A COMPARISON OF FOREST PRACTICES ACTS IN OREGON AND CALIFORNIA

by

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A PAPER
submitted to
Oregon State University

in partial fulfillment of the requirements for the degree of

Master of Forestry

Completed May, 1985

Commencement June, 1985
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Introduction-The need for forest practices regulation.

As the population in the United States and the world grows, the demand for wood products, recreation opportunities, clean air and water, and other primary and derived forest resources will grow. Opportunities to realize each of the forest resources in a given area may be mutually exclusive, and their production may involve externalities, both positive and negative.

Externalities are costs or benefits, directly measurable or not, that are generated by the primary producer, but assumed by others outside the production process. For example, if a logging operation reduces a certain population of wildlife, this could be considered an external cost. In many cases, external costs have been undefined or spread over so large a population that they have been ignored. As they become defined and or more expensive through time and technology, some believe it is a function of the State or Federal government, as agents or stewards of public goods such as streams and air quality, to assess these heretofore external costs to the producers as much and as fairly as possible.

States with large acreages of timberlands have also coupled externality management with a policy of increased production from these lands. If demand for forest resources increases above current levels, future prices for forest resources will rise above those that would prevail if efforts to increase resource supply in the future are
undertaken now. This possibly avoidable price rise is considered a cost to society, and as a societal cost not seen to be rectified by other means, the state may have some justification to encourage increased production or realization of the forest resource.

One method states have chosen to address the issues of protection and long-term supply of forest products has been to focus on the silvicultural and harvesting aspects of the supply process. Logging has the most visible and important impact on the forest and watershed environment, and improper techniques can act to damage additional areas, now and in the future. In addition, improper or nonexistent regeneration of tree species can effectively remove logged over lands from many of the expectations held upon these lands by society as sources of present and future timber supply, watershed, erosion control, wildlife habitat, fire protection, etc.

At least 16 states have enacted forest practices acts to deal with these issues in the absence of federal control of state and private forest lands. This paper will describe two such acts, the Z'berg-Nejedly Act of California and the Forest Practices Act of Oregon. Both Acts will be compared as to history, policy base, structure and applicability, and evaluated in terms of impacts, costs and defensibility. Published materials will be used as references with limited original research performed.
California and Oregon - Two Examples

California and Oregon are two states that were early leaders in passing comprehensive forest practices acts. The current acts were passed in the early 1970's. Both acts are similar to the Environmental Protection Agency's suggested format of creation of a board of forestry, division of the state into forest districts, promulgation of rules by the board relating to the protection of the forest resource, requiring that a timber harvest plan be prepared and approved by the board, stop work orders put in effect for violations, development of minimum stocking standards, and conversion of forested lands specifications be prepared. (Lemaster, 1975). They both follow the recommended criteria of the Society of American Foresters for a competent forest practices act, which includes encouraging the application of scientific knowledge, insuring the protection and productivity of the forest, administration of the act by the state and coordination with other agencies concerned with the forest resource, including specific procedures to develop regulations but not the regulations themselves, providing for effective administration and enforcement, and the option of converting forestland to other uses. (Journal of Forestry, 1979).

The California example.

In an act that would eventually be struck down, the state of California passed a Forest Practices Act in 1945 that was based on the principle of "(industry) self
regulation under state guidance and surveillance." (Dana and Fairfax, p 278). The rules adopted by industry, the private owners, were vague in many cases and seen to have numerous loopholes. The act was subsequently amended and strengthened, but was finally ruled unconstitutional in 1971.

The issue that led to the act being struck down was the denial of a timber harvesting permit to the Bayside Timber Company by the Board of Supervisors of San Mateo County. Bayside won the case by claiming that the forest practices act in force at that time precluded any additional county regulations. Citizens appealed the ruling to the California Court of Appeals and as a result the act was thrown out due to the fact that the State Forestry Board was industry dominated (self regulation) and thereby characterized by unacceptable conflict of interest.

The floodgates were now opened in an era of increased environmental awareness. In 1973, California passed a new forest practices act, known as the Z'berg-Nejedly Act after its principal sponsors. The main policy shift was away from the effects of treatment on the forest as timber supply only, to a policy that had greater recognition of the effects of treatment on water quality, fish and wildlife habitat, and aesthetic and recreational opportunities. These "free" commodities were recognized by the citizens and lawmakers at that time as being exploited in a manner that may be less than optimal for society, and the forest practices legislation was expanded to include such concerns.

The act as it was passed in 1973 was "easily the most far reaching forest practice statute yet enacted in the United States." (Siegal, 1974). It provides for at least three administrative forest districts, with each district having a nine member technical advisory committee. The committee is comprised of five members of the general public, three from the forest products industry, and one from the range livestock industry. All members are appointed on the basis of "their educational and professional qualifications and their general knowledge of, and interest and experience in, ecology, soil science, watershed hydrology, range management, silviculture and forestry, forest recreation, forest landscape architecture, forest products manufacture, forest industry economics, or fish and wildlife habitat." (Z'berg-Nejedly Forest Practice Act of 1973. Division 4, Chapter 8, Public Resources Code). At no time shall the membership have a majority of, or any of the public appointees be, persons with a direct financial interest in timberland. The technical committees recommend practice rules to be adopted by the State Board of Forestry after close consultation with other state, local and Federal agencies, educational institutions, civic and public interest organizations, and other interested individuals. In rule development the board considers recommendations from
the Department of Fish and Game, the State Water Resources Control Board and other regional water quality control boards, the State Air Resources Board and other local air pollution control districts, and the California Coastal Commission.

Rules promulgated by the Board include standards of fire protection, slash disposal, soil erosion, watershed and water quality control, flood control, stocking, protection against timber operations that may unnecessarily damage young timber growth or productivity, protection and control of insects and disease, and for the protection of the natural and scenic qualities in special treatment areas (such as a requirement for a vegetative buffer strip left intact along waterways), and procedures for the preparation of timber harvesting plans. Post-logging standards specify residual stem count and or basal area to be met within five years of harvest.

Every timber harvest must be carried out under the auspices of a timber harvest plan (THP, see Appendix B for example), prepared by a registered professional forester. The plan must be reviewed by a team including representatives from the California Department of Forestry, the Department of Fish and Game, the Department of Parks and Recreation, the regional water quality control board, county government when county government so requests, and other agencies such as the Division of Mines and Geology. The team will not approve of any plan if reasonable alternatives exist that will reduce the environmental impact
of harvest operations. They have the power to conduct on the ground inspections to insure compliance with the plan. There are certain situations, such as emergency salvage of infested areas, conversion of land to non forest uses, that can be exempted from the full planning process. Penalties for violations include suspension or denial of required timber harvest permits, corrective action by the state at the owner or operator's expense, liens against the property until the damage is corrected or the state is reimbursed the cost of repair, fines, imprisonment, and suspension or revocation of the professional forester registration.

The Oregon example.

Oregon passed its most recent Forest Practices Act (ORS 527.610 to 527.730 and 527.990) in 1971, and it became effective in July, 1972. It regulates all nonfederal lands under the policy of "...the continuous growing and harvesting of forest tree species and to protect the soil, air, and water resources...to achieve coordination among state agencies which are concerned with the forest environment." (Oregon Forest Laws and Administrative Rules. 1983.). It replaces the Oregon Conservation Act of 1941, which was felt to be inflexible and weak, (it only required an "attempt" at successful regeneration), and did not address other forest resources besides timber.

The State Board of Forestry establishes at least three forest regions, at present there are three, and establishes a forest practice committee for each region. At least six of the nine members of each committee be private land or timber
owners or their designated representatives. The forest practices committees recommend minimum practice standards sensitive to regional conditions regarding reforestation of economically suited lands, road construction and maintenance, harvesting of forest tree species, application of chemicals, and slash disposal. Operations are also required to comply with the rules of the Environmental Quality Commission. Chemical application and slash disposal regulations are adopted uniformly throughout the state while reforestation, road construction, and harvesting regulations can differ between regions.

Before the regulations are promulgated, the board consults with other state agencies concerned, such as the State Department of Fish and Wildlife, the Department of Environmental Quality, the Department of Agriculture, the Department of Water Resources, the Division of State Lands, The Department of Geology and Mineral Industries, Oregon State University, the Department of Land Conservation and Development, the Department of Transportation, local government, and the Department of Health. A notification of operations (see Appendix for example) must be submitted at least 15 days prior to activity.

The notification includes type and size of operation, gradient, slope stability, distance to streams, soil erosion hazard, and prior approval of the State Forester is required for any proposed changes in any natural fish bearing streams, roading that may impact state waters, machine activity in streams, skidding or yarding through class 1
streams, or removal of timber from buffer strips. There are 45 forest practices foresters who may inspect forest operations plans for compliance with applicable rules. They may issue recommendations for changes in operations, repair orders, and citations for violations. Beyond this the state may restrain operations or repair damage at owner or operator's expense, which constitutes a lien on the property. Violations of the Forest Practices Act or the regulations promulgated under the act are misdemeanors and punishable by up to a $250 dollar fine and 60 days in jail.

Evaluation of the two acts

Impacts

The most striking difference between the two acts is the incorporation of California's Professional Foresters Law (PFL) of 1972 into the Forest Practices Act by requiring all timber harvest plans be prepared by a registered forester. This had the effect of adding another layer of bureaucracy to the regulatory apparatus, and may have increased the public's perception of competency in the field of forestry. If a conclusion is drawn that the FPA's do not live up to their stated goals of insuring future timber harvests and protection of the environment, increased perception of competency of foresters and forestry would at least be one important gain. The incorporation of the FPA and the PFL put what could be approaching a state agent in charge of preparing and carrying out the plans, while another state
agency or agencies approves and inspects the operations for compliance. What effects this may have on the practice of silviculture by foresters is hard to judge. Even though the practice districts have standards sensitive to conditions within the particular district, there still may remain a sense of "top down" direction limiting options, such as what may be an appropriate harvest method for certain conditions, or where or when to place culverts or water bars. If a failure occurs, such as a road washout, it may be thought of as a system inadequacy, not necessarily a fault in analysis—"'they' told me to do it this way..." On the other hand, the forester has a vested personal and professional interest in system legitimacy, due to his or her state registration.

Oregon works the other way around, in some sense working with the policy of the ends justify the means, and not placing as much effort in intensive official problem identification. Oregon seems to place more faith in individual judgement, allowing the forester or operator (a private forester need not be involved at all) more leeway in planning and carrying out a cutting and reforestation prescription, as long as the results impacts conform with the law. This method, as seen from enforcement statistics relating to restocking requirements, seems to work as well. In 1983, Oregon reported 5.4% of violations had to do with reforestations, California reported 10.1% of their violations were for inadequate stocking, stocking reporting or stocking sampling design. Oregon issued 182 citations for
all types of rule violation in 1983, for 10,124 notifications of operations received (98.1% compliance factor) covering 432,992 acres harvested. California reported 1,034 rule violations under 1,222 THPs, covering 252,819 acres harvested, but with only 57 actions taken (97.4% compliance). Oregon made 14,268 forest practices contacts (inspections) for the 10,124 notifications, an average of 1.4 contacts per operation. California made 7,055 inspections for 1,222 THPs, an average of 3.2 inspections per THP (including inspections for 960 non-THP operations such as exemptions and emergencies).

There may be different enforcement pressures acting in each region and each state, but the low incidence of action in each state is indicative of both the willingness of operators to comply with the regulations and the willingness of the state to work out alternative procedures to obtain compliance with the acts.

In terms of the relative stringency of the rules themselves, such as types of operations or stream protection measures for example, it would be expected that California's rules, beyond the question of additional plan review, would be to some degree more strict than Oregon's. A goal of maximum sustained production of timber products is inherent in California's FPA, and a comprehensive planning procedure with stringent guidelines is felt necessary to achieve that goal. California is a net wood importer, and maximum sustained production is a goal that if achieved would reduce
the dependence of the state on imports. Regulated management of timberland is one method chosen to attempt to increase production. California's wood products industry is not the strong socioeconomic and political force in the state as reflected at least by industry presence on the respective Boards of Forestry and the technical boards, and pressure by other groups besides industry to include more consideration for other concerns besides timber production would result in more regulations covering a wider range of the issues of production and protection. While increases in long term production would be hard to predict with accuracy now, the restocking requirements would at least insure availability of growing stock.

