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CHAPTER 629
DEPARTMENT OF FORESTRY

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RULES:
629-643-0100, 629-643-0120, 629-643-0125, 629-643-0135, 629-643-0140, 629-643-0300

AMEND: 629-643-0100

RULE TITLE: Western Oregon; Standard Practice Vegetation Retention Prescription for Type F and Type SSBT Streams

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:
(1) The purpose of this rule is to provide the standard practice vegetation retention prescription for Western Oregon Type F and Type SSBT streams, as shown in Table 1. The riparian management area distances described in Table 1 are listed for each stream size category, as defined in OAR 629-635-0200. The operator shall apply the vegetation retention requirements described in this rule. Small forestland owners, as defined in OAR 629-600-0100, may follow the alternative vegetation retention option described in OAR 629-643-0141.

[Insert Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(2) Within an operation, the operator shall not combine or average together the vegetation retention requirements for stream segments of streams that are in different size categories.

(3) The operator shall retain:
(a) All trees and vegetation within the distances from the edge of the active channel or the channel migration zone, as described in Table 1; and
(b) All trees leaning over the channel.
(4) Within riparian management areas the operator shall retain all downed wood and snags that are not safety or fire hazards. The operator shall leave snags felled for safety or fire hazard reasons where they are felled unless used for stream improvement projects.
(5) The operator may fall, move, or harvest vegetation, snags, and trees within the distances described in Table 1 as allowed in other rules for road construction and temporary stream crossings (OAR 629-625-0000 through 629-625-0920), yarding corridors (OAR 629-630-0000 through 629-630-0925), or for stream improvement (OAR 629-643-0200).
(6) The operator may conduct pre-commercial thinning and other release activities to maintain the growth and survival of reforestation or to promote fire resiliency within riparian management areas if the operator conforms to the following:
(a) The operator shall ensure these activities contribute to and are consistent with enhancing the stand's ability to meet the desired future condition; and
(b) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.
(7) The operator may count retained trees within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676, as follows:
(a) For all medium and large Type F and Type SSBT streams, the operator may count retained trees within the outer 20 feet of the distances described in Table 1 when those retained trees otherwise meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676.
(b) For all small Type F and Type SSBT streams, the operator may count retained trees within the distances described in Table 1 that otherwise meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676.
(8) If the vegetation retention requirements span a road and a safety hazard presents a risk to road users, the operator may request that the State Forester approve a plan to remove trees upslope of the road. The State Forester shall authorize tree removal within the designated tree retention area only under the following conditions:
(a) Within the tree retention area, the width of the area where trees may be harvested from the upslope edge of the road shall be less than 15 feet.
(b) An equivalent basal area is retained elsewhere within the harvest unit adjacent to the tree retention area or designated debris flow traversal areas.

STATUTORY/OTHER AUTHORITY: ORS 527.710, Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.715, 527.765, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0100
Western Oregon; Standard Practice Vegetation Retention Prescription for Type F and Type SSBT Streams

Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large	Medium	Small	Upstream distance
Type F or Type SSBT	110 feet	110 feet	100 feet	N/A
Type N	75 feet	75 feet	See Type Np	N/A
Type Np, into Type SSBT			75 & 50	75 feet for 500 feet, then 50 feet for 650 feet. RH Max = 1,150 feet
Type Np, into Type F			75 feet	RH Max = 600 feet
Type D	75 feet	75 feet	75 or 20 feet[1]	See OAR 629-643-0150

[1] 20 feet outside of Type Np vegetation retention requirements

AMEND: 629-643-0120

RULE TITLE: Eastern Oregon; Standard Practice Vegetation Retention Prescription for Type F and Type SSBT Streams

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:

(1) The purpose of this rule is to provide the standard practice vegetation retention prescription for Eastern Oregon Type F and Type SSBT streams, as shown in Table 2. The riparian management area distances described in Table 2 are listed for each stream size category, as defined in OAR 629-635-0200. The operator shall apply the vegetation retention requirements described in this rule. Small forestland owners, as defined in OAR 629-600-0100, may follow the alternative vegetation retention option described in OAR 629-643-0142.

[Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(2) Within an operation, the operator shall not combine or average together the vegetation retention requirements for stream segments of streams that are in different size categories.

(3) The operator shall retain:

(a) All trees and vegetation within the inner zone, as described in Table 2, from the edge of the active channel or channel migration zone;

(b) All trees leaning over the channel; and

(c) A minimum of 60 square feet of basal area per acre within the outer zone and:

(A) The outer zone distances for each stream size, as described in Table 2, for the outer zone, as measured from the edge of the inner zone. To meet the basal area target requirement, the operator shall retain 27 trees from the largest diameter class per acre.

