TITLE 44
FORESTRY AND FOREST PRODUCTS

Chapter 526. Forestry Administration
527. Pest Control; Forest Practices
530. State Forests; Community Forests
532. Branding of Forest Products and Booming Equipment

Chapter 526 — Forestry Administration

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GENERAL PROVISIONS

526.005 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Biomass" means any organic matter, including woody biomass, agricultural crops, wood wastes and residues, plants, aquatic plants, grasses, residues, fibers, animal wastes, municipal wastes and other waste materials.

(2) "Board" means the State Board of Forestry.

(3) "Certified Burn Manager" means an individual, other than the forester, who is currently certified under a program established pursuant to ORS 526.360 (3).

(4) "Department" means the State Forestry Department.

(5) "Forester" means the State Forester or the authorized representative of the forester.

(6)(a) "Forestland" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed.

(b) As used in this subsection, "clearing" means any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar opening that is surrounded by or contiguous to land described in paragraph (a) of this subsection and that has been included in areas classified as forestland under ORS 526.305 to 526.370.

(7) "Forestry carbon offset" means a transferable unit based on a measured amount of carbon storage expressed as a carbon dioxide emission equivalent, or other equivalent standard, and accruing on forestland as live or dead matter in trees, shrubs, forest litter and soil.

(8) "Nonindustrial private forest landowner" means any forest landowner who does not own a forest products manufacturing facility that employs more than six people.

(9) "Nonindustrial private forestland" means any forestland owned by a nonindustrial private forest landowner.

(10)(a) "Woody biomass" means material from trees and woody plants, including limbs, tops, needles, leaves and other woody parts, grown in a forest, woodland, farm, rangeland or wildland-urban interface environment that is the by-product of forest management, ecosystem restoration or hazardous fuel reduction treatment.

(b) "Woody biomass" does not mean:

(A) Wood pieces that have been treated with creosote, pentachlorophenol, copper chrome arsenic or other chemical preservatives;

(B) Wood that must be retained under state or federal regulations;

(C) Wood required for large woody debris recruitment; or

(D) Municipal solid waste. [Amended by 1961 c.123 §3; 1965 c.253 §1; 1977 c.893 §14; 1997 c.274 §41; 1999 c.101 §1; 2001 c.752 §6; 2009 c.69 §2; 2011 c.276 §3]

STATE BOARD OF FORESTRY; STATE FORESTER; STATE FORESTRY DEPARTMENT

526.008 State Forestry Department. The State Forestry Department consists of the State Forester and the deputy, assistants and employees of the forester, acting under direction of the State Board of Forestry. [1961 c.123 §1; 1965 c.253 §2]

526.009 State Board of Forestry; chairperson; terms; vacancies; confirmation; qualifications; removal. (1) There is created a State Board of Forestry consisting of seven members appointed by the Governor. The members appointed to the board shall be subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. The Governor shall designate one member of the board as chairperson to hold that position until that member's term expires or until relieved by the Governor as provided in subsection (6) of this section. The chairperson shall have such powers and duties as are provided by the rules of the board.

(2) The term of office of a member of the board is four years. A member shall be eligible for reappointment, but no member shall serve more than two consecutive full terms. In case of a vacancy for any cause, the Governor shall make an appointment as provided in subsection (1) of this section.

(3) Appointments made by the Governor under subsection (1) of this section shall include appointment of at least one member from each of the forest regions established under ORS 527.640 and the rules adopted thereunder by January 1, 1987.

(4) No more than three members of the board may derive any significant portion of their income directly from persons or organizations that are subject to regulation under ORS 527.610 to 527.770, 527.990 (1) and 527.992.

(5) Except as provided in subsection (4) of this section, no member of the board shall have any relationship or pecuniary interest that would interfere with the member representing the public interest.

(6) The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office, unfitness to render effective service or failure to continue to meet the criteria of appointment pursuant to this section. [1965 c.253 §4; 1973 c.230 §1; 1979 c.394 §1; 1983 c.759 §5; 1987 c.919 §6]

526.010 [Amended by 1953 c.68 §19; 1953 c.372 §22; 1957 c.654 §1; 1959 c.571 §1; 1963 c.63 §1; 1965 c.253 §5; 1967 c.429 §51; 1973 c.230 §2; 1973 c.792 §22; 1975 c.94 §1; 1979 c.394 §2; 1983 c.759 §6; repealed by 1987 c.919 §30]

526.015 [1957 c.654 §3; repealed by 1965 c.253 §153]

526.016 General duties; limits; compensation and expenses; meetings; rules. (1) The State Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of this state and approve claims for expenses incurred under the statutes administered by the board except as otherwise provided by law. Advisory committees may be appointed by the board to make recommendations concerning any function vested by law in the board. Notwithstanding any other provisions of law, the board shall not supervise or direct the State Forester in matters relating to the geographic scheduling, annual volume and species allocation, appraisals and competitive timber sale techniques used in the sale of forest products from lands managed under the provisions of ORS chapter 530.

(2) The members of the board are entitled to compensation and expenses as provided in ORS 292.495.

(3) The board shall meet on the first Wednesday after the first Monday in January, March, June and September, at places designated by the chairperson of the board or the State Forester. The board may meet at other times and places in this state on the call of the chairperson or the State Forester. A majority of the voting members of the board constitutes a quorum to do business.

(4) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules to perform the functions defined by statute. [1965 c.253 §6; 1969 c.314 §62; 1973 c.230 §3; 1983 c.759 §8; 1987 c.919 §8]

526.020 [Amended by 1953 c.68 §19; 1955 c.117 §1; repealed by 1965 c.253 §9 (526.041 enacted in lieu of 526.020)]

526.030 [Amended by 1953 c.23 §2; 1955 c.27 §1; 1961 c.123 §4; 1965 c.253 §11; renumbered 526.046]

526.031 State Forester; deputy and assistants; compensation. (1) The State Board of Forestry shall appoint a State Forester, who must be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. The forester shall be the chief executive officer of the State Forestry Department. The forester shall hold office at the pleasure of the board, and shall act as its secretary.

(2) With the approval of the board and subject to applicable provisions of the State Personnel Relations Law, the State Forester may appoint a Deputy State Forester, assistant state foresters and other employees of the department. During the State Forester's absence or disability, all authority shall be exercised by the Deputy State Forester or by the assistant whom the State Forester or the board, by written order filed with the Secretary of State, has designated as Acting State Forester.

(3) The board shall fix the compensation of the State Forester. In addition to their salaries, the forester, the deputy and assistants shall be reimbursed, subject to the limitations otherwise provided by law, for their actual and necessary travel and other expenses incurred in the performance of their duties. [1965 c.253 §7; 1983 c.759 §13]

526.036 Fidelity bonds. (1) Before entering upon the duties of office, the forester shall furnish a fidelity bond in favor of the State of Oregon in the penal sum of $100,000 issued by one or more corporate sureties authorized to do business in the State of Oregon, conditioned upon the faithful and honest handling and disposition of the moneys in the State Forestry Department Account and any other moneys in the hands of the forester. The bond and sureties are subject to approval by the Director of the Oregon Department of Administrative Services as provided in ORS 291.011.

(2) The premium for the bond shall be paid from the appropriation of the State Board of Forestry.

(3) Except as provided in subsection (1) of this section, the board may require a fidelity bond, with one or more corporate sureties authorized to do business in this state, of any officer or employee of the State Forestry Department. The board shall fix the amount of the bond, which otherwise is subject to subsections (1) and (2) of this section. [Formerly 526.070; 1967 c.419 §16]

526.040 [Repealed by 1953 c.43 §2]

526.041 General duties of State Forester; rules. The forester, under the general supervision of the State Board of Forestry, shall:

(1) In compliance with ORS chapter 183, promulgate rules consistent with law for the enforcement of the state forest laws relating directly to the protection of forestland and the conservation of forest resources.

(2) Appoint and instruct fire wardens as provided in ORS chapter 477.

(3) Direct the improvement and protection of forestland owned by the State of Oregon.

(4) Collect data relative to forest conditions.

(5) Take action authorized by law to prevent and extinguish forest, brush and grass fires.

(6) Enforce all laws pertaining to forestland and prosecute violations of such laws.

(7) Cooperate with landowners, political subdivisions, private associations and agencies and others in forest protection.

(8) Advise and encourage reforestation.

(9) Publish such information on forestry as the forester determines to be in the public interest.

(10) Enter into contracts and cooperative agreements pertaining to experiments and research in forestry.

(11) Sell, exchange or otherwise dispose of any real property heretofore or hereafter acquired by the board for administrative purposes and no longer needed.

(12) Coordinate any activities of the State Forestry Department related to a watershed enhancement project approved by the Oregon Watershed Enhancement Board under ORS 541.932 with activities of other cooperating state and federal agencies participating in the project.

(13) Prescribe uniform state standards for certification of wildland fire training courses and educational programs.

(14) Serve as the Governor's authorized representative for the purpose of initiating the fire management assistance declaration process with the Federal Emergency Management Agency and administering Federal Emergency Management Agency fire management assistance grants. [1965 c.253 §10 (enacted in lieu of 526.020); 1969 c.249 §2; 1975 c.605 §27; 1987 c.734 §13; 1993 c.415 §5; 1997 c.413 §5; 2003 c.539 §38; 2011 c.49 §2]

526.046 State Forester to cooperate with other agencies and persons; contracts for supervision; costs. (1) Under the direction of the State Board of Forestry, the forester:

(a) Shall, upon request, and whenever the forester deems that it is in the public interest, assist and cooperate with any federal or state department or any institution, political subdivision or person owning or controlling forestland within this state, in the preparation of plans for their protection, management, replacement or extension. Unless otherwise provided by law, the parties obtaining such assistance shall pay the necessary costs of travel, subsistence and other field expenses incurred by the forester or the assistants of the forester in the preparation and execution of these plans.

(b) May enter into contracts with the applicants under which the forester will supervise the execution of the plans. However, the costs of carrying out the plans shall be paid by the applicants.

(2) In carrying out this section the forester may require the applicant to deposit in one or more installments the moneys needed to cover the cost of preparing and executing the plans. These deposits shall be placed in the State Treasury, credited to the State Forestry Department Account and used exclusively for the purposes of this section. [Formerly 526.030]

526.048 [1977 c.893 §16; renumbered 526.425]

526.050 [Repealed by 1953 c.23 §2]

526.052 Credits for former forest protective association employees. (1) For purposes of this section, "forest protective association" or "association" has the meaning for that term provided in ORS 477.001.

(2) Subject to subsection (3) of this section, a person employed by a forest protective association at a time when the association was under contract or cooperative agreement with the forester or State Board of Forestry by authority of ORS chapter 477 and this chapter, with specific reference to ORS 477.406 to 477.412, or predecessor statutes, shall receive the following credits when transferring directly from association employment to employment by the State Forestry Department:

(a) Sick leave accrual earned during employment as an association employee.

(b) Rate of accumulating annual leave based on years of service as an association employee.

(c) Credit for current service under the Public Employees Retirement System equal to periods of service as an association employee as determined by the Public Employees Retirement Board, if the person, before the effective date of retirement of the person as a member of the system, applies in writing to the retirement board for that credit or any part thereof and pays to the retirement board in a lump sum for credit to the member account of the member an amount determined by the retirement board to be equal to the total amount of employee and employer contributions with interest that would have accumulated had the person been a member of the system as an employee of the State Forestry Department in a position equivalent to that held by the person for the periods of service or part thereof as an association employee.

(3) The credits granted by subsection (2) of this section shall be granted if the employee makes an immediate transfer from association employment to state employment, and if the person earned employment credits as an association employee under standards comparable to laws and rules of the State of Oregon governing similar credits in state employment.

(4) Unless the employee transferring to employment with the State Forestry Department first becomes a member of the Public Employees Retirement System before January 1, 2000, as described in subsection (6) of this section:

(a) The employee may acquire credit under subsection (2)(c) of this section only after the employee has been a member of the Public Employees Retirement System for at least 60 calendar months; and

(b) The maximum number of years of retirement credit that a person may acquire under subsection (2)(c) of this section is five years.

(5) If a person subject to the limitation imposed by subsection (4)(b) of this section is also eligible for credit under ORS 238.145, and the person is subject to the limitation imposed by ORS 238.145 (4), the total years of credit that the person may acquire under this section and under the provisions of ORS 238.145 may not exceed five years.

(6) A person becomes a member of the Public Employees Retirement System before January 1, 2000, for the purposes of this section if:

(a) The person is a member of the system on January 1, 2000; or

(b) The person was a member of the system before January 1, 2000, ceased to be a member of the system under the provisions of ORS 238.095, 238.265 or 238.545 before January 1, 2000, but restores part or all of the forfeited creditable service from before January 1, 2000, under the provisions of ORS 238.105 or 238.115 after January 1, 2000. [1969 c.249 §5; 1973 c.46 §6; 1987 c.617 §14; 1999 c.317 §13; 2001 c.945 §67]

526.054 Authority of department to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the State Forestry Department may require the fingerprints of a person who:

(1)(a) Is employed or is applying for employment by the department; or

(b) Provides services or seeks to provide services to the department as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) That provides forest education or recreation programs for persons under 18 years of age; or

(b) In which the person investigates or fights wildland fires and the criminal records check is requested to search for crimes associated with arson. [2005 c.730 §75]

Note: 526.054 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

FUNDS AND FINANCES

526.060 State Forestry Department Account; subaccounts. (1) Except as provided in ORS 526.121, 530.147 and 530.280, all assessments, federal apportionments or contributions, and other moneys received by the forester or State Board of Forestry, shall be paid into the State Treasury and credited to the State Forestry Department Account, which is established separate and distinct from the General Fund. All moneys in the State Forestry Department Account are continuously appropriated, and shall be used by the forester, under the supervision and direction of the board, for the purposes authorized by law.

(2) The forester shall keep a record of all moneys deposited in the State Forestry Department Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. All moneys in the account received pursuant to ORS 527.610 to 527.770 and 527.992 shall be used only for carrying out the duties, functions and powers of the State Forestry Department in administering ORS 527.610 to 527.770 and 527.992.

(3) The Urban and Community Forestry Subaccount is established as a subaccount of the State Forestry Department Account. Moneys in the Urban and Community Forestry Subaccount are continuously appropriated to the State Forestry Department to be used for urban and community forest activities described in ORS 469.634 and 469.652.

(4) The State Forest Enhancement Donation Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Enhancement Donation Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.065.

(5) The State Forest Nursery Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Nursery Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.235.

(6) The State Forest Tree Seed Bank Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Tree Seed Bank Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.470.

(7) The State Forest Tree Seed Orchard Subaccount is established as a subaccount to the State Forestry Department Account. Moneys in the State Forest Tree Seed Orchard Subaccount are continuously appropriated to the State Forestry Department to be used for the purposes described in ORS 526.472.

(8) Notwithstanding ORS 291.238, the moneys credited to the subaccounts established under subsections (5), (6) and (7) of this section shall be continuously available on a revolving basis. [1957 c.83 §1; 1965 c.253 §12; 1975 c.224 §7; 1989 c.966 §58; 1993 c.388 §5; 2001 c.159 §1; 2007 c.248 §4; 2009 c.831 §18]

526.065 Authority to accept gifts and other donations for management of state forests and forest legacy programs; use of moneys in subaccount. (1) The State Forestry Department may receive gifts, grants, bequests, endowments and donations of moneys, labor or materials from public and private sources for the purpose of contributing to the management and enhancement of state forests, including but not limited to activities such as recreation, education, interpretation, research and monitoring, cultural resources management and habitat improvement.