Whether the acts provide adequate protection of other resources besides timber supply, particularly water quality, is still open to question. The Oregon FPA was certified by the Environmental Protection Agency as constituting best management practices for controlling silvicultural sources of water pollution as specified by the Federal Water Pollution Control Act section 208, and the rules under the act were determined to comply by at least one researcher (Brown, 1978). In California, the Board of Forestry determined that the act conformed to the water quality goals specified in section 208, but that problems remain with non-harvest impacts and in some instances with harvest impacts. One researcher has given the rules of the FPA a grade of "C" in achieving the environmental purposes of the act (Vaux, 1983). The California rules have recently undergone
revision, and time will tell whether or not the new rules will have any effect on that grade. During the years 1976 through 1980, Oregon issued no citations for destruction of wildlife habitat. This indicates reduced emphasis on protection of this resource either in the regulations or the enforcement of the regulations or both.

Cost of control

The question of regulatory cost is one that needs to be addressed. The costs to administer the program in California is approximately $3.1 million dollars per year, with that amount coming out of the state's general fund. Oregon's cost is $1.6 million per year with 60% coming from the general fund and 40% from a severance tax on volume harvested, about $.10 per thousand board feet. What are the costs required under the respective acts that are incurred as a direct result of the acts? Plan preparation in California is estimated to cost an additional $.50 per thousand board feet (MBF) harvested, with an additional average cost of $20 per MBF for compliance with the rules, that is, practices that would not be undertaken unless legally required (Vaux, 1983). In comparison, Oregon's compliance costs would be less, because less planning and paperwork are required and enforcement is likely less costly because the regulations are less stringent. The Oregon Forest Industry Council estimates that the cost to the owner or operator to comply with the regulations is less than $10 per MBF harvested on a site with a low hazard rating (see
Operations Priority Rating System in Appendix) and $30 per MBF on a site with a high hazard rating. The regulations in Oregon relating to road construction standards have recently been revised: under the old rules estimated road construction costs were $15,000 per mile, under the new rules the cost is $131,000 per mile, an increase of $116,000 per mile.

Stumpage values are derived from the value of end products by deducting costs of production, such as manufacturing, marketing and transportation. Thus an increase in harvesting costs due to plan preparation and increased harvest difficulties due to regulation compliance must be absorbed by the landowner, in the form of lower stumpage values. Economies of scale would favor the large landowners and industry, though the overall number of plans and operation modifications required would also be greater. Even with increased costs due to regulation, both operations notifications in Oregon and timber harvest permits in California increased every year after adoption of the FPAs until 1980, from 1976 through 1979 notifications increased 27% and timber licences approved increased 26%. Increased costs may have dampened the increases in forest activity, but they didn't decrease them. Overall market conditions primarily determine harvest levels in private forestry; increases in fixed costs don't impact the great majority of private forestry concerns. In addition, the state requiring "prudent management" and protection of the resource could act to increase the attractiveness of forest investment.
While requiring increases in costs now and possible reductions of overall rate of return (due to lower prices and increases in supply in the future from the required investment now), the lowering of risk and the state monitoring of management practices may offset the overall decreases in present net worth of the investment.

There are also other state and federally supported programs that reduce the costs of forestry investment, such as state supported nurseries, tax structures, rehabilitation loans or sharing programs, and other services that probably offset any increases in costs due to practice regulation. California spends ten times the amount in aid and forest protection then it does administering the FPA. Landowners and operators are forced to internalize part of the costs of the goals of the respective FPAs, but clearly not all of them.

The question has been raised before (Vaux, 1983), about the psychological costs of forest regulation. Does the increased amounts of paperwork, confusion over requirements of the regulations, perception of increased costs, etc., cause some landowners to forgoe management completely? The answer in Oregon probably is no. There is no copious amount of paperwork involved (see Notification of Operations in Appendix), and rule compliance, if there is a problem, is mainly dealt with by written recommendation from the Forest Practices forester. In California, there may be some resistance to the amount of work involved in preparing a plan and seeing it through to completion, but in most
cases there will be no turning back. Persons involved on both sides of the regulatory process will realize that with the increasing value of the resource, notwithstanding the temporary market fluctuations, increasing amounts of justification and documentation is required for impact to the resource, whether the resource is forest products or any other type of business, and whether or not the resource is privately owned.

Flexibility

Both acts are flexible enough to deal with concerns other than those related to actual operations. The rules and regulations have undergone periodic revision have been and updated to reflect changing conditions and resolve issues. Oregon, as stated previously, leaves much of the rule interpretation to the operator. For example, rule 629-24-546 of the FPA, Stream Protection, states "During and after harvesting operations, leave streambeds and streamside vegetation in as near a natural state as possible...When (cable yarding through class 2 streams is) unavoidable, yard material so as to minimize stream bank and channel disturbances." This clearly gives the operator some responsibility for rule interpretation and resource protection, and to a lesser extent the forest protection forester and the State Forester. Operations in Oregon are given a damage potential rating with inspection priority based upon that rating. In 1980, 56% of operations with a low damage potential rating were not given an on-site
inspection (Oregon State Forestry, 1981). Counties and municipalities are permitted to pass stricter regulations than the Board of Forestry adopts, but not ones less so.

California, in its 1983 rule revisions, specifically meant to address the flexibility issue by: (1) giving the FPA inspection foresters increased leeway for determining THP conformance and specifically increased flexibility in alternative selection, i.e. what methods should be used in a specific case to reduce environmental impacts of a timber harvest; (2) making the rules clearer in terms of what is required to comply with the FPA; (3) provide more reasonable standards of compliance (State of California 1982). The Board of Forestry is also considering increasing the use of Emergency Notices for unexpected market conditions to assist owners and operators in the current economic depression in the timber industry (there may be legal problems in circumventing the planning process due to the relationship of the planning process with California's Environmental Quality Law).

The creation of the Timberland Preserve Zones (TPZ) and the rule revision that allows for an economic evaluation of alternatives may present opportunities in the future to zone some lands more exclusively for timber production and place reduced emphasis on wildlife and recreation while placing additional environmental protection requirements on other land areas (Vaux, 1973). Inclusion of lands in the TPZs depends on economic and biological suitability and a management plan prepared by a RPF. Out of 32.6 million acres
of forestland in California, 5.7 million acres (17.5%) are designated TPZ lands; these lands may be targeted for exemptions in the type or extent of protection regulation, as they now are exempt from standard property taxes (Teeguarden, 1976). While frequent rule revision may give rise to confusion, this may also have the effect of better educating foresters, operators, owners, and the general public both in the issues that the regulations reflect and that the opportunity exists for input from all concerned both with the underlying policy itself and the reflecting regulations.

Conclusion

The Forest Practices Acts in both states attempt to do many things as policy instruments: enhanced and eternal timber production, with consideration given to the other, heretofore somewhat neglected, commodity and aesthetic values of the forest. The acts try to provide a framework to insure that timber harvesting, when it occurs, will be done in the most environmentally "safe" manner possible, with all concerns being at least officially recognized, and to insure industry, landowners, and other investors that timber harvests will continue in the future. They act to require site specificity in silvicultural treatment, that is, each harvest is treated separately, with prescription compliance determined mainly in the field; professional presence and varying degrees of supervision of operations; and accountability by those involved. They grapple with the
problems of ownership of commodities considered public, by removing ownership rights from certain areas of the forest, for example riparian zones, areas that require regeneration, etc., from the nominal owner and place them under the supervision of the public, in this case the state government.

They address the problems of what resources are to be left to future generations, the problem of intertemporal fairness (Page, 1977). By requiring investments in regeneration, stream protection, etc., that in most cases will not produce revenue for extended periods of time, they are requiring investments that will not mature in the lifetime of the investor. This fact is unique to forestry, with its generally long rotation lengths, and the benefit to the future from present required level of private investment is what justifies the regulations. They provide one apparatus to attempt to insure the future will have significant growing stock in order to make their own resource decisions.

What may prove to be a problem, though, is unreasonably high expectations for these acts as being adequate mechanisms for the realization of all their stated goals and policies. The acts do not call for forests to be improved in either absolute timber production capabilities (as through the use of genetically improved stock, stand improvement harvests, fertilizer application, etc.), or other values, only that some sort of protection be provided against unacceptable impacts upon these commodities in the
future. "Unacceptable" as a concrete guideline is still in the process of being defined, as are the regulations imposed in relation to that definition.

The acts do not exist in a political and social vacuum, and some tradeoffs will inevitably occur as social values change and become more defined. Where a particular harvest is opposed for environmental or other reasons, in some cases the acts can be used as justification that environmental concerns will be met, in other cases nothing less than harvest denial will suffice to those opposed, and there are procedures such as the courts that enable concerned persons and organizations to go over the head of the FPAs.

Other state, Federal, and local programs exist and will continue to evolve in conjunction with evolving goals of natural resource policy. Cash flow and information problems exist for the small non-industrial owners, these types of problems are dealt with by already existing tax programs structured for timber owners, subsidies for rehabilitation and regeneration of forest lands, low cost loans, cost sharing cooperatives, extension services and other programs to encourage increased management, both intensive and extensive. Industry also benefits from many of these services, not least in the education and research conducted by the state universities, and the U.S. Forest Service, in both states and elsewhere. The FPAs are just one of many instruments in defining resource management goals
and assisting in their realization.

Forestry previously was a two faceted enterprise: how to grow and harvest the timber and what to do with it once it was harvested. The inception of the FPAs signaled the critical expansion of the questions of allocation of the forest resource to include a third and forth question: how to "grow" and what to do with the other values beside timber in the forest. These values are typically lumped together for matters of convenience, the future will see these "other values" increasingly defined and evaluated in their own right. Forestry has undergone a fundamental expansion of the scope of its responsibilities, from the growing of trees to the growing of the forest; from consideration of the short term to the consideration of the short and long term. The questions stated above of how to grow and allocate the non-timber values are the key to the successful transition of forestry into more of a whole forest concept.

The states now require internalization of some of the effects of timber harvesting, and if some solutions to the questions can be found by putting the answers in a market situation, the solutions would at least be better defined and more economically efficient. For example, experience by companies in the South who charge fees to hunters for providing wildlife on their forest lands has been documented (Fender, 1974). If owners and managers can be paid for providing the benefits that the FPA and other regulations require, it becomes beneficial for the regulating agencies, the regulatees, and the persons interested in purchasing the
benefits to work together in obtaining solutions. Market equilibrium of timber price and supply in the long term is one justification given for encouragement of increased timber production in the long run, a more perfect market will eventually be required for the other forest resources. A solution to a situation without complete information will probably be suboptimal and less efficient; price, either implied or real, is one form of information that will have to be further developed for better analysis of resource allocation.

The FPAs in both states reflect the policy of increased awareness of the other uses of the forest besides timber, and are tailored to the social, political, and industrial conditions of their respective states. They are flexible enough to remain sensitive to biological and economic conditions, and represent an integrated safety net for land use planning. The states as forest regulatory agencies have more than gotten their feet wet in these matters, and as goals and values change and methods of analysis become more defined and sophisticated, will be able to respond with increasingly more adequate solutions to exceedingly more complex problems.
References and Literature Cited


Literature Cited (continued)

NOTIFICATION OF OPERATIONS

STATE OF OREGON
DEPARTMENT OF FORESTRY
DEPARTMENT OF REVENUE

NO. 85

DEPARTMENT OF REVENUE

EXPIRES DEC. 31, 1985

NOTICE IS GIVEN TO THE STATE FORESTER THAT AN OPERATION(S) WILL BE CONDUCTED ON LANDS DESCRIBED BELOW AND ON THE COMPLETED ATTACHED MAPS (ORS 527.670).

APPLICATION FOR PERMIT TO OPERATE POWER DRIVEN MACHINERY (ORS 477.625).

APPLICATION FOR PERMIT TO CLEAR RIGHTS OF WAY (ORS 477.686).

THE PARTY OWNING TIMBER AT THE TIME OF HARVEST IS SHOWN IN SECTION 4 AND IS THE PARTY RESPONSIBLE FOR PAYMENT OF OREGON TIMBER TAXES.