(B) The remainder of the trees shall consist of trees greater than eight inches DBH.

(C) When present, retained species shall consist of ponderosa pine, Douglas-fir, Western larch, hardwoods, and other species that are considered fire-resilient.

(D) Retained trees shall be well distributed within the outer zone, limited by existing site or stand condition

(E) Notwithstanding (A) through (D) above, the distribution, species, and size of retained trees shall be left on site in a way that promotes fire resiliency and overall stand health.

(F) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.

(4) The operator shall adhere to an ELZ in the outer zone, as required in OAR 629-643-0130 and as further defined in OAR 629-630-0700(6) and 629-630-0800(8).

(5) The operator may fall, move, or harvest vegetation, snags, and trees within the distances described in Table 2 and as allowed in other rules for road construction and temporary stream crossings (OAR 629-625-0000 through 629-625-0920), yarding corridors (OAR 629-630-0000 through 629-630-0925), or for stream improvement (OAR 629-643-0200).

(6) The operator may conduct pre-commercial thinning and other release activities to maintain the growth and survival of reforestation or to promote fire resiliency within riparian management areas if the operator conforms to the following:
(a) The operator shall ensure that such activities contribute to and are consistent with enhancing the stand's ability to meet the desired future condition.
(b) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.
(7) The operator may count all retained trees in the outer zone that otherwise meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676.
(8) If the vegetation requirements span a road and a safety hazard presents a risk to road users, the operator may request that the State Forester approve a plan to remove trees upslope of the road. The State Forester shall authorize tree removal within the designated tree retention area only under the following conditions:
(a) Within the tree retention area, the width of the area where trees may be harvested from the upslope edge of the road shall be less than 15 feet.
(b) The operator retains an equivalent basal area elsewhere within the harvest unit adjacent to the tree retention area.

STATUTORY/OTHER AUTHORITY: ORS 527.710, 527.630(3), 527.714, 526.016(4), Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.630(5), 527.674, 527.714, 527.715, 527.765, 527.710, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0120
Eastern Oregon; Standard Practice Vegetation Retention Prescription for Type F and Type SSBT Streams

Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large		Medium		Small		Upstream distance[1]
	Inner	Outer[2]	Inner	Outer[2]	Inner	Outer[2]	
Type F or Type SSBT	30	70	30	70	30	45	-
Type N	30	45	30	45	-	-	-
Type Np, Terminal					30	30	RH Max = 500 feet
Type Np, Lateral					30	N/A	RH Max = 250 feet
Type D	30	-	30	-	30 or 20 feet[3]	-	See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] Outer Zone shall retain 60 square feet of basal area per acre; apply OAR 629-643-0120
[3] 20 feet outside of Type Np vegetation retention requirements

AMEND: 629-643-0125

RULE TITLE: Eastern Oregon; Standard Practice Vegetation Retention Prescription for Type N Streams

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:

(1) The purpose of this rule is to provide the standard practice vegetation retention prescription for Eastern Oregon Type N streams, as shown in Table 2. The riparian management area distances described in Table 2 are listed for each stream size category, as defined in OAR 629-635-0200. The operator shall apply the vegetation retention requirements described in this rule. Small forestland owners, as defined in OAR 629-600-0100, may follow the alternative vegetation retention option described in OAR 629-643-0142.

[Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(2) The standard practice prescriptions and riparian management widths apply to Type N streams, depending on whether the stream classification is perennial (Np) or seasonal (Ns). The State Forester shall determine the classification of a Type N stream as Np or Ns following the process described in OAR 629-635-0200(18).

(a) To apply the appropriate vegetation requirements as described in Table 2, a small Type Np stream shall be classified as either terminal or lateral.

(b) The State Forester shall provide maps that show the stream class.

(3) For large and medium Type Np streams, the operator shall:

(a) Retain all trees and vegetation within the inner zone.

(b) Retain all trees leaning over the channel.

(A) For the outer zone, a minimum of 60 square feet of basal area per acre beyond the 30-foot inner zone, using the distances shown for the stream size described in Table 2. The operator shall measure the outer zone starting from the edge of the inner zone. To meet the basal area target requirement, the operator shall retain 27 trees from the largest diameter class per acre.

(B) The remainder of the trees shall consist of trees greater than eight inches DBH.

