

Oregon Forestry Federal, State and Private Forest Management Rules and Procedures

The United States Forest Service and the United States Department of Agriculture manage Federal Forests. Any action on Federal land is subject to the National Environmental Policy Act (NEPA). The act requires an analysis of any detriment to natural resources by providing an Environmental Impact Statement (EIS) for regulatory action and public comment. The USFS's top priority is "to maintain and improve the health, diversity, and productivity of forest ecosystems for the enjoyment of current and future generations".

The Oregon Department of Forestry (ODF) oversees State & Private forests. Forest management and timber sales are subject to the Oregon Forest Practices Act (FPA). These forests are meant to achieve "healthy, productive, and sustainable forest ecosystems that, over time and across the landscape, provide a full range of benefits to the people of Oregon".

Federal Forests

An analysis of the significant impacts of logging and associated activities must be weighed and alternatives must be considered for all proposed logging plans. The public has the opportunity to comment on the analysis and participate in the decision-making process.

State Forests

Public Process

The state must at least comply with the Oregon Forest Practices Act (FPA).

The Board of Forestry is in charge of the public process in regards to State Forests and are subject to stakeholder and public involvement on all forest action or engagements.

Private Forests

Private land owners are required to inform the state of intended logging plans, but the state does not have the authority to grant or deny approval. The logging plans must adhere to the Oregon Forest Practices Act, yet there is no requirement for evaluation of impacts of alternatives.

The public can pay a fee to ODF for access to proposed logging activities in a specific area, but otherwise has little or no opportunity to engage.

Funding and Revenue

Recreation and permit fees generate about \$13 billion a year. At least 80% of the fee revenues are retained locally to enhance the sites and service for which fees are charged. The United States Forest Service (USFS) is additionally funded through a budget allocated by The Department of Agriculture.

Revenue is generated through natural resource extraction—primarily timber. Affected counties retain a percentage and redistribute most of the revenue to local schools and taxing districts, such as rural fire departments.

A third of the revenue is used by ODF to manage the lands and protect them from fire. This revenue fully supports the State Forests Division of ODF.

Landowners are responsible for funding and managing their own forested lands. Landowners are subject to harvest application and implementation fees to be paid to the Department of Forestry. Fees range from \$50-\$500 per individual harvest plan.

Timber Harvest

Under the Northwest Forest Plan (NWFP), public lands are divided into different management allocations. In old-growth forest reserves clear-cutting is prohibited. Thinning is allowed in forest stands up to 80 years of age if it is beneficial to the creation of old-growth conditions.

Oregon State Forests are actively managed under regionally specific forest management plans. About 86% of state forests are classified as timber-producing forests. Site preparation and reforestation of clear-cut units must commence within 12 months and be completed by the end of the second planting season after the completion of harvesting.

Logging on private lands is expected to be consistent with the state and local use requirements under the Forest Practices Act.

The commercial growing and harvest of trees on private land includes minimal regulations for timber harvesting, road construction and maintenance, slash treatment, reforestation and pesticide and fertilizer use.



Road Standards

The redesign, reconstruction, non-routine maintenance, or relocation of recreational trails must benefit the natural environment or aid to mitigate and minimize the impact to the natural environment. The purchaser of Government timber is responsible to maintain the roads to a satisfactory condition for environmental benefit.

The Forest Practice Act requires ODF lands to locate logging roads where there is a minimum risk of materials entering the water, and a minimum disturbance to riparian areas, channels, lakes, wetlands and floodplains. Road location must also avoid steep slopes, high landslide hazard locations, as well as avoid wetlands, channels, and floodplains. Unfortunately there are numerous examples of detrimental roads across the state forest landscape.

Landowners must comply with the Forest Practices Act road standards. Written approval from ODF is required prior to road construction if the plan is in or near riparian areas, stream crossings (over 15 feet deep), or high landslide areas.



