

## Summary of modifications to proposed Forest Practices Act rule revisions

This document summarizes substantive changes to the proposed rules, organized by rule division. Staff reviewed public comment and the proposed rules to inform these changes.

All divisions	Summary of substantive modifications to proposed rules	Reason for changes
	Edited references to “State Forester” and “department” to be consistent throughout rule set	Clarified language for consistency
	Edited references to the “department’s reporting and notification system” to be consistent throughout rule set	Clarified language for consistency

### Division 600. Definitions

Div. 600 rules affected	Summary of substantive modifications to proposed rules	Reason for changes
(60)	Removed old technical guidance reference	Clarified language for consistency
(108)	Modified definition of research agenda to include all elements specified in OAR 629-603-0200(5)	Previous definition left out key elements in OAR 629-603-0200(5)
(149), (150), & (151)	Modified the definition of Type N, Type Np, & Type Ns to not be exclusive of any coincidental Type D classifications.	The changes to the definitions were needed to recognize the differences in stream classifications resulting that were exclusive of other beneficial use in the case of Type N streams. Type D streams may be coincidental with Type N, with the more protective measures taking precedent. A technical fix was needed to recognize Type N as either Np or Ns.

### Division 603. Adaptive Management Program

Div. 603 rules affected	Summary of substantive modifications to proposed rules	Reason for changes
0000(3), 0100(1)	Modified rule language to indicate that biological goals and objectives are static	Department staff learned that biological goals and objectives in habitat conservation plans are essentially static, and previous

		wording suggested these goals and objectives might easily change.
0000(6)	Added definitions to the purpose statement	Provides definitions within rule set
0160(3)	Specified which state agencies are not eligible for participation grants	For equity purposes, want to ensure that Legislative Commission for Indian Services is eligible for participation grants.
0200	Changed “servicers” to “contractor and other cooperators”	New wording is more accurate for what is needed.
0300(3) and (4)	Consolidated sections (3) and (4)	Section (4) mostly pertains to the federal services, and per statute they are not appointed by the board.
0300(5) (new section)	Added an option for interim members so an organization is represented continuously on the AMPC	During nomination of new members, the need for interim members became apparent. Note that the department decided this was not appropriate for the IRST because their role is likely too specialized to enable interim replacement, and their role is also less specific to a particular organization.
0600(1)	Updated wording to relate to biological goals and objectives.	Previous wording was for an incidental take permit, which won’t be issued for 4-5 years, and thus the need to use something applicable upon passage of the rules.

**Division 605. Planning Forest Operations**

<b>Div. 605 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
0170(4)	Added effective date	Clarified conditional effective date
0170(10)(H)	Corrected rule reference and added effective date	Clarified rule reference and effective date

**Division 607. Small Forestland Owner**

<b>Div. 607 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
0000(3)	Additional goal added and clarified language	Acknowledged that SFOs need support and resources from the SFO Office; adds specificity
0250(5)	Added “when filing a notification”	Clarified timing for the required submission of the road condition assessment

0300(2)(a)	Clarified language around addressing fish passage barriers	Added additional eligibility for program participation
0300(3)(b)	Clarified language on timing	Recognized the difference in time between application and award
0330(6)(a)	Clarified language around addressing fish passage barriers	Added additional eligibility for program participation
0400(4)	Removed “irrevocable” and text edits	Clarified the ability for deed restriction allowance
0450(1)	Added “tax” to title and second sentence	Clarified meaning of forest conservation credit

**Division 610. Forest Practices Reforestation Rules**

There are no substantive changes from the proposed rule.

**Division 625. Forest Road Construction and Maintenance**

<b>Div. 625 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
Multiple	Changes to ODFW rule references to reflect ODFW rule number changes	Comment from ODFW
0300(g), (h) and (i)	Added references to technical guidance requirements	Identified ODF’s responsibility to provide technical guidance
0320(6)(e)(B)	Corrected text	Clarified text
0320(6)(i)	Corrected text	Clarified text
0320(6)(f)	Corrected text	Clarified text
0330(8)	Removed old technical guidance reference	Clarified terms for consistency
0650(5)(e)(B)	Corrected text	Clarified text
0700(4)	Removed old technical guidance reference	Clarified terms for consistency
0900(5)	Corrected text	Clarified text
0900: adds section 12	(12) For culverts meeting the definition of having imminent risk of failure, landowners shall repair or replace the culvert as soon as practicable but no later than two years after having been identified.	Detailed in the PFA report but not included in draft language.