WESTERN OREGON PRIVATE LAND ONLY

CHECK BOX IF TIMBER TO BE HARVESTED UNDER "SMALL TRACT OPTION“. GIVE CERTIFICATION.

I CERTIFY THAT THIS INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE SIGNED

15 DAY WAITING PERIOD IS HEREBY WAIVED

BY:

DATE

TIME

RECEIVED

YOU ARE HEREBY ADVISED THAT THE STATE FORESTER HAS DETERMINED THE FOLLOWING RESOURCES OCCUR WITHIN OR ADJACENT TO YOUR OPERATION AREA.

CLASS 1 STREAM(S) □

HIGH RISK AREA(S) □

CRITICAL WILDLIFE HABITAT □

DISTRICT

FOREST OFFICE

SIGNATURE

H. MIKE MILLER
STATE FORESTER

FORM 629-6.2-1-101

STATE FORESTER COPY
FOREST PRACTICES INFORMATION AND MAP
(Please read instructions on reverse side)

The following information is needed for administration of the Oregon Forest Practices Act.

1. TYPE OF OPERATION
   - Clear cut acres
   - Partial cut acres
   - Precommercial Thinning Acres
   - Salvage acres
   - Felling & Bucking only
   - Road construction, Ft.
   - Road reconstruction, Ft.
   - Other (specify)

(woodcutting, rock pits, road surfacing, scarification, etc.)

2. METHOD OF OPERATION
   - Cable system
   - Ground skidding system
   - Cable & Ground system
   - % Cable % Ground
   - Other yarding system (specify)

3. CHEMICAL APPLICATION
   - Aerial
   - Ground
   - Chemical name
   - Formulation
   - Acres to be treated

4. TOPOGRAPHY
   - (Over steepest 1/3 of operation area)
   - 0-35%  36-70%  Over 70%

5. DISTANCE TO STREAMS
   - Within 1/8 mile or within operation
   - Between 1/4 & 1/8 mile
   - None within 1/4 mile

Show by location on map below (or attach map) at a scale of at least 2' = 1 mile, any of the following which apply:

- Roads to be constructed or reconstructed
- Existing roads to be used
- Operation Boundaries
- Buffer Strips
- Rock Quarry
- Landings
- Streams

UNIT NAME
COUNTY

Remarks:

[Map of area with various features marked, including roads, buffer strips, rock quarry, and streams.]
OPERATIONS PRIORITY RATING SYSTEM

AUTHORITY: ORS 527.630

POLICY: It is the policy of the Board of Forestry to protect the soil, air, and water resources (of the state), including but not limited to streams, lakes and estuaries.

OBJECTIVES:

1. To identify environmentally sensitive resources before the operation begins.

2. To reduce permanent resource damage that may result from forest operations.

3. To establish an inspection priority system for operations on or near environmentally sensitive resources.

SITUATION: Various state, county, and local agencies have delineated many resources of the state as in need of protection. These "environmentally sensitive" resources might include: streams, lakes, and estuaries; areas where soils are shallow and unstable; pre-defined areas such as in the Willamette River Greenway or the Scenic Waterways Program; or, local features defined by county comprehensive plans.

It is well known that forest operations, such as road building, harvesting, and site preparation, impact the land; road building sometimes oversteeps slopes, exposes soil and bedrock and concentrates water runoff; harvesting removes much of the biomass from a site; and, scarification sometimes exposes mineral soil. On most sites these impacts are not severe enough to permanently damage the natural resources of that site. However, in areas previously designated as in need of protection, or sites where steep topography, shallow soils, or large rainfall amounts significantly decrease the stability of the area, special precautions should be taken to avoid practices which might detract from or cause deterioration of the environmental qualities of these resources.

An Operations Priority Rating System such as this one will protect "environmentally sensitive" resources. By ensuring that all forest operations are assigned a priority based on standardized criteria, operation inspections can be apportioned so that operations in or near sensitive resources (high priority category) receive a higher proportion of the total inspection trips than operations in lower priority categories.

STANDARDS:

Districts shall:

A. Develop and use a system for identifying environmentally sensitive resources, such as thin unstable soils, class of streams, water rights, municipal watersheds, scenic rivers, coastal shorelands, estuaries and other environmentally sensitive resources.

B. Establish and use an Operations Priority Rating System.

C. Assign each operation a priority rating based upon the type of operation and local site characteristics.

D. Notify the landowner/timberowner of need for pre-operation inspection or prior/alternate plan, if necessary.
OPERATIONS PRIORITY RATING SYSTEM

PROCEDURES:

A. Priority System. Appendix I is an example of an operations priority rating system. This system consists primarily of local site factors and operation factors which can be found on the Forest Practices Information and Map Sheet. It also considers environmentally sensitive resources. This information is used to assign a priority to each operation.

Districts may either use the priority rating sheet in Appendix I or may devise one to fit their individual needs. However, any system should consider the following factors:

1. "Information and Map Sheet" Items
   a. Type of Operation - Is the type of operation a clearcut, partial cut, road construction, chemical application, salvage, scarification (brush piling), etc.?
   b. Method of Operation - What type of yarding will be used? During logging operations, tractors or wheeled skidders cause much more soil disturbance and have a higher potential for stream sedimentation than cable systems or aerial systems.
   c. Chemical Application - Aerial application of chemicals has a much higher potential for contamination of waters of the state than ground applications.
   d. Gradient - This factor has a great effect on stability of the terrain, micro-climate, and vegetation. Districts may have to develop a topographic hazard rating map of their districts in order to verify information obtained from the Information and Map Sheet. Generally 0-35% slopes are low hazard, 35-70% are moderate, 70% and up are high. U.S.G.S. quad sheets could be color coded for quick reference.
   e. Slope Stability - Past episodes of large earth movements and debris slides are indications of the relative stability of local areas.
   f. Distance to Streams

2. Environmentally Sensitive Resources
   a. Thin Soils - This sensitive resource can be identified from soil maps or by local or staff soil scientists.
   b. Critical Wildlife Habitat - The habitat of any wildlife or aquatic species which the Department of Fish and Wildlife has classified rare or endangered. This classification also includes any wildlife or aquatic habitat declared as critical wildlife or aquatic habitat by the State Forester at the recommendation of the Director, Department of Fish and Wildlife.
c. **Municipal Watersheds and Water Rights** - Cities are becoming more aware of the value of their watersheds. Some communities have established clearly defined boundaries around their watersheds, while others have established no boundaries, but claim an entire river drainage system as a watershed. Attempts should be made to locate, and mark on district maps, clearly defined watersheds and recorded and unrecorded water rights.

d. **Willamette Greenway and Scenic Rivers** - The Willamette Greenway and scenic waterways include those identified in Directive 6-1-5-200.

e. **Estuarine Resources** - Estuarine resources are those lands identified by counties through comprehensive planning as meeting Goal 16 requirements.

f. **Coastal Shorelands** - Coastal shorelands are those lands identified by counties through comprehensive planning as meeting Goal 17 requirements.

g. **Wetlands** - Forested or nonforested wetlands identified by counties through comprehensive planning as meeting Goal 5 requirements.

3. **Supporting Factors**

a. **Soil Maps** - Due to the number and complexity of soil and geologic factors which influence stability, and lack of reliable information about these factors, predicting soil erosion hazard is extremely difficult at best. A district which has soil surveys available should develop a soil/geology hazard rating map for its district with the help of the staff soil scientist and local soil scientists. A district with no soil surveys should also develop a soil hazard rating map, but should base the map on topography, geology, and what soils information can be developed from FPP's observations of local conditions, and input from the staff soils scientist and local soil scientists.

b. **Topographic Maps** - Soil instability is often a product of the local topography. Slopes over 70% tend to have a much higher incidence of slides than more gentle slopes. Therefore, a topographic map of the district with the steeper areas highlighted would be very helpful in the identification of problem areas.

c. **Proximity to Waters of the State** - The closer operations are to streams, estuaries, lakes, etc., the greater the chance that sediment or spray will eventually reach these waters. Maps should be developed which show the extent of Class I and II streams.
PROCEDURES - (cont.)

d. Climate - Districts generally do not contain highly contrasting climatic types such as areas of 70 inches of rainfall and 10 inches in the same local area. However, one or two districts may approach this great difference, and others may have high elevation areas which are frozen in winter along with lower elevation areas which do not freeze. These differences could lead to different hazard ratings depending on district and location within the district.

c. Vegetation - Type of vegetation, both understory and overstory, can reveal many things about the general stability of a specific site. Appendix II is an example of a hazard rating system for vegetation as well as other aspects of a general overall headwall rating system developed by the Forest Service.

f. Time of Year - Whether the operation is conducted in the dry or wet season should be an important factor in the determination of the hazard rating.

B. Using the system developed from the preceding factors, verify information on Information and Map Sheet of incoming operation notifications.

C. Using the Operation Priority Rating System sheet, assign hazard ratings to each operation.

D. Review hazard ratings for possible changes in rating due to knowledge of the local area.

RESPONSIBILITIES:

A. Area Directors, District Foresters, and Forest Practices Foresters are responsible for:

1. The development and implementation of an Operation Priority Rating System and district/unit map overlays within their respective districts/areas;

2. Assigning and reviewing priority ratings;

3. Notifying landowners/timberowners of the hazard rating;

4. Conducting sufficient pre-operation inspections and operation inspections to meet the budget objectives.

B. Forest Practices Section is responsible for assisting districts/units in the development of the Operation Priority Rating System.
### OREGON FOREST PRACTICES ACT

#### INFORMATION AND MAP SHEET ITEMS

**1. Type of Operation**

<table>
<thead>
<tr>
<th>a. Clearcut (acres)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-30 (1)</td>
<td></td>
</tr>
<tr>
<td>31-60 (2)</td>
<td></td>
</tr>
<tr>
<td>over 60 (4)</td>
<td></td>
</tr>
</tbody>
</table>

**b. Road Construction**

<table>
<thead>
<tr>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>new reconstruction</td>
</tr>
</tbody>
</table>

**c. Partial Cut**

<table>
<thead>
<tr>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>commercial salvage</td>
</tr>
</tbody>
</table>

**d. Other**

<table>
<thead>
<tr>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>rock quarry</td>
</tr>
</tbody>
</table>

**2. Method of Operation**

<table>
<thead>
<tr>
<th>(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>full suspension</td>
</tr>
</tbody>
</table>

**3. Chemical Application**

<table>
<thead>
<tr>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ground fertilizer</td>
</tr>
</tbody>
</table>

**4. Gradient (over steepest 1/3 of operation)**

<table>
<thead>
<tr>
<th>(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-35%</td>
</tr>
</tbody>
</table>

**5. Slope Stability**

<table>
<thead>
<tr>
<th>(0)</th>
</tr>
</thead>
<tbody>
<tr>
<td>no evidence of slide</td>
</tr>
</tbody>
</table>

**6. Distance to Streams**

<table>
<thead>
<tr>
<th>(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>none within 1/4 mile</td>
</tr>
</tbody>
</table>

---

### B. ENVIRONMENTALLY SENSITIVE RESOURCES

<table>
<thead>
<tr>
<th>Resource Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thin Soils (less than 24&quot;) deep</td>
<td>1/4 mile adjoining within</td>
</tr>
<tr>
<td>Critical Wildlife Habitat</td>
<td></td>
</tr>
<tr>
<td>Municipal Watershed</td>
<td></td>
</tr>
<tr>
<td>Willamette Greenway and Scenic Rivers</td>
<td></td>
</tr>
<tr>
<td>Estuarine Resources and Coastal Shorelands</td>
<td></td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
</tr>
</tbody>
</table>

#### C. PRIORITY RATING

**1. Section A**

<table>
<thead>
<tr>
<th>Range</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-8</td>
<td>Low</td>
</tr>
<tr>
<td>8-14</td>
<td>Medium</td>
</tr>
<tr>
<td>over 14</td>
<td>High</td>
</tr>
</tbody>
</table>

**2. Section B**

Proximity of operations to environmentally sensitive resources.

**3. Final Rating**

(For final rating, use higher priority rating of either Section A or B)

---

1/ Suggested values only, districts are encouraged to weigh these values against environmental conditions in their own district. Then select rating values which fit these conditions.

