

Agenda Item No.:	E
Work Plan:	Forest Resources Division
Topic:	Implementing Legislative Direction
Presentation Title:	Initiate Rulemaking on Post-disturbance Harvest
Date of Presentation:	January 4, 2023
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## **SUMMARY**

This consent agenda item requests the Board to direct the Oregon Department of Forestry (Department) to start rulemaking on post-disturbance harvest per Senate Bill 1501. This is a decision item.

## **CONTEXT**

The legislature directed the Board to start rulemaking on post-disturbance harvest of trees that would not otherwise be harvested under adopted and amended rules related to the Private Forest Accord (PFA) Report.

## **BACKGROUND**

Representatives from conservation and forest industry groups reached an agreement in 2021 through mediated discussions known as the Private Forest Accord. Their report to the legislature included recommended changes to Oregon's forest practice laws and the completion of a Habitat Conservation Plan (HCP). The legislature adopted these recommendations in Senate Bill 1501, which set an expedited timeline for rule drafting and submission of a draft HCP to the National Marine Fisheries Service and U.S. Fish and Wildlife Service. Senate Bill 1501 and the Private Forest Accord Report also set expectations for rulemaking on post-disturbance harvest.

## **ANALYSIS**

Section 6 of Senate Bill 1501 requires the Board to start rulemaking on post-disturbance harvest and complete it by November 30, 2025. If the Board directs the Department to start rulemaking, the Department will follow the recommendations for post-disturbance harvest rulemaking described in the PFA Report. This will include the Department conducting a literature review to help the Board determine whether the effective rules and practices related to post-disturbance harvest are sufficient to meet the requirements of ORS 527.714.

Upon Board direction, the Department will conduct rulemaking with the following understanding:

- This rulemaking must follow procedures in ORS 527.714 for Type (1)(c) rules.
- If the Board decides that the standards are not met in ORS 527.714(5), then the Board would be precluded from adopting new rules.
- If the Board finds degradation under ORS 527.714(5), then the Department will proceed with rulemaking under ORS 183, the Administrative Procedures Act.

**RECOMMENDATION**

The Department recommends that the Board direct the Department to start rulemaking on post-disturbance harvest activities, as required by Section 6 of SB 1501, to include an analysis of the factors in ORS 527.714.

**NEXT STEPS**

Department staff will prepare a report that summarizes the literature on post-disturbance harvest.

**ATTACHMENTS**

None.