysis in late 2023.

### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **FPA Rule/Policy Review Specified Resource Site Rule Analysis: Coho Salmon**

### Overview

In April 2019, the Board received a petition to initiate rulemaking under the specified resource site rules for coho salmon. In July 2019, the Board accepted the petition and directed ODF to initiate a rule analysis for coho salmon.

ODF has paused work designed to define the resource sites and work with other natural resource agencies to help establish the inventory of the resource sites due to intersection directly with potential revisions and consideration of Private Forest Accord outcomes designed to address endangered fish and aquatic species.

### Purpose

The purpose of this review is to complete a specified resource site rule analysis for coho salmon. And assist the Board to:

1. Collect and analyze the best available information and establish inventories of resource sites.
2. Determine if forest practices would conflict with the resource sites

3. Determine appropriate levels of protection if conflicts exist.
4. Adopt rules to protect resource sites as required by statute.

#### Board Deliverables with Timelines

TBD

#### **Forest Practices Act Rule/Policy Review: Specified Resource Sites Policy Review**

After more than a decade since the adoption of special resource site protection policies, a Board review of such policies—related statutes and/or rules—is needed considering changing circumstances for private forests in Oregon and species protection efforts. Changes include the development of a federal recovery plan for spotted owls, effective implementation of the Oregon Plan for Salmon and Watersheds, Oregon Department of Fish and Wildlife’s development of a statewide conservation strategy, Ballot Measure 49, and the development of a programmatic Safe Harbor Agreement for Spotted Owls. Overall, there is also a growing recognition that species-by-species approaches to resource protection, as opposed to more holistic landscape-level approaches, may not be the most effective or efficient means to achieve specified resource site protection goals.

Work on this topic is paused due to intersection directly with potential revisions and consideration of Senate Bill 1602 mediated sessions, designed to address endangered fish and aquatic species and lack of staff capacity currently focused on implementing the Private Forest Accord outcomes.

#### Purpose

Assist the Board in a policy-level review of the current approach to special resource site protection.

The policy review should address the following topics:

- What is the most appropriate role of the state / Department in relation to the Endangered Species Act and federal regulations for species protection?
- Does the implementation of current policy remain appropriate given the evolution of economic, social, and environmental issues in Oregon since the policies were adopted?

#### Board Deliverables with Timelines

TBD

#### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

## **Implement Legislative Direction, Private Forest Accord**

### Overview

In July 2020, the legislature passed, and the governor signed Senate Bill 1602 into law. The bill set the stage for the Private Forests Accord. The bill called for mediated discussions between representatives from the conservation and timber communities. The group needed to report to the legislature and recommend changes to Oregon's Forest Practices Act by the 2022 regular legislative session. The discussions concluded on October 30, 2021. The group recommended several changes to the Forest Practices Act. They drafted three bills for the legislature to consider. The department was not involved in drafting the bills.

In March 2022, the Legislature passed Senate Bills 1501 and 1502, and House Bill 4055. SB 1501, sets policy that requires rulemaking, contract work, and appropriates funds to implement the work. Senate Bill 1502 provides a tax credit for small forestland owners. House Bill 4055 establishes and funds a mitigation account, and sets the 2022-2023 harvest tax rate. SB 1501, SB 1502, and HB 4055 include by reference the [Private Forest Accord Report](#).

### Purpose

Develop rules and submit HCP application to implement the Private Forest Accord.

### Board Deliverables with Timelines

Senate Bill 1501 directs the Board to adopt a single rule package on or before November 30, 2022 consistent with the requirements of the Private Forest Accord Report. The board shall give notice of its intent to adopt the proposed rule package in the bulletin described in ORS 183.360 at least 30 days prior to the date proposed for adopting or amending the rules. After giving the notice, the board shall accept public comments for 30 days. The board shall hold one public hearing before or during which interested persons may submit written or oral testimony. The board must appoint members of the Adaptive Management Program Committee on or before November 30, 2022. The Board shall submit to the National Marine Fisheries Service and the United States Fish and Wildlife Service a proposed habitat conservation plan consistent with the Private Forest Accord Report on or before December 31, 2022. The board shall procure the services of a person to develop and draft the habitat conservation plan. The board shall ensure that representatives of the authors of the Private Forest Accord Report are regularly and closely consulted concerning the development and drafting of the habitat conservation plan and are consulted if any question arise concerning the intent of the Private Forest Accord Report. The Board shall appoint an Independent Research and Science Review team. The Board shall develop a process for a federally recognized Indian tribe in Oregon to elect to join as an applicant for a habitat conservation plan. The Board may amend rules that implement ORS 527.610 to 527.770 to make minor changes as needed to conform with the Private Forest Accord Report. The Board shall initiate rulemaking concerning the post-disturbance harvest of trees that, but for the disturbance, would not be harvested under rules adopted, amended, or repealed as part of the rule package described in section 2 of this 2022 Act. The rulemaking must be completed on or before November 30, 2025. The Board shall initiate rulemaking concerning tethered logging three years after the effective date of the legislation. The

board shall prioritize the rulemaking. The State Board of Forestry shall report annually to a committee or interim committee of the Legislative Assembly related to forestry, in the manner described in ORS 192.245, on progress in implementing the requirements of the Private Forest Accord Report. There are contingent operative dates established where regulations will roll back to current standards if milestones and dates are not met:

- An incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report is issued on or before December 31, 2027
- The State Board of Forestry has not made a finding that the habitat conservation plan imposes more than a de minimis difference in economic or resource impacts, at the level of landscapes, relative to rules adopted or amended as part of the rule package
- The incidental take permit remains in effect

On or before February 1, 2028, the State Board of Forestry shall report to a committee or interim committee of the Legislative Assembly related to forestry, in the manner described in ORS 192.245, on:

(1) Whether the incidental take permit described in section 11 of this 2022 Act was issued on or before December 31, 2027.