2/ Chemical applications on slopes over 35% should be assigned a minimum value of one (1). Slopes under 35% assign (0).

3/ Slope stability and thin soils are not factors in chemical applications.

4/ If operation is a precommercial thin with no road building, Section B should be assigned a low priority.
HEADWALL RATING SYSTEM (WESTERN OREGON)

1. Slope - Steepest Portion on Fall Line, Lower 2/3 Headwall
   - Zone of Interest
     - Zone
   - 16 boxes
     - 8 boxes
     - 4 boxes
     - 2 boxes
     - 90%+
     - 80%+
     - 70%+
     - <70%

2. Vegetation
   - 8 boxes
     - Salmonberry or sword fern dominant. Few trees. Hardwood and young fir swept or pistol-butted
     - 6 boxes
     - Patchy conifer swept boles/tilted, sword fern understory.
     - 4 boxes
     - Evenly distributed hardwood, little salmonberry
     - 2 boxes
     - Evenly distributed conifer. Straight

3. Side Slope
   - 8 boxes
     - 6 boxes
     - 4 boxes
     - 2 boxes

4. Soil Depth
   - 6 boxes
     - 4 boxes
     - 2 boxes
     - shallow, <4'
     - No data or indicators
     - deep, >4'

5. Headwall Config
   - 8 boxes
     - 4 boxes
     - Multiple convergent depressions
     - 2 boxes
     - Single depression

6. Slope Aspect
   - 6 boxes
     - 3 boxes
     - North 270°-090°
     - 2 boxes
     - South 090°-270°

7. Microtopog *
   - 12 boxes
     - 8 boxes
     - Tension cracks, islands hummocky micro-relief blowdown often common
     - 4 boxes
     - Scarps, benches, bulges often scattered blowdown
     - Smooth, generally even slope

Recent sliding (0-10 years) add 5 points.

Hazard Rating
- Low: 19-36
- Moderate: 37-51
- High: 52-69

TOTAL
Ratings for Forest Practices Act Inspections:

High - This type of operation is usually on steep ground where a minor disturbance could reach a Class I stream system. Other indicators are in areas where yarding will be near or across a stream or where road construction is difficult. Unstable soils may be a factor. Special care must be taken to protect water quality and maintain productivity.

Medium - This type of operation is usually on moderately steep slopes (25 to 45%). A sizeable disturbance could be required before Class I systems are influenced. Usually has some options for road location and operation plans. Water quality and productivity can be maintained with reasonable care.

Low - This type of operation is usually on gentle slopes. Operations inside the city limits of incorporated cities will receive a low priority. It is unlikely that damage will occur except through ignorance or negligence in application of the rules.
The Oregon Forest Practices Act provides for a set of rules establishing MINIMUM STANDARDS which encourage and enhance the growing and harvesting of trees. At the same time, the act considers and protects other environmental resources - air, water, soil and wildlife.

The following rules have been promulgated to achieve the purpose of the Forest Practices Act in northwest Oregon. The rules are arranged in five categories including chemicals, slash, reforestation, road construction and maintenance, and harvesting.

These pages contain the Forest Practice Rules for northwest Oregon. For a complete listing of statewide rules, refer to the "Field Guide for Oregon Forest Practice Rules". Statutory authority for the rules is found in ORS 526.041 and 527.710.

GENERAL RULES

629-24.101 DEFINITIONS. As used in these rules, unless otherwise required by context:

(1) "Established seedling" means a seedling of acceptable forest tree species which has survived two years in the site.

(2) "Class I streams" means waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes. Stream flows may be either perennial or intermittent during parts of the year.

(3) "Class II streams" means any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation. They are used by only a few, if any, fish for spawning or rearing. Their principal value lies in their influence on water quality or quantity downstream in Class I waters. Stream flow may be either perennial or intermittent.

(4) " Sapling" means live trees of commercial species, less than 11" DBH, of good form and vigor.

(5) "Forest land" means land for which a primary use is the growing and harvesting of forest tree species.

(6) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity.

(7) "Buffer strip" means a protective area adjacent to an area requiring special attention or protection.

(8) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation and duff so that it does not gain the volume and velocity which causes soil movement or erosion.

(10) "Chemicals" means and includes herbicides, insecticides, rodenticides, fertilizers, and adjuvants.

(11) "Herbicides" means any substances used to destroy, repel, or mitigate any weed or to prevent or retard any undesirable plant growth.

(12) "Insecticides" means any substances used to destroy, repel, or mitigate any insect.

(13) "Rodenticides" means any substance used to destroy small mammals.

(14) "Fertilizers" means any substance or any combination or mixture of substances designed for use principally as a source of plant food.

(15) "Contaminate" means the presence in the atmosphere, soil, or water of sufficient quantities of chemicals as may be injurious to public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, or recreational uses, or to livestock, wildlife, fish, or other aquatic life.

(16) "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.
(17) "Filling" means the deposit by artificial means of any materials, organic or inorganic.
(18) "Removal" means the taking or movement of any amount of rock, gravel, sand, silt, or other inorganic substances.
(19) "Active roads" are roads currently being used or maintained for the purpose of removing commercial forest products.
(20) "Inactive roads" are roads used for forest management purposes exclusive of removing commercial forest products.
(21) "Vacated roads" are roads that have been made impassable and are no longer to be used for forest management purposes or commercial forest harvesting activities.
(22) "High risk areas" are lands determined by the State Forester to have a significant potential for destructive mass soil movement or stream damage because of topography, geology, biology, soils, or intensive rainfall periods.
(23) "High risk sites" are specific locations determined by the State Forester within high risk areas. A high risk site may include but is not limited to: slopes greater than 65%, steep headwalls, highly dissected land formations, areas exhibiting frequent high intensity rainfall periods, faulting, slumps, slides, or debris avalanches.
(24) "Prior approval" means written approval of the State Forester given for specific forest practices before the operation begins. Where timing is critical, verbal permission may be granted followed by immediate written confirmation.
(25) "Written plan" means a plan submitted by the operator and/or the landowner, for written approval by the State Forester, which describes how the operation will be conducted in conformance with the applicable rules and regulations of the Forest Practices Act. A written plan shall contain specific information applicable to the operation regarding location of roads and landings, road and landing design, construction techniques, drainage systems, disposal of waste materials, felling and bucking, buffer strips, yarding systems and layout, stream protection measures, and post-operation site stabilization measures. Modifications to a written plan may be verbally approved followed by immediate written confirmation.

629-24-102 COMPLIANCE. Practices contained within a rule shall be complied with where applicable or necessary to accomplish the purpose to which the rule is related, unless the operator or landowner has secured written approval of the State Forester of a plan for an alternate practice or practices which provides for equivalent or better results.

629-24-103 CONVERSION TO A NON-FOREST USE. When a landowner wishes to convert his forest land to another use, he shall accomplish a conversion within the period required to achieve reforestation, as specified in 629-24-402, 629-24-502, and 629-24-602. The determination by the State Forester as to whether or not conversion has been accomplished shall be governed by:
(1) The presence or absence of improvements necessary for use of the land for the intended purpose.
(2) Evidence of actual use of the land for the intended purpose.

629-24-104 ANNUAL REVIEW. The State Forester shall, at least once each year, meet with the other state agencies concerned with the forest environment to review the Forest Practice Rules relative to sufficiency. He shall then report to the Board of Forestry a summary of such meetings or meetings together with recommendations for amendments to rules, new rules, or repeal of rules.

629-24-105 CONSULTATION. State Forestry personnel shall consult with personnel of other state agencies concerned with the forest environment situations where expertise from such agencies is desirable or necessary.

629-24-106 COMPLIANCE WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. Each operation as defined by ORS 527.6305(6) shall be conformed in full compliance with the rules and regulations of the Department of Environmental Quality relating to solid waste control and air, water, and noise pollution control. In addition to all other remedies, any violation thereof shall be subject to all remedies and sanctions available by law, rule, or regulation to the Department of Environmental Quality.

629-24-107 TYPES OF OPERATIONS FOR WHICH NOTIFICATION SHALL BE REQUIRED.
(1) The notice required by ORS 527.670(2) is valid for the calendar year, and shall be required for the following types of operations:
(a) The harvesting of forest crops including felling, bucking, yarding, deckling, and hauling, road construction or improvement within the operation area described, and treatment of slashing.
(b) Road construction or reconstruction of existing roads not within operation areas.
(c) Site preparation.
(d) Application of insecticides, herbicides, rodenticides, and fertilizers.
(e) Clearing forest land for change to non-forest use.
(f) Treatment of slashing after completion of operations.
(g) Pre-commercial thinning.
(2) Notifications required by ORS 527.670 must be completed in detail as requested on forms supplied by the State Forester. When more than one type of operation or more than one location is submitted on a single notification, each type of operation and location must be identifiable by operating unit, or side by legal subdivision, maps, or other appropriate means. Where notification for multiple operations is being made, attachments may accompany the notification form.
(3) Notifications required by ORS 527.670 must be received by the State Forester at least 15 days prior to commencement of an operation. This requirement may be waived, on an individual notification basis, by written approval of the State Forester.

629-24-108 TYPES OF OPERATIONS FOR WHICH NOTICE WILL NOT BE REQUIRED. The notice required by ORS 527.670(2) will not be required for routine road maintenance, recreational uses, grazing by domestic livestock, tree planting and direct seeding, unless the seed is treated with rodenticide, cone picking, culture and harvest of Christmas trees on lands used solely for the production of Christmas trees or the harvesting of fern, huckleberry, salal, or other minor forest products. However, the waiver of the notification procedure does not relieve the responsibility for complying with applicable Forest Practice Rules.

629-24-109 STREAM CHANNEL CHANGES. Changes shall not be made in natural fish bearing stream courses by filling, removal, or by relocation of the channel, except by written approval from the State Forester.

629-24-110 LEAKAGE OR ACCIDENTAL SPILLAGE OF PETROLEUM PRODUCTS. Take adequate precautions to prevent leakage or accidental spillage of any petroleum products in such a location that they will enter waters of the State.

629-24-111 SURFACE MINING STANDARDS. The development and use of surface mining operations which are located on forest lands, from which materials are to be utilized for forest access roads or other...
supporting forest management activities, such as riprap, bridge wing wall diversions, culvert bedding, and other similar activities located on forest land, shall be done in such a manner, as to protect water quality, retain soil stability, and provide for general safety during mining operation and after operations have ceased.

Surface Mining Practices:

(1) Quarry sites shall not be located in streambeds except as authorised by ORS 541.635 to 541.645 or OAR 29-24-109.

(2) When reasonable alternatives exist, quarry sites should be located away from state and federal highway routes.

(3) Prevent overburden, solid waste and petroleum products from entering waters of the State.

(4) Stabilize banks, headwalls, and other surfaces of quarry sites in order to prevent surface soil erosion or mass movement.

(5) When the site is abandoned as a material source, it will be left in the condition described in (3) and (4) above.

OAR 629-24-113 Types of Operations Which May Require Written Plan. The State Forester may require a written plan whenever a rule requires prior approval.

APPLICATION OF CHEMICALS

629-24-200 PURPOSE. Chemicals perform an important function in the growing and harvesting of forest tree species. The purpose of these rules is to regulate the handling, storage and application of chemicals in such a way that the public health and aquatic habitat will not be endangered by contamination of waters of the State.

629-24-201 MAINTENANCE OF EQUIPMENT IN LEAKPROOF CONDITION. Equipment used for transportation, storage or application of chemicals shall be leakproof. If there is evidence of chemical leakage, the State Forester shall have the authority to suspend the further use of such equipment until the deficiency has been satisfactorily corrected.

629-24-202 PROTECTION OF WATER QUALITY DURING MIXING OF CHEMICALS. Whenever water is taken from any stream or water impoundment for use in the mixing of chemicals, precautions shall be taken to prevent contamination of the source.

(1) Provide an air gap or reservoir between the water source and the mixing tank; or

(2) Use a portable pump with the necessary suction hose, feed hoses, and check valves to supply tanks with water from streams, such equipment to be used only for water.