Federal Forests

State Forests

Private Forests

Enforcement & Accountability

Forest Service employees are responsible for monitoring federal logging and other activities. The public has a right to hold federal agencies accountable for compliance with federal environmental laws.

A localized management structure is in place to enforce the Department of Forestry's management plans and policies. The public has a right to hold the Department accountable for compliance with federal and state environmental laws.

Checks and citations are based on reports of violation only. State budgets for inspection have been severely reduced in recent years. Private forestlands are frequently under-regulated and under-enforced. Checks and citations are based on reports of violation only.

Water Quality

The water resources on federal forestland are subject to the Clean Water Act (CWA). Although the Clean Water Act does apply to agriculture, including forestry, all other aquatic activities require permits and strict environmental regulation.

Forestry practices near water resources are therefore expected to follow best management practices.



Oregon DEQ is responsible for the management of Oregon's water resources. Oregon's Forest Practices Act specifies the use of "Best Management Practices" for forest operations in order to minimize water degradation.

Approximately 13,326 miles of Oregon's streams and rivers, and 30 lakes do not meet the water quality standards that support drinking water, recreation and fisheries.

Private landowners are expected to follow Oregon DEQ's "Best Management Practices".

Studies recently confirmed that stream protections on private lands were insufficient to meet minimal Clean Water Act requirements for stream temperature. More than 3000 miles of streams on private forestlands are non-compliant with water quality standards.

Riparian Buffers

The Clean Water Act requires a buffer width of 75-150 feet in which vegetation and trees are undisturbed. Selected trees presenting unusual hazards may be cut.

Any application of insecticides near watersheds or in riparian buffers is prohibited

All fish-bearing streams are expected to have a riparian management area between 50 and 100 feet. Within these riparian management areas, all fish-bearing or domestic use streams, and all other medium and large streams, require a 20-foot no-harvest buffer on each side of the stream unless tree restoration is needed.

Due to lack of funding or technical assistance, stream maintenance is often neglected.

Small intermittent headwater streams receive no protection. Small, non-fish bearing streams may have a 0 to 20 foot tree buffer, with some logging allowed between 20-70 feet.

Stream crossing are allowed for logging. Private entities must receive written approval for riparian logging plans.

Pesticides

A limited list of certain chemicals are allowed on public lands, but are generally used sparingly and applied manually to control noxious weeds. Aerial spraying and use of chemicals to control competing native vegetation on order to boost timber production is not allowed.

Aerial spraying of herbicides to kill native vegetation that competes with crop trees is common. Any combination of chemical, mechanical, and biological pest management are utilized as much as possible to eliminate pests and weeds in a cost effective and, secondly, an environmentally sound manner.

Aerial spraying of herbicides is common. It is difficult to prevent chemicals from drifting onto water-bodies. Plans and compliance with other state laws are required. There is a 60-foot buffer for aerial spraying on fish-bearing or drinking water streams. Small streams have no buffer.

Endangered Species

Any form of "take" or harm to a threatened or endangered fish or animal on federal forestlands is prohibited. Violations result in civil fines up to \$25,000, criminal penalties of up to \$50,000 and/or one year's imprisonment per violation. Exemptions exist through permits for certain activities that affect threatened species. A habitat conservation plan (HCP) is required to obtain this type of take exemption permit.

Land managers must consult with fish and wildlife biologists before conducting activities likely to adversely affect listed species.

Oregon's endangered species list includes nine additional species, as compared to the Federal ESA.

The Department of Forestry is required to apply for a permit through NOAA and USFWS for any activity that may adversely affect any federally listed species. The USFWS issues permits and can recommend further action, yet ultimately has no legal authority over the state's decision.



There is no language in the Oregon ESA that requires an owner or any commercial forestland or other private land to take action to protect a threatened or endangered species or to impose additional requirements or restrictions on the use of private land.

Only a 70-acre no-cut area is required for known northern spotted owl sites, though owls' home range typically include over a 1,000 acres of habitat around their next.