(C) When present, retained species shall consist of ponderosa pine, Douglas-fir, Western larch, hardwoods, and other species that are considered fire-resilient.

(D) Retained trees shall be well distributed within the outer zone unless limited by existing site or stand conditions.

(E) Notwithstanding (A) through (D) above, the distribution, species, and size of retained trees shall be left on site in such a way that promotes fire resiliency and overall stand health and shall be described in the written plan.

(F) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.

(c) Adhere to an ELZ in the outer zone, for 30 feet extending from the outer edge of the inner zone.

(d) For locations upstream from the tree retention requirements in this rule, the operator shall apply an R-ELZ or ELZ as required in OAR 629-643-0130 and as further defined in OAR 629-630-0700(6) and 629-630-0800(8).

(4) For a small terminal Type Np stream flowing into a Type F or Type SSBT stream, the operator shall retain all trees within:
(a) 30 feet from the edge of the active channel, for a maximum distance of 500 feet upstream of the confluence with the Type F or Type SSBT stream. The operator shall determine the total distance of the tree retention area above the confluence according to the requirements in OAR 629-643-0130. This distance may extend to the RH max of 500 feet.
(b) Outside of 30 feet and extending to 60 feet from the active channel, the outer zone retention requirements shall apply upstream for the same distance required in (a) as follows:
(A) A minimum of 60 square feet of basal area per acre.
(B) To meet the basal area target requirement, the operator shall retain 27 trees from the largest diameter class per acre.
(C) The remainder of the trees shall consist of trees greater than eight inches DBH.
(D) When present, retained species shall consist of ponderosa pine, Douglas-fir, Western larch, hardwoods, and other species that are considered fire-resilient.
(E) Retained trees shall be well distributed within the outer zone limited by existing site or stand conditions.
(F) Notwithstanding (A) through (E) above, the distribution, species, and size of retained trees shall be left on site in such a way that promotes fire resiliency and overall stand health.
(G) The operator shall submit to the State Forester a written plan that describes how the operator shall meet these requirements and the desired future condition for the outer zone.
(c) The operator shall adhere to an ELZ in the outer zone for 30 feet, extending from the outer edge of the inner zone.
(d) For locations upstream from the tree retention requirements in this rule, the operator shall apply an R-ELZ or ELZ as required in OAR 629-643-0130 and as further defined in OAR 629-630-0700(6) and 629-630-0800(8).
(5) For small lateral Type Np streams flowing into a Type F or Type SSBT stream, the operator shall retain all trees within 30 feet from the edge of the active channel for a maximum distance of 250 feet upstream of the confluence with the Type F or Type SSBT stream.
(a) The operator shall determine the total distance of the tree retention area above the confluence according to the process in OAR 629-643-0130.
(b) The operator shall adhere to an ELZ in the inner zone for 30 feet, extending from the edge of the active channel.
(c) For locations upstream of the tree retention requirements in this rule, the operator shall apply an R-ELZ or ELZ as required in OAR 629-643-0130 and as further defined in OAR 629-630-0700(6) and 629-630-0800(8).
(6) For small Type Ns streams flowing into Type F or Type SSBT stream within 30 feet of the active channel, the operator shall:
(a) Adhere to an R-ELZ for 750 feet extending the from the confluence and retain all shrubs and trees under six inches DBH to the extent that is practical due to site conditions.
(b) Adhere to an ELZ upstream of the R-ELZ and for the remainder of the Type Ns channel.
(7) The operator may conduct pre-commercial thinning and other release activities to maintain the growth and survival of reforestation or to promote fire resiliency within riparian management areas if the operator conforms to the following:
(a) The operator shall ensure that such activities contribute to and are consistent with enhancing the stand's ability to meet the desired future condition.
(b) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.
(8) If the vegetation retention requirements span a road and a safety hazard presents a risk to road users, the operator may request that the State Forester approve a plan to remove trees upslope of the road. The State Forester shall authorize tree removal within the designated tree retention area only under the following conditions:
(a) Within the tree retention area, the width of the area where trees may be harvested from the upslope edge of the road shall be less than 15 feet.
(b) An equivalent basal area is retained elsewhere within the harvest unit adjacent to the tree retention area.

(9) For all Type N streams, the operator may count all retained trees in the outer zone that otherwise meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676.

