

OTHER CONSIDERATIONS

Additional requirements may affect some forest operations

This manual was designed to be relatively comprehensive, but operations on forestlands can involve such a wide range of activities that some situations can have other legal requirements and responsible agencies. Here are three examples:

Pond Construction

Unless one already exists, landowners often are interested in developing a pond on their forest property for both practical uses and amenity values. On forest land, a pond can attract unique aquatic and wildlife species, and it can provide a valuable water source if a wildfire occurs.

Constructing a pond requires a permit application and approval from the Oregon Water Resources Dept. (WRD). There is a base permit application fee and an additional fee that varies with the planned size of the pond. Be aware that construction of large ponds (i.e., those with dams over 10 feet high and storage levels over 9.2 acre-feet) require approval of a more detailed and costly application that includes a design by a licensed engineer.

Pond development also requires good planning and coordination between the application process and construction work, due to the many details and time involved. Key steps and timing for the application and permitting process include:

- landowner submits application and pays base plus pond-size fees
- WRD posts a public notice of the application within 60 days
- after this posting, there is a 60-day public comment period
- WRD issues permit decision within 180 days



Ponds are an attractive and often useful feature on forest land. Their construction requires an application and permit from the Oregon Water Resources Dept.

Removal-Fill Permits

Some projects involve the removal or filling of large amounts of soil or rock in or near a water body, activities that fall outside the scope of Oregon's Forest Practices Act and Rules (FPA). In such cases where the amounts involved are much greater than normally moved during forest road and stream crossing construction, the operation requires a removal-fill permit from the Oregon Dept. of State Lands (DSL).

More specifically, a removal-fill permit typically is needed for projects involving 50 cubic yards or more of alteration of streambed, streambanks or wetlands. Moving such large quantities could be part of a major reservoir or irrigation project, or a unique construction situation (see photo below). Beyond forestland, projects located in key salmon habitat waterways or state scenic waterways require a DSL removal-fill permit for any level of alteration.

In reviewing a removal-fill permit application, DSL determines if the project is consistent with the protection, conservation and best uses of the water resources of the state. DSL also assesses whether or not the project would unreasonably interfere with navigation, fishing and public recreation. The following steps are part of this process:

- landowner submits application and pays related fee
- application processing and review can extend up to 120 days
- if acceptable, DSL issues approval of individual permit



Projects that move a lot of material in or near a stream channel or wetland, such as this stream crossing upgrade, may require a removal-fill permit from the Oregon Dept. of State Lands.

Rock Pits and Quarries

Local development, use and abandonment of quarries or rock pits/storage areas for forestland management normally follow requirements under the Forest Practices Act and Rules. However, where quarry operations on forestlands involve large quantities of commercial products sold for non-forest uses off-property, Oregon's mining regulations apply – these are administered by the Oregon Dept. of Geology and Mineral Industries (DOGAMI).

For normal forest management-related rock projects, forest practice rule requirements focus on maintaining stable slopes and protecting water quality. Operators shall not locate quarry sites in streams; they shall prevent overburden or waste from entering waters; and they shall stabilize banks and other quarry surfaces to prevent surface erosion/landslides. Quarries or rock pits that may impact resource sites that require special protection (e.g., sensitive bird nesting, roosting and watering sites) also are subject to all related forest practice rules.

Large, commercial rock quarry operations are subject to mining regulations and DOGAMI oversight. Such operations require a fee-based permit for mining activities that exceed one acre and/or 5,000 cubic yards of new disturbance in any 12-month period, unless the excavated material stays on the property. Under these fee-based permits issued by DOGAMI, reclamation also is required and a related security deposit must be made.

For other information sources, see the Appendix, pages 197-198.

Opportunities to enhance resources through voluntary measures

Oregon offers landowners a variety of voluntary opportunities to maintain or enhance the environment as forest operations are planned and conducted. The following review describes some of the available opportunities for landowners to protect or improve forest resources — encouraging unique and better ways for achieving environmental objectives, including going beyond the standards set in law or rule.