**Division 630. Harvesting**

<b>Div. 630 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
0900(1)	Corrected text	Clarified terms for consistency
0905	Title edit	Consistency with Div. 643 title format
0910	Title edit	Consistency with Div. 643 title format
0915	Title edit	Consistency with Div. 643 title format
0915	Added effective date	Clarified conditional effective date
0915 (3)	Corrected text	Clarified terms for consistency
0915(6)	Corrected text	Clarified terms for consistency
0920(9)	Corrected text	Clarified terms for consistency

**Division 635. Water Protection Goals and Stream Classification**

<b>Div. 635 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
0200(11)(a) & (b)	Resolved delegation of authority regarding fish models	Removed reference to accord report and to connections to unpublished model regarding authorities of ODF and ODFW.
0200(11)(e)	Corrected the actor in rules to not reflect ODF authority.	Initial rule language directed outside agency to take action, which ODF has no authority.
0200(3),(4), (11),(14),(16), (18)	Corrected text	Clarified terms for consistency

**Division 643. Water Protection Rules: Vegetation Along Streams**

<b>Div. 643 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>

Tables throughout rule division	Updated table footnote	Clarified application of requirements in table
0000(2)	Added details to the date	Clarified date
0100	Added effective date	Clarified conditional effective date
0100	Title edit	Consistency with Div. 630 title format
0105	Title edit	Consistency with Div. 630 title format
0105(2), (4)(c), (5)(b)	Added rule reference	Clarified requirement
0120	Title edit	Consistency with Div. 630 title format
0120	Added effective date	Clarified conditional effective date
0120(4)	Added rule reference	Clarified requirement
0125	Title edit	Consistency with Div. 630 title format
0125(3)(d), 4(d), 5(c)	Added rule reference	Clarified requirement
0130(1)(c)	Corrected text	Clarified language
0135	Corrected table	Error in table
0140(2)	Corrected text and table	Clarified terms for consistency and error in table
0141	Title edit	Consistency with Div. 630 title format
0142	Title edit	Consistency with Div. 630 title format
0143	Title edit	Consistency with Div. 630 title format
0145	Title edit	Consistency with Div. 630 title format

**Division 655. Water Protection Rules: Protection Measures for “Other Wetlands,” Seeps and Springs**

There are no substantive changes from the proposed rule.

**Division 670. Forest Practices Administration - Enforcement and Civil Penalties**

<b>Div. 670 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
All rules being	Added clarifying note about effective date at the top of each rule	Clarified effective date

amended or adopted		
0010(9)	Corrected text	Clarified terms for consistency
0214(6)(a)	Corrected text	Clarified terms for consistency on individuals
0214(6)(b)	Corrected text	Clarified terms for consistency on business
0225(3)	Corrected text	Clarified for consistency and reference. Did not need to reference statute and duplication of statute language
0228(2)	Corrected text	Included financial assurance
0228(3)	Added text for clarification	Clarified process to provide clear link for opportunity to challenge finding of State Forester
0228(4)	Corrected text to provide more defined process	Clarified terms and provided additional information on what can be considered for removal from the Repeat Violator list
0228(6)	Corrected text	Clarified terms and process for state forester to make claims from a bond or financial assurance

**Division 672. Forest Practices Administration**

<b>Div. 672 rules affected</b>	<b>Summary of substantive modifications to proposed rules</b>	<b>Reason for changes</b>
All rules being amended or adopted	Added clarifying note about effective date at the top of each rule	Clarified effective date
0100(f)	Corrected text	Clarified wording for consistency to match other section of 0100
0100(g)	Corrected text	Clarified wording for consistency to match other section of 0100

**Division 678. Compliance Monitoring**

There are no substantive changes from the proposed rules.