STATUTORY/OTHER AUTHORITY: ORS 527.710, Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.715, 527.765, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0125
Eastern Oregon; Standard Practice Vegetation Retention Prescription for Type N Streams

Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large		Medium		Small		Upstream distance[1]
	Inner	Outer[2]	Inner	Outer[2]	Inner	Outer[2]	
Type F or Type SSBT	30	70	30	70	30	45	-
Type N	30	45	30	45	-	-	-
Type Np, Terminal					30	30	RH Max = 500 feet
Type Np, Lateral					30	N/A	RH Max = 250 feet
Type D	30	-	30	-	30 or 20 feet[3]	-	See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] Outer zone shall retain 60 square feet of basal area per acre; apply OAR 629-643-0120
[3] 20 feet outside of Type Np vegetation retention requirements

AMEND: 629-643-0135

RULE TITLE: Standard Practice Vegetation Retention for Seeps and Springs, Side Channels, and Stream-Associated Wetlands

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:

(1) In Western Oregon, for seeps and springs located within the distances described in Table 1, the operator:

(a) Shall retain all trees within 35 feet of the seeps and springs. Shall extend the designated riparian management area widths in Table 1, if necessary, to retain all trees beyond the seep or spring up to a maximum of 35 feet. No additional tree retention area shall be required if the 35 feet of tree retention already exists within the retention area described in Table 1. The operator shall limit the length of additional tree retention area along the stream to the seep and spring feature length.

(b) Is encouraged to retain trees that meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676, that are immediately adjacent to seeps and springs, as described in OAR 629-655-0000.

[Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(2) In Eastern Oregon, for seeps and springs located within the inner zone distances described in Table 2, the operator:

(a) Shall retain all trees within 35 feet of seeps and springs by extending the riparian management area inner zone widths designated in Table 2, as needed. No additional tree retention area shall be required if the 35 feet of tree retention already exists within the retention area within inner zone described in Table 2. The operator shall limit the length of additional tree retention area along the stream to the seep and spring feature length. These rules do not apply to seeps and springs that are identified as important springs, as described in OAR 629-645-0000.

(b) Is encouraged to retain trees that meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676, that are immediately adjacent to seeps and springs as described in OAR 629-655-0000.

[Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(3) In both Western Oregon and Eastern Oregon, for side channels and wetlands that extend beyond riparian management areas described in Tables 1 and 2, the operator shall expand the tree retention area to entirely include any stream-associated wetland plus at least 25 additional feet.

STATUTORY/OTHER AUTHORITY: ORS 527.710, Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.715, 527.765, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0135
Standard Practice Vegetation Retention for Seeps and Springs, Side Channels, and Stream Associated Wetlands

Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large	Medium	Small	Upstream distance
Type F or Type SSBT	110 feet	110 feet	100 feet	N/A
Type N	75 feet	75 feet	See Type Np	N/A
Type Np, into Type SSBT			75 & 50	75 feet for 500, then 50 feet for 650 feet. RH Max = 1,150 feet
Type Np, into Type F			75 feet	RH Max = 600 feet
Type D	75 feet	75 feet	75 or 20 feet[1]	See OAR 629-643-0150

[1] 20 feet outside of Type Np vegetation retention requirements

Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large		Medium		Small		Upstream distance[1]
	Inner	Outer[2]	Inner	Outer[2]	Inner	Outer[2]	
Type F or Type SSBT	30	70	30	70	30	45	-
Type N	30	45	30	45	-	-	-
Type Np, Terminal					30	30	RH Max = 500 feet
Type Np, Lateral					30	N/A	RH Max = 250 feet
Type D	30	-	30	-	30 or 20 feet[3]	-	See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] Outer Zone shall retain 60 square feet of basal area per acre; apply OAR 629-643-0120
[3] 20 feet outside of Type Np vegetation retention requirements

AMEND: 629-643-0140

RULE TITLE: Small Forestland Owner Minimum Option Vegetation Retention Prescription Requirements

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:

(1) The goals of the small forestland owner minimum option vegetation retention requirements are to recognize the inherent differences in the needs and requirements of these owners while meeting the overall objectives of the Private Forest Accord Report, including but not limited to:

(a) Minimizing the conversion of timberlands to other uses while recognizing conversion to other land uses may occur;

(b) Minimizing the conversion of timberlands through a system of incentives, education, and regulatory stability for the small forestland owner; and

(c) Providing a landowner who may face disproportionate economic impact from revised riparian vegetation retention rules with an optional prescription while providing for equal environmental outcomes and the potential for increased financial outcomes.