(2) The department may apply for, accept and utilize grants from the federal government to accomplish the goals of a federal forest legacy program. In implementing the federal forest legacy program, the department shall ensure that the program complies with all land use laws and regulations.

(3) On or before January 15 of each odd-numbered year, the State Forester shall report to the committee created by ORS 171.555 and to any legislative committee with responsibility for forestry issues regarding:

(a) The number and monetary amounts of grants applied for under the federal forest legacy program;

(b) The number and monetary amounts of grants awarded under the federal forest legacy program; and

(c) The location and disposition of areas affected by the federal forest legacy program.

(4) The department shall deposit moneys received under this section into the State Forest Enhancement Donation Subaccount created under ORS 526.060. The department may expend moneys, materials or labor received under this section only for the purposes specified in the gift, grant, bequest, endowment or donation. If no purpose is specified, the department may use the moneys, materials or labor for the management and enhancement of state forests. [2001 c.159 §3; 2005 c.745 §1; 2007 c.206 §1]

526.070 [1957 c.83 §22; 1965 c.253 §8; renumbered 526.036]

526.080 [1957 c.83 §25; renumbered 526.131]

526.090 Acceptance and use of moneys under Agricultural Act of 1956 (soil bank and reforestation provisions). The forester, under the supervision and direction of the State Board of Forestry, may receive moneys from the federal government in connection with cooperative work and programs set out in the Agricultural Act of 1956, as amended (Public Law 84-540, 70 Stat. 188), particularly the provisions of Title I (7 U.S.C. 1801 to 1837) and Title IV (16 U.S.C. 568e to 568g), and Acts amendatory thereof and supplemental or complementary thereto. [1957 c.83 §4; 1965 c.253 §14]

526.095 Clarke-McNary Act accepted; State Forester is agent of state. The State of Oregon has accepted the provisions of the Clarke-McNary Act (43 Stat. 653), as amended, and will observe and comply with the requirements of that Act. The forester, under the supervision and direction of the State Board of Forestry, is the agent of the State of Oregon for the purposes of that Act, and may cooperate with the authorities of the United States having powers and duties under that Act to do all things necessary to secure to the State of Oregon the benefits of that Act or Acts amendatory thereof and supplemental or complementary thereto. [1957 c.83 §2; 1965 c.253 §15]

526.105 Disposition of receipts under ORS 526.090 and 526.095. All moneys received pursuant to the Acts of Congress mentioned in ORS 526.090 and 526.095 shall be paid into the State Treasury, credited to the State Forestry Department Account, and used exclusively for the purposes of the respective Acts. [1965 c.253 §17]

526.110 [Repealed by 1953 c.327 §6]

526.111 State Forestry Department Revolving Account; purposes. (1) Notwithstanding ORS 291.238 or any other law, a revolving account in the sum of $750,000 deposited with the State Treasurer shall be at the disposal of the forester for the payment of:

(a) Lawful expenses incurred under the direction of the forester and the State Board of Forestry in the prevention or suppression of fire and the protection of forestlands; and

(b) Miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation.

(2) The forester may draw checks upon the State Treasurer in making disbursements from the revolving account for the purposes stated in this section. Reimbursement of such disbursements shall be made from funds and accounts budgeted and allotted for expenses of the State Forestry Department. The revolving account is not subject to allotment or allocation of moneys pursuant to ORS 291.234 to 291.260. [1953 c.327 §1; 1965 c.253 §18; 1969 c.249 §1; 1987 c.155 §1; 1997 c.467 §1]

526.120 [Repealed by 1953 c.327 §6]

526.121 Reimbursement of revolving account; keeping records. (1) Reimbursement vouchers for claims paid from the revolving account created by ORS 526.111 shall be approved by the forester. Warrants in payment of the vouchers shall be drawn in favor of the forester and deposited with the State Treasurer to reimburse the revolving account.

(2) The forester shall maintain such records as readily disclose the true status of vouchers payable from, and checks outstanding against, the revolving account and the balance to the credit thereof. [1953 c.327 §2; 1957 c.83 §23; 1965 c.253 §19; 1983 c.740 §207]

526.125 Tillamook Forest Interpretive Center Fund; sources; use of moneys in fund. (1) The State Forestry Department may receive and disburse gifts, grants, bequests, endowments and donations of labor and material from public and private sources for the purpose of developing and operating a forest interpretation and education center in the Tillamook State Forest.

(2) The Tillamook Forest Interpretive Center Fund is created in the State Treasury, separate and distinct from the General Fund. All moneys received by the State Forestry Department under subsection (1) of this section shall be paid into the State Treasury and credited to the Tillamook Forest Interpretive Center Fund. All interest earned by the fund shall be credited to the fund.

(3) All moneys in the Tillamook Forest Interpretive Center Fund are continuously appropriated to the State Forestry Department and may be expended only for the purposes specified in the gift or donation, or, if no purpose is specified, only for the purpose of forest interpretation and education. [1999 c.928 §1]

Note: 526.125 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.130 [Repealed by 1953 c.327 §6]

MANAGEMENT OF EQUIPMENT AND PROPERTY

526.131 Purchase or acceptance of federal surplus property. Subject to the allotment provisions of ORS 291.238, the State Forester and State Board of Forestry hereby are authorized to purchase or accept excess and surplus property from the United States. [Formerly 526.080]

526.135 Leasing departmental equipment to federal agency. The forester, with the approval of the State Board of Forestry, may lease equipment that is under the jurisdiction and control of the forester and board to any agency of the United States. However:

(1) The lease must include a reasonable rental fee and require the lessee to maintain the equipment during the lease period; and

(2) The federal agency must be a cooperator with the forester and board in common activities and programs for which the equipment is leased. [1965 c.87 §2]

526.140 [Repealed by 1953 c.327 §6]

526.142 Definition for ORS 526.142 to 526.152. As used in ORS 526.142 to 526.152, "equipment" includes the necessary materials and supplies for the operation of equipment in the equipment pool authorized by ORS 526.144. [1965 c.253 §21]

526.144 Equipment pool; participation. (1) The equipment pool operated by the forester and the State Board of Forestry, which furnishes transportation and equipment for the various activities and programs of the board, is for the acquisition, operation, storage, maintenance and replacement of equipment. Notwithstanding any other law, the forester, under the direction of the board, may:

(a) Determine each activity or program of the board that shall participate in the equipment pool, and in so doing, cause the transfer of moneys from the account representing such activity or program in an amount determined advisable for equipment pool purposes. However, in each instance the transfer of moneys must be based on the proportionate use of the equipment pool, or the proposed use thereof, by the activity or program.

(b) Transfer equipment to the equipment pool, which items of transfer are owned by the State of Oregon and under the jurisdiction of the board or forester. In such event the records shall reveal the cash value of the transferred items as of the date of the transfer.

(2) Forest protective associations or agencies under contract or cooperative agreement with the board pursuant to ORS 477.406 may, with the approval of the board, participate in the equipment pool for the purposes of the contract or agreement. Participation by such an association or agency shall be on the same basis as an activity or program of the board that participates in the equipment pool. [1965 c.253 §22]

526.146 Charges. (1) All items transferred under ORS 526.144, together with any equipment purchased from moneys transferred to the equipment pool, are available for all activities or programs participating in the equipment pool. However, upon use of such equipment for any activity or program, a reasonable use charge shall be made against such activity or program. The charge shall be based upon the maintenance and replacement costs for the equipment used, including operational expenses.

(2) At the end of each month the forester, under the supervision and direction of the State Board of Forestry, shall render a statement on a basis of mileage or rental against each activity or program for transportation or equipment used or furnished for such activity or program. Administrative costs in connection with the operation of the equipment pool shall be included in the computation of the mileage or rental statement. The forester shall at all times keep records showing the mileage and rental charges, and against which activity or program the charges are a claim. The amount specified in the statement shall be a charge against the moneys available for such activity or program. All amounts so charged shall be credited to the State Forestry Department Account and, notwithstanding ORS 291.238, are available and shall be used exclusively for:

(a) The acquisition, operation, storage, maintenance, repair and replacement of equipment by the forester;

(b) Administrative expenses of the forester and the board in connection therewith; and

(c) The payment of insurance premiums for such equipment. [1965 c.253 §23]

526.148 Leasing communication equipment. (1) The forester and State Board of Forestry may lease communication equipment owned or acquired under ORS 526.144 to any forest protective association or agency under contract or agreement with the board for the protection of forestland against fire. However, the communication equipment may be used only for purposes of the forest protection system designated in ORS 477.005. Any lease so made must provide for a rental at the current rates established for the equipment pool. All amounts so charged shall be credited as provided in ORS 526.146.

(2) At the option of the board, the lease agreements made under this section may be merged under the equipment pool administration and equities set forth in ORS 526.152. [1965 c.253 §24]

526.150 [Repealed by 1953 c.327 §6]

526.152 Disposition of equipment; termination of pool. (1) Any proceeds from the sale or other disposition of equipment of the equipment pool shall be credited to the State Forestry Department Account for equipment pool purposes.

(2) Should the equipment pool be terminated by the State Board of Forestry, each activity or program shall have an equity in the moneys of the pool and in the cash value of the equipment and personalty of the pool. The equity shall be in proportion to the amount of moneys and value of the equipment and personalty transferred to the pool under ORS 526.144. By this subsection, each activity or program participating in the equipment pool has a continuing and recognized interest in the total value of the pool so long as the equipment pool exists unless otherwise such equity is purchased. [1965 c.253 §25]

526.156 Forest Trust Land Advisory Committee; membership; advisory function. (1) A Forest Trust Land Advisory Committee is established to be composed of the board of directors of the Council of Forest Trust Land Counties.

(2) Members may receive reimbursement for actual and reasonable traveling and other expenses necessarily incurred in performing official duties. This reimbursement shall not be deemed lucrative.

(3) The committee shall advise the State Board of Forestry and the State Forester on the management of lands subject to the provisions of ORS 530.010 to 530.170 and on other matters in which counties may have a responsibility pertaining to forestland. The board and the State Forester shall consult with the committee with regard to such matters. [Formerly 527.735; 1997 c.120 §1]

526.160 [1953 c.74 §1; 1957 c.83 §9; 1959 c.61 §1; 1963 c.242 §1; repealed by 1965 c.253 §153]

ACQUISITION AND DISPOSITION OF REAL PROPERTY

526.162 Taking title in fee simple. In all cases where a title in fee simple to real property is acquired by the State Board of Forestry under ORS 526.166 or 526.168, such title shall be taken in the name of the State of Oregon. [Formerly 526.176]

526.164 Exchange of property. The State Board of Forestry may convey to any person all or parts of the real property described in ORS 526.166 or 526.168, in exchange for other property, real or personal, which, in the judgment of the board, is of equal or superior value for public use. [Formerly 526.174]

526.166 Acquisition of real property by purchase, agreement or donation. In addition to any authority otherwise granted by law, the State Board of Forestry may acquire, by purchase, agreement or donation, real property or any interest therein, including easements and ways, found necessary by the board for:

(1) Rights of way to lands of the state, which lands are under the management or jurisdiction of the board or forester.

(2) Forest patrol sites, administrative sites, nursery sites, communication sites, construction of shops, equipment sheds and office buildings.

(3) Quarry sites, gravel pits and rights of way for pipelines, communication lines and power lines.

(4) Any other use or purpose necessary in carrying out the powers and duties of the board or forester. [1965 c.253 §29]

526.168 Acquisition of real property by eminent domain. In addition to any authority otherwise granted by law, the State Board of Forestry may acquire, by the exercise of the power of eminent domain, real property or any interest therein, including easements and ways, found necessary by the board for:

(1) Rights of way to lands of the state, which lands are under the management or jurisdiction of the board or forester.

(2) Forest patrol or communication sites.

(3) Rights of way for pipelines, communication lines and power lines. [1965 c.253 §30]

526.170 [1953 c.71 §1; repealed by 1957 c.83 §26]

526.172 [1959 c.287 §1; repealed by 1965 c.253 §153]

526.174 [1959 c.287 §2; 1965 c.253 §27; renumbered 526.164]

526.176 [1959 c.287 §3; 1965 c.253 §26; renumbered 526.162]

526.178 Going upon private property. The State Board of Forestry, or any duly authorized representative of the board, may go upon private property in the manner provided by ORS 35.220 to determine the advisability or practicability of acquiring real property or any interest in real property. [1959 c.287 §4; 2003 c.477 §6]

526.180 [1959 c.287 §5; repealed by 1971 c.741 §38]

526.182 [1959 c.287 §6; repealed by 1971 c.741 §38]

526.184 [1959 c.287 §7; repealed by 1971 c.741 §38]

526.186 [1959 c.287 §8; repealed by 1971 c.741 §38]

526.188 [1959 c.287 §9; repealed by 1971 c.741 §38]

526.190 [1959 c.287 §10; repealed by 1971 c.741 §38]

526.192 Attorney General to conduct proceedings. After request of the State Board of Forestry pursuant to ORS 35.235 (1), the Attorney General shall commence and prosecute, in any court of competent jurisdiction in the name of the State of Oregon, the necessary or appropriate suit, action or proceeding for condemnation of the amount of or interest in the property required for such purposes, and for the assessment of the damages for the taking thereof. [1959 c.287 §12; 1983 c.740 §208]

526.194 Disposition or leasing of property. The State Board of Forestry may sell, lease, exchange, permit use of or otherwise dispose of any real property, or interest therein, acquired pursuant to ORS 526.162 to 526.194, when, in the judgment of the board, such will best serve the interests of the state. In the case of real property, interest in or title to the same may be conveyed by deed or other instrument executed in the name of the state, by and through the board. All funds or moneys derived from the sale or lease of any such property shall be paid by the board to the State Treasurer and by the State Treasurer credited to the funds from which moneys originally were used for the acquisition of the property involved. [1959 c.287 §11]

526.210 [Amended by 1953 c.376 §3; 1955 c.13 §1; repealed by 1961 c.297 §12]

FOREST RESEARCH AND EXPERIMENTATION

526.215 Oregon State University research and experimentation programs. To aid in the economic development of the State of Oregon, Oregon State University shall institute and carry on research and experimentation to develop the maximum yield from the forestlands of Oregon, to obtain the fullest utilization of the forest resource, and to study air and water pollution as it relates to the forest products industries. [1961 c.297 §2(1); 1967 c.377 §6; 2013 c.768 §145a; 2015 c.767 §179]

526.220 [Amended by 1957 c.238 §1; repealed by 1961 c.297 §12]

526.225 Forest Research Laboratory; cooperative programs; advisory committee. (1) The Forest Research Laboratory is established at Oregon State University. In administering the laboratory, Oregon State University shall cooperate with individuals, corporations, associations and public agencies wherever and whenever advisable to further the purposes of ORS 526.215, and may enter into any necessary agreements therefor.

(2) In order that there may be close coordination between the research and experimentation programs and the wise management and use of Oregon's forests for the production of goods and services that benefit all its citizens, the Higher Education Coordinating Commission, in consultation with Oregon State University, shall appoint a Forest Research Laboratory Advisory Committee composed of 15 members. Nine members shall be individuals who are actively and principally engaged in timber management on forestlands, harvesting or the processing of forest products, one of whom shall be from a small woodland owner's association, three members shall be individuals who are the heads of state and federal public forestry agencies and three members shall be individuals from the public at large. No individual who is a public member may have any relationship or pecuniary interest that would interfere with that individual representing the public interest. The advisory committee shall render practical counsel in the fields of forest management and use and forest harvest and utilization as they relate to the economic and social well-being of the people of Oregon. [1961 c.297 §2(2); 1965 c.253 §31; 1965 c.433 §1; 1975 c.96 §1; 1991 c.223 §1; 2015 c.767 §180]

526.230 [Repealed by 1961 c.297 §12]

FOREST TREE SEEDLINGS

526.231 Findings. The Legislative Assembly finds and declares that:

(1) Nonindustrial private forests make a vital contribution to Oregon by providing jobs, products, an expanded tax base and other social and economic benefits.