629-24-203 PROTECTION OF WATERWAYS, AREAS OF OPEN WATER, AND DWELLINGS WHEN SPRAYING. Protect waterways and areas of open water such as swamps or impoundments from contamination when spraying by aircraft or by leaving a buffer rip of at least one swatch width untreated on each side of every Class I stream or area of open water. When applying 2,4,5-T or Silvex, maintain a 200 foot buffer strip around Class I streams or areas of open water. Maintain a 500 foot buffer strip around inhabited dwellings unless written permission is received from the resident. When applying spray from the ground, leave unsprayed a buffer strip of at least ten (10) feet on each side of every waterway or area of open water. Spray application immediately adjacent to buffer strips shall be made parallel to waterways and just applied prior to application to the remainder of the area to be treated. No buffer strip is required in the application of fertilizers except that precautions shall be taken to avoid direct application of fertilizers to Class I streams or areas of open water.

629-24-204 SELECTION AND MAINTENANCE OF MIXING AND LANDING AREAS. Mix chemicals or clean tanks or equipment only where the chemicals will not contaminate waters of the State. Mixing areas and aircraft landing areas shall be located where spillage of chemicals will not contaminate waters of the State. If any chemical is spilled, immediate and appropriate action shall be taken to contain or neutralize it.

629-24-205 APPLICATION OF CHEMICALS IN ACCORDANCE WITH LIMITATIONS. Apply chemicals only in accordance with currently recognized limitations of temperature, humidity, wind, and other factors specified by the State Forester.

629-24-206 CLEANING, RE-USE, AND DISPOSAL OF CHEMICAL CONTAINERS. Rinse chemical containers with the carrier used in mixing at least three (3) times. Apply the flushing solution in the form of spray to the area. Do not re-use chemical containers unless properly treated. Disposal of chemical containers shall be in accordance with approved state disposal requirements.

629-24-207 DAILY RECORDS OF CHEMICAL APPLICATIONS.

(1) Whenever insecticide or herbicide sprays are applied on forest land, the operator shall maintain a daily record of spray operations which includes:

(a) Name of monitor or name of applicator (pilot or ground applicator);
(b) Location of project;
(c) Temperature (hourly);
(d) Wind velocity and direction (hourly);
(e) Contractor's name and pilot's name when applied aerially; contractor's name and/or employer's name for ground application;
(f) Insecticides or herbicides used, including name, mixture, application rate, and carrier used;
(g) Disposal method/location of containers.

(2) Whenever rodenticides or fertilizers are applied, the operator shall maintain a daily record of such application which includes (a), (b), and (e) above, the name of the chemical and application rate.

(3) The records required in (1) and (2) above shall be kept for three (3) years and be made available at the request of the State Forester.

629-24-208 LANDOWNER'S RESPONSIBILITY TO DETERMINE WHETHER OR NOT CHEMICALS ARE CONTAMINATING STREAMS. Whenever chemicals are applied to forest land, it is the responsibility of the landowner to determine whether or not chemicals are contaminating streams or other bodies of water.

629-24-209 REPORTING OF CHEMICAL ACCIDENTS. Immediately report all chemical accidents to the State Forester.

629-24-210 NOTIFICATION, POSTING OF ACCESS ROUTES AND ROAD CLOSURE WHEN AERIALLY APPLYING 2,4,5-T OR SILVEX.

(1) The landowner shall make every reasonable effort to notify contiguous landowners of record and residents, and downstream users of record within one-half mile of the intended spray area, at least fifteen (15) days prior to the spray application. Notification shall be by registered letter and/or direct personal communication and by advertising in the local newspaper.

(2) Boundaries of an aerial spray area shall be posted by the landowner with a sign provided by the State Forester at all points of regular access at least five (5) days prior to spraying. Posting shall remain at least fifteen (15) days after spraying is completed.

(3) Where road closure is feasible, roads leading into or contiguous to a spray area shall be closed temporarily to public traffic during spraying. Where temporary road closures are not practical, leave a buffer strip at least one swatch width on each side of all regularly traveled public roads.
Note. Use of 2.4.5-T and Silvex on forest land was suspended by EPA February 28, 1979.

DISPOSAL OF SLASHING

629-24-300 PURPOSE. For the purposes of this section, treatment of slashing is recognized as a necessary tool for the protection or reproduction and residual stands from the risk of fire, insects, and disease, to prepare the site for future productivity and to minimize the risk of material from entering streams. Such treatment may employ the use of mechanical processes, fire, chemical or other means to minimize competitive vegetation and residue from harvesting operations.

629-24-301 MAINTENANCE OF PRODUCTIVITY AND RELATED VALUES. Operations on forest land shall be planned and conducted in a manner which will provide adequate consideration to treatment of slashing to protect residual stands of timber and reproduction to optimize conditions for regeneration of forest tree species, to maintain productivity of forest land, and maintain air and water quality and fish and wildlife habitat.

(1) Reduce the volume of debris as much as practicable by such methods as:
(a) Well planned and supervised felling and bucking practices to minimize breakage.
(b) Increased utilization of wood fibre including, but not limited to, salvaging, pre-logging, and re-logging when a market exists.
(c) Stage cutting where applicable, with successive cuts delayed until slashing created by previous operations is reduced.

(2) In those areas where slash treatment is necessary for protection or regeneration, the following methods may be used:
(a) Scattering of slash accumulations;
(b) Piling or windrowing of slash;
(c) Mechanized chopping, compaction, or burying of slashing;
(d) Controlled burning;
(e) Provisions for additional protection from fire during the period of increased hazard. Protect fish habitat when establishing water sources.

(3) Dispose of or disperse unstable slash accumulations around landings to prevent their entry into streams.

(4) When treating competing vegetation, plan harvesting practices to break up or destroy such vegetation. When necessary, follow up with application of chemicals and/or by burning.

(5) If burning is the means of slash or competitive vegetation treatment used, it should be accomplished in such ways and at such times that reproduction and residual timber, humus and soil surface are adequately protected.

(6) Where burning is necessary, protect buffer strips from fire.

(7) Whenever disposal of slashing is to be accomplished by burning, such burning shall be accomplished under such conditions of weather that will assure adequate maintenance of air quality. Burning shall be done in accordance with the rules of Oregon’s “Smoke Management Plan.”

REGIONAL RULES

REFORESTATION

629-24-500 PURPOSE. Prompt reforestation of forest land following harvesting operations is an important factor in assuring continuous growing and harvesting of forest tree species on forest lands economically suitable therefor. The purpose of administrative rules relating to reforestation of such lands is to define economic suitabili-ty, as a basis for designating the forest land subject to reforestation requirements, to describe the conditions under which reforestation will be required; to specify the minimum number of trees per acre and the maximum period of time allowed after an operation for establishment of such trees; and to require stabilization of soils which have become exposed as a result of operations.

629-24-501 LANDS AFFECTED. Any lands which come within the definition of forest land and which are capable of a mean annual production of at least 825 cubic feet per acre at culmination as determined by Site Index Tables contained in Pacific Northwest Forest and Range Experiment Station “Field Instructions for Integrated Forest Survey and Timber Management Inventories in Oregon, Washington, and California, 1972”, Pages V125-36 are subject to the reforestation requirements.

629-24-502 STOCKING LEVELS; SUBREGIONS; TIME LIMITS. Whenever as a result of an operation the stocking is reduced below either 25%, based on estimated crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, the landowner shall establish at least 150 well distributed seedlings or saplings, or any combination thereof per acre, on the area.

In computing basal area per acre, trees over 36 inches DBH will be counted only as 36” DBH trees.

For the purpose of determining length of time allowed for establishment of seedlings or saplings, the Northwest Region shall be divided into two subregions. In the area west of the summit of the Coast Range, compliance with the minimum stocking standards shall be achieved at the end of three (3) growing seasons following operation. In the area east of the summit of the Coast Range, compliance with the minimum stocking standards shall be achieved at the end of five (5) growing seasons following operations.

Determination of time for establishment of seedlings shall be based on completion of the logging operations and removal of equipment. When smoke management restricts the burning of slash, an extension in writing may be granted by the State Forester.

629-24-503 ACCEPTABLE SPECIES AND VARIANCES. For those lands subject to the reforestation requirement, the State Forester shall maintain a list of forest tree species acceptable to be counted as stocking. The list shall consist of those species normally marketable within the Northwest Region. Red alder or other hardwood species shall not be counted as acceptable species in stocking surveys of lands which have supported adequately stocked stands of Douglas-fir or other acceptable conifers unless a prior alternate plan is approved by the State Forester.

629-24-504 LANDS NOT AFFECTED—ACTION REQUIRED. Within one year following harvesting on lands not subject to the reforestation requirement, and on which reforestation is not being planned, adequate vegetation cover shall be established to provide continuing soil productivity and stabilization. Consider the use of wildlife habitat plants.

629-24-505 REHABILITATION OF BRUSH FIELDS. Rehabilitation of brush fields or other sites containing undesirable species, may be accomplished by controlled burning, chemical application, mechanical clearing or any combination. Place debris above the high water mark of any waters of the State. On mechanical clearing projects, minimize compaction and movement of top soil.

ROAD CONSTRUCTION AND MAINTENANCE

629-24-520 PURPOSE. A well-located, constructed, and maintained system of forest roads is essential if the forest is to reach its potential of supplying jobs, tax base, and wood products for society, and to provide a means of proper forest management and protection. The
The purpose of these rules is to establish minimum standards for forest practices that will provide the maximum practical protection to maintain forest productivity, water quality, and fish and wildlife habitat during road construction and maintenance.

629.24-521 ROAD LOCATION. Roads should be located to minimize the risk of material entering waters of the State.

1. Fit the road to the topography so that a minimum alteration of natural features will be necessary.
2. Avoid locating roads in steep, narrow canyons, slide areas, steep headwalls, slumps, marshes, meadows, or existing drainage channels where practical alternatives exist. If there is a risk of material entering the waters of the state, obtain prior approval from the State Forester.
3. Avoid locating roads on high risk sites if practical alternatives exist. Obtain prior approval from the State Forester before building roads on high risk sites.
4. Minimize road density in high risk areas whenever practical alternatives exist.
5. Minimize the number of stream crossings.

629.24-522 ROAD DESIGN.

Consistent with good safety practices, design each road to the minimum use standards adapted to the terrain and soil materials, so as to minimize disturbance to existing drainages and damage to water quality:

1. Use a flexible design to minimize damage to soil and water quality. Designate end-hauling where disposal of excess material from high risk sites is indicated.
2. Roads should be designed no wider than necessary to accommodate the immediate anticipated use.
3. Design cut and fill slopes at the normal angle of repose or less.
4. Design culvert installations to prevent erosion of the fill.
5. Design water crossing structures to provide for adequate fish passage, minimum impact on water quality, and the 25 year frequency storm.
6. Design roads to drain naturally by outaloping and through grade changes wherever possible. Where outaloping is not feasible, use roadside ditches and culverts.
7. Provide dips, water bars, and cross drainage on all temporary roads.
8. Whenever practical, avoid diverting water from natural drainage ways. Dips, water bars, and cross drainage culverts should be placed above stream crossings so that water may be filtered through vegetative buffers before entering waters of the state.
9. Provide drainage where groundwater causes slope instability.
10. Select stable areas for disposal of end-haul materials. Avoid overloading areas which may become unstable from additional material loading.

629.24-523 ROAD CONSTRUCTION. Debris, overburden, and other materials associated with road construction shall be placed in such a manner as to prevent entry into the waters of the State:

1. Deposit end-haul and other excess material in stable locations above the high water level.
2. Clear drainage ways of woody debris generated during road construction or maintenance.
3. Where exposed material is potentially unstable or erodible, it shall be stabilized by use of seeding, compacting, riprapping, benching, leaving light slashing, or other suitable means.
4. In the construction of road fills, compact the material to reduce the entry of water and to minimize the settling of fill material.
5. Stream crossings shall be constructed to result in minimum disturbance to banks and existing channels. Temporary crossing structures shall be removed promptly after use, and where applicable, approaches to the crossings shall be water barred.
6. Keep machine activity in beds of streams to an absolute minimum. Restrict such activity to periods of low water levels. Prior approval of the State Forester shall be obtained for machine activity in Class I streams.
7. Install drainage structures on live streams as soon as feasible. Uncompleted road grades subject to washing before grading should be adequately cross-drained.
8. During construction operations, retain outalope drainage and remove all berms on the outside edge except those intentionally constructed for protection of road grade fills.
9. Keep soil disturbance to a minimum by constructing roads when soil moisture conditions are favorable.
10. Slash, logs, and other large quantities of organic material shall not be incorporated into road fills where fill failure due to organic material decomposition may impact waters of the state.