(2) For the purposes of this rule, a landowner who qualifies as a small forestland owner, as described in OAR 629-607-0200, may use one of the following riparian vegetation retention options:

(a) The standard practice retention prescriptions described in Table 1 for Western Oregon and Table 2 for Eastern Oregon. The standard practice is available to optimize environmental benefits and mitigate risks to natural resources.

[Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]
[Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances]

(b) The small forestland owner minimum option vegetation retention prescriptions described in Table 3 for Western Oregon and Table 4 for Eastern Oregon, as limited by the terms of this rule and OAR 629-607-0400. The small forestland owner minimum option prescription applies to harvest types 1, 2, and 3 within the riparian areas of both Western Oregon and Eastern Oregon streams.

[Table 3: Western Oregon Small Forestland Owner Minimum Option Vegetation Retention Riparian Management Area Distances]
[Table 4: Eastern Oregon Small Forestland Owner Minimum Option Vegetation Retention Riparian Management Area Distances]

(c) The forest conservation tax credit option. The standard practice riparian vegetation retention prescription with the option to apply for the forest conservation tax credit, as described in OAR 629-607-0400 through 629-607-0800. When the small forestland owner requests the forest conservation tax credit as part of a notice of operation, the State Forester shall review the request and notify the small forestland owner whether the small forestland owner is eligible for the credit. If the State Forester approves a request for a forest conservation tax credit, the small forestland owner

shall receive a state tax credit for the stumpage value of this timber.
(3) Forest conservation tax credit. In addition to the small forestland owner minimum option, the small forestland owner may follow the standard practice vegetation retention requirements available to small forestland owners. When the small forestland owner selects the standard practice retention requirements in either Western Oregon or Eastern Oregon, the small forestland owner may apply for a forest conservation tax credit.
(a) A small forestland owner who selects the standard practice shall follow the same requirements in the standard practice retention rules for the riparian management area for harvest types 1, 2, and 3.
(b) A small forestland owner who selects the standard practice shall define the forest conservation area as the area between the outermost edge of the standard practice width and the outermost edge of the small forestland owner minimum option width.
(c) The forest conservation tax credit is equal to 100 percent of the stumpage value of standing trees that are retained in the forest conservation area, as described in OAR 629-607-0500. A small forestland owner who receives the forest conservation tax credit shall retain the trees within the forest conservation area for 50 years as required by the forest conservation tax credit program.
(d) A small forestland owner completing a harvest type 4 is not eligible to claim the forest conservation tax credit. No other limitations are in place for using a harvest type 4 within the fifth-field watershed.
(4) Fifth field watershed restriction for using the small forestland owner minimum option. There is a limit to the use of the small forestland owner minimum option within a fifth field watershed as delineated by the U.S. Geological Survey. It is limited to five percent of the riparian areas owned by small forestland owners in a fifth field watershed within a five-year period. The department will track the use of the small forestland owner minimum options as described in (4)(a)(C). Within 90 days after a small forestland owner completes a timber harvest adjacent to a riparian area, the small forestland owner who selects the small forestland owner minimum option shall report to the State Forester the total lineal feet of riparian area where the small forestland owner minimum option is applied within the harvest area. When reporting total lineal feet, the small forestland owner shall include each side of the stream. The small forestland owner shall report lineal feet in horizontal distance. The small forestland owner may use the small forestland owner minimum option harvest prescription in any defined fifth-field watershed based on the following criteria:
(a) When there are multiple small forestland owners within a fifth-field watershed, the small forestland owners within the watershed may use the small forestland owner minimum option for harvest types 1, 2, and 3 on no more than five percent of the total horizontal lineal feet of streams in the watershed. The five percent maximum harvest limitation applies, in aggregate, to all small forestland owners within the fifth-field watershed. The five percent is measured within a five-year period.
(A) For the five percent maximum harvest limitation described in (a), the State Forester shall track stream distances for Type F and Type N streams separately. For this rule's tracking purposes, Type F streams shall include Type SSBT streams.
(B) The State Forester shall calculate the five percent maximum harvest limitation per fifth-field watershed using the five-year rolling average for each stream classification. The five percent maximum harvest limitation is calculated using the total horizontal lineal feet of riparian area harvest per stream classification (Type F or Type N), divided by the total available lineal feet of Type F and Type N streams in the defined watershed. Type F and Type N restrictions may be different in a fifth field watershed.
(i) Consideration of the five-year rolling average for calculating the lineal feet of riparian harvest shall be continuous.
(ii) Any harvest and the associated lineal feet that is older than five years shall be excluded from tracking and from the calculation of the watershed harvest limitation for each stream classification.
(C) The State Forester shall track lineal feet for each side of the stream associated with the small forestland owner minimum option tracking. Harvest occurring exclusively on one side of the stream shall be counted as one-half the lineal feet for the stream segment.
(b) When the five percent maximum harvest limitation exists for a defined watershed and the small forestland owner chooses to use the small forestland owner minimum option prescription, the small forestland owner may select from