(2) Providing a source of forest tree seedlings to owners of nonindustrial private forests is essential to securing the benefits described in subsection (1) of this section. [2005 c.541 §1]

Note: 526.231, 526.233 and 526.237 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.233 Application of antitrust laws. The Legislative Assembly intends that ORS 526.237 and the amendments to ORS 526.235 by section 4, chapter 541, Oregon Laws 2005, authorize the displacement of competition in the forest tree seedling industry to a limited degree. The regulatory program of the State Forester described in ORS 526.237 is intended to grant immunity from state and federal antitrust laws to a cooperative and its members that enter into an agreement with the forester or the State Board of Forestry for the members to produce nonindustrial private forest tree seedlings for the forester and the board. The activities that any person performs in compliance with ORS 526.237 may not be considered in restraint of trade, a conspiracy or combination or any other unlawful activity in violation of ORS 646.705 to 646.805 or federal antitrust laws. [2005 c.541 §2]

Note: See note under 526.231.

526.235 State forest nursery; securing seedlings; sale of seedlings and stock; disposition of sales receipts. (1) A state forest nursery may be operated by the forester and the State Board of Forestry to provide forest tree seedlings for the reforestation of forestland. The nursery program may provide for the growth, care and maintenance of nursery stock and for the sale of such stock to private, state and other public owners of forestland.

(2) The forester and the board may use means in addition to, or instead of, operating a state forest nursery under subsection (1) of this section to secure forest tree seedlings and may sell those forest tree seedlings to private, state and other public owners of forestland. The means of securing forest tree seedlings may include, but need not be limited to:

(a) Contracting with private nurseries to grow forest tree seedlings;

(b) Allocating all or part of forest tree seedling production on behalf of the forester and the board to a cooperative of private growers under ORS 526.237; and

(c) Leasing or otherwise making state nursery property available for operation by private growers of forest tree seedlings.

(3) Each year the forester shall determine the costs of nursery operation and of securing forest tree seedlings under subsection (2) of this section and shall offer nursery stock or otherwise secured forest tree seedlings for sale to forest owners at prices that will recover actual costs.

(4) All revenues derived from the selling of nursery stock and otherwise secured forest tree seedlings shall be credited to the State Forestry Department Account and deposited in the State Forest Nursery Subaccount established in ORS 526.060. [1971 c.59 §2; 2005 c.541 §4; 2007 c.248 §1]

526.237 Acquisition of forest tree seedlings; agreements with grower cooperatives; fees. (1) As used in this section:

(a) "Cooperative" means a cooperative of forest tree seedling growers formed under ORS chapter 62 for the purpose of allocating among those growers agreements to grow forest tree seedlings under this section.

(b) "Member" means a grower who qualifies and is accepted for membership in the cooperative.

(2) The State Forester and the State Board of Forestry may secure forest tree seedlings for the reforestation of forestlands by means that include, but need not be limited to, entering into agreements with a cooperative to allocate among the members of the cooperative the production of forest tree seedlings for the forester and the board in amounts, types and species specified by the board.

(3) The forester shall actively supervise the conduct of the cooperative and members in carrying out agreements described in subsection (2) of this section to ensure that the activities of the cooperative and members are consistent with the provision of a reasonably priced, adequate and reliable source of high-quality forest tree seedlings. The forester may inspect during reasonable hours any facility or land used by a member to produce forest tree seedlings for the forester and the board. The forester may examine, test and take samples of forest tree seedlings being produced by the member for the forester and the board.

(4) The forester may assess a charge on forest tree seedlings grown by a member under a production allocation. Any charges collected under this subsection shall be deposited in the State Forestry Department Account and are continuously appropriated to the forester for purposes of carrying out the duties of the forester under this section. [2005 c.541 §3]

Note: See note under 526.231.

526.240 [Repealed by 1961 c.297 §12]

526.245 [1971 c.59 §3; repealed by 2005 c.22 §376]

526.250 [Amended by 1953 c.324 §2; 1957 c.83 §10; repealed by 1961 c.297 §12]

MANAGEMENT REPORTS

526.255 Long range management, marketing and harvest report. The forester shall submit a biennial report to the Governor and to those committees of the Legislative Assembly with responsibility for forestry matters. The report shall contain matters that include, but are not limited to:

(1) The long range management plans based on current resource descriptions and technical assumptions, including sustained yield calculations for the purpose of maintaining economic stability in each management region.

(2) Marketing, reforestation and intensive management programs for the last completed biennium and the current biennium, and projected programs for the ensuing biennium. The marketing report shall include volume and value of new sales, volume and value of timber harvested and timber sales receipts distributed to counties and to the Common School Fund.

(3) The programmed harvest level on federal lands or federal policy changes that would impact that level of harvest on lands in Oregon. [1983 c.759 §15]

526.260 [1953 c.376 §3; repealed by 1961 c.297 §12]

526.265 Hearings to publish report and receive testimony; management regions. (1) The State Forester may conduct biennial public hearings in each management region to report the matters included in ORS 526.255 and to accept public testimony.

(2) For the purpose of this section and ORS 526.255, the following forest management regions are established:

(a) Northwest Region, consisting of Clatsop, Columbia, Tillamook, Washington and Yamhill Counties.

(b) Willamette Region, consisting of Multnomah, Clackamas, Marion, Polk, Lincoln, Benton, Linn and Lane Counties.

(c) Southern Region, consisting of Douglas, Coos, Curry, Josephine and Jackson Counties.

(d) Eastern Region, consisting of Hood River, Wasco, Gilliam, Sherman, Morrow, Umatilla, Union, Wallowa, Jefferson, Wheeler, Grant, Baker, Deschutes, Crook, Klamath, Lake, Harney and Malheur Counties. [1983 c.759 §16]

526.270 [1953 c.332 §3; repealed by 1961 c.297 §12]

FOREST HEALTH AND MANAGEMENT INITIATIVES

(Federal Forest Management)

526.271 Findings. The Legislative Assembly finds and declares that:

(1) The State Forestry Department is well-positioned, due to experience in managing Oregon forests and its understanding of science-based, active forest management, to facilitate state government participation in forest management on federal lands located within the state.

(2) The State Department of Fish and Wildlife has expertise with fish and wildlife habitat and the Department of Environmental Quality has expertise with water quality. Both departments have an important role to play in the management of federal forests located within the state.

(3) A collaborative relationship between the State Forestry Department, the federal government, other agencies of the executive department, as defined in ORS 174.112, interested persons and nongovernmental organizations may restore the health, diversity and resilience of federal forests by increasing the information shared and by providing a variety of perspectives on site-specific and landscape-level determinations.

(4) In cooperation with the State Forestry Department and the federal government, many communities in wildfire-prone areas have completed a community wildfire protection plan that identifies priority areas for hazardous fuel removal from federal lands.

(5) The federal government has provided opportunities for agencies of the executive department, as defined in ORS 174.112, to become involved, to a greater extent, in the management of federal lands. [2005 c.772 §1]

Note: 526.271, 526.274, 526.277 and 526.280 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.274 Authority to participate in federal forest management. In furtherance of the policy established in ORS 526.271, the State Board of Forestry, in consultation with the Governor, may:

(1) In conformance with federal law, including Public Law 108-7, direct the State Forester to facilitate the development of stewardship contracts utilizing private contractors and, when appropriate, to seek and enter into a stewardship contract agreement with federal agencies to carry out forest management activities on federal lands. The State Forester may, under the stewardship contract agreements:

(a) Perform road and trail maintenance;

(b) Set prescribed fires to improve forest health, composition, structure and condition;

(c) Manage vegetation;

(d) Perform watershed restoration and maintenance;

(e) Restore wildlife habitat;

(f) Control exotic weeds and species; and

(g) Perform other activities related to stewardship.

(2) Create a forum for interagency cooperation and collaborative public involvement regarding federal forest management issues that may include, at the discretion of the board, the appointment of advisory committees, the use of existing advisory committees and procedures for holding public hearings.

(3) Provide guidelines for the State Forestry Department and State Forester to follow that contain directions regarding the management of federal lands and that specify the goals and objectives of the board regarding the management of federal lands.

(4) Participate, to the extent allowed by federal law, in the development of federal forest policies and the forest management planning processes of federal agencies.

(5) Provide guidelines for the department to follow in implementing this section.

(6) Coordinate with Oregon State University, the State Department of Fish and Wildlife, the Oregon Forest Resources Institute, the Department of Environmental Quality, the Oregon Business Development Department, the State Department of Energy and other agencies of the executive department, as defined in ORS 174.112, to assist the State Forestry Department in carrying out the provisions of this section. [2005 c.772 §2]

Note: See note under 526.271.

526.275 Policy regarding Good Neighbor Authority Agreement projects. (1) As used in this section:

(a) "Additive" means an increase in the pace, scale and quality of forest, rangeland and water restoration services on federal lands within Oregon, including but not limited to services to produce timber harvest volumes that exceed outputs that would be produced by federal land management agencies alone.

(b) "Federal land management agencies" means the United States Forest Service and the Bureau of Land Management.

(c) "Forest, rangeland and water restoration services" means activities that:

(A) Treat insect-infested or disease-infected trees;

(B) Reduce hazardous fuels; or

(C) Restore or improve forest, rangeland or watershed health, including but not limited to fish or wildlife habitat health.

(d) "Good Neighbor Authority Agreement" means the Good Neighbor Authority Agreement that the Governor, the State Forester and the State Fish and Wildlife Director entered into with the United States Forest Service on March 29, 2016.

(2) It is the policy of the state to pursue projects under the Good Neighbor Authority Agreement that increase timber harvest volume, contribute to job creation, reduce wildfire risks to all lands, improve wildlife habitat and watershed health and stimulate local economies. To the extent allowed by the agreement, state agencies that are signatories to the agreement shall work with federal land management agencies to give priority to projects that:

(a) Consist of additive activities;

(b) Maximize economic benefit to this state; and

(c) Recover the state agency costs of implementing the projects. [2018 c.96 §1]

Note: 526.275 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.276 Reporting on Good Neighbor Authority Agreement projects. The State Forestry Department shall report outcomes from all projects pursued in this state under the Good Neighbor Authority Agreement described in ORS 526.275. No later than December 31 of every even-numbered year, the department shall submit the report, in the manner provided by ORS 192.245, to an interim committee of the Legislative Assembly relating to economic development. [2019 c.273 §1]

Note: 526.276 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Forest Health)

526.277 Findings. The Legislative Assembly finds and declares that:

(1) Forestlands in federal, state and private ownership comprise some of the most important environmental, economic and recreational resources in the State of Oregon. However, federal lands, and to a lesser extent state and private lands, are increasingly jeopardized by the risk of drought-induced mortality, severe insect and disease outbreaks and catastrophic wildfires.

(2) Enhancing forest health, wildlife habitat and other ecological values and reducing the risk of severe insect and disease outbreaks and catastrophic wildfires through forest management are of interest to the residents of this state. Federal and state funds have not proved sufficient to carry out the management activities necessary to achieve these goals on federal lands, and it is unlikely that the funds will be available on a continuous basis.

(3) The development of new market-based solutions to reduce the risk of severe insect and disease outbreaks and catastrophic wildfires may reduce the requirement for public funding. The development of biomass markets, including energy markets, that use woody biomass unsuitable for lumber, pulp and paper products as a primary source of raw material may assist in the creation of a sustainable, market-based model for restoring complexity and structure to Oregon's forests.

(4) A biomass-based industry may provide a renewable source of energy, reduce net greenhouse gas emissions, reduce air pollution from wildfires, improve fish and wildlife habitat, create jobs and provide economic benefits to rural communities. Through the collection and conversion of woody biomass, ancillary benefits may be realized through the improvement in forest health, the protection of infrastructure and the stabilization of soils within critical watersheds.

(5) The collection and conversion of woody biomass diminishes fuel loads and is an ecologically and economically sustainable practice where the reintroduction of fire is not appropriate.

(6) The policy of this state is to support efforts to build, and place in service, biomass-fueled energy production facilities that utilize biomass collected from forests or derived from other sources such as agricultural crop residue when:

(a) The facilities utilize sustainable supplies of biomass from cost-effective sources;

(b) The use of woody biomass for energy maintains or enhances the biological productivity of the land, taking into consideration transportation costs, existing forest conditions, management objectives, vegetation growth rates and the need to sustain water quality and fish and wildlife habitat; and

(c) The set of forest values to be sustained, in addition to wood and biomass for energy, is considered. Forest values include forest products, water, wildlife and recreation. [2005 c.772 §3; 2011 c.276 §4]

Note: See note under 526.271.

526.280 Responsibilities of State Forester; woody biomass utilization; report. In furtherance of the policy established in ORS 526.277, the State Forester shall:

(1) Establish a policy of active and inclusive communication with the federal government, public bodies as defined in ORS 174.109, residents of Oregon and interested parties regarding the utilization of woody biomass produced through forest health restoration. The State Forester shall actively utilize the statutory provisions of the National Forest Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Environmental Policy Act of 1969, the Federal Land Policy and Management Act of 1976 and the Healthy Forests Restoration Act of 2003 that allow the state to participate in federal policy development in a manner that expresses the policy established in ORS 526.277.

(2) Promote public involvement in the identification of the areas of interface between urban lands and forestlands that pose the highest potential to threaten lives and private property.

(3) Solicit public comment on the location of biomass-based energy projects and conversion facilities.

(4) Promote public understanding, through education and outreach, of forest conditions, forest management options, the potential benefits and potential consequences of woody biomass utilization, the quality and quantity of woody biomass on federal lands and the potential for woody biomass utilization to assist in reducing wildfire risk and in enhancing forest health, diversity and resilience. The State Forestry Department may coordinate with the State Department of Energy, the Oregon Business Development Department, Oregon State University, the State Department of Fish and Wildlife, the Department of Environmental Quality and other entities in any education and outreach performed pursuant to this subsection.

(5) Assess the types of woody biomass available and serve as an information resource for persons seeking to utilize woody biomass for energy development. Notwithstanding ORS 192.345, reports on any assessment of woody biomass conducted by the State Forester shall be made available for public inspection.

(6) Promote public understanding that woody biomass utilization may be an effective tool for restoration of forest health and for economic development in rural communities.

(7) Develop and apply, with advice from the forestry program at Oregon State University, the State Department of Fish and Wildlife, the Department of Environmental Quality and other sources, the best available scientific knowledge and technologies pertaining to forest and wildlife habitat restoration and woody biomass utilization when developing rules under ORS 527.630.

(8) Seek opportunities to provide a source of woody biomass from federal, tribal, state and private forests.

(9) Periodically prepare a report utilizing, to the greatest extent practicable, data collected from state and federal sources that specify the effect of woody biomass collection and conversion on the plant and wildlife resources and on the air and water quality of this state. The report shall identify any changes that the State Forester determines are necessary to encourage woody biomass collection and conversion and to avoid negative effects on the environment from woody biomass collection and conversion. The State Forester shall submit the report to the Governor and to an appropriate legislative interim committee with jurisdiction over forestry issues. [2005 c.772 §4; 2011 c.276 §5]

Note: See note under 526.271.