Plan for Alternate Practice

Oregon's Forest Practices Act and Rules provide landowners and operators with an option to modify specific requirements in the law and rules, if comparable or better protection of forest resources can be achieved. This approach requires a "Plan for an Alternate Practice," a document prepared by the landowner, operator or timber owner, submitted to ODF and describing the practices that differ from those specified in the applicable law or rule.

Landowners and operators who are considering alternate forest practices or methods should contact ODF early, as not only can staff provide helpful guidance, a written plan and formal approval are required before operations can begin. The written plan must describe in sufficient detail the alternate practice and how it would yield results equal or better than under the standard rule requirements. Once the written plan is approved by ODF, the alternate practice effectively becomes the rule, and all provisions of the written plan must be met.

These are examples of some situations for which approval of alternate practices with protection standards or methods different than those specified in rule or statute may be granted:

- management actions for reasons of forest health, public safety or safety hazards
- specific practices that will improve soil, water quality, fish or wildlife habitat
- to conduct needed management following a disaster, storm, pest or disease epidemic
- when required forest practices would conflict with a resource site
- to exceed the 120 acre clearcut size limit
- to modify the reforestation requirements
- to modify the retention requirements along streams, wetlands or lakes
- to convert forestland to non-forest use
- to conduct activities unique to a bona fide research project
- to modify the requirements for special resource sites (threatened fish and wildlife, sensitive birds, significant wetlands, etc.)
- to conduct any other specific practice that will result in less environmental damage than if the standard requirement were applied

In the 1960s and '70s, many forest streams were cleared of woody debris with the mistaken idea that it was good for fish. The impacts of this practice persist, and carefully planned additions of large wood are desirable in many locations.



Placing large wood and other stream habitat enhancement

Many fish-bearing (Type F or SSBT) streams in Oregon can be improved with more large wood structure and other key features that enhance spawning and rearing habitat for fish. Landowners are generally encouraged to make such improvements, and the forest practice rules provide further incentive by allowing somewhat greater timber harvest in nearby riparian management areas in exchange for stream enhancement projects that meet certain conditions.

The purpose of placing large wood in streams is to simulate additions from windthrow and other natural processes. The goal is to maintain and restore stream habitat with relatively stable features, although some reconfiguration of the wood is expected with changes in natural stream flow. Wood placement projects often are most efficient when combined with other forest operations, and such projects must meet all

Did you know?

Oregon law gives landowners general protection from liability for injury or property damage that results from trees or large woody debris left to comply with forest practice requirements. This includes approved large wood placement for habitat enhancement, which could move downstream during flood flows.

applicable forest practice requirements, including preparation of a written plan. Wood placement also must follow standards developed by ODF and the Oregon Dept. of Fish and Wildlife, currently found in the publication "A Guide to Placing Large Wood in Streams."

With an approved wood placement project, landowners may also qualify for basal area "credit" toward the live-tree retention requirements in the stream RMA (see Chapters 1 and 2). This

can allow for harvest of more timber from the RMA; i.e., use of the "Active Management Target" for basal area retention. The specific basal area credit amount given depends on both the stream size and the size and number of logs that are placed in the stream.

Other stream enhancement projects also may qualify for basal area credit toward the RMA tree retention requirements. Such projects include creation of backwater alcoves, riparian grazing control measures (e.g., fencing) and placement of other habitat structure (e.g., boulders, rootwads) in stream channels. A written plan is required, and the basal area credit granted is negotiated between the agencies and the landowner/operator.

For both wood placement and other stream enhancement projects, it may be possible to apply the associated basal area credit to an RMA location some distance away from the project or at a later date, as long as resources are adequately protected.

Stewardship Agreements

Stewardship agreements provide a unique approach for landowners to meet and improve upon the basic regulatory requirements for fish and wildlife habitat and water quality protection. The stewardship agreement program promotes voluntary cooperative partnerships between forest landowners and ODF, with management flexibility, assistance and other incentives for participation. The program also provides a way to more efficiently implement the FPA, as an alternative to traditional forest operations enforcement.

Landowners within the range of the northern spotted owl who wish to manage on long rotations or to create older forest conditions may be interested in seeking regulatory assurances under the northern spotted owl safe harbor program. This program is an optional component of a Stewardship Agreement. Ask your stewardship forester if you are interested.