629.24-524 ROAD MAINTENANCE. Maintenance of active and inactive roads shall be sufficient to maintain a stable surface, to keep the drainage system operating, and to protect the quality of the waters of the State.

1. Clean culvert inlets and outlets, drainage structures and ditches before and during the rainy season to diminish danger of clogging and the possibility of washouts. Provide for practical preventative maintenance programs for high risk sites that will address the problems associated with high intensity rainfall events.
2. Restore road surface crown or outalope roads prior to the rainy season.
3. When it is the intention of the landowner to discontinue active use of the road or to control unauthorized use, the road shall be maintained to the degree necessary to provide appropriate drainage and soil stability.
4. When it is the intention of the landowner to vacate a road or "put-a-road-to-bed", the road shall be posted "closed" and shall be blocked to prevent continued use by vehicular traffic and the road shall be left in such a state as to provide for adequate drainage and soil stability.
5. Plan applications and apply road oil or other surface stabilizing material in such manner as to prevent their entry into waters of the State.
6. Maintain and repair active and inactive roads as needed to minimize damage to waters of the state.


629-24-540 PURPOSE. Harvesting of forest tree species is a key part of forest management by which wood is obtained for human use and forests are established and tended. Harvesting operations are recognized as causing temporary disturbance to the forest environment. These rules are established as minimum standards for forest practices to maintain the productivity of the forest land, to minimize soil and debris entering waters of the state, and to protect wildlife and fish habitat.

629-24-541 PROTECTION OF RESIDUAL TREES. On any operation, trees left for future harvest shall be adequately protected from damage resulting from harvest operations to assure their survival and growth. This may be done by locating roads and landings and by conducting felling, bucking, yarding, and decking operations so as to minimize damage to or loss of residual trees.

629-24-542 SOIL PROTECTION. Select for each harvesting operation the logging method, size of equipment, and type of equipment best adapted to the given slope, landscape, and soil materials to minimize soil deterioration:

(1) Avoid tractor or wheel skidding on unstable, wet, or easily compacted soils, and on slopes which exceed 35 percent, unless operations can be conducted without causing deep soil disturbance or accelerated erosion.

(2) Locate skid trails where sidecasting is kept to a minimum.

(3) Uphill high-lead logging is recommended. When downhill high-lead yarding is done, use a suspension system that lifts one end of the log free of the ground to minimize unfavorable soil disturbance. Consider topography with alternate cable yarding systems to minimize impact on soil.

(4) Where skidders are used, consider size of the equipment needed to do the job.

629-24-543 LOCATION OF LANDINGS.

(1) Landings shall be of minimum size and shall be located on stable areas to minimize risk of material entering waters of the State.

(2) Locate landings on firm ground above the high water level of any stream. Do not place landings on unstable areas, on steep side hill areas or where excessive excavation is needed.

629-24-544 DRAINAGE SYSTEM. For each landing, skid trail, or fire trail, provide and maintain a drainage system that will control the dispersal of runoff water from such exposed soils, and that will minimize the entry of muddy and turbid water into the waters of the State.

(1) Provide and maintain cross-drains, dips, water bars, and other water diversions to prevent soil from entering waters of the State.

(2) Divert or water bar all tractor or skidder trails before the rainy season.

(3) Leave or place debris and reestablish drainage on landings after use to guard against future soil movement.

(4) Provide shading, soil stabilizing, and water-filtering effects of vegetation along Class I streams. Neither an optimum nor a minimum width can be set arbitrarily for buffer strips for shading streams. Necessary width of these buffer strips will vary with steepness of terrain, other topographic features, soil type, and amount of timber to be removed. Apply one more of the following practices:

(a) Leave hardtwood trees, shrubs, grasses, rocks, and natural "down" timber where they provide shade over a Class I stream or maintain the integrity of the soil near such a stream.

(b) A fringe of undisturbed merchantable trees may be required where insufficient nonmerchantable tree species exist to provide at least 75% of original shade over the stream. This requirement may be waived if the State Forester determines that the removal of such vegetation will not impair the quality of aquatic or wildlife habitat.
(c) With prior approval of the State Forester, carefully log mature timber from the buffer strip, in such a way that shading and filtering effects are not destroyed.

(d) Where it is difficult to leave buffer strips of timber to shade a stream, re-establish cover without delay along the stream after cutting is completed.

(5) Retain or re-establish undergrowth vegetation along Class II streams in widths sufficient to maintain water quality affecting Class I streams.

(6) Keep machine activity in beds of streams to an absolute minimum. Obtain prior approval of the State Forester before machine activity in Class I streams.

629-24-547 SITE UTILIZATION. When harvesting plans include leaving a residual stand, reserved growing stock should be of desirable species, form, vigor, and crown position which will assure adequate utilization of the site for efficient production of forest products.

629-24-548 MAINTENANCE OF PRODUCTIVITY AND RELATED VALUES. Design harvesting practices to assure the continuous growing and harvesting of forest tree species by suitable economic means, and also to protect soil, air, water, and wildlife resources.

(1) Where major scenic attractions, highways, recreation areas, or other high use areas are located within or traverse forest land, give special consideration to scenic values by prompt cleanup and regeneration.

(2) Give special consideration to preserving any critical wildlife or aquatic habitat or the habitat of any wildlife or aquatic species classified by the Department of Fish and Wildlife as threatened or endangered. Such habitat could include nesting trees used by large birds of prey.

(3) When conducting operations along lakes, bogs, swamps, wet meadows, springs, seeps, or other sources where the presence of water is indicated, protect soil and vegetation from disturbances which could cause adverse effects on water quality, quantity, and wildlife and aquatic habitat.

(4) Wherever practical, plan clearcutting operations so that adequate wildlife escape cover is available within one-quarter mile from any portion of the clearcut unit.

(5) Minimize compaction and movement of topsoil on mechanical clearing projects. Place debris above the high water mark of any stream or body of open water.

(6) Slash, logs, and other large quantities of organic material shall not be incorporated into landing fills where fill failure due to organic material decomposition may impact waters of the state.

OAR 629-24-549 Harvesting on High Risk Sites. Obtain prior approval from the State Forester before conducting harvesting operations on high risk sites.
Oregon Notification Of Operations Procedural Flow Chart

1. Notification
2. Determination of Operations Priority
3. Onsite Contact(s)
   - Written Plan Required
   - Written Recommendations
   - Onsite Contact(s)
   - Repair Orders
   - Citations
Appendix B - California
This Timber Harvesting Plan (THP) form, when properly completed, is designed to comply with the Forest Practice Act (FPA) and Board of Forestry rules. See separate instructions for information on completing this form. NOTE: The form must be printed legibly in ink or typewritten.

1. Timber Owner(s): Name
   Address
   City _______ State _______ Zip _______ Phone _______

2. Timber Landowner(s): Name
   Address
   City _______ State _______ Zip _______ Phone _______

3. Timber Operator(s): Name
   Address
   License #
   City _______ State _______ Zip _______ Phone _______

4. Plan Submitter(s): Name
   Address
   City _______ State _______ Zip _______ Phone _______
   If the Plan Submitter is different from 1, 2, or 3, explain authority to submit plan:
   ________________________________
   ________________________________
   ________________________________

5. Person to contact on-site who is responsible for the conduct of the operation:
   Name
   Address
   City _______ State _______ Zip _______ Phone _______

RM-63 (9/83) -1- 7540-130-0063
6. RPF preparing the THP: Name

Address

City State Zip Phone

7. Expected commencement date of timber operations:

8. Expected completion date of timber operations:

9. Forest products to be harvested:

10. The timber operation is to be within: (check appropriate box)

   1. Coast Forest District
   2. Northern Forest District
   3. Southern Forest District
   and, if applicable, one of the following special districts:
   4. Southern Subdistrict of the Coast Forest District
   5. High-Use Subdistrict of the Southern Forest District
   6. Eastside Subdistrict of the Southern Forest District

11. Location of the timber operation by legal description:

   Base and Meridian:
   
   Mount Diablo
   Humboldt
   San Bernardino

   Section Township Range Approximate Acreage County
   
   
   
   
   TOTAL ACREAGE:

   (NOTE: Additional sheets may be necessary; parcel numbers are optional additional information which may be provided)

12.1 Yes Is a Timberland Conversion Permit in effect?
       2 No If yes, list permit number and date of expiration:

13.1 Yes Is there a THP on file with CDF for any portion of the plan area for
       2 No which a report of satisfactory stocking has not been issued by CDF?
       If yes, identify the THP numbers:
14. 1 [ ] Yes  Is any part of the plan within a special treatment area, Tahoe Regional Planning Agency jurisdiction, or a county which has special rules 
2 [ ] No 
If yes, identify the special area: ________________________________

SILVICULTURE

15. Check the methods or treatments which are to be applied, and provide any other information required by the rules on an addendum:

1 [ ] clearcutting
2 [ ] shelterwood, preparatory cut
3 [ ] shelterwood, seed cut
4 [ ] shelterwood, removal cut
5 [ ] seed tree, seed tree cut
6 [ ] seed tree, seed tree removal cut
7 [ ] selection - designate basal area stocking standard(s) to be met:

8 [ ] commercial thinning - designate basal area stocking standard(s) to be met:

9 [ ] sanitation salvage - when will stocking be met: ____________________________

10 [ ] special treatment areas
11 [ ] rehabilitation of understocked areas
12 [ ] alternative prescription (provide necessary information on an addendum)

(Note: Timberland site(s) must be shown on the map where the level of stocking is based upon timberland site.)

16. 1 [ ] Yes Are any exceptions to the standard silvicultural methods or treatments permitted in the rules proposed for this plan? 
If yes, explain and justify the exception on an addendum.

17. 1 [ ] Yes Are broadleaf or optional species proposed for management? 
2 [ ] No See item 18

18. 1 [ ] Yes Will broadleaf or optional species be used to meet stocking standards? 
2 [ ] No 
If the answer to items 17 or 18 is yes, list the species and provide the information required by the rules: _____________________________________________
19. Indicate type of yarding systems to be used on this plan:

1. tractor, skidder, forwarder
2. balloon, helicopter
3. cable, ground-lead
4. cable, high-lead
5. cable, skyline
6. animal
7. other

20.1 Yes Will tractor constructed layouts be used?
2. No

21.1 Yes Will tractors be used for direction tree pulling?
2. No

Check items 22 through 25 that apply with tractors.

22. 1 Yes Operations on unstable soils or slide areas?
2. No

23. 1 Yes Operations on slopes over 65%?
2. No

24. 1 Yes Operations on slopes over 50% with high or extreme EHR?
2. No

25. 1 Yes Operations within cable yarding areas?
2. No

If any of items 22 through 25 are answered yes, explain and justify as required by the rules

26. Indicate Erosion Hazard Rating(s) present on this THP:

Low, Moderate, High, Extreme

27. Describe soil stabilization measures to be implemented or any additional erosion control measures proposed in this THP where required by the rules:
28. 1 Yes Are any alternative practices or exceptions to the standard
No harvesting or erosion control practices permitted in the rules
proposed for this plan?
If yes, explain and justify:________________________________________________

29. 1 Yes Are timber operations proposed for the winter period?
No If yes, provide a winter period operation plan as an addendum,
except for cable, helicopter, or balloon yarding.