526.285 Contracts for providing woody biomass from state-managed forestlands. Notwithstanding ORS 530.059, the State Forester may enter into contracts under ORS 530.050 to provide a supply of woody biomass from forestlands managed by the State Forestry Department as needed to facilitate the development of projects, including but not limited to bioenergy projects. The department shall ensure that the provisions of contracts described in this section comply with applicable state forestland management plans. A contract described in this section is a sale of timber for purposes of the public contracting exemption described in ORS 279A.025 (2)(L). [2011 c.276 §2]

(Mitigation of Detrimental Activities)

526.287 Definitions for ORS 526.287 to 526.299 and 526.991. As used in ORS 526.287 to 526.299 and 526.991:

(1) "Large commercial event":

(a) Means a gathering that:

(A) Has an organizer;

(B) Is held for the purpose of a shared or common activity or experience;

(C) Has more than 50 participating individuals or more than 15 motor vehicles of participating individuals present at any time; and

(D) Continues or is scheduled to continue for more than four consecutive hours.

(b) Does not mean:

(A) An outdoor mass gathering regulated under ORS 433.735 to 433.770; or

(B) A gathering held by arrangement with the State Forestry Department at a permanent facility or officially designated area that is designed and equipped for accommodating gatherings of that type and size.

(2) "Organizer":

(a) Means a person that organizes, holds or sponsors a gathering having the characteristics described in subsection (1)(a)(B) to (D) of this section and directly or indirectly accepts moneys or other items of value, whether or not resulting in a profit, from one or more persons participating or reasonably expected to participate in the gathering in exchange for:

(A) Admittance;

(B) Parking;

(C) The receipt of on-site goods or services;

(D) The reservation or rental of camping or commercial space;

(E) Rights to sell on-site goods or services; or

(F) On-site advertising rights.

(b) Does not mean:

(A) A person acting in a regular business relationship with, on behalf of or under contract with the department;

(B) A person that receives money only from a coapplicant for purposes of obtaining a permit under ORS 526.291; or

(C) An individual receiving only hourly wages, commissions or tips for services personally provided by that individual. [2015 c.713 §1]

Note: 526.287 to 526.299 and 526.991 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.289 Legislative findings. The Legislative Assembly finds that:

(1) State forestlands are especially vulnerable to the effects of uncontrolled gatherings of persons at large commercial events; and

(2) To avoid detriment to the best interest of the state it is necessary to protect the health of state forestlands, the viability of state forestlands as a public resource, the well-being of fish and wildlife and the health and safety of persons on state forestlands through the establishment of reasonable health and safety standards to mitigate the adverse effects of large commercial events held on state forestlands. [2015 c.713 §2]

Note: See note under 526.287.

526.291 Large commercial event permits; fees; rules. (1) An organizer may not organize, hold or sponsor a large commercial event on state forestland unless the organizer holds a large commercial event permit issued by the State Forestry Department.

(2) A permit issued under this section does not entitle an organizer to make any permanent physical alterations to or on state forestland.

(3) The department may issue a permit to a person that demonstrates compliance with, or the ability and willingness to comply with, applicable health and safety standards governing large commercial events on state forestland. The application shall include all of the following:

(a) The name and address of the applicant.

(b) A description adequate to allow the department to accurately identify the location of the proposed event.

(c) The dates of the proposed event.

(d) Estimated total and peak attendance at the proposed event.

(e) Estimated total and peak demand for parking at the proposed event.

(f) The nature of the proposed event.

(g) Other information the department deems appropriate in order to ensure the identification of and compliance with applicable health and safety standards.

(4) The department may not issue a permit that authorizes a large commercial event to continue for more than 120 hours in any 90-day period.

(5) Subsection (3) of this section does not require the department to issue a large commercial event permit to a person that has a history of:

(a) Acting as an organizer for a gathering without obtaining a required large commercial event permit; or

(b) Violating, or recklessly allowing others to violate, the terms and conditions of a large commercial event permit issued to the person.

(6) The department, with the consent of the permit holder, may amend a large commercial event permit.

(7)(a) The department may charge a fee for reviewing and processing an application for a large commercial event permit. The fee may not exceed an amount reasonably calculated to reimburse the department for its reasonable and necessary costs in receiving, processing and reviewing applications for permits. An application fee is refundable only if the application is withdrawn prior to any review of the application by the department.

(b) The department may adopt rules establishing a fee schedule for large commercial event permits. The department may establish fees under the schedule in amounts that the department deems adequate to fund an effective monitoring and enforcement program for large commercial events.

(c) The fees established or authorized under this subsection are in addition to any other fees or charges authorized by law. [2015 c.713 §3]

Note: See note under 526.287.

526.294 Large commercial event health and safety standards; rules. (1) The State Forestry Department may adopt rules establishing health and safety standards for large commercial events held on state forestlands. The department shall consult with the Oregon Health Authority and the Department of Environmental Quality prior to establishing health and safety standards under this section. The State Forestry Department shall design the standards to protect the health of state forestlands, the viability of state forestlands as a public resource, the well-being of fish and wildlife and the health and safety of persons on state forestlands. The standards may address matters that include, but need not be limited to:

(a) Alcohol consumption;

(b) Buffer zones between large commercial events and ecologically sensitive areas;

(c) Buffer zones between large commercial events and known cultural resources;

(d) Buffer zones between large commercial events and forest practices as defined in ORS 527.620;

(e) Crowd and traffic control;

(f) Fire and flammable material use;

(g) Insurance and bonding;

(h) Lighting;

(i) Noise levels and hours; and

(j) Sanitation.

(2) The department shall include applicable health and safety standards in the terms and conditions of any large commercial event permit issued under ORS 526.291. [2015 c.713 §4]

Note: See note under 526.287.

526.297 Suspension or revocation of permit. The State Forestry Department may suspend or revoke a large commercial event permit if:

(1) An emergency, significant law enforcement problem, substantial threat to public safety or welfare or substantial threat to public property arises from, or is likely to affect, event activities; or

(2) The department discovers that a violation of permit terms and conditions has occurred. [2015 c.713 §5; 2017 c.17 §45]

Note: See note under 526.287.

526.299 Organizer responsibility for compliance with permit terms and conditions. An organizer may not recklessly allow a person to violate the terms and conditions of a large commercial event permit held by the organizer. As used in this section, "recklessly" has the meaning given that term in ORS 161.085. [2015 c.713 §6]

Note: See note under 526.287.

FORESTLAND CLASSIFICATION

526.305 Definitions for ORS 526.305 to 526.370. As used in ORS 526.305 to 526.370, unless the context requires otherwise:

(1) "Committee" means a forestland classification committee.

(2) "Governing body" means the board of county commissioners or county court of a county, as the case may be. [1965 c.253 §33; 2009 c.69 §3]

526.310 Forestland classification committees; rules. (1) Pursuant to a request by the State Forester:

(a) The governing body of a county may establish a forestland classification committee of six persons, of whom one shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service, one by the State Fire Marshal and three by the governing body. Of the members appointed by the governing body, one must be an owner of forestland or the representative of an owner of forestland, and, if the land to be investigated and studied by the committee includes or is expected to include grazing land, one must be an owner of grazing land or the representative of an owner of grazing land; or

(b) The governing bodies of two or more counties may, by written agreement, establish a joint forestland classification committee. One member of a joint committee shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service and one by the State Fire Marshal. The governing body of each participating county shall appoint two members. Of the members appointed by a governing body to a joint committee, one must be an owner of forestland or the representative of an owner of forestland.

(2) Each appointing authority shall file with the State Forester the name of its appointee or appointees, and the persons so named shall constitute the committee. Unless otherwise provided for by the appointing authority, members of the committee shall serve a term of four years and may be reappointed to any number of terms. Each member of the committee at all times is subject to replacement by the appointing authority, effective upon the filing with the State Forester by that authority of written notice of the name of the new appointee.

(3) The committee shall elect from among its members a chair and a secretary and may elect other officers as it finds advisable. It shall adopt rules governing its organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings.

(4)(a) The governing body of a county may provide for the committee and its members such accommodations and supplies and such county funds not otherwise appropriated as the governing body finds necessary for the proper performance of the committee's functions.

(b) The forester may provide for the committee and its members such accommodations and supplies and such forest protection district funds as the forester finds necessary for the proper performance of the committee's functions.

(5) The members of the committee shall receive no compensation for their services but a governing body or a forest protection district may reimburse them for their actual and necessary travel and other expenses incurred in the performance of their duties. [Amended by 1965 c.253 §34; 1967 c.429 §30; 1997 c.274 §42; 2009 c.69 §4; 2013 c.148 §1]

526.320 Determination of forestland. Upon establishment of a forestland classification committee under ORS 526.310, the committee shall periodically investigate and study all land within the boundaries of its county or counties and determine which of the land is forestland. Such determination shall take into consideration climate, topography, elevation, rainfall, soil conditions, roads, extent of fire hazards, recreation needs, scenic values, and other physical, economic and social factors and conditions relating to the land involved. [Amended by 1965 c.253 §35; 1967 c.429 §31; 2009 c.69 §5]

526.324 Classification of forestland by committee; publication. (1) Upon the basis of its investigation and determination under ORS 526.320, a committee shall assign all forestland within the boundaries of its county or counties and within a forest protection district to one of the following classifications:

(a) Class 1, timber class, includes forestland suitable for the production of timber and may include lands on which structures are present.

(b) Class 2, timber and grazing class, includes forestland suitable for joint use for timber production and the grazing of livestock and may include lands on which structures are present.

(c) Class 3, agricultural class, includes forestland suitable for grazing of livestock or other agricultural use and may include lands on which structures are present.

(2) The committee shall adopt preliminary classifications and shall cause notice thereof to be published once a week for two consecutive weeks in one or more newspapers of general circulation within the boundaries of its county or within the boundaries of each of its counties and to be posted in three public places within the boundaries of its county or within the boundaries of each of its counties. The notice shall state the time and place for the public hearing required pursuant to ORS 526.328 and where maps of the preliminary classifications may be inspected. [1965 c.253 §37; 1967 c.429 §32; 2009 c.69 §6]

526.328 Hearing; final classification. (1) The committee shall hold a public hearing within the boundaries of its county or within the boundaries of each of its counties at the time and place stated in the notice published under ORS 526.324 (2), or at such other time and place as the hearing may then be adjourned to, to receive from any interested persons objections, remonstrances or suggestions relating to the preliminary classifications. Following the hearing the committee may make such changes to the preliminary classifications as it finds to be proper, and thereafter shall adopt final classifications.

(2) All action by the committee in adopting final classifications shall be by formal written order that must include a statement of findings of fact on the basis of which the order is made and must include a list of tax lots affected by the classifications or reclassifications. The committee shall prepare one or more maps showing the final classifications, but the maps may not be included as part of the formal written order. The original of the order shall be filed with the county clerk of its county or with the county clerk of each of its counties. The order need not meet the requirements of ORS 205.232, 205.234 and 205.236 to be filed and recorded. A copy of the order certified by the secretary of the committee shall be sent to the State Forester. [1965 c.253 §38; 2009 c.69 §7]

526.330 [Repealed by 1965 c.253 §153]

526.332 Appeal. (1) Any owner of land classified under ORS 526.328 or 526.340 who is aggrieved by the classification may, within 30 days after the date of the order making the classification, appeal to the circuit court for the county in which the property is located. If the forestland classification committee has been established for more than one county and the property is located in more than one of those counties, the owner of the land may appeal to the circuit court for any of those counties. Notice of an appeal shall be promptly served on the secretary of the committee or, if the classification was made under ORS 526.340, on the State Forester.

(2) The appeal shall be tried by the circuit court as an action not triable by right to a jury.

(3) The State Forester may intervene as a matter of right in an appeal under this section from a forestland classification committee order. The State Forester may defend a forestland classification committee order whether or not the forestland classification committee also defends the order. [1965 c.253 §39; 1979 c.284 §163; 2009 c.69 §8; 2013 c.148 §2]

526.335 State Board of Forestry rules. The State Board of Forestry may adopt rules as necessary to implement ORS 526.305 to 526.340. [2009 c.69 §11]

526.340 Classification by State Forester. (1) The State Forester may identify and classify forestland in a county, consistent with ORS 526.324 and 526.328, if:

(a) The governing body of a county has failed to establish a forestland classification committee within two years after the State Forester made a request under ORS 526.310 (1);

(b) A forestland classification committee has failed to adopt and file a final classification pursuant to ORS 526.328 within the five-year period after the date the forestland classification committee was first established; or

(c) A forestland classification committee has failed to act in a manner consistent with ORS 526.310, 526.320, 526.324 and 526.328.

(2) Classifications by the State Forester have the same force and effect as though made by a forestland classification committee. However, classifications made by the State Forester cease to be effective if replaced by classifications made pursuant to ORS 526.320, 526.324 and 526.328. [Amended by 1965 c.253 §40; 1997 c.274 §43; 2009 c.69 §9]

526.350 Policy in administering forest and fire laws; contracts for care of forestland. (1) All forest laws relating to forestland classified pursuant to ORS 526.328 or 526.340, and all rules promulgated under such laws, shall be so administered as best to promote the primary use for which that land is classified. Any contract by the State Board of Forestry or the State Forester with any forest protective association or agency for the care of any such forestland shall provide that the care shall be in accord with the provisions of this section relating to that land.

(2) It shall be the policy of the board and the forester as to all forestland classified in:

(a) Class 1, to give primary consideration to timber production and reforestation, in preference to grazing or agricultural uses, not excluding, however, recreation needs or scenic values.

(b) Class 2, to give equal consideration and value to timber production and the development or maintenance of grazing, either as a temporary use for the interim between logging and reforestation or as a permanent or semipermanent joint use.

(c) Class 3, to give primary consideration to the development of grazing or agriculture, in preference to timber production.

(3) The forester, on forestland classified pursuant to ORS 526.328 or 526.340, shall administer the forest laws of this state in accordance with the policy stated in this section as it applies to the land involved. [Amended by 1965 c.253 §41]

526.360 State Forester to assist in developing forestland for agricultural uses; supervision of certain burning; refusal of supervision or permit; Certified Burn Manager program; rules; liability for damage. (1) The State Board of Forestry and the forester may assist to the extent possible in developing, for forestry, grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such uses, including the burning of brush or other flammable material for the purpose of:

(a) Removing a fire hazard to any property;

(b) Preparing seed beds;

(c) Removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land;

(d) Promoting the establishment of new forest crops on cutover, denuded or underproductive lands;

(e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to 527.370; or

(f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.

(2) Upon request of the owner or the agent of the owner of any forestland classified pursuant to ORS 526.328 or 526.340, the forester may perform or supervise burning operations thereon for any of the purposes stated in subsection (1) of this section. The owner or the agent of the owner shall supply such personnel and equipment and shall perform such fire control actions and activities as the forester may require while there is danger of the fire spreading. The forester may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester, conditions so warrant.

(3) To accomplish the purposes set forth in subsection (1) of this section, the State Board of Forestry may establish by rule a Certified Burn Manager program. The rules shall include:

(a) Certification standards, requirements and procedures;

(b) Standards, requirements and procedures to revoke certification;

(c) Actions and activities that a Certified Burn Manager must perform;

(d) Actions and activities that a Certified Burn Manager may not allow or perform;

(e) Limitations on the use of a Certified Burn Manager; and

(f) Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.