A stewardship agreement is based on a written plan for resource conservation, which describes how the landowner will manage the property with particular attention to specific concerns for fish and wildlife habitat and soil and water resources. Unlike forest practices notifications or related written plans for individual operations, the plan developed for a stewardship agreement takes a long-term and property-wide perspective. Landowner efforts such as participation in a forest certification program (e.g., American Tree Farm, Sustainable Forestry Initiative) or a habitat conservation plan can help qualify a landowner for a stewardship agreement.

In response to the landowner's added commitment to resource protection, traditional requirements for planning,

Participation in a forest certification program can help a landowner qualify for a stewardship agreement.

review, inspection and enforcement under the Oregon Forest Practices Act can be reduced. This benefit requires that the agreement include sufficient detail to address the general needs for operations notifications, written plans, 15-day waiting periods (except aerial chemical applications) and notices for water withdrawals or public subscriptions. Another benefit to the landowner is agency commitment to provide specific help or incentives, such as conservation program information, technical assistance and coordination with other agencies to resolve issues.

Before a stewardship agreement is approved, the process includes a public notice and 21-day period for comment on the proposed agreement. However, there also are provisions for protecting confidential information in the management plan. In addition, ODF access to the property is limited to reviews and audits that the landowner commits to in the agreement.

Afforestation Incentive

There are afforestation incentive rules, administered by ODF, that encourage landowners to convert parcels of idle, non-forested land suitable for forest cover to commercial forest use. The incentive is a one-time exemption from most tree retention requirements under the Oregon Forest Practices Act, which applies to the entire first rotation following afforestation of a parcel. This single, specially exempted rotation can be of any length, determined by the landowner's choice of when to harvest.

The trees exempted from most retention rules include those that are planted and also those naturally regenerated within 10 years (before or after) of when the area is certified by

ODF as afforested. Harvest of these trees otherwise must follow all applicable forest practice requirements, and all trees within 20 feet of most streams also must be retained.

To qualify for the incentive, tracts must be at least 5 contiguous acres and determined by ODF to have been idle or exclusively in non-forest uses, or in an understocked condition, since July 1, 1972. Other understocked forestland also may qualify for the incentive, if the stocking was reduced or limited by causes other than a forest operation after July 1972. However, the afforestation incentive cannot be applied to any acre with 25 square feet or more of basal area.



The Oregon Plan for Salmon and Watersheds

Oregon Plan for Salmon and Watersheds

The Oregon Plan for Salmon and Watersheds seeks to restore salmon runs, improve water quality and achieve healthy watersheds and strong communities throughout the state. Adopted in 1997 by the governor's office with the support of the Legislature and broad-based interests, the plan focuses on voluntary contributions and cooperation among private landowners, government agencies and other groups and individuals. These efforts span the state and involve the forest, agriculture and business sectors in rural, suburban and urban communities.

On forest lands, habitat and watershed improvement projects fall into four general categories: improving road drainage and stream crossings; placing large wood in streams; restoring wetlands; and improving riparian vegetation. More specifically, forest landowners have cooperated in planning and implementing many types of projects, including:

- assessing forest road condition to plan for improved drainage and fish passage
- replacing old culverts with fish-passable pipes or bridges
- placing logs in streams to create pools and hiding places for young fish
- improving forest road drainage and surfacing to reduce muddy runoff
- installing fencing and water sources to keep livestock out of streams and allow riparian vegetation to recover

Landowners can receive both technical and financial assistance for such for projects by participating in the Oregon Plan. Funding for this assistance comes from Oregon Lottery funds, federal funds, and proceeds from the sale of salmon license plates, with grant administration by the Oregon Watershed Enhancement Board (OWEB). Local watershed councils, soil and water conservation districts, OSU Extension offices, ODF and other agencies provide technical assistance and help landowners apply for financial support from OWEB and other sources.