either option (A) or (B):
(A) Enroll on a waiting list to utilize the small forestland owner minimum option prescription at a time when the limitation has lowered below the calculation in (5)(a).
(i) The State Forester shall maintain and update the list on a first come, first served basis. The department shall notify any enrolled small forestland owner when the opportunity to utilize the small forestland owner minimum option becomes available.
(ii) After the State Forester provides the small forestland owner with a notification of eligibility, the small forestland owner shall elect to harvest according to the small forestland owner minimum option or forfeit priority on the waiting list.
(B) The small forestland owner may use the standard practice retention requirement and apply for a tax credit for the forest conservation area at 125 percent of the value for which the small forestland owner would have been eligible under the forest conservation tax credit program in OAR 629-607-0400 through 629-607-0800.
(c) OAR 629-607-0400(9) outlines a process if the forest conservation tax credit changes.

STATUTORY/OTHER AUTHORITY: ORS 527.710, Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.715, 527.765, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0140
Small Forestland Owner Minimum Option Vegetation Retention Prescription Requirements

Table 1. Western Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large	Medium	Small	Upstream distance
Type F or Type SSBT	110 feet	110 feet	100 feet	N/A
Type N	75 feet	75 feet	See Type Np	N/A
Type Np, into Type SSBT			75 & 50	75 feet for 500, then 50 feet for 650 feet. RH Max = 1,150 feet
Type Np, into Type F			75 feet	RH Max = 600 feet
Type D	75 feet	75 feet	75 or 20 feet[1]	See OAR 629-643-0150

[1] 20 feet outside of Type Np vegetation retention requirements

Table 2: Eastern Oregon Standard Practice Vegetation Retention Riparian Management Area Distances

Stream Type	Large		Medium		Small		Upstream distance[1]
	Inner	Outer[2]	Inner	Outer[2]	Inner	Outer[2]	
Type F or Type SSBT	30	70	30	70	30	45	-
Type N	30	45	30	45	-	-	-
Type Np, Terminal					30	30	RH Max = 500 feet
Type Np, Lateral					30	N/A	RH Max = 250 feet
Type D	30	-	30	-	30 or 20 feet[3]	-	See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] Outer Zone shall retain 60 square feet of basal area per acre; apply OAR 629-643-0120
[3] 20 feet outside of Type Np vegetation retention requirements

Table 3: Western Oregon Small Forestland Owner Minimum Option Vegetation Retention Riparian Management Area Distances

Stream Type	Large	Medium	Small	Upstream distance[1]
Type SSBT	100 feet	80 feet	60 feet	N/A
Type F	100 feet	70 feet	50 feet	N/A
Type N	70 feet	50 feet	See Type Np	
Type Np, into Type SSBT			35	RH Max = 1,150 feet
Type Np, into Type F			35	RH Max = 600 feet
Type D	75	75	35 or 20 feet[2]	See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] 20 feet outside of Type Np vegetation retention requirements
[3] OAR 629-643-0143 describes all Type Np riparian vegetation requirements for small forestland owners

Table 4: Eastern Oregon Small Forestland Owner Minimum Option Vegetation Retention Riparian Management Area Distances

Stream Type	Large		Medium		Small		Upstream distance[1]
	Inner	Outer	Inner	Outer	Inner	Outer[2]	
Type F or Type SSBT	30	70	30	50	30	30	N/A
Type N	30	45	30	30	-	-	
Type Np, Terminal	-	-	-	-	20	20	RH Max = 500 feet
Type Np, Lateral	-	-	-	-	20	N/A	250 feet
Type D	30		30		20		See OAR 629-643-0150

[1] Upstream distance from either Type F or Type SSBT
[2] Outer Zone shall retain 60 square feet of basal area per acre; apply OAR 629-643-0120
[3] OAR 629-643-0143 describes all Type Np riparian vegetation requirements

AMEND: 629-643-0300

RULE TITLE: Alternative Vegetation Retention Prescriptions

ADOPTED ATTORNEY GENERAL'S MODEL RULES BY REFERENCE.