(4) When any burning for any of the purposes stated in subsection (1) of this section on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and supervised by the forester or a Certified Burn Manager, no person shall be liable for property damage resulting from that burning unless the damage is caused by the negligence of the person. [Amended by 1965 c.253 §42; 1967 c.429 §33; 1999 c.101 §2]

526.370 Seeding agreements as condition of supervision of burning on forestlands; seeding at owner's expense on breach; lien; foreclosure. (1) The forester may, as a condition precedent to supervising of any burning as provided in ORS 526.360, require the owner or the agent of the owner in control of the land involved to agree in writing to seed properly the land over which the burning operation is to be conducted, with such seed or seed mixtures as may be suitable for that area.

(2) In the event of failure by the owner or agent of the owner to seed the property in accordance with such agreement, the governing body of that county may cause the seeding to be done and the cost thereof may be recovered by the governing body from the owner or the agent of the owner by legal action. The cost shall constitute a lien upon the land seeded. The governing body shall cause a written statement and notice of such lien, describing the land and stating the amount of the cost, to be certified under oath and filed in the office of the county clerk within 90 days following the completion of reseeding. The lien may be foreclosed, within six months after such filing, by suit, in the manner provided by law for foreclosure of liens for labor and material. [Amended by 1965 c.253 §43; 1999 c.101 §3]

526.410 [Repealed by 1953 c.138 §2]

526.420 [Repealed by 1953 c.139 §2]

NONINDUSTRIAL PRIVATE LANDOWNER ASSISTANCE

(Generally)

526.425 Management assistance to nonindustrial private forest landowners; rules. Recognizing that nonindustrial private forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, it is hereby declared to be the public policy of the State of Oregon to encourage management of nonindustrial private forestlands for tree production. Therefore, under the direction of the State Board of Forestry and to the extent funds are available, the State Forester shall:

(1) Provide for coordinated technical and financial assistance to the nonindustrial private forest landowner;

(2) Provide management planning for nonindustrial private forestlands;

(3) Advise and encourage nonindustrial private forest landowners to carry out young growth management activities, such as converting underproductive forestlands, reforestation, release, precommercial thinning and salvaging insect or disease damaged trees;

(4) Administer federal programs, such as the Agricultural Conservation Program or Forestry Incentives Program, that are designed to help encourage management of nonindustrial private forestlands;

(5) Advise and encourage nonindustrial private forest landowners to form cooperatives or aggregates for the purpose of more efficiently carrying out their young growth management activities;

(6) Periodically advise and recommend changes to the Legislative Assembly on laws conflicting with the intent of this statute; and

(7) In compliance with ORS chapter 183, promulgate rules consistent with law for providing management planning for nonindustrial private forestlands. [Formerly 526.048]

(Woodland Management Act of 1979)

526.450 Short title. ORS 315.104, 318.031 and 526.450 to 526.475 may be cited as the "Woodland Management Act of 1979." [1979 c.578 §1]

Note: The amendments to 526.450 by section 5, chapter 883, Oregon Laws 2007, become operative January 2, 2028. See section 10, chapter 883, Oregon Laws 2007, as amended by section 36, chapter 33, Oregon Laws 2009. The text that is operative on and after January 2, 2028, is set forth for the user's convenience.

526.450. ORS 318.031 and 526.450 to 526.475 may be cited as the "Woodland Management Act of 1979."

526.455 Definitions for ORS 526.450 to 526.475. As used in ORS 315.104, 318.031 and 526.450 to 526.475, unless the context requires otherwise:

(1) "Approved forest management practice" means and includes site preparation, tree planting, precommercial thinning, release, fertilization, animal damage control, insect and disease management or such other young growth management practices that increase wood growth as the State Forester shall approve or determine proper generally with regard to any particular applicant.

(2) "Board" means State Board of Forestry.

(3) "Commercial forestland" means land for which a primary use is the growing and harvesting of forest tree species and other forest resource values.

(4) "Eligible owner" means any private individual, group, Indian tribe or other native group, association, corporation or other nonpublic legal entity owning 10 to 500 acres of Oregon commercial forestland.

(5) "Forest management plan" means an operation plan to reach landowner objectives and assures public benefits as they relate to producing timber and other values. It shall include a cover map, basic forest stand description data, treatment opportunities, landowner objectives and a schedule for implementing the forest management plan.

(6) "Forest management practices" means and includes site preparation, tree planting, precommercial thinning, release, fertilization, animal damage control, insect and disease management and other young growth management practices that increase wood growth.

(7) "Industrial private forestlands" means lands capable of producing crops of industrial wood, greater than 10 acres and owned by other than an eligible owner.

(8) "Industrial wood" means forest products used to sustain a sawmill, plywood mill, pulp mill or other forest industry related manufacturing facility.

(9) "Landowner" means any private individual, group, Indian tribe or other native group, association, corporation or other legal entity, owning both the forestland and any timber thereon.

(10) "Nonindustrial private forestlands" means lands capable of producing crops of industrial wood and owned by an eligible owner.

(11) "State Forester" means the individual appointed pursuant to ORS 526.031, or the authorized representative of the State Forester.

(12) "Timber" means wood growth, mature or immature, growing or dead, standing or down of species acceptable for regeneration under the Oregon Forest Practices Act.

(13) "Underproductive forestlands" means commercial forestlands not meeting the minimum stocking standards of the Oregon Forest Practices Act. [1979 c.578 §2]

Note: The amendments to 526.455 by section 6, chapter 883, Oregon Laws 2007, become operative January 2, 2028. See section 10, chapter 883, Oregon Laws 2007, as amended by section 36, chapter 33, Oregon Laws 2009. The text that is operative on and after January 2, 2028, is set forth for the user's convenience.

526.455. As used in ORS 318.031 and 526.450 to 526.475, unless the context requires otherwise:

(1) "Approved forest management practice" means and includes site preparation, tree planting, precommercial thinning, release, fertilization, animal damage control, insect and disease management or such other young growth management practices that increase wood growth as the State Forester shall approve or determine proper generally with regard to any particular applicant.

(2) "Board" means State Board of Forestry.

(3) "Commercial forestland" means land for which a primary use is the growing and harvesting of forest tree species and other forest resource values.

(4) "Eligible owner" means any private individual, group, Indian tribe or other native group, association, corporation or other nonpublic legal entity owning 10 to 500 acres of Oregon commercial forestland.

(5) "Forest management plan" means an operation plan to reach landowner objectives and assures public benefits as they relate to producing timber and other values. It shall include a cover map, basic forest stand description data, treatment opportunities, landowner objectives and a schedule for implementing the forest management plan.

(6) "Forest management practices" means and includes site preparation, tree planting, precommercial thinning, release, fertilization, animal damage control, insect and disease management and other young growth management practices that increase wood growth.

(7) "Industrial private forestlands" means lands capable of producing crops of industrial wood, greater than 10 acres and owned by other than an eligible owner.

(8) "Industrial wood" means forest products used to sustain a sawmill, plywood mill, pulp mill or other forest industry related manufacturing facility.

(9) "Landowner" means any private individual, group, Indian tribe or other native group, association, corporation or other legal entity, owning both the forestland and any timber thereon.

(10) "Nonindustrial private forestlands" means lands capable of producing crops of industrial wood and owned by an eligible owner.

(11) "State Forester" means the individual appointed pursuant to ORS 526.031, or the authorized representative of the State Forester.

(12) "Timber" means wood growth, mature or immature, growing or dead, standing or down of species acceptable for regeneration under the Oregon Forest Practices Act.

(13) "Underproductive forestlands" means commercial forestlands not meeting the minimum stocking standards of the Oregon Forest Practices Act.

526.460 Policy to manage forests to maximize benefits. (1) The State of Oregon recognizes that the forest makes a vital contribution to Oregon. Economic benefits provided include a large tax base, substantial employment and wood products for a world market. The environmental benefits include maintenance of a forest cover and soil, air and water resources. Other benefits provided are habitats for wildlife and aquatic life, recreation and forest range. Management of all forestlands in Oregon should be encouraged to provide continuous production of all forest benefits.

(2) Nonindustrial private forestlands are an important part of Oregon's forest resource base. They can make major contributions to Oregon's economy and provide many other social benefits. Therefore, it is the policy of the State of Oregon to provide conditions favorable for long term forestry investments that lead to increased management of and harvest from these lands. [1979 c.578 §3]

526.465 Purpose of ORS 526.450 to 526.475. The purpose of ORS 315.104, 318.031 and 526.450 to 526.475 is to encourage long term forestry investments that lead to increased management of Oregon's forestlands by:

(1) Providing the forest owner with tax relief during the timber growth period.

(2) Promoting programs that provide forest credit on young stands and encourage harvesting of mature forest crops.

(3) Promoting the establishment of new forest crops on cutover, denuded or underproductive privately owned forestlands.

(4) Protecting the public interest by assuring that the citizens of the state and future generations shall have the benefits to be derived from the continuous production of forest products from the private forestlands of Oregon, including jobs, taxes, water, erosion control and habitat for wild game. [1979 c.578 §4]

Note: The amendments to 526.465 by section 7, chapter 883, Oregon Laws 2007, become operative January 2, 2028. See section 10, chapter 883, Oregon Laws 2007, as amended by section 36, chapter 33, Oregon Laws 2009. The text that is operative on and after January 2, 2028, is set forth for the user's convenience.

526.465. The purpose of ORS 318.031 and 526.450 to 526.475 is to encourage long term forestry investments that lead to increased management of Oregon's forestlands by:

(1) Promoting programs that provide forest credit on young stands and encourage harvesting of mature forest crops.

(2) Promoting the establishment of new forest crops on cutover, denuded or underproductive privately owned forestlands.

(3) Protecting the public interest by assuring that the citizens of the state and future generations shall have the benefits to be derived from the continuous production of forest products from the private forestlands of Oregon, including jobs, taxes, water, erosion control and habitat for wild game.

526.470 Forest tree seed bank; sale to recover costs; disposition of funds; use of funds for research and development activities. (1) A state forest tree seed bank may be operated by the State Forester and the State Board of Forestry to provide forest tree seed for the raising of forest tree seedlings suitable for reforestation. Such tree seed bank is to provide for the research and development, production, purchase, collection, storage, care and maintenance of forest tree seed and for the sale of such tree seed to private, state and other public owners of forest nurseries or forestland.

(2) Each year the State Forester shall determine the costs of tree seed bank operation and shall offer tree seed for sale to forest or nursery owners at prices that will recover actual costs.

(3) All revenues derived from the operation of the tree seed bank shall be credited to the State Forestry Department Account and deposited in the State Forest Tree Seed Bank Subaccount established in ORS 526.060.

(4) In order to develop and produce high quality forest tree seed, the moneys deposited in the State Forest Tree Seed Bank Subaccount may be used for research and development activities, including establishing and maintaining seed production areas, seed orchards or select forest trees from which seed, cuttings or pollen may be collected. The activities described in this subsection may be conducted independently by the State Forester or in collaboration, partnership or cooperation with private entities and public bodies as defined in ORS 174.109. [1979 c.578 §5; 2005 c.541 §5; 2007 c.248 §2]

526.472 Forest tree seed orchard; purposes; cooperative agreements; recovery of costs; revenues. (1) A state forest tree seed orchard may be operated by the State Forester and the State Board of Forestry to produce high quality forest tree seed suitable for reforestation. The purposes of the state forest tree seed orchard are to:

(a) Grow, care for and maintain seed orchard stock and produce seed, pollen, cuttings and other propagules for reforestation uses by private entities and public bodies as defined in ORS 174.109;

(b) Promote the conservation of genetic resources; and

(c) Support research and development activities for the purpose of producing high quality, well adapted seeds.

(2) The State Forester may enter into cooperative cost sharing and management agreements with private entities and public bodies as defined in ORS 174.109 to carry out the purposes set forth in subsection (1) of this section.

(3) Each year the State Forester shall determine the costs of operating the state forest tree seed orchard and shall recover actual costs.

(4) All revenues derived from the operation of the state forest tree seed orchard shall be credited to the State Forestry Department Account and deposited in the State Forest Tree Seed Orchard Subaccount established in ORS 526.060. [2007 c.248 §3]

Note: 526.472 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.475 Appeal of decisions by State Forester. (1) Any owner affected by a determination of the State Forester made under ORS 315.104, 318.031 and 526.450 to 526.475 may appeal to the State Board of Forestry under such rules as it may adopt. An appeal to set aside any decision of the board with respect to ORS 315.104 or 318.031 may be taken within 60 days of the decision to the Oregon Tax Court in the manner provided for tax cases under ORS chapter 305.

(2) Any owner affected by a determination of the Department of Revenue made under ORS 315.104 or 318.031 may appeal directly to the tax court under ORS 305.404 to 305.560. [1979 c.578 §11; 1995 c.650 §40]

Note: The amendments to 526.475 by section 8, chapter 883, Oregon Laws 2007, become operative January 2, 2028. See section 10, chapter 883, Oregon Laws 2007, as amended by section 36, chapter 33, Oregon Laws 2009. The text that is operative on and after January 2, 2028, is set forth for the user's convenience.

526.475. (1) Any owner affected by a determination of the State Forester made under ORS 318.031 and 526.450 to 526.475 may appeal to the State Board of Forestry under such rules as it may adopt. An appeal to set aside any decision of the board with respect to ORS 318.031 may be taken within 60 days of the decision to the Oregon Tax Court in the manner provided for tax cases under ORS chapter 305.

(2) Any owner affected by a determination of the Department of Revenue made under ORS 318.031 may appeal directly to the tax court under ORS 305.404 to 305.560.

526.490 Afforestation of certain idle lands; harvest requirements; inspection fees; lands subject to Oregon Forest Practices Act; rules; fees. (1) It is the policy of the State of Oregon to encourage the afforestation of idle land for the purpose of establishing commercial forests if such afforestation is consistent with landowner objectives. The purpose of this section is to provide an incentive for afforestation by providing assurance that the State of Oregon will not prohibit the harvesting of trees planted on such lands within the first crop rotation.

(2) As used in this section:

(a) "Free to grow" means a stand of well-distributed trees that has a high probability of remaining or becoming vigorous, healthy and dominant over undesired competing vegetation.

(b) "Parcel" has the meaning given that term in ORS 92.010.

(3) Notwithstanding ORS 527.676, 527.710 or 527.755 or any rules promulgated thereunder, and except as provided in subsection (4) of this section, a person who, after September 9, 1995, plants or causes to be planted a stand of timber that is intended to become a merchantable stand of timber as defined in ORS 321.005 on a parcel owned by the person, or a portion of such parcel not less than five contiguous acres, shall not be prohibited from harvesting the planted timber provided that:

(a) Prior to the time of planting, the parcel or portion thereof has not been subject to any forest practice as defined in ORS 527.620 since July 1, 1972; and

(b) Prior to the time of planting, the stocking of forest tree species on the subject parcel or portion thereof is less than 25 square feet of basal area per acre.

(4) The provisions of subsection (3) of this section shall not apply to any land or timber located within 20 feet of any large or medium stream, or any small stream that is a fish-bearing or domestic use stream, as defined by the State Board of Forestry.

(5)(a) If, within two to five years of planting under subsection (3) of this section, the person notifies the State Forester, the State Forester shall inspect the timber and shall issue a certificate to the owner indicating that a free to grow stand of timber has been established under subsection (3) of this section and identifying the location of the timber. Upon request of the owner and payment of any applicable fee, the county clerk in the county wherein the parcel is located shall record the certificate as specified under ORS 205.130.

(b) A person who notifies the State Forester and requests certification shall provide an accurate plat of the parcel or portion planted under subsection (3) of this section to the State Forester as well as photographs that accurately depict the condition of the land prior to planting.