An important aspect of the Oregon Plan is the annual collection and reporting of stream and watershed enhancement accomplishments. These records show that forest landowners have conducted a majority of the stream habitat restoration projects completed since 1997 under the Oregon Plan. Between 1997 and 2016, commercial private-forest landowners contributed more than \$96 million in private funds toward watershed enhancement. Hundreds of stream crossing were improved by replacing or repairing culverts where fish passage was blocked or threatened.

Assistance for Family Forest Landowners

About About 35 percent of the forestland in Oregon is privately owned, and nearly 5 million acres of that land is in individual "family forest" ownerships that are less than 5,000 acres. Because of the valuable natural resources and broad benefits these lands provide, financial and technical assistance programs exist to support family forest landowners in managing these lands and resources for important forest benefits. Most programs have a resource conservation or enhancement emphasis, with fish and wildlife habitat or watershed benefits as a priority. However, some address concerns such as forest health, noxious weeds and underproductive forestlands.

In Oregon, one-on-one technical assistance, as well as some financial assistance, is available to family forest landowners through unique partnerships between state and federal agencies. Both Oregon Department of Forestry and the Oregon State University Extension Service can provide one-on-one assistance. Locally, soil and water conservation districts, watershed councils, and other organizations may also offer programs for forest landowners. ODF works with the Natural Resources Conservation Service (NRCS), USDA Forest Service (USFS), and Farm Service Agency (FSA) to help make financial assistance available to qualified landowners. Through these programs landowners can receive payments for desired practices, project cost-sharing from 50 to 75 percent, annual land rental payments, tax credits or partial to full land value compensation for easements. Contracts are required for some programs and multi-year commitments may be an option.

The following list provides brief descriptions of some programs available

to family forest landowners, as well as links to other helpful resources. Contact the local ODF Stewardship Forester to determine which programs are available for your property (www.oregon.gov/ODF/Working/Pages/FindAForester.aspx).

FOREST STEWARDSHIP PLANS

Landowners may be eligible for financial assistance with the development of a comprehensive stewardship plan for their forest. Stewardship plans help landowners focus their management goals and are an important step for participating in other cost share opportunities. For more information, visit www.oregonforestmanagementplanning.org.

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

EQIP provides cost share to encourage management practices that conserve soil, water and related natural resources on working lands. Both forestry and agricultural landowners may qualify for EQIP funding.

BARK BEETLE MITIGATION FUNDS

ODF has limited cost share available to assist landowners with forest management activities designed to prevent outbreaks and restore areas impacted by bark beetles.

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

CREP encourages the protection of soil, water, fish and wildlife through plant establishment along streams.

FOREST HEALTH

The ODF Forest Health program helps maintain and improve the health of Oregon's private and state-owned forests. In addition to technical assistance, funding may be available to assist landowners with the identification and control of invasive plant species.

REFORESTATION FOLLOWING NATURAL DISASTERS

Several programs, including the Emergency Forest Restoration Program (EFRP), provide financial assistance to help with reforestation following disasters such as wildfire.



Landowners may be able to receive technical and financial assistance for post-fire restoration.

CONSERVATION EASEMENTS

Several programs, including Forest Legacy and the Agricultural Conservation Easement Program, provide financial assistance to help conserve working lands. Such programs typically limit non-forestry or agricultural uses of the land while enhancing specific resources.

TAX CREDITS AND INCENTIVES

Landowners may be eligible for certain local property tax credits based on specific forest or wildlife management objectives.

URBAN AND COMMUNITY FORESTRY

ODF's Urban and Community Forestry Program provides assistance to communities committed to their urban trees, or looking to improve and expand their urban forestry programs.

OTHER RESOURCES AND INFORMATION

Landowners may receive additional information about these assistance programs from:

- ODF - www.oregon.gov/ODF
- OSU Extension - extensionweb.forestry.oregonstate.edu
- NRCS - www.nrcs.usda.gov/wps/portal/nrcs/site/or
- FSA - www.fsa.usda.gov/state-offices/Oregon
- USFS State & Private Forestry - www.fs.fed.us/spf

The Partnership for Forestry Education also hosts a website, KnowYourForest.org, which includes resources designed to assist family forest landowners with navigating forest management decisions and connect with other resources in their community.