RULE SUMMARY: Senate Bill 1501 (2022) Sections 2 and 3 set forth a process that the Board of Forestry and Department of Forestry must follow for establishing rules to implement both SB 1501 and SB 1502 (2022). The bill required the Board to adopt rules by November 2022, and authorized the Board to make minor changes and conforming amendments to these rules before July 1, 2023. SB 1501 Section 3(14) provides that the amendments for minor changes are not subject to certain rulemaking requirements, including the requirement to file public notices. The Oregon Administrative Rules Database (OARD) does not allow permanent rulemaking to occur without a notice on file, therefore this rule was filed under the process established for filing model rules, in order to comply with the legislative direction while also meeting OARD system requirements.

This is a refiling of the rule due to technical issues with the attachment, there are no changes to rule text.

RULE TEXT:

(1) Alternative prescriptions are intended to apply to situations where the existing streamside stand is too sparse or contains too few live trees to maintain fish, wildlife, and water quality resources over time. Future desired streamside stand conditions are achieved through immediate manipulation of vegetation, including reforesting the riparian management area with conifer.

(2) Section (3) and (4) of this rule are alternative vegetation retention prescriptions described for the geographic areas in Figure 1, that the operator may apply if the basal area in the riparian management area is no more than one-half of the standard target indicated in either Table 5 or Table 6, as may be applicable, and conditions described in the alternative prescription are applicable.

[Figure 1. Geographic Areas, OAR 629-643-0300]

[Table 5. Alternative Prescription Basal Area Table for Type F/SSBT Streams]

[Table 6. Alternative Prescription Basal Area Table for Type D and Type N Streams]

(3) Alternative vegetation retention prescription 1 (catastrophic events). This alternative prescription applies to streamside stands that have been damaged by wildfire or by catastrophic windthrow, or by insect or disease mortality. Such mortality must occur at the stand level and may not include normal endemic mortality. This alternative prescription is intended to provide adequate stream shade, woody debris, and bank stability for the future while creating conditions in the streamside area that will result in quick establishment of a new and healthy stand. The operator shall:

(a) Retain trees that have fallen in the stream. The operator may only harvest portions of these trees that are outside the high-water levels and do not contribute to the ability of the downed tree to withstand movement during high flows.

(b) Retain all live and dead trees within 20 feet of the high-water level of large and medium streams and 10 feet of the high-water level of small streams.

(c) For Type F and Type SSBT streams, retain live trees, dying or recently dead trees, and downed logs sufficient to satisfy the active management target shown in Table 5.

(d) For Type D and N streams, retain live trees, dying or recently dead trees, or downed logs sufficient to satisfy the standard target shown in Table 6.

(e) Retain live conifers first to meet the target. If live conifers are too few to satisfy the target, the operator shall meet the target as much as possible by including windthrown trees within the channel and dying or recently dead trees.

(f) For purposes of this prescription, the basal area of a windthrown tree in the channel or a retained dying or recently dead tree contributes two times its basal area toward meeting the target.

(4) Alternative vegetation retention prescription 2 (hardwood dominated sites). This alternative prescription applies to

streamside sites that are capable of growing conifers, and where conifer stocking is currently low and unlikely to improve in a timely manner because of competition from hardwoods and brush. If portions of such riparian management areas currently contain abundant conifer basal area, it is intended that these areas of good conifer basal area be segregated and managed using the standard practice vegetation retention prescription while the remainder is managed according to this alternative prescription. This alternative prescription is intended to provide adequate stream shade, some woody debris, and bank stability for the future while creating conditions in the streamside area that will result in quick establishment of a conifer stand. The operator shall:

(a) Submit to the State Forester a written plan that describes how the operator will meet these requirements and that demonstrates that the conversion will substantially improve the likelihood and timeline to reach the desired future condition.

(b) Evaluate the stand within the riparian management area and, where they exist, segregate segments 200 feet or more in length that are well-stocked with conifer, as identified from an aerial photograph, from the ground, or through other appropriate means. The standard practice vegetation retention prescription for vegetation retention shall be applied to these segments.

(c) For the remaining portion of the riparian management area that has lower conifer basal area, divide the riparian management area into conversion blocks and retention blocks.

(d) Include no more than half the total stream length in the harvest unit within conversion blocks. Conversion blocks shall be no more than 500 feet long and shall be separated from each other by at least:

(A) 200 feet of retention block; or

(B) A 200-foot segment where the standard practice vegetation retention prescription is applied.