(c) The State Forester may, by rule, establish a fee or schedule of fees adequate to cover such necessary expenses incurred by the State Forester in conducting inspection and certification activities. Fees may be charged to the person requesting certification.

(6)(a) Except as provided in subsection (3) of this section, all forest practices conducted on the planted parcel or portion thereof shall be subject to the provisions of ORS 527.610 to 527.770, 527.990 (1) and 527.992.

(b) No parcel or portion of such parcel shall be subject to the provisions of subsections (3) and (5) of this section more than once. [1995 c.266 §1; 2001 c.340 §2]

Note: 526.490 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

URBAN AND COMMUNITY FORESTRY

526.500 Definitions for ORS 526.500 to 526.515. As used in ORS 526.500 to 526.515, unless the context requires otherwise:

(1) "Urban forest" means the area in and around a city that contains trees and associated plant and animal life. The area may be public or private and may include single trees, small groups of trees or trees in large groups that would be identified commonly as a forest or woodland.

(2) "Urban and community forestry" means the practice of managing, planning, maintaining and promoting the health of the urban forest as a community resource. [1993 c.347 §2]

526.505 Policy. Trees not only are important to the economic and environmental well-being of Oregon, but also represent a significant component of the quality of life for urban residents. As a matter of policy, it is important to promote and protect the human habitat values that accrue from a healthy urban forest. Therefore, it is declared to be the public policy of the State of Oregon to encourage cities to plant and properly care for trees within the cities' urban growth boundaries and develop management plans to protect and promote urban forests. [1993 c.347 §3]

526.510 Department to provide technical assistance to governmental units. (1) The State Forestry Department shall provide technical assistance to cities, counties, other governmental units, nonprofit and civic organizations and other groups interested in planting and caring for trees in communities. Technical assistance may include, but is not limited to, the following areas:

(a) Establishing and maintaining local urban and community forestry programs;

(b) Developing local tree management ordinances;

(c) Developing public information programs to promote awareness of the values and benefits of the urban forest as a resource of the urban community;

(d) Implementing appropriate tree management and care practices;

(e) Performing street tree inventories; and

(f) Planning and coordinating local tree planting projects.

(2) The department shall make the fullest use of cooperative agreements, projects and resource sharing with local grassroots organizations, community action groups, businesses, local and state agencies, federal agencies, public and private schools, colleges and universities in designing, developing and implementing local programs, plans and activities. [1993 c.347 §4]

526.515 Gifts, grants and donations; fees for services. (1) The State Forestry Department may receive and disburse such gifts, grants, bequests, federal moneys and endowments and donations of labor, material, seedlings, trees and equipment from public and private sources for the purpose of conducting an urban and community forestry program. In addition, the department is authorized to charge fees for services and for attendance at workshops and conferences and to sell various publications and other materials that the department prepares.

(2) All revenues received under subsection (1) of this section and any interest earned on all cash balances except federal moneys shall be credited to the State Forestry Department Account and may be expended only for urban and community forestry purposes. [1993 c.347 §5]

(Temporary provisions relating to Clackamas Forestry Product Cooperative Project)

Note: Sections 1 to 7 and 10, chapter 733, Oregon Laws 2015, provide:

Sec. 1. As used in sections 1 to 7 of this 2015 Act:

(1) "Clackamas Forestry Product Cooperative Project" means the pilot program established by Clackamas County under section 3 of this 2015 Act for forestry products grown on nonforest land within the county to be commercially produced and marketed through a forestry products cooperative.

(2) "Dealer" means a person or agent of a person, other than a cooperative, that purchases or contracts to purchase forestry products through the Clackamas Forestry Product Cooperative Project.

(3) "Forestland" means land for which the highest and best use is the growing of forestry products.

(4) "Forestry products":

(a) Except as provided in paragraph (b) of this subsection, means products from harvested timber.

(b) Does not mean products from short rotation fiber grown under agricultural conditions as described in ORS 321.267 (3) or 321.824 (3), western juniper or products from harvested western juniper.

(5) "Nonforest lands" means lands other than forestland.

(6) "Party" means Clackamas County or a Clackamas County employee or a producer or dealer that carries out activities or engages in transactions regarding the Clackamas Forestry Product Cooperative Project.

(7) "Producer" means a possessor of land on which trees are grown for harvesting as forestry products. [2015 c.733 §1]

Sec. 2. (1) The Legislative Assembly finds and declares that because of the logistical challenges associated with the utilization of individual trees on nonforest lands, and because of the benefits from gains in commercial production and marketing of forestry products that may result from coordinating the activities of producers and buyers, it is in the public interest to establish cooperatives to coordinate the tracking, removal and sale of trees and to set prices to accomplish increased utilization.

(2) It is the intent of sections 1 to 7 of this 2015 Act to displace competition through a regulatory system for the commercial production and marketing of forestry products on nonforest land under a Clackamas County program, referred to in sections 1 to 7 of this 2015 Act as the Clackamas Forestry Product Cooperative Project, to a limited degree and for the period specified in subsection (7) of this section. The regulatory system is intended to grant immunity from federal and state antitrust laws to the Clackamas Forestry Product Cooperative Project parties for the limited purposes of allowing the parties to bargain collectively and to arrive at a negotiated price for forestry products produced on nonforest land within Clackamas County.

(3) The activities of any party that comply with the regulatory system described in sections 1 to 7 of this 2015 Act and State Forester rules for carrying out the regulatory system and the Clackamas Forestry Product Cooperative Project may not be considered to be in restraint of trade, a conspiracy or combination or any other unlawful activity in violation of any provision of ORS 646.705 to 646.826 or federal antitrust laws.

(4) The State Forester shall actively supervise the conduct of a party in negotiating tentative prices for forestry products bought and sold as part of the Clackamas Forestry Product Cooperative Project. The State Forester shall actively supervise, and establish procedures and guidelines for, the negotiations between the parties and shall review the tentative prices established by those negotiations. The State Forester must set the prices for forestry products bought and sold as part of the project by formal action before the prices may be implemented. In setting the prices for the forestry products, the State Forester may give consideration to the tentative prices for those forestry products negotiated between the parties. The State Forester must make any adjustments to previously set prices for forestry products by formal action before the adjustments may be implemented.

(5) The State Forester may compel the parties to take whatever action the State Forester considers necessary to:

(a) Ensure that the parties are engaging in conduct that is authorized under sections 1 to 7 of this 2015 Act;

(b) Ensure that the policies of this state are being fulfilled under the Clackamas Forestry Product Cooperative Project; and

(c) Prevent conduct by any of the parties that is not authorized by the regulatory system administered by the State Forester or conduct that, in the opinion of the State Forester, does not advance the interests of this state in carrying out the regulatory system for the Clackamas Forestry Product Cooperative Project.

(6) The State Forester may take any actions the State Forester deems appropriate to resolve disputes between the parties that involve or arise out of the Clackamas Forestry Product Cooperative Project, including but not limited to referring the dispute for mediation, arbitration or hearing.

(7) Except as provided in section 7 of this 2015 Act, for the period prior to July 1, 2019, the Clackamas Forestry Product Cooperative Project shall displace competition regarding the commercial production and marketing of forestry products on nonforest land in those areas of the county where the project is in effect.

(8) The State Forester may designate employees of the State Forestry Department to carry out the responsibility of actively supervising the conduct of the parties, including serving as intermediaries between parties or prospective parties.

(9) The State Forester may adopt rules to carry out the State Forester's authority under sections 1 to 7 of this 2015 Act. The department and the county shall enter into a memorandum of understanding for the county to reimburse the department for the actual costs to the department of providing services for the benefit of the Clackamas Forestry Product Cooperative Project. Moneys paid by the county as reimbursement shall be deposited in the State Forestry Department Account established under ORS 526.060. [2015 c.733 §2]

Sec. 3. (1) Clackamas County shall establish the Clackamas Forestry Product Cooperative Project as a pilot program. In addition to promoting economic development within Clackamas County, the purpose of the project shall be to develop a program model for use by counties in this state that wish to promote economic development by using cooperatives to provide for the commercial production and marketing of forestry products from nonforest lands. Subject to section 2 of this 2015 Act, Clackamas County may do the following to carry out the pilot program:

(a) Subject to section 4 of this 2015 Act, negotiate and enter into an agreement with persons, cities or other governmental entities willing to commercially produce forestry products as members of the Clackamas Forestry Product Cooperative Project. The agreement must specify the number, type and location of trees covered by the agreement. The State Forester may impose additional requirements for the contents of agreements described in this paragraph.

(b) Negotiate with one or more producers and dealers to establish the price for the forestry products sold through the cooperative. The dealers may negotiate the price for the forestry products through a committee that sets forth the views of the dealers and votes on any issues being negotiated as authorized by this section, including the price for forestry products. However, a person that is both a producer and a dealer may not participate in negotiations under this section.

(2) A tree that is covered by an agreement under subsection (1)(a) of this section must be marked for identification purposes as required by the county.

(3) An agreement under subsection (1)(a) of this section may not be used to alter the supply of buildable land within an urban growth boundary.

(4) If the land on which a tree subject to the Clackamas Forestry Product Cooperative Project is located is sold, the tree shall continue to be a tree subject to the Clackamas Forestry Product Cooperative Project unless:

(a) The new owner of the land removes the tree from the project; or

(b) The county project coordinator determines that the tree is not being maintained as required by the project. [2015 c.733 §3]

Sec. 4. (1) The Clackamas Forestry Product Cooperative Project shall operate:

(a) In all areas of Clackamas County that are outside of city limits;

(b) On residential or commercial properties, or properties owned by nonprofit entities, located in a city that elects to allow the project within the city limits; and

(c) On lands owned by any governmental entity that elects to participate in the project.

(2) An election by a city or other governmental entity to allow or participate in the project must be by formal action of the governing body for the city or other governmental entity.

(3) Clackamas County may undertake efforts to inform cities and other governmental entities about the Clackamas Forestry Product Cooperative Project and the opportunities for the cities and governmental entities to elect to allow or participate in the project. The State Forester shall undertake to encourage cities and governmental entities located within urban growth boundaries to allow or participate in the project.

(4) The State Forester, county and a city may work jointly to adopt components of the Clackamas Forestry Product Cooperative Project within city limits. A city electing to allow the project may specify how the project is to be administered within the city limits, including but not limited to specifications regarding land use zoning requirements, maintenance requirements and the issuance of tree removal permits for harvesting of trees enrolled in the program. Any specifications regarding how the project is to be administered within a city must be set forth in a memorandum of understanding between the county and the city. A memorandum of understanding described in this subsection may not take effect unless reviewed and approved by the State Forester. This subsection does not authorize a city to regulate the project on lands owned by a governmental entity described in subsection (1)(c) of this section that are located inside city limits.

(5) If a change in city limits causes a property that is participating in the Clackamas Forestry Product Cooperative Project to become located inside city limits, notwithstanding any other provision of this section, the property may continue to participate in the project under the terms of the agreement described in section 3 (1)(a) of this 2015 Act for that property and the terms of any annexation agreement between the city and the owner of that property.

(6) Except as provided in subsections (4) and (7) this section, a local government may not enforce an ordinance to require or prohibit the removal of a tree that is subject to the Clackamas Forestry Product Cooperative Project. This subsection does not prohibit a local government from:

(a) Enforcing a county ordinance approved by the State Forester for regulating trees subject to the Clackamas Forestry Product Cooperative Project or regulating land on which a tree that is subject to the project is located;

(b) Enforcing a county ordinance adopted to implement comprehensive plan policies developed to address statewide land use goals;

(c) Enforcing a local ordinance regulating a tree that is removed from the Clackamas Forestry Product Cooperative Project;

(d) Exercising the power of eminent domain to acquire fee title to the land on which a tree that is subject to the Clackamas Forestry Product Cooperative Project is located; or

(e) Acting or requiring action to remedy or mitigate a hazardous condition in a tree that presents an imminent threat of serious harm to persons or property.

(7) Subsection (6) of this section does not prevent the application of a local ordinance to require or prohibit the removal of a tree if the tree becomes subject to the Clackamas Forestry Product Cooperative Project more than five years after the tree is planted.

(8) This section does not require a county project coordinator or the State Forester to consent to the inclusion or continued inclusion of a tree in the Clackamas Forestry Product Cooperative Project. [2015 c.733 §4]

Sec. 5. The county program model that Clackamas County develops through the Clackamas Forestry Product Cooperative Project must include, but need not be limited to:

(1) A training manual to guide counties in establishing and administering cooperatives for the commercial production and marketing of forestry products on nonforest lands;

(2) Information identifying tree species best suited for use in western Oregon for producing forestry products;

(3) An Internet website for use by the county, producers and dealers to establish agreements under the program;

(4) Standardized memorandums of understanding setting forth the services provided and the terms of program participation;

(5) Care instructions and identification of best practices for the production of forestry products;

(6) Means for identifying and monitoring the status of trees in the program; and

(7) Materials for the marketing of, and promoting demand for, forestry products. [2015 c.733 §5]

Sec. 6. (1) The governing body of Clackamas County shall appoint an advisory committee to provide the county with recommendations regarding the structure and operation of the Clackamas Forestry Product Cooperative Project in a successful manner, including but not limited to recommendations for addressing the concerns of the local governments and business interests within the county and recommendations regarding the marketing of forestry products.

