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STATUTORY MINOR CORRECTION

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CHAPTER 629
DEPARTMENT OF FORESTRY

FILING CAPTION: Spelling correction to update "RX" to "RH".

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting spelling

AMEND: 629-643-0125

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

RULE SUMMARY: Spelling correction to update "RX" to "RH".

RULE TEXT:

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

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

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

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

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

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

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

(b) Retain all trees leaning over the channel.

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

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

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

(a) The operator shall ensure that such activities contribute to and are consistent with enhancing the stand's ability to meet the desired future condition.
(b) The operator shall submit to the State Forester a written plan that describes how the operator will meet these requirements and the goals of the desired future condition.
(8) If the vegetation retention requirements span a road and a safety hazard presents a risk to road users, the operator may request that the State Forester approve a plan to remove trees upslope of the road. The State Forester shall authorize tree removal within the designated tree retention area only under the following conditions:
(a) Within the tree retention area, the width of the area where trees may be harvested from the upslope edge of the road shall be less than 15 feet.
(b) An equivalent basal area is retained elsewhere within the harvest unit adjacent to the tree retention area.
(9) For all Type N streams, the operator may count all retained trees in the outer zone that otherwise meet the wildlife leave trees requirements within harvest type 2 or harvest type 3 units, pursuant to ORS 527.676.

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

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