ROADS AND LANDINGS

30. 1 Yes Will any roads or landings be constructed or reconstructed?
No If yes, check items 31 through 37 that apply:

31. 1 Yes Will new roads be wider than single lanes with turnouts?
No
32. 1 Yes Will any landings exceed the maximum size specified in the
No rules?
33. 1 Yes Are logging roads or landings proposed in areas of unstable
No soils or known slide-prone areas?
34. 1 Yes Will new roads exceed a grade of 15% or pitches of 20% a
No distance greater than 500 feet?
35. 1 Yes Are roads to be constructed, other than crossings, within the
No watercourse and lake protection zone of Class I or Class II
watercourses?
36. 1 Yes Will roads or landings longer than 100 feet in length be
No located on slopes over 65%, or on slopes over 50% which are
within 100 feet of the boundary of a watercourse or lake
protection zone?
37. 1 Yes Are exemptions proposed for flagging or otherwise identifying
No the location of roads to be constructed?
38. If any of the items 31 through 37 are answered "yes", explain, justify, and
give site-specific measures to reduce adverse impacts or, if there is any
additional or special information concerning the construction and/or
maintenance of roads or landings if required by the rules. Provide necessary
information on an addendum.
WATERCOURSES AND LAKES

39.  1    Yes  Are there any watercourses or lakes which contain Class I through 
       2    No    Class IV waters on or adjacent to the plan area?

       If yes, complete Items 40 through 50.

40.  1    Yes  Are any in-lieu practices and/or alternative practices proposed for 
       2    No    watercourse or lake protection:

       If yes, explain and justify:______________________________________________

       ________________________________________________________________

       ________________________________________________________________

       ________________________________________________________________

Are any exceptions proposed for the following watercourse and lake protection zone 
practices? Check items 41 through 48 that apply.

41.  1    Yes  Exclusion of the use of watercourses, marshes, wet meadows, and 
       2    No    other wet areas, for landings, roads, or tractor roads?

42.  1    Yes  Retention of non-commercial vegetation bordering and covering 
       2    No    meadows and wet areas?

43.  1    Yes  Directional felling of trees within the zone away from the 
       2    No    watercourse or lake?

44.  1    Yes  Increase or decrease of width(s) of the zone(s)?
       2    No

45.  1    Yes  Protection of watercourse(s) which conduct class IV waters.
       2    No    (if any)?

46.  1    Yes  Exclusion of heavy equipment from the zone?
       2    No

47.  1    Yes  Retention of 50% of the overstory canopy in the zone?
       2    No

48.  1    Yes  Retention of 50% of the understory in the zone?
       2    No

If any of the items 41 through 48 are answered yes, explain and justify if 
required by the rules and provide necessary information on addendum.
49. 1 Yes Are residual trees or harvest trees going to be marked within the
     2 No watercourse or lake protection zone?
     If no, explain:

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

50. Describe the protective measures and zone widths for the watercourse and lake
     protection zones that are in the plan area:

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

WILDLIFE

51. 1 Yes Are any known rare or endangered species or species of special
     2 No concern including key habitat associated with the THP area?
     If yes, identify the species and the provisions to be taken for protection of
     the species:

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

52. 1 Yes Are there any snags which must be felled for fire protection or
     2 No other reasons?
     If yes, describe which snags are going to be felled:

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

53. 1 Yes Are any other provisions for wildlife protection required
     2 No or recommended by the rules?
     If yes, describe provisions:

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________

     ________________________________________________________________
CULTURAL RESOURCES

54. 1 [ ] Yes Has an archaeological survey been made of the areas to be harvested?
   2 [ ] No
   3 [ ] Unknown

55. 1 [ ] Yes Are any recorded archaeological or historical sites located in the
   2 [ ] No area to be harvested?
   3 [ ] Unknown
   If yes, describe how the sites are to be protected (if necessary):


HAZARD REDUCTION

56. What type of slash treatment will be used in the fire protection zone?
   1 [ ] pile and burn
   2 [ ] lopping
   3 [ ] other (specify)__________________________________________________________
   4 [ ] not applicable, no fire protection zones present.

57. 1 [ ] Yes If the clearcutting method is used, will broadcast burning be used
   2 [ ] No for site preparation?

58. If piling and burning is to be used for hazard reduction, who will be
    responsible for compliance?
   1 [ ] timber operator
   2 [ ] timber owner
   3 [ ] timberland owner

PUBLIC NOTICE

59. 1 [ ] Yes Are there any ownerships within 300 feet of the plan boundary which
   2 [ ] No are owned by persons other than the persons executing this plan?
   If yes, check those parts of item 60 that apply:

60. 1 [ ] A Notice of Intent was mailed to adjacent landowners
    2 [ ] A Notice of Intent was published in a newspaper
    3 [ ] There are 15 or less names for ownerships within 300 feet of the
        plan boundary, and the Department shall mail the Notice of Intent

61. 1 [ ] Yes A list of the names and address of the adjacent property owners
    2 [ ] No is attached to the THP
THP NO.

PESTS

62. 1 □ Yes Are there any adverse insect, disease, or pest problems of
2 □ No significance in the plan area?

If yes, describe mitigation measures, if any, to improve the health and
productivity of the stand:

____________________________________________________

____________________________________________________

____________________________________________________

ATTACHMENTS

63. Check if attachment is included with the plan:
1 □ Notice of Stream Bed Alteration to Department of Fish and Game
2 □ Estimated Surface Soil Erosion Hazard Calculations
3 □ Addendum for Silviculture Alternative Prescription
4 □ Addendum for Winter Period Operations Plan
5 □ Notice of Intent to Harvest Timber
6 □ Maps
7 □ Written Notice of Plans to the timber operator, timberland owner, or
timber owner that did not sign the THP
8 □ Addendum for item 25 of plan, as needed
9 □ Addendum for item 38 of plan, as needed
10 □ Addendum for item 61 providing the names and addresses, as needed
11 □ Other

REGISTERED PROFESSIONAL FORESTER

64. I have the following authority, responsibilities, and limitation for
preparation or administration of the THP and timber operation:

____________________________________________________

____________________________________________________

____________________________________________________

65. In addition to preparing this plan, I have notified the timber owner and the
timberland owner, in writing, of their responsibilities for compliance with
the stocking requirements of the rules □ yes □ no and for the maintenance
of erosion control structures □ yes □ no, and of the marking requirements
contained in the rules □ yes □ no.

66. I will supply the timber operator with a copy of the approved THP □ yes
□ no.
67. Registered Professional Forester:

Signature: ___________________________ Date __________________

Registration Number ___________________________

68. CERTIFICATION

The above conforms to (my)(our) plan and, upon filing, (I) (We) agree to conduct harvesting in accordance therewith. Consent is hereby given to the Director of Forestry, his agents and employees, to enter the premises to inspect timber operations and to determine compliance with the Forest Practice Rules.

Timber Owner: ___________________________

Signature: ___________________________ Date __________________

Printed Name ___________________________ Title __________________

Timber Landowner: ___________________________

Signature: ___________________________ Date __________________

Printed Name ___________________________ Title __________________

Timber Operator: ___________________________

Signature: ___________________________ Date __________________

Printed Name ___________________________ Title __________________

DIRECTOR OF FORESTRY

This Harvesting Plan conforms to the rules and regulations of the Board of Forestry and with the Forest Practice Act.

By: ___________________________ / ___________________________
    (Signature) (Printed Name)

___________________________________________________________ /_________________________________________________________
    (Title) (Date)
1. Repeal Section 933.

2. Adopt new Section 933, to read:

933. Silvicultural Systems. The objective of this article is to describe standard silvicultural systems and provide for alternatives that, when applied, shall meet the objectives of the Act, including the provision of stocking that will meet the stocking standards of the rules; and which will provide for future continuous timber growth on timberlands which, where feasible, will be at or near the productive capacity of the land for the forest products desired considering the soil, timber site, and species to be regenerated.

A major element of the silvicultural system is the regeneration method. The plan shall designate one or a combination of regeneration methods or intermediate treatments prescribed by these regulations. If a regeneration method or intermediate treatment not defined in the rules and described in Table 1 (or a modification of one defined in the rules) is to be used, an alternative prescription shall be included in the plan.

3. Repeal Section 933.1.

4. Adopt new Section 933.1, to read:

933.1. Regeneration Methods Used in Even-Aged Management. The following types of regeneration methods are designed to replace a harvestable stand with well-spaced growing trees of commercial species.

(a) Clearcutting. The clearcutting regeneration method involves the removal of a stand in one cut on an area. The cut area is then prepared for either natural or artificial regeneration. Clearcutting may be applied to a whole stand or in patches or strips.

(1) Except as otherwise provided in this section, clearcut areas shall not exceed 32.37 ha (80 acres) in size on areas of low estimated erosion hazard rating; or 16.19 ha (40 acres) on areas of medium estimated erosion hazard rating; or 12.18 ha (30 acres) on areas with high estimated erosion hazard rating; and 8.09 ha (20 acres) on areas with extreme estimated erosion hazard rating.

(2) Exceptions to these acreage limits may be proposed by the RPF and agreed to by the Director. The acreage exception shall be explained and justified in the plan, and shall not exceed the acreage limits by more than fifty percent (50%). Exceptions are justified when additional acreage will (A) reduce the overall detrimental effects of erosion, thereby providing better protection of soil, water, fish and/or wildlife resources; or (B) provide for the inclusion of "long corners"; or (C) create a more natural logging unit by taking maximum advantage of the topography. The Director may request and the RPF may agree to decrease the above acreage limitations not to exceed fifty percent (50%) based on the same considerations. Such changes will be designated in the plan.
(3) To minimize contrast and reduce adverse visual impact, clearcut areas shall, when practical, be irregularly shaped and variable in size so as to blend with natural patterns (openings) and features of the landscape (topography).

(4) Successive clearcut areas within the same ownership shall be separated by an area of not less than 91.4 m (300 feet) or a logical logging unit not less than 91.4 m (300 feet) in width between clearcut areas.

(A) No other harvesting shall take place in the unit adjacent to clearcut areas unless one of the following conditions is met:

(i) Commercial thinning treatment, sanitation-salvage, or selection method will be used in the adjacent unit.

(ii) The RPF proposes an exception in the THP and the Director concurs that the exception meets the standards of this subsection, where the area to be harvested adjacent to the clearcut meets the stocking standards of Section 932.7 immediately upon completion of timber operations, and where the extent and intensity of ground and vegetative disturbance is less than that which would be caused by a clearcut.

(iii) A satisfactory report of stocking has been issued for the entire adjacent previously cut plan area; and at least 3 years have passed since submission of the work completion report for the entire adjacent previously cut area.

The RPF may propose exceptions to (iii) above when explained and justified in the plan where clearcut areas are on opposite slopes along ridges.

(5) Where the total clearcut acreage of a previously approved plan has not been harvested prior to plan expiration, a new plan to harvest the remaining unfelled clearcut portion of the original plan may be approved by the Director. The new plan must be filed within six months following expiration of the previous plan:

Regeneration after harvesting shall be obtained by direct seeding, planting, sprouts, or by natural seed fall. Site preparation and slash disposal measures will generally be necessary for successful regeneration and these measures shall be included in the plan.

(6) In areas to be clearcut where average slope exceeds fifty percent (50%) and the estimated erosion hazard rating is high or extreme, cable, helicopter, or balloon yarding systems shall be used for the protection of the soil resources. The RPF may propose exceptions when explained and justified in the plan.

(b) Shelterwood. The shelterwood regeneration method involves reproducing a stand by a series of cuttings (preparatory, seed, removal), one or more of which are designed to open the stand sufficiently to stimulate natural regeneration or provide cover for planted trees. The shelter of older trees is normally removed only when the new stand is well established.
(1) On stands harvested under this regeneration method, the timber operator shall remove trees individually, to establish a new crop of trees under the protection (overhead or side) of the residual trees, the resultant new crop being even-aged.

(2) If the preparatory cutting step under the shelterwood method is used, the RPF must indicate in the plan whether the objective is to naturally or artificially regenerate the stand. Stocking must equal or exceed the requirements of 14 CAC 932.7(b) upon completion of timber operations if this step is used. If a stand is to be naturally regenerated, in addition to meeting the requirements of 14 CAC 932.7(b), those trees counted toward meeting the requirements of 14 CAC 932.7(b) must include, as a minimum, the numbers and sizes of trees required under the seed tree regeneration method. Within six months following completion of work described in the plan, a report of stocking shall be filed, as stated in PRC 4587.

(3) If the seed cutting step is used, the number of seed trees must equal or exceed that set forth under the seed tree regeneration method and must provide adequate shelter for seedling establishment. Either the trees to be cut or left in the seed cutting step shall be marked by or under the supervision of an RPF in advance of timber falling operations. When an RPF or RPF designee supervises cutting, marking of seed trees is optional.