(2) To the extent practicable, the advisory committee appointed under subsection (1) of this section shall include but need not be limited to representatives from:

representatives from:
(a) The Association of Oregon Counties;
(b) The League of Oregon Cities;
(c) The Department of Transportation;
(d) A conservation organization;
(e) The forest products industry;
(f) The nursery products industry; and
(g) The Oregon Wood Innovation Center operated by Oregon State University. [2015 c.733 §6]

Sec. 7. The State Forester may terminate the Clackamas Forestry Product Cooperative Project if the State Forester determines that the project is not being conducted in accordance with sections 1 to 7 of this 2015 Act or rules adopted under section 2 of this 2015 Act. [2015 c.733 §7]

Sec. 10. (1) Sections 1 to 7 of this 2015 Act are repealed January 2, 2023.
(2) Any activities under an agreement entered into as part of the pilot program described in sections 1 to 7 of this 2015 Act must cease on or before the repeal date established in subsection (1) of this section. [2015 c.733 §10]

OREGON FOREST RESOURCES INSTITUTE

(Generally)

526.600 Definitions for ORS 526.600 to 526.675. As used in ORS 526.600 to 526.675, unless the context requires otherwise:
(1) "Institute" means the Oregon Forest Resources Institute.
(2) "Producer" means a producer of forest products and includes any person, partnership, association, corporation, cooperative or other business entity involved in the growing, harvesting or producing of timber or timber products. "Producer" does not include landowners who meet the requirement of ORS 526.610 (4). [1991 c.949 §2; 1995 c.225 §2; 2003 c.423 §9]

526.605 Findings. The State of Oregon recognizes that the forest products industry is one of the largest industries in the state. It provides monetary returns to labor, forestland owners, mill owners and operators, public timber purchasers, timber harvesters, investors and others. It is a source of local and state taxes. It is a major supporter of many secondary businesses that supply goods and services in our communities. The welfare of the state is therefore largely dependent on the health and vigor of the forest products industry. The Oregon Forest Resources Institute's objectives support this important industry and the wise stewardship of natural resources for the benefit of Oregonians. [1991 c.949 §3; 2003 c.423 §1]

526.610 Oregon Forest Resources Institute; board of directors; eligibility. There is created the Oregon Forest Resources Institute. The institute shall be governed by a board of directors appointed by the State Forester. In making the appointments, the State Forester shall take into consideration any nominations or recommendations made to the State Forester by producers or organizations that represent producers. The board shall consist of 11 voting members plus two nonvoting members appointed as follows:
(1) Three voting members to represent small producers of 20 million board feet or less per year.
(2) Three voting members to represent medium producers of more than 20 million board feet but less than 100 million board feet per year.
(3) Three voting members to represent large producers of 100 million board feet or more per year.
(4) One voting member who is an owner of between 100 and 2,000 acres of forestland and who has no direct financial interest in any forest products processing activity.
(5) After consideration of the recommendations of the other appointed members in subsections (1) to (4) of this section, one voting member who is an hourly wage employee of a producer or a person who represents such employees. The member appointed under this subsection need not comply with the requirements of ORS 526.615 (3) to (6).
(6)(a) Two nonvoting members:
(A) The Dean of the College of Forestry at Oregon State University.
(B) An individual jointly appointed by the President of the Senate and the Speaker of the House of Representatives to represent the public. The public representative may not be a member of or significantly affiliated with any organization of or business in the timber industry or any organization or business known to support or promote environmental or conservation issues. A person appointed under this subparagraph serves at the pleasure of the President of the Senate and the Speaker of the House of Representatives.
(b) Members referred to in this subsection are not subject to ORS 526.615 to 526.625. [1991 c.949 §4; 1993 c.584 §3; 1995 c.225 §3; 1999 c.40 §1; 2003 c.423 §2]

526.615 Qualifications of voting members. Except as provided in ORS 526.610 (5), each voting member of the board of directors of the Oregon Forest Resources Institute shall have the following qualifications:
(1) Be a citizen of the United States.
(2) Be a bona fide resident of this state.
(3) Be a producer in this state, an employee of such a producer or own between 100 and 2,000 acres of forestland in this state on which harvest taxes are paid, but have no direct financial interest in any forest products processing activity.
(4) Have been actively engaged in producing forest products for a period of at least five years.
(5) Derive a substantial proportion of income from the production of forest products.
(6) Have demonstrated, through membership in producers' organizations or organizations representing landowners who meet the requirements of ORS 526.610 (4), a profound interest in the development of Oregon's forest products industry. [1991 c.949 §6; 1995 c.225 §4; 1999 c.40 §2; 2003 c.423 §3]

526.620 Terms of voting members; vacancies. Each voting member of the board of directors of the Oregon Forest Resources Institute shall be appointed for a term ending three years from the date of the expiration of the term for which the member's predecessor was appointed. If there is a vacancy on the board of a voting member, other than a vacancy caused by expiration of a term, the State Forester shall fill the vacancy for the remainder of the unexpired term with a person who represents the same class as the member whose term was vacated. [1991 c.949 §7; 1995 c.225 §5; 2003 c.423 §4]

526.625 Effect of failure to maintain qualification; removal of member. (1) The State Forester shall immediately declare the office of any member of the board of directors of the Oregon Forest Resources Institute vacant whenever the member becomes a resident of another state or is unable to perform the duties of office. In addition, the State Forester shall immediately declare the office of any member of the board who represents producers vacant if the member ceases to be an active producer in the state.
(2) The State Forester may remove any member of the board of directors for inefficiency, neglect of duty or misconduct in office, but not until after a public hearing thereon and service upon such member of a copy of the charges together with a notice of the time and place of such hearing. Service shall be made not less than 10 days prior to the hearing. At the hearing the member shall be given an opportunity to be heard in person or by counsel and shall be permitted to present evidence to answer the charges and explain the facts alleged. [1991 c.949 §8; 2003 c.423 §5]

526.630 Expenses of members and staff. Directors, officers and employees of the institute may receive their actual and necessary travel and other expenses incurred in the performance of their official duties. The board of directors shall adopt uniform and reasonable rules governing the incurring and paying of such expenses. [1991 c.949 §9]

526.632 Employees not subject to certain personnel regulation. Notwithstanding any other provision of law, wages or salaries of employees of the Oregon Forest Resources Institute are not subject to personnel compensation plans for state employees established by the Oregon Department of Administrative Services under ORS 240.235 to 240.250. [1993 c.584 §2]

526.635 Officers. (1) The board of directors annually shall elect a chairperson.
(2) The board of directors shall meet regularly at least once each quarter, and at such other times as called by the chairperson. [1991 c.949 §10]

526.640 General authority of institute. The Oregon Forest Resources Institute shall enhance and provide support for Oregon's forest products industry. In achieving these objectives the institute may:
(1) Increase public understanding of the practice of forestry and the use and benefits of forest products.
(2) Support education and cooperative efforts among private forest landowners and within the forest products industry to:
(a) Practice good stewardship of the land, and protect water and other public resources to the maximum extent practicable;
(b) Encourage the conversion of underproductive rural lands to forest uses, and provide information to private landowners on the means to facilitate such conversions;
(c) Encourage, facilitate and assist private forest landowners to meet or exceed state and federal regulations governing forest operations;
(d) Evaluate and communicate to private forest landowners the stewardship responsibility expectations of the public; and
(e) In cooperation with the State Forestry Department, Oregon State University and other appropriate government or private entities, serve as a clearinghouse for the dissemination of information to private forest landowners, through conferences, workshops and other means, about modern land management practices.
(3) Conduct research and help facilitate continued improvement in wood utilization and in secondary wood products manufacturing.
(4) Publish and sell publications and other materials relating to any program or function authorized by ORS 526.600 to 526.675. The institute may contract for the publication of the materials described in this subsection, including the research, design and writing of the materials. The contract may include, among other matters, provisions for advance payment or reimbursement for services performed under the contract. The price of such publications shall include the cost of publishing and distributing the materials. All moneys received by the institute from the sale of publications shall be deposited in the Oregon Forest Resources Institute Fund. [1991 c.949 §11; 1997 c.15 §1]

526.645 Additional powers. In addition to the functions listed in ORS 526.640, the Oregon Forest Resources Institute may:
(1) Conduct research and disseminate reliable information based upon such research.
(2) Sue and be sued as an institute without individual liability for acts of the board of directors within the scope of the powers conferred upon it by law.
(3) Enter into contracts which the board of directors considers necessary to carry out the duties, functions and powers imposed upon the institute by law.
(4) Borrow money in amounts not to exceed 50 percent of the board of directors' estimate of the institute's revenue from the current year's harvest.
(5) Appoint subordinate officers and employees of the institute and prescribe their duties and fix their compensation.
(6) Adopt, rescind, modify or amend all proper orders, regulations, rules and resolutions for the exercise of its duties, functions and powers. [1991 c.949 §12]

(Financial Administration)

526.650 Expenditure of funds restricted. (1) Notwithstanding ORS 526.645 (2), no funds shall be expended by the Oregon Forest Resources Institute for the purpose of supporting or opposing litigation or other legal action which is unrelated to the administration of the institute.
(2) No funds shall be expended by the institute for the purpose of influencing, or attempting to influence, any legislation or any rulemaking or other administrative activity of any state board, commission or agency. [1991 c.949 §13]

526.655 Acceptance of grants, donations and gifts. The Oregon Forest Resources Institute may accept grants, donations or gifts from any source for expenditures for any purposes consistent with the purposes of ORS 526.600 to 526.675. All funds so received shall be handled as specified in ORS 526.600 to 526.675 for other moneys received by the institute. [1991 c.949 §14]

526.660 Application of budget and expenditure control laws. The provisions of ORS 576.410 to 576.450 as set forth in the 2001 Edition of Oregon Revised Statutes, pertaining to budget and expenditure control, apply to budgets and expenditures of the Oregon Forest Resources Institute except that:
(1) All references in such statutes to the Director of Agriculture shall be considered references to the State Forester.
(2) All references in such statutes to the board shall be considered references to the State Board of Forestry.
(3) All references in such statutes to the commission shall be considered references to the board of directors of the institute.
(4) Copies of proposed budgets required as described by ORS 576.425 (1) as set forth in the 2001 Edition of Oregon Revised Statutes shall not be sent to county extension agents, but shall be available for inspection at the institute office and at the office of the State Forester in Salem.
(5) The State Forester shall examine and certify the budget in the manner provided under ORS 576.430 (2) as set forth in the 2001 Edition of Oregon Revised Statutes and make the determination in the same manner as a determination by the Director of Agriculture under ORS 576.445 (2) as set forth in the 2001 Edition of Oregon Revised Statutes. [1991 c.949 §16; 1995 c.225 §6; 2003 c.604 §102]

526.665 Exemption from certain financial administration laws. Except as otherwise provided in ORS 526.600 to 526.675, ORS 291.026, 291.201 to 291.222, 291.232 to 291.260, 291.322 to 291.334, 292.210 to 292.250, 293.260 to 293.280, 293.295 to 293.346 and 293.590 to 293.640 do not apply to the Oregon Forest Resources Institute or to the administration and enforcement of ORS 526.600 to 526.675. [1991 c.949 §17]

526.670 Books and records; audit. The Oregon Forest Resources Institute shall keep accurate books, records and accounts of all its dealings which shall be open to inspection and audit by the Secretary of State. [1991 c.949 §18]

526.675 Oregon Forest Resources Institute Fund; use of moneys; rules. (1) The Oregon Forest Resources Institute Fund is created in the State Treasury, separate and distinct from the General Fund. Except as otherwise provided by law, all moneys received by the Oregon Forest Resources Institute shall be paid into the State Treasury and credited to the fund. All moneys in the fund are appropriated continuously to the institute to carry out its duties, functions and powers. Interest earnings on all moneys in the fund shall be retained in the fund.
(2) The board of directors of the institute may repay moneys from the fund to persons who paid a privilege tax levied under ORS 321.017. The board may repay the amount of tax paid upon application by the person who paid the tax. The board shall adopt rules necessary for the implementation of this subsection. Rules adopted by the board shall include standards for the repayment of moneys and limits on the amount that may be requested. [1991 c.949 §20; 2003 c.423 §6]

526.680 [1991 c.949 §15; repealed by 2003 c.423 §10]

526.685 [1991 c.949 §19; repealed by 2003 c.423 §10]

FOREST RESOURCE TRUST

526.695 Definitions for ORS 526.695 to 526.775. As used in ORS 526.695 to 526.775, unless the context otherwise requires:
(1) "Contract" means the contract signed by the forestland owner and the State Forester, acting on behalf of the Forest Resource Trust pursuant to ORS 526.705.
(2) "Ecosystem services" means environmental benefits arising from the conservation and management of forestland, including, but not limited to, fish and wildlife habitat, clean water and air, pollination, mitigation of environmental hazards, control of pests and diseases, carbon sequestration, avoidance of carbon dioxide emissions and maintenance of soil productivity.
(3) "Forestland owner" means the individual, corporation, limited liability company, partnership, association, joint stock company, trustee, business trust or unincorporated organization holding fee simple ownership of land capable of producing forest products.
(4) "Forest products" includes, but is not limited to, trees, logs, poles, lumber, chips or pulp that flow from investment of the Forest Resource Trust.
(5) "Forest Resource Trust programs" means the voluntary cost share program established by ORS 526.703, the voluntary loan program established by ORS 526.705 and other programs administered by the State Board of Forestry to further the purposes of the Forest Resource Trust pursuant to ORS 526.695 to 526.775.
(6) "Qualified private or local government forestland owner" means a private or local government forestland owner that qualifies for a specific Forest Resource Trust program, as described in rules adopted by the board. [Formerly 526.735]

526.700 Forest Resource Trust; purpose; trustees; advisory committee; rules; duties. (1) The Forest Resource Trust is established in the State Forestry Department. The Forest Resource Trust shall provide funds for financial, technical and related assistance to qualified private and local government forestland owners for stand establishment and improved management of forestlands for timber production as well as wildlife, water quality and other environmental purposes.
(2) The members of the State Board of Forestry shall have overall responsibility for management of the Forest Resource Trust. The board is authorized to establish policies and programs in addition to those created by ORS 526.695 to 526.775 to further the purposes of the trust.
(3) The board shall appoint an advisory committee consisting of no more than 15 members representing the public, nonindustrial private forestland owners, the forest products industry, forest consultants and contractors, the financial community, environmental and conservation organizations and other related interests including affected state agencies. The advisory committee shall assist the board in setting policy for the best use and investment of funds available to the trust and otherwise assist board members in the performance of their duties as trustees.
(4) In accordance with any applicable provisions of ORS chapter 183, the board shall adopt rules to carry out the duties, functions and powers of the Forest Resource Trust and to guide implementation of the Forest Resource Trust programs.
(5) The State Forester is responsible for implementing board policies and programs for the Forest Resource Trust. [1993 c.765 §57; 2007 c.201 §1]

526.703 Cost share program; purpose; advance of moneys and assistance. (1) The State Board of Forestry shall establish a voluntary cost share program to ensure that the purposes of the Forest Resource Trust are achieved. The purpose of the program is to provide financial and other incentives for stand establishment and improved management of nonindustrial private forestlands.
(2) In advancing moneys and providing other assistance for stand establishment and improved forest management, the State Forester shall:
(a) Give priority, to the extent possible, to lands zoned for forest use under county comprehensive plans and to other lands with moderate to high probability of success for long-term stand establishment and improved forest management activities; and
(b) Assist landowners in securing payments for ecosystem services. [2007 c.201 §2]

Note: 526.703 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.705 Loan program; financial assistance terms and conditions; rules. (1) To carry out the duties, functions and powers of the Forest Resource Trust, there is created a voluntary loan program to finance establishment of stands of trees and the improved management of qualified private and local government forestlands.
(2) In advancing moneys and providing other assistance for stand establishment, the State Board of Forestry shall:
(a) Give priority to lands zoned for forest uses under county comprehensive plans and to other lands with moderate to high probability of success for long-term stand establishment and improved forest management activities; and
(b) Assist landowners in securing payments for ecosystem services.
(3) The State Board of Forestry may, by rule, establish financial agreements for the repayment of moneys advanced consistent with subsection (2) of this section and including but not limited to the following, singly or in combination:
(a) A revenue-sharing proposal that guarantees the landowner a percentage of the receipts upon harvest after payment of harvest and severance taxes;
(b) Financial agreements; and
(c) Repayment in full with interest if a landowner fails to get the stand free to grow as that term is defined in the Oregon Forest Practices Act, unless said failure is through no fault of the landowner.
(4) The terms of repayment shall be based on considerations that represent the best use and investment of funds including:
(a) Rates of return, as established by the State Board of Forestry, that provide a reasonable payback to the Forest Resource Trust of project costs;
(b) Measurable anticipated public benefits such as job creation, tax revenue, increased timber supply and environmental improvement; and
(c) The extent to which landowner contributions of money, labor or other resources reduce the risk to the Forest Resource Trust.
(5) Participating landowners shall not be required to comply with forest practices beyond those required by state and federal law with the exception that planting standards for stand establishment may be more than the required minimum.
(6) The State Forester is authorized, on behalf of the Forest Resource Trust, to enter into contracts with eligible landowners to carry out the provisions of the voluntary loan program. The contracts may include, but are not limited to:
(a) Partial to full financing to the landowner, as specified in rules of the State Board of Forestry, from such moneys as may be available in the Forest Resource Trust Fund.
(b) Any obligations of the landowner for repayment of moneys advanced including, but not limited to:
(A) Terms for sharing the revenue gained from the sales of timber and forest products, including salvage, from the lands enrolled under the voluntary loan program;
(B) Acknowledgment that the rights and obligations of the landowner and the Forest Resource Trust and all of the terms of the contract are covenants that run with the land upon sale, lease or transfer of the land benefiting from the voluntary loan program until all future obligations of the contract are met;
(C) Financial terms allowing the landowner to terminate the contract;
(D) Agreement that there is no obligation to repay the moneys advanced prior to sale of timber and forest products from the land;
(E) Terms to protect the contract from modification unless both parties consent to modification;
(F) Allowance for different prescriptions for stand management; and
(G) Repayment in full with interest if the landowner fails to meet any terms of the contract.
(c) Acknowledgment by the landowner that the State Forester may require a statutory lien on the forest products.
(7) In addition to the contracts provided for in subsection (6) of this section, the State Forester, on behalf of the Forest Resource Trust, may require landowners to execute security agreements in favor of the trust to secure any repayment or other obligations of the landowner. Any security interest required shall have priority from the date of recording or filing.
(8)(a) The State Forester shall record a contract described in subsection (6) of this section with the recording officer of the county or counties in which the forestland is located.
(b) Upon recording, the rights and obligations of the landowner and the Forest Resource Trust under the contract shall become covenants that run with the land and shall be binding upon successors and assigns.
(c) The interest of the Forest Resource Trust created by recording the contract constitutes a purchaser's interest in real property for purposes of ORS 93.640.
(d) A memorandum of contract must include, but is not limited to:
(A) The date of execution of the contract;
(B) The name of each landowner of the forestland identified in the contract;
(C) A legal description of the forestland subject to the contract that conforms with ORS 93.600; and
(D) If the contract is secured by a lien as provided in ORS 526.695 and 526.740 to 526.775, a statement from each landowner acknowledging the lien.
(9) As used in this section, "eligible landowner" means a qualified private or local government forestland owner who:
(a) Owns land that qualifies as forestland, as defined by the State Board of Forestry.
(b) Has not received an exemption from reforestation requirements pursuant to rules adopted by the board under ORS 527.760. [1993 c.765 §58; 2007 c.201 §3]

