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## **Oregon Department of Forestry Administrative Overview September, 2008**

### **Introduction**

The Oregon Department of Forestry (ODF) performs a number of duties under its overall mission to "provide stewardship for Oregon's forests." These obligations range from fire protection to overseeing forest products and reforestation practices. The ODF oversees the management and protection of the state forest system throughout Oregon as well as the management of forest product harvesting on federal and private lands.

The ODF is divided into three districts (Northwest, Southern, and Eastern Oregon), which allows for autonomy under the general supervision of the Department. The responsibilities and needs of the ODF have grown since its inception in the early 20th century, with the ODF maintaining general control over forestry practices within the state, and delegating some local powers to maintain efficiency. Other than administrative restructuring, the ODF's main obligations of forest management and fire prevention have changed little.

The ODF is responsible for giving equal attention to environmental and business (logging, paper production) concerns. This is often a volatile and tenuous relationship with difficult choices and decisions made on behalf of the forested lands in Oregon. In response to many of these public concerns over the management and use of state forestlands, the ODF has made great strides in public affairs management and public awareness programs, which have allowed the public to become educated on the differing perspectives concerning forestlands and activities in Oregon.

### **History**

The Board of Forestry was the result of a 1905 law that allowed local fire rangers to patrol counties and enforce newly created fire protection laws (O.L. 1905, Ch. 227) and the need to manage the extensive forests of Oregon was recognized in 1907 when a temporary advisory board was established (O.L. 1907, Ch. 131). The Board had little power and was mainly intended to provide advice and direction to the Legislative Assembly on matters of Forestry.

In 1911, the Legislative Assembly established the Department of Forestry and appointed a State Forester to oversee departmental activities. The responsibilities of the State Forester included the improvement and protection of state forest lands, prevention of forest fires, enforcing forest laws and prosecuting violators, encouraging reforestation, and publishing forestry information. In

1911 Oregon succeeded in consolidating the county fire wardens from the county courts to under the central authority of the State Forester (O.L. 1911, Ch. 278).

The Federal Weeks Law of 1911 gave Oregon increased financial assistance for watershed and forest protection. By 1913, the state was also contributing to forestry efforts through the passage of the Forest Patrol Act, which funded firefighting activities (Senate Joint Memorial #8, 1913). The Forest Patrol Act was financed through the assessment of landowners for the protection of their lands. In 1925, the Forest Patrol Act was amended to create protection districts that were patrolled by a local association and overseen by the Department of Forestry (O.L. 1925, Ch. 281).

1925 saw the Clarke-McNary Law supercede the Weeks Law. This federal funding law allowed the ODF to expand their operations and contract work to non-state employees. The State Forest Nursery at Elkton (later to become the Phipps Forest Nursery after former State Forester Dwight Phipps) was funded in large part by money provided by this law.

1929 brought about an unprecedented show of the ODF's authority. It set aside 70,000 acres in Douglas and Coos Counties to be preserved as the first State Forest in Oregon, named Elliot State after the first State Forester, F.A. Elliot. In the same year, the Legislative Assembly passed the Oregon Reforestation Tax Law that required the ODF to classify lands for reforestation. Owners of land classified for reforestation were exempted from retroactive property taxes, and instead paid an annual forest fee and surtax on harvested forest products. This practice was facilitated in 1937 with the creation of County Classification Committees to designate lands for reforestation (O.L. 1937, Ch. 381).

The Board of Forest Conservation was created in 1935 to ease the incorporation of Oregon forestlands into the system of national forests administered by the United States Forest Service. The Board was given the final say on the transfer of lands to federal control. The Civilian Conservation Corps work camps were created at this time as part of the nationwide New Deal program. By 1936, the State Forester supervised over 4,300 men working in these forestry camps. The Works Projects Administration also began construction of the ODF's Salem headquarters in 1936; the building is now on the National Register of Historic Places.