(4) If the extent and intensity of the ground disturbance caused by the harvest is essentially the same as would have been caused by a clearcut, the size limitations, separation (spacing) by logical logging unit requirements, and yarding equipment limitations of 14 CAC 933.1(a) are applicable. The RPF may justify, with the approval of the Director, an exception to these requirements if the seed cutting step will cause significantly less disturbance than that caused by clearcutting. The stocking requirements of 14 CAC 932.7 shall apply.

(5) If natural stocking is inadequate two years after the first August following completion of timber operations under the seed cutting step, seed and shelter trees may be removed before artificial regeneration is used if removal is justified by the RPF in the plan.

(6) The removal cutting step is used when regeneration has become established following the seed cutting step, or where another regeneration method has left a number of seed trees and shelter under which reproduction has become established. This is the last stage of a shelterwood regeneration method.

If, as judged by the RPF, more than ten percent (10%) of the area or 8.09 ha (20 acres) whichever is less, will not meet the stocking standards of 14 CAC 932.7 upon completion of timber operations, the RPF preparing the plan shall delineate the plan into areas of up to a ten-acre maximum that either probably will or will not meet stocking standards. The requirements and exceptions of 14 CAC 933.1(a) and stocking requirements of 14 CAC 932.7 shall apply to the areas not meeting stocking.

(c) Seed Tree. The seed tree regeneration method provides for the removal of a stand in one cut except for well-distributed seed trees of desired species which are left singly or in small groups to restock the logged area.

(1) An average of at least ten (10) seed trees per ha, 61 cm d.b.h. or greater, (4 seed trees per acre, 24 inches d.b.h. or greater), or twenty (20) seed trees per ha, 45.7 cm d.b.h. or greater, (8 seed trees per acre 18 inches d.b.h. or greater), must remain on the logged area. In addition, no point within the logged area shall be more than 45.72 m (150 feet) horizontal distance from
the nearest seed tree. Also, each seed tree 61 cm (24 inches) d.b.h. or
greater shall be equivalent to two (2) seed trees which are less than 61

cm (24 inches) d.b.h., but at least 45.7 cm (18 inches) d.b.h. or greater.

(2) Seed tree species and site preparation measures shall be specified
by the RPF in the plan.

(3) Seed trees shall be marked by or under the supervision of an RPF
in advance of cutting. When an RPF or RPF designee supervises cutting,
marking of seed trees is optional.

(4) If the extent and intensity of the ground disturbance caused by the
harvest is essentially the same as would have been caused by a clearcut, the
size limitations, separation (spacing) by logical logging unit requirements,
yarding equipment limitations of 14 CAC 933.1(a) are applicable. The
RPF may justify, with the approval of the Director, an exception to these
requirements if the seed tree regeneration method will cause significantly
less disturbance than that caused by clearcutting. The stocking requirements
of 14 CAC 932.7 shall apply.

(5) If natural stocking is inadequate two years after the first August
following completion of timber operations, seed trees may be harvested and
artificial regeneration shall be used to meet the stocking requirements of 14
CAC 932.7. A plan shall be submitted for such harvest (seed tree removal) and
regeneration effort, and regeneration shall be initiated during the first
regeneration season after seed tree removal unless an exception is approved
by the Director.

(6) The seed trees may be removed where the stocking requirements of 14
CAC 932.7 have been met. A plan shall be submitted for such harvest, and the
stocking requirements of 14 CAC 932.7 shall be met upon conclusion of timber
operations.

5. Repeal Section 933.2.

6. Adopt new Section 933.2, to read:

933.2. Regeneration Method Used in Uneven-Aged Management. Selection is the
regeneration method used in uneven-aged management. An uneven-aged condition
is established and maintained through selection cutting. This regeneration
method depends on maintaining a balanced stand structure and providing for
establishment of trees. Under the selection regeneration method, the trees are
removed individually or in small groups to realize the yield and continually
establish a new crop. Such removals may be repeated at relatively short time
intervals to encourage periodic establishment of natural regeneration and uneven-
aged timber stand.

(a) Trees to be cut or trees to be left shall be marked by or under the
supervision of an RPF prior to cutting. When an RPF or RPF designee supervises
cutting, marking is optional.

(b) Immediately following completion of timber operations, the following
stocking standards shall be met:

(1) On Site I lands, at least 22.7 m²/ha (100 square feet per acre) of
basal area shall be left.
(2) On Site II and III lands, at least 17.2 m²/ha (75 square feet per acre) of basal area shall be left.

(3) On Site IV and V lands, at least 11.48 m²/ha (50 square feet per acre) of basal area shall be left.

(c) Exceptions to these stocking standards may be proposed by the RPF when explained and justified in the plan, but in no case will the exception be less than those specified in 14 CAC 932.7(b).

(d) Within six months following completion of timber operations as described in the plan, a report of stocking shall be filed as stated in PRC 4587.

7. Repeal Section 933.3.

8. Adopt new Section 933.3, to read:

933.3. Intermediate Treatments.

(a) Commercial Thinning. Commercial thinning is the removal of trees in a young-growth stand to accelerate diameter increment on each residual tree and promote timber growth.

(1) Immediately following completion of timber operations, the following stocking standards shall be met:

(A) On Site I lands, at least 22.7 m²/ha (100 square feet per acre) of basal area shall be left.

(B) On Site II and III lands, at least 17.22 m²/ha (75 square feet per acre) of basal area shall be left.

(C) On Site IV and V lands, at least 11.48 m²/ha (50 square feet per acre) of basal area shall be left.

(2) Exceptions to these stocking standards may be proposed by the RPF when explained and justified in the plan, but in no case will the standards be below those specified in 14 CAC 932.7(b).

Within six months following completion of timber operations as described in the plan, a report of stocking shall be filed as stated in PRC 4587.

(b) Sanitation-Salvage. The sanitation-salvage treatment is a combination of the two treatments, sanitation and salvage, that are done in conjunction with one another. Sanitation is the removal of insect-attacked or diseased trees in order to maintain the health of the stand. Salvage is the removal of only those trees which are dead, dying, or deteriorating because of damage from fire, wind, insects, disease, flood, or other injurious agents in order to obtain an economic gain before their value is lost.

After sanitation-salvage cutting, stocking shall immediately meet stocking standards of 14 CAC 932.7 unless justified in the plan. If stocking is to be met immediately following completion of timber operations, then a report of stocking shall be filed within six months of completion. If stocking will not be met, then restocking shall commence the first planting season after completion of treatment.
9. Repeal Section 933.4.

10. Adopt new Section 933.4, to read:

933.4. Special Harvesting Methods. The following special harvesting methods are appropriate under certain conditions:

(a) Special Treatment Areas. Special consideration in Special Treatment Areas shall be given to selection of a regeneration method or intermediate treatment compatible with the objectives for which the special area was established. Such areas shall be identified in the plan. To assure the integrity of legally designated historical and archaeological sites and legally designated ecological reserves, the RPF and the Director may agree, after on-the-ground inspection, if requested by either party, on specific silvicultural and logging practices to protect such areas.

(b) Rehabilitation of Understocked Areas. Rehabilitation is a procedure for restoring and enhancing the productivity of commercial timberlands which do not meet the stocking standards of 14 CAC 932.7 prior to any timber operations. On such lands, an area may be harvested, provided it is restocked in accordance with the following standards. If the area is Site III or better, the area shall be classified as acceptably stocked if, as a result of stocking, it contains at least ten (10) countable trees for each tree harvested. If the area is Site IV or poorer, the area shall be classified as acceptably stocked if, as a result of restocking, it contains at least five (5) countable trees for each tree harvested.

To facilitate restocking, a regeneration plan must be included in the THP. The regeneration plan shall include site preparation, method of regeneration, and other information appropriate to evaluate the plan.

11. Repeal Section 933.5.

12. Adopt new Section 933.5, to read:

933.5. Stocking Status. Under any regeneration method where artificial regeneration is specified in the plan to restock the logged area, a preliminary report on the degree of stocking shall be submitted to the Director annually, between October 1 and December 31, beginning two years following completion of logging by the timber owner or agent thereof, until the stocking standards of 14 CAC 932.7 is met or exceeded, or as otherwise required. This report shall indicate the degree of stocking achieved and any additional measures to be taken to stock the logged area.

13. Repeal Section 933.6.

14. Repeal Section 933.7.

15. Repeal Section 933.8.

16. Adopt new Section 933.6, to read:

933.6. Alternative Prescription.

(a) An alternative prescription shall be included in a THP when, in the judgment of the RPF, an alternative regeneration method or intermediate treatment
offers a more effective or more feasible way of achieving the objectives of Section 933 than any of the standard silvicultural methods provided in this Article.

(b) An alternative prescription as defined in 14 CAC 895.1 shall normally contain at least the following information:

(1) A description of the stand before timber operations, including:

(A) The RPF's professional judgment of the species composition of the stand before harvest.

(B) The RPF's professional judgment of the current stocking on the area expressed in basal area or a combination of basal area and point count.

(C) The RPF's estimate of the basal area per acre to be removed from the stand during harvest.

(2) A description of stand management constraints such as animal, insect, disease, or other natural damage, competing vegetation, harsh site conditions, or other problems which may affect stand management.

(3) A statement of which silvicultural method in the current District rules is most nearly appropriate or feasible and an explanation of why it is not appropriate or feasible.

(4) An explanation of how the proposed alternative prescription will differ from the most nearly feasible method in terms of securing regeneration; protection of soil, water quality, wildlife habitat, and visual appearance; and in terms of fire, insect, and disease protection.

(5) A description of the stand expected after completion of timber operations, including the following:

(A) The management objective under which the post-harvest stand is to be managed (even-aged, uneven-aged, or neither).

(B) The desired tree species composition of the post-harvest stand and the RPF's judgment as to the remaining stocking after harvest, expressed as basal area or a combination of basal area and point count.

(6) The treatment of the stand to be used in harvesting, including:

(A) The guidelines to be used in determining which trees are to be harvested or left.

(B) The type of field designation to be followed, such as marking, sample marking of at least 20 percent of the trees to be harvested or left, professional supervision of fallers or other methods.

(C) The site preparation and regeneration method and time table to be used for restocking.
(c) If an alternative prescription will have the practical on-the-ground effect of a clearcut, regardless of name or description, then the acreage limitations, requirement for separation by a typical logging unit, yarding equipment limitations, exceptions, and stocking requirements for the clearcut regeneration method shall apply.

(d) The Director shall approve the alternative if, in his judgment, it complies with 14 CAC 898 and if, considering the entire area to which the alternative is to be applied, it would, when compared with the standard method identified in subsection (b)(3) above, have an effect equal to or more favorable than such standard method in the factors listed in Section 898(a)(1).

17. Renumber Section 933.9 as Section 933.7.
TIMBER HARVESTING PLAN PROCESSING PROCEDURE

THP REC'D AT REGIONAL OFFICE

- NOTICE OF SUBMISSION (Provided upon request)
- THP REVIEWED FOR ACCURACY
- THP RETURNED
- THP ACCEPTED FOR FILING (Review Team Meets to Consider THP)
- THP FOUND IN CONFORMANCE BY REVIEW TEAM (Submitter May be Requested to Supply Changes)
- NOTICE OF FILING (Done Within 2 Working Days of Filing)
- THP IS REVIEWED AGAIN BY REVIEW TEAM
- THP FOUND IN CONFORMANCE (Submitter May Proceed)
- NOTICE OF CONFORMANCE (Done Within 10 Working Days, Judicial Review Available to Public)
- SUBMITTER'S CHOICE
- ABANDON PLAN
- WITHIN 10 CALENDAR DAYS FROM RECEIPT OF NOTICE OF NONCONFORMANCE - APPEAL TO BOARD OF FORESTRY
- BOARD OF FORESTRY
- PUBLIC NOTICE BY DEPARTMENT OF FORESTRY
- PUBLIC HEARING
- PUBLIC INPUT
- APPEAL FAILS (Judicial Review Available to Submitter)
- APPEAL SUCCEEDS (Judicial Review Available to Public)