526.710 State Forestry Department to assist board. To assist the State Board of Forestry in carrying out the duties of the Forest Resource Trust, the State Forestry Department shall:
(1) Identify potentially suitable lands, and educate the owners of those lands on Forest Resource Trust programs.
(2) Provide technical and other management assistance to participating landowners.
(3) Monitor compliance with Forest Resource Trust programs by participating landowners.
(4) Encourage involvement of the landowner.
(5) Encourage the use of private contractors, consultants, forestry extension programs, nongovernmental organizations and landowner cooperatives.
(6) Develop project plans in cooperation with landowners that establish clear benchmarks for compliance with terms of the plan.
(7) Release from financial obligation for any portion of the qualified private and local government forestlands included under Forest Resource Trust programs and irretrievably lost to insects, disease, fire, storm, flood or other natural destruction through no fault of the landowner.
(8) Secure provisions for access to the land by the State Forester.
(9) Give consideration to conservation plans or strategies adopted by the State Department of Fish and Wildlife when setting priorities for Forest Resource Trust programs. [1993 c.765 §59; 2007 c.201 §4]

526.715 [1993 c.765 §60; 2001 c.51 §1; repealed by 2007 c.201 §8]

526.720 Forest Resource Trust Fund. The Forest Resource Trust Fund is created in the State Treasury, separate and distinct from the General Fund. The Forest Resource Trust Fund shall consist of all moneys received from whatever source to carry out the duties, functions and powers of the Forest Resource Trust. All earnings on moneys in the fund shall be retained in the fund. All moneys in the fund are appropriated continuously to the State Forestry Department to carry out the duties, functions and powers of the Forest Resource Trust, including State Forestry Department administrative expenses. [1993 c.765 §61]

526.725 Agreements with private, governmental or other organizations; land acquisitions; investment of funds; forestry carbon offsets; trust on governmental agencies or officers not created. (1) The State Board of Forestry or the State Forester may enter into agreements with private, governmental or other organizations and may accept contributions, gifts or grants from any source to carry out the duties, functions and powers of the Forest Resource Trust. All moneys received by the board or the State Forester pursuant to this section shall be deposited in the Forest Resource Trust Fund.
(2) The board may acquire, on behalf of the Forest Resource Trust, through exchange, lease or purchase, land only to the extent necessary to carry out the duties, functions and powers of the trust.
(3) Agreements with private, governmental or other organizations under subsection (1) of this section may specify the terms under which funds are invested and benefits accrue to the contributing party to the extent the agreement is consistent with the provisions of ORS 526.695 to 526.775.
(4) The State Forester may, on behalf of the Forest Resource Trust, market, register, transfer or sell forestry carbon offsets attributable to the lands enrolled in the stand establishment program under ORS 526.705. Prices for the transfer or sale of forestry carbon offsets may be negotiated but must be at or greater than fair market value.
(5) Nothing in ORS 526.695 to 526.775 is intended to create an enforceable trust on any agency or officer of the State of Oregon. [1993 c.765 §62; 2001 c.752 §7; 2007 c.201 §9]

526.730 Report to legislature. The State Board of Forestry, after consultation with the advisory committee appointed pursuant to ORS 526.700, shall prepare and submit a report to the Seventy-sixth Legislative Assembly that contains the following information regarding the Forest Resource Trust Fund:
(1) Program accomplishments;
(2) Financial assistance payments to participating landowners;
(3) Revenues received by the fund; and
(4) Expenditures made from the fund. [1993 c.765 §63; 2007 c.201 §5]

526.735 [1995 c.207 §2; 2001 c.51 §2; 2007 c.201 §6; renumbered 526.695 in 2007]

526.740 Lien for moneys payable to trust by forestland owner; attachment to severed forest products and accounts receivable. (1) From and after recording of the notice of lien pursuant to ORS 526.745, the Forest Resource Trust has a lien for the moneys payable to the trust by the forestland owner under the terms of the contract.
(2) The lien created by subsection (1) of this section constitutes a general lien upon all forest products grown or growing on the forestland described in the contract, whether standing on the forestland, severed and remaining on the forestland, severed and transported to another area for sale or processing, or made into forest products on the forestland. If the forest product is severed and delivered to a purchaser or mill, the lien continues against the forest product and the lien also attaches to accounts receivable evidencing indebtedness of the purchaser or mill. The lien attaches to the accounts receivable on the date on which the forestland owner sells the forest products and relates to the date on which notice of lien was filed under ORS 526.745. [1995 c.207 §3; 2001 c.51 §3]

526.745 Notice of lien; filing. (1) The State Forester may file a notice of lien under ORS 526.740 anytime after the contract is executed.
(2) The State Forester shall file the notice of lien with the recording officer of the county or counties where the forestland is located. The notice shall be in writing verified by the State Forester and shall contain:
(a) The name of each owner of the forestland identified in the contract;
(b) A legal description of the forestland identified in the contract in conformance with ORS 93.600;
(c) A description of the forest products to be covered by the lien;
(d) A statement that the lien includes a lien on accounts receivable from the sale of any forest products covered by the lien and that the lien on forest products and accounts receivable shall have priority as of the date of filing of the notice of lien under this section; and
(e) A statement of the amount of funds to be paid under the contract.
(3) Within 10 days after the State Forester files the notice of lien under this section, the State Forester shall send a copy of the notice to each of the following persons whose interest in the forestland referred to in subsection (2)(a) of this section is of record as of the date the State Forester files the notice of lien with the county recording officer:
(a) Each seller on a land sale contract covering all or any part of the forestland referred to in subsection (2)(a) of this section;
(b) Each mortgagee upon a mortgage covering all or part of the forestland referred to in subsection (2)(a) of this section; and
(c) Each beneficiary of a trust deed covering all or part of the forestland referred to in subsection (2)(a) of this section. [1995 c.207 §4]

526.750 Recording of notice; fee. The recording officer of the county shall record the notices made under ORS 526.745. The record shall be indexed in the same manner as the record of deeds and mortgages. The recording officer shall charge and collect from the Forest Resource Trust, for the benefit of the county, the fee established in ORS 205.320. [1995 c.207 §5]

526.755 Foreclosure; costs. (1) The lien created by and filed under ORS 526.740 and 526.745 shall be foreclosed in the manner provided by law for the foreclosure of liens generally.
(2) In all suits under ORS 526.695 and 526.740 to 526.775, the court, upon entering judgment for the plaintiff, shall allow as a part of the costs all moneys paid for the filing and recording of the lien, all moneys paid for sending notices of the lien to third parties pursuant to ORS 526.745 (3), all moneys paid for title reports and policies required for preparing and foreclosing the lien, and a reasonable amount for attorney fees at trial and on appeal to the party who prevails on the issue of the validity of the lien. [1995 c.207 §6]

526.760 Priority; lien survives land foreclosure proceedings. (1) The lien on forest products and accounts receivable created by ORS 526.740 is valid and shall have priority over all other liens, security interests and encumbrances on the forest products and accounts receivable covered by the lien even though it does not create a lien on the land on which the forest products are growing, except that ad valorem taxes and duly perfected liens, security interests and encumbrances which were perfected prior to the filing of the notice of lien under ORS 526.745 shall have priority over a lien created under ORS 526.740.
(2) Notwithstanding subsection (1) of this section, the lien upon forest products and accounts receivable created by ORS 526.740 shall survive the foreclosure of any land sale contract, mortgage, trust deed or other lien or encumbrance upon or security interest in the forest products or the forestland described in the notice of lien filed under ORS 526.745, and shall remain in full force and effect until released, fully satisfied or foreclosed. [1995 c.207 §7]

526.765 Payment of funds advanced; release of lien. (1) When the State Forester receives full payment of funds described in the notice of lien filed under ORS 526.745, or if the lien is released, the State Forester shall file with the recording officer of the county in which the claim is recorded a certificate declaring that full payment has been received, or that the lien has been released, and that the claim of lien is discharged. The certificate shall include the name of the forestland owner, the date of filing of the notice of lien under ORS 526.745 and a legal description of the land affected in conformance with ORS 93.600.
(2) Upon receiving the certificate, the recording officer shall enter it in full length in the book kept to record such liens. [1995 c.207 §8]

526.770 Notice of forest products harvest; contents; forest products purchasers. (1) No harvest or removal of forest products on forestland covered by a contract between the forest landowner and the Forest Resource Trust shall occur without the landowner or the timber owner first notifying the State Forester in writing, on forms prepared by the State Forester, of intent to harvest or remove forest products. Notice shall be made in the same manner as notice provided under ORS 527.670 (6).
(2) The notification shall specify where and when the harvest or removal of forest products will take place, the nature of the harvest or removal of forest products and where and to whom the forest products will be sold or delivered and shall include maps or other information as required by the State Forester. Upon receipt of notification pursuant to subsection (1) of this section, the State Forester shall notify the landowner, and any person to whom the forest products will be sold or delivered, of the repayment obligation specified in any contract between the forest landowner and the State Forester. The landowner shall make payment to the State Forester. Such payment shall be deposited in the Forest Resource Trust Fund. If payment is not made within 60 days of harvest or removal of forest products, the lien shall be delinquent and may be foreclosed in the manner described in ORS 526.755. [1995 c.207 §9]

526.775 Execution of judgment against other property when forest products and accounts not subject to lien. Notwithstanding ORS 526.695 and 526.740 to 526.775, if the forest landowner and the State Forester entered into a contract as provided in ORS 526.705 and the contract is terminated or breached, and there are no forest products or accounts receivable subject to the lien created under ORS 526.740, any judgment entered against the landowner for breach or termination of the contract may be executed on any property of the landowner. [1995 c.207 §10; 2007 c.201 §10]

FORESTRY CARBON OFFSETS

526.780 Agreements for forestry carbon offsets; requirements; creation; disposition of revenues. (1) The State Forester may enter into agreements with nonfederal forest landowners as a means to market, register, transfer or sell forestry carbon offsets on behalf of the landowners to provide a stewardship incentive for nonfederal forestlands.
(2) The State Forester may enter into an agreement described in this section if all of the following criteria are met:
(a) The agreement must ensure continuous management of the nonfederal forestlands at a standard that, in the judgment of the State Forester, would not occur in the absence of the agreement.
(b) Any forestry carbon offsets managed by the agreement must be attributable to the subject nonfederal forestland as determined by the forestry carbon offset accounting system established in ORS 526.783.
(c) Prices for the transfer or sale of forestry carbon offsets may be negotiated on behalf of the nonfederal forest landowner and must be at or greater than fair market value.
(d) The agreement must provide for the following distribution of proceeds from the transfer or sale of forest carbon offsets attributable to the subject nonfederal forestland:
(A) Not less than 50 percent to the nonfederal forest landowner;
(B) Not more than 25 percent to the State Forester to fund programs providing coordinated technical, financial or management planning assistance to nonindustrial private forest landowners; and
(C) Not more than 25 percent to the State Forester to fund administration of the forestry carbon offset program.
(3) All revenues received and any interest earned on moneys distributed to the State Forester under subsection (2)(d)(B) and (C) of this section shall be credited to the State Forestry Department Account and may be expended only for the purposes stated in subsection (2)(d)(B) and (C) of this section.
(4) A person or governmental agency may create a forestry carbon offset by performing, financing or otherwise causing one or more of the following activities:
(a) Afforestation or reforestation of underproducing lands that are not subject to required reforestation under the Oregon Forest Practices Act;
(b) Forest management activities not required under law existing at the point of creation of the forestry carbon offset, including but not limited to the following practices:
(A) Stand density control treatments in overstocked, underproducing stands of timber;
(B) Silvicultural practices that increase forest stand biomass, including but not limited to structure based management, variable retention, uneven age management, longer rotation ages and no harvest reserves;
(C) Expanded riparian buffers and other leave areas; and
(D) Deferred harvest rotations past 50 years or the age of economic maturity, whichever is longer; and
(c) Other activities as defined by rule by the State Board of Forestry. [2001 c.752 §2]

526.783 Development of forestry carbon offset accounting system. As a means of consistently reporting forestry carbon offsets created through programs established under ORS 526.725, 526.780 to 526.789, 530.050 or 530.500, the State Forester shall develop a forestry carbon offset accounting system for the registration, transfer or sale of forestry carbon offsets. The forestry carbon offset accounting system shall:
(1) Use accepted principles and standards relating to creating, measuring, monitoring, marketing, verifying, registering, transferring and selling carbon offsets used as mitigation for carbon dioxide emissions; and
(2) Be consistent with any rules adopted by the State Board of Forestry under ORS 526.786. [2001 c.752 §3; 2007 c.201 §7]

526.786 Rules relating to forestry carbon offsets; rules advisory committee. (1) The State Board of Forestry may develop administrative rules that define principles and standards relating to the creation, measurement, accounting, marketing, verifying, registering, transferring and selling of forestry carbon offsets from nonfederal forestlands.
(2) Rules adopted by the board under this section shall set standards to ensure that in order to be marketed, registered, transferred or sold, a forestry carbon offset must be created as a result of forest management activities that:
(a) Have the effect of increasing carbon storage on forestlands as measured by a forestry carbon offset accounting system;
(b) Would not otherwise occur but for the carbon storage objective; and
(c) Provide environmental, social and economic benefits for Oregon and its citizens, including but not limited to, protection or enhancement of long term timber supplies, native fish and wildlife habitat and water quality.
(3) Rules adopted by the board under this section shall establish principles to ensure that the forestry carbon offset accounting system shall:
(a) Account for relevant sources of carbon dioxide emission debits and credits for carbon storage or sequestration;
(b) Account for the duration and permanence of the carbon dioxide storage or emission reductions;