The 1937 Legislative Assembly authorized the creation of County Forest Land Classification Committees. These committees were given the responsibility of classifying all county forestlands into three categories: timber, timber and grazing, or agricultural. The State Forester was given authority to classify lands in the event that county committees were not formed or did not reach a consensus. An experimental field laboratory was also established in 1937. The 1,000-acre Hamlet State Experimental Forest in Clatsop County was formed to study silviculture, rodent control, planting costs, thinning, utilization of and returns from forest crops, and fire protection/control (O.L. 1937, Ch. 381).

Until 1939, the Board of Forestry and the Highway Commission shared the administrative responsibilities for Oregon state parks. The reorganization of the Highway Commission in 1939 gave complete jurisdiction of the parks to the Commission. To compensate for this removal of duties, the Legislative Assembly added administration of the Forest Development Fund to the ODF.

In 1940 the Keep Oregon Green Association was established to promote fire safety and forest fire prevention. The Association was established independently from the ODF, but served as a publicity agency and received much of their operating budget from the ODF. 1941 brought passage of the Oregon Forest Conservation Act, which required loggers to reforest harvested lands. The act also gave the State Forester additional authority to conserve forest resources (O.L. 1941, Ch. 237). The Forest Products Research Laboratory was also established in 1941. The Laboratory was created by the ODF in conjunction with Oregon State University, which also administrated the project location in Corvallis. The primary research capacity of the lab was for the study of wood wastes and the utilization of wood products (O.L. 1941, Ch. 468). Activities at the Laboratory were expanded with passage of the Forest Research and Experimental Tax Act of 1947. This Act provided funding for research through surcharges on all forest products harvested in Oregon. The Department of Forestry administered the facility until 1962 when control was transferred to the Department of Education.

World War II brought a change in responsibilities to the ODF. Forestry personnel from 1942 to 1943 manned forty-six Aircraft Warning Service observation posts. The Forest Defense Council was also established to serve as an adjunct to the Oregon Defense Council and to advise on matters concerning incendiary forest fires. World War II also resulted in a worker shortage at ODF due to the dissolution of the Civilian Conservation Corps and the military wartime combatant requirements (O.L. 1943, Ch. 140).

In 1951, the ODF began to utilize convict labor in forest work camps, with a coalition including the State Forester, State Penitentiary Superintendent, and the State Director of Parole and Probation to oversee the administration of the program (O.L. 1951, Ch. 559). The Forest Protection and Conservation Committee were created in 1953. The Committee's duties included the supervision and coordination of state agencies engaged in forest management, the Forest Products Research Laboratory, and the research concerning the rehabilitation, protection, and management of forestlands (O.L. 1953, Ch. 375).

The Common School Forestlands Act in 1957, brought all indemnity lands, school lands, and escheated lands under a common administration. Authority of the Common School Forestlands (including Elliot State Forest) was held jointly between the Board of Forestry and the United States Forest Service, although the managerial duties were assumed by the ODF. All revenue from the sale of forest products from these lands was to be deposited into the Common School Fund (O.L. 1957, Ch. 240).

In 1954, Federal Public Law terminated the government's involvement in the Klamath Tribal Reservation. This action allowed the tribal members the option to liquidate their lands, and the remainder was sold to the United States Forest Service. The Forest Service recommended that the land be administered by the ODF and in 1960; more than 300,000 acres were transferred to Oregon Department of Forestry control and became protected as Klamath Agency State District.

The Western Oregon Small Tract Optional Tax Law of 1961 gave tax breaks to owners of under-productive forestlands (O.L. 1961, Ch. 714). In 1964, the Rural Fire Defense Program linked the ODF and the State Fire Marshal's Office to encourage rural fire fighting programs. A year later, the Legislative Assembly consolidated the many laws administering the ODF and made many of its programs became more efficient (O.L. 1965, Ch. 253).

In 1963, the Legislative Assembly incorporated the forest resource functions of the State Land Board into the ODF. One year later the State Forest Nursery at Corvallis was closed after 39 years, and was converted into a laboratory to study forest genetics (O.L. 1963, Ch. 475).