(e) Within conversion blocks, the operator shall retain:

(A) All trees growing in the stream, or within 10 feet of the stream's high-water level.

(B) For large streams, all trees leaning over the channel within 20 feet of the high-water level of the stream.

(f) Within retention blocks the operator shall retain:

(A) For large streams:

(i) All conifer trees within 50 feet of the high-water level of the stream.

(ii) All hardwood trees within 30 feet of the high-water level of the stream.

(B) For medium streams:

(i) All conifer trees within 30 feet of the high-water level of the stream.

(ii) All hardwood trees within 20 feet of the high-water level of the stream.

(C) For small streams, all trees within 20 feet of the high-water level of the stream.

STATUTORY/OTHER AUTHORITY: ORS 527.710, Section 2(1), Chapter 33, Oregon Laws 2022

STATUTES/OTHER IMPLEMENTED: ORS 527.715, 527.765, Section 2(2), Chapter 33, Oregon Laws 2022

629-643-0300
Alternative Vegetation Retention Prescriptions

Figure 1. Geographic Areas, OAR 629-643-0300

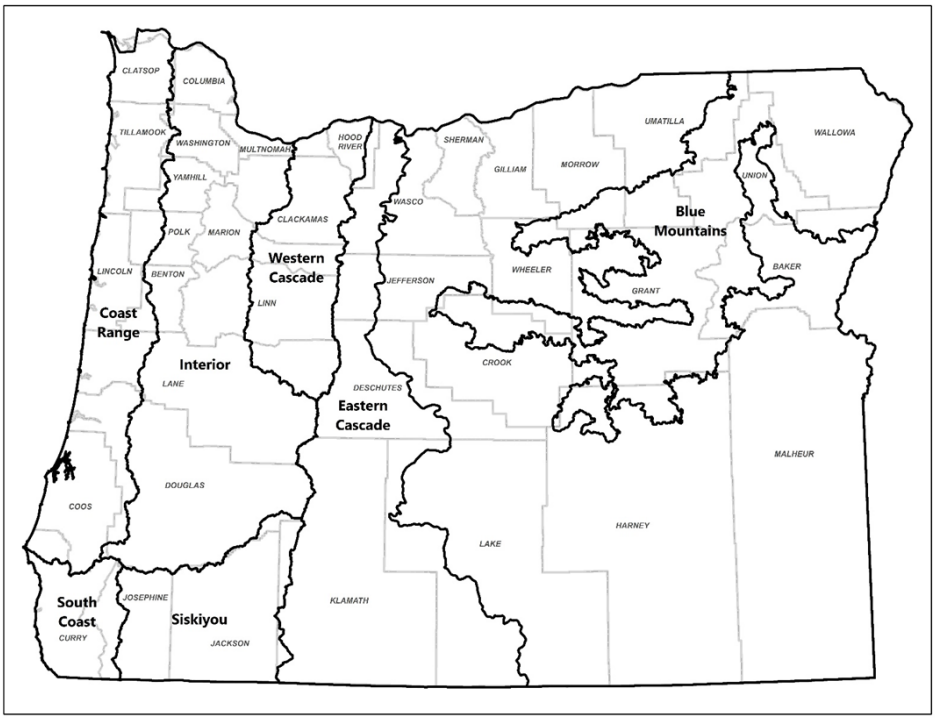


Table 5. Alternative Prescription Basal Area Table for Type F/SSBT Streams

Geographic Areas	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM EACH SIDE					
	LARGE TYPE F/SSBT		MEDIUM TYPE F/SSBT		SMALL TYPE F/SSBT	
	Standard Target	Active Mgt. Target	Standard Target	Active Mgt. Target	Standard Target	Active Mgt. Target
Coast Range, S. Coast	253	187	189	141	80	40
Interior & W. Cascades	297	220	220	173	80	40
Siskiyou	242	187	173	141	80	40
Eastern Cascade & Blue Mountain	170	130	129	100	75	75

Table 6. Alternative Prescription Basal Area Table for Type D and Type N Streams

Geographic Areas	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM, EACH SIDE		
	LARGE TYPE D and N	MEDIUM TYPE D and N	SMALL TYPE N and D
	Standard Target	Standard Target	Standard Target
Coast Range, S. Coast, & Siskiyou	96	75[1]	0
Interior & W. Cascades	118	75[1]	0
Eastern Cascade & Blue Mountain	75	75[1]	0

[1] Hardwoods may count up to 30 square feet of basal area per 1000 feet toward meeting the standard target.