(2) Whether the board has received a petition to make a finding the habitat conservation plan imposes more than a de minimis difference

Senate Bill 1502 directs the State Forestry Department, after consultation with the Department of Revenue, to adopt rules for the implementation of the Owner tax credit. This will be part of the rule package for adoption on or before November 30, 2022.

### Outreach and Public Involvement

The division will provide updates to its Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process. The division will continue to engage tribal interest through the Cultural Resources and Natural Resources cluster groups and direct outreach to tribes.

### **Fire Recovery, Post Fire Restoration, and House Bill 5006 grants to increase nursery capacity and supply**

#### Overview

As noted in the Climate Change and Carbon plan, climate change is threatening Oregon's forest and forest products industry through increased severity and incidence of wildfire, drought, and greater susceptibility to insects and diseases. Fires in 2020 impacted over one million acres in Oregon and another 841,000 acres in 2021. Within the fire perimeters, approximately 343,000 acres in 2020 and 226,242 acres in 2021 of private (industrial and non-industrial) forest land has



been impacted to varying extents. The 2020 and 2021 fires have exacerbated issues in Oregon involving access to adequate tree seedlings, as well as nursery and contractor capacity. House Bill 5006 Section 183 appropriated \$5 million to the department for distribution as grants to expand tree seedling nursery capacity and supply to aid in reforestation after these fires. Division staff is working with collaborative groups and state partners to implement the legislation.

#### Purpose

Keep the Board informed of the implementation of legislation to support post-fire recovery efforts.

#### Board Deliverables with Timelines

Staff will provide updates on post-fire restoration and the implementation of this legislation in January 2022 and January 2023.

#### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

### **Climate Change and Forest Carbon: Climate Smart Forestry Award**

#### Overview

The Board adopted the climate and carbon change plan at the November 2021 meeting. The Forest Resources Division will be developing a climate-smart forestry award.

#### Purpose

To incentivize Climate Smart Forestry actions.

#### Board Deliverables with Timelines

Staff will begin developing the program in 2022 and anticipate providing an update and opportunity for feedback from the Board in November 2022. Staff would begin advertising the program in January 2023 targeting January 2024 as the first recognition by the Board for Climate Smart Forestry.

#### Outreach and Public Involvement

We will provide updates to our appointed Board advisory committees (Regional Forest Practices Committees and the Committee for Family Forestlands) throughout this process as well. We will continue to engage Tribal interest through the Cultural Resources and Natural Resources cluster groups as well as specific outreach to the tribes.

Board of Forestry Work Plan || 2022 - 2024 || Forest Resources Division

Forest Resources Division Work Plan	2022							2023							2024	
	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Water Quality Topics</b>																
<i>Milestones</i>																
❖ Western Oregon Streamside Protections Review										i						
❖ ODF-DEQ Sufficiency Review Alignment					i											
<b>Issue: Forest Practices Act (FPA) Rule Policy Review</b>																
<i>Milestones</i>																
❖ Specified Resource Sites Rule Analysis: Marbled Murrelet															i	
❖ Specified Resource Sites Rule Analysis: Coho Salmon***																
❖ Specified Resource Sites Policy Review***																
<b>Issue: Implement Legislative Direction</b>																
<i>Milestones</i>																
❖ Private Forests Accord Rule Package adoption by Nov 30, 2022						d	D									
❖ Establish Process for Indian Tribes to join HCP application						i	D									
❖ Submit PFA HCP application by Dec 31, 2022						i	D									
❖ Adaptive Management Program Committee Member Appointments							D									
❖ Independent Science and Research Team member appointments									D							
❖ Amend other rules to conform to report by July 1, 2023									i		D					
❖ Annual Report on Private Forest Accord Implementation								d								
❖ Tethered Logging Rule Analysis Started within 3 years																TBD
❖ Post Disturbance Rule Analysis completed by 2025														i		

Forest Resources Division Work Plan	2022							2023							2024	
	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>Issue: Fire Recovery</b>																
<i>Milestones</i>																
❖ Post Fire Restoration and House Bill 5006, grants to increase nursery capacity and supply	i							i								
<b>Issue: Climate Change and Carbon</b>																
<i>Milestones</i>																
❖ Develop Climate Smart Forestry award							i									
<b>Issue: Board Updates</b>																
<i>Milestones</i>																
❖ Climate Smart Forestry Award																i
❖ Operator of the Year	i							i								i
❖ Committee for Family Forestlands Report and Appointments					D							D				
❖ Forest Practices Agency Meeting Report		i							i							i
❖ Forest Health Report						i							i			
❖ Forest Practices Monitoring Report						i							i			
❖ Urban and Community Forestry Program Update						i							i			
❖ Non-industrial Forest Landowner Program Update	i					i							i			
❖ Federal Forest Restoration						i							i			
❖ Regional Forest Practices Committee Appointments						D							D			

**Matrix Key:**

**TBD** – To be determined

**i** – Informational item

**d** – Preceding Decision item

**D** – Final Decision item

\*\*\* Paused due to work on Private Forest Accord