In 1971, the Legislative Assembly passed resolutions forming a Western States Forestry Task Force to operate as a clearinghouse of information concerning western forests. The Task Force was to also serve as an informational body to the legislatures and administrations of these states. Also passed was the Oregon Forest Conservation Practices Act which gave the Forest Practices Commission administration over road construction, logging practices, slash disposal, and chemical use on state lands in the three forest regions designated by the act (Northwest, Southern, and Eastern) (O.L. 1971, Ch. 316).

The Woodlands Management Act was passed in 1979 to encourage long-term forestry investments and promote better management of Oregon forestlands. The act provided tax relief to forestland owners, promoted the harvesting of mature timber crops, encouraged reforestation of clear-cut lands, and promoted continuous production of forest products. The act also created the State Forest Seed Tree Bank, which provided for the supply and maintenance of forest tree seed for sale to public, state, and private owners of forest nurseries and forestlands (O.L. 1979, Ch. 578).

The Department of Forestry Soil Task Force was formed in 1983 to reduce the risk of landslides and their impact upon streams and soil in steeped-sloped areas. In 1984, "A Forestry Program for Oregon" was enacted (and updated in 1986) to implement a mandate by the Legislative Assembly to assure an adequate supply of timber and to positively impact the economy, populace, and the environment. In response to the Forestry Program, a Smoke Management Advisory Committee was created in 1989 to control the effects of controlled burns and accidental forest fires.

The Legislative Assembly enacted several measures in 1991 that were designed to better manage the state's forests. Restrictions were increased on clear-cutting and other harmful practices, timber operators were required to submit a written plan to the ODF, and scenic corridors along highways were defined and protected by drastically reducing logging activity in these areas. The use of pesticides and other chemicals was increasingly regulated by requiring the notification of the ODF and all residents within a 10-mile radius of any chemical application. ODF had to make greater efforts to cooperate with other state agencies to ensure better monitoring and enforcement of these additional guidelines (O.L. 1991, Ch. 639 & 919).

The 1991 Legislative Assembly reallocated state Lottery funds to aid forest products workers who may have lost their jobs due to decreased demand for timber and increased environmental restrictions upon logging practices. Special loan funds were established by the Economic Development Department to serve the needs of these displaced workers. Additional legislation created the Oregon Forest Products Resources Institute to enhance and support the forest products industry in Oregon. The Institute was funded by tax revenues imposed on forest product harvests and administered by a board made up of wood products industry members (O.L. 1991, Ch. 688).

Restrictions on forest operations and clear-cutting were implemented through Special Legislative Sessions in 1995 and 1996. Reforestation practices were also addressed in this attempt to

encourage stewardship in ODF forestry operations as opposed to regulatory enforcement (O.L. 1995, Ch. 721).

A 1997 amendment to the Forest Conservation Practices Act gave the Department authority to enter into stewardship agreements with landowners. The objectives of the agreements were to provide forest landowners with the opportunity to plan and implement forest management strategies with reduced oversight and regulation. The amendment was also intended to give landowners an incentive to enhance and restore fish and wildlife habitat, water quality, and other natural resources (O.L. 1997, Ch. 413).

The Oregon Forestland-Urban Interface Fire Protection Act was enacted in 1997 to coordinate fire protection for areas of conflicting development and forestland. The act requires property owners to assume responsibility to prevent fire and minimize the consequences of a substantial burn. It authorized the ODF to develop classifications for areas of urban/forest interface and to create standards for land/property owners regarding liability and prevention responsibilities (O.L. 1997, Ch. 429).

In 1999, the Northwest Wildland Fire Protection Agreement was enacted, as a multi-state, international effort by providing mutual aid in the prevention, containment and control of forest fires. This act, embodying the states of Oregon, Washington, Alaska, Montana, and Canada's Yukon Territory, British Columbia and Alberta, plus contiguous areas if necessary (O.L. 1999, Ch. 258). The Tillamook Forest Interpretation and Education Center, a major project, was also approved for development in 1999 (O.L. 1999, Ch. 928).

The 2001 Legislative Assembly directed ODF to convene a group to review state tax policies affecting family owned and on industrial small tract timber lands, defined as holding less than 5000 acres, in Oregon (O.L. 2001, Ch. 816). In addition the Legislative Assembly approved ODF to receive gifts, grants, bequests and endowments for the purpose of managing state forests (O.L., Ch 159). All funds are deposited into the State Forestry account.

Stewardship agreements involving land owners and ODF were established by the Legislative Assembly to promote the conservation, restoration and improvement of fish/wildlife habitat and water quality in Oregon (O.L. 2003, CH 539). The Oregon Departments of Forestry, Agriculture, and Fish and Wildlife were charged with adopting rules defining criteria for the agreements. In addition, the Oregon Forest Land Protection Fund was increased from 15 to 22.5 million dollars (O.L. 2003, Ch685). Registration fees for campers, motor homes and travel trailers using parks and facilities in state forests were increased to fund further development of parks and recreation facilities and areas in state forests.

In 2005 legislation allowing ODF to accept federal grant funding to accomplish the goals of federal forest legacy programs passed the Legislative Assembly (O.L., Ch. 745). In addition, the Legislative Assembly authorized ODF to provide seedlings for reforestation via numerous means including but not limited to the ODF Nursery, the traditional method of providing seedlings, and contractors (O.L., Ch. 541). Finally, the Legislative Assembly charged ODF with assessing a per acre fee for pile burns to pay for forest protection (O.L., Ch. 585).

The Legislative Assembly passed legislation directing the State Forester to designate and classify forest-urban interface boundaries in the event county forestland-urban interface committees fail to do so (O.L. 2005, Ch. 30). In addition, the statute directed ODF to establish minimum

standards for the minimizing and mitigation of fire hazards on property within the forestland-urban interface. Property owners will be required to certify in writing their compliance with the established minimum standards. In the event of a fire property owners failing to meet the minimum standards are liable for fire suppressions cost not to exceed \$100,000.00. The State Forester or designee was named to participate as a member of the Oregon Invasive Species Council (O.L. 2005, Ch. 247).

The 2007 Legislative Assembly passed legislation establishing the Forest Resources Trust, a loan program for qualified private and local government forestland owners to fund stand establishment and management (O.L.2007, Ch. 201). In addition, ODF was charged with establishing and managing the Stewardship Agreement Grant Fund to enable the establishing and carrying out of stewardship agreements between land owners or their representatives and the Department of Agriculture or Department of Forestry (O.L.2007, Ch. 608).

### **Current Organization**

The **Administrative Service Division** provides support to all of ODF's programs. It provides expertise and services for Human Resources, Information Technology, and Business Services and Finance.

The **Forest Management Division** provides expertise and direction in the management of state and urban/community forestlands.

The **Forest Protection Division** is primarily responsible for protecting Oregon's forestland from fire through environmentally sound and economically efficient methods. The division provides additional protection for Oregon's water and watersheds, fisheries, wildlife, recreation, aesthetics, soil productivity and soil stability, and attempts air quality.

The **Resource Policy Division** is comprised of two programs - Private Forests and Resource Planning, which promote the environment, habitat and forest health while providing long-range strategic planning and analysis in support of sustainable forestry management.

In addition, the ODF administers several stand alone operations/administrative elements within the agency. Three Operations Areas that include: Eastern Oregon, Northwest Oregon, and Southern Oregon. Each of these operation areas is administered through local districts that monitor fire threats and forest practices throughout their district. This delegation of ODF authority has been successful in managing the vast forestlands of Oregon. ODF operates a nursery, orchard, work camp and the Tillamook Forest Center.

### **Boards, Commissions, Panels**

The Oregon Board of Forestry supervises all matters of forest policy within Oregon, appoints the State Forester, adopts the rules regulating forest practices, and holds accountable the State Forester's duties in managing the Department of Forestry.

## **Primary Statutes and Administrative Rule Chapters**

ORS 184 - Administrative Services and Transportation Departments.  
ORS 273 - State Lands Generally.  
ORS 275 - County Lands.  
ORS 321 - Timber and Forestland Taxation.  
ORS 376 - Ways of Necessity; Special Ways; Pedestrian Malls.  
ORS 390 - State and Local Parks; Recreation Programs; Scenic Waterways; Recreation Trails.  
ORS 418 - Minors, Employment, Providing, Policy.  
ORS 421 - Interstate Forest Fire Suppression Compact.  
ORS 453 - Hazardous Substances; Radiation Sources.  
ORS 477 - Fire Protection of Forests and Vegetation.  
ORS 478 - Rural Fire Protection Districts.  
ORS 526 - Forestry Administration.  
ORS 527 - Insect and Disease Control; Forest Practices.  
ORS 530 - Acquisition and Development of State Forests.  
ORS 532 - Branding of Forest Products and Booming Equipment.  
ORS 541 - Watershed Enhancement and Protection.  
ORS 772 - Rights of Way for Public Uses.  
ORS 825 - Motor Carriers.  
OAR 629 – Department of Forestry

## **Chronology**

1905 - Legislative law recognizing that forestry management needs to be made a priority.  
1907 - Establishment of Board of Forestry.  
1911 - Establishment of the Department of Forestry and appointment of first State Forester.  
1911 - Federal Weeks law  
1913 - Forest Patrol Act  
1925 - Passage of the Forest Patrol Act,  
1925 - Passage of the Clarke-McNary law, replacing the Weeks law.  
1929 - Creation of Elliot State Forest, Oregon's first state forest.  
1929 - Passage of the Oregon Reforestation Tax Law  
1933 – First of fires collectively know as the Tillamook Burn. 311,000 acres burned.  
1935 - Creation of the Board of Forest Conservation  
1937 - Creation of County Forest Land Classification Committees.  
1939 - Department of Forestry gained control over the Forest Development Fund.  
1939 - Second of fires collectively know as the Tillamook Burn. 190,000 acres burned.  
1940 - Establishment of the Keep Oregon Green Association  
1941 - Passage of the Oregon Forest Conservation Act  
1941 - Creation of the Forest Products Research Laboratory  
1945 - Third of fires collectively know as the Tillamook Burn. 180,000 acres burned.  
1947 - Passage of the Forest Research and Experimental Tax Act  
1951 - Department of Forestry began to use convict labor in forest work camps.  
1951 - Fourth and final fire collectively know as the Tillamook Burn. 32,700 acres burned.  
1952 - Establishment of the Forest Defense Council  
1953 - Creation of the Forest Protection and Conservation Committee

1957 - Passage of the Common School Forestlands Act  
1959 - Termination of the Klamath Tribal Reservation, with a portion being acquired by the United States Forest Service.  
1960 - Klamath Tribal Reservation being maintained by the United States Forest Service transferred to the authority of the Oregon Department of Forestry.  
1962 - The Forest Products Research Laboratory  
1964 - Passage of the Rural Fire Defense Program  
1971 - Passage of the Western States Forestry Task Force  
1972 - Passage of the Oregon Forest Conservation Practices Act  
1979 - Passage of the Woodlands Management Act  
1983 - Establishment of the Department of Forestry Soil Task Force  
1991 - Restrictions implemented on clear-cutting and other harmful practices, timber operators were required to submit a written plan to the department, scenic corridors were defined and protected, logging was reduced in scenic area, and pesticides and chemical use was increasingly regulated.  
1995 - Further restrictions on forest operations and clear-cutting were implemented.  
1997 - Forest Conservation Practices Act amended  
1997 - Passage of the Oregon Forestland-Urban Interface Fire Protection Act  
1999 - Passage of the Northwest Wildland Fire Protection Agreement.  
1999 - The Tillamook Forest Interpretation and Education Center was approved for development.

### **Bibliography**

Oregon Blue Book. 1921-2007.

Oregon Department of Forestry. Publications, budgets, and organizational charts. 1964-1986.

Oregon Laws. 1905 - 2007.

Oregon Department of Forestry Website: <http://egov.oregon.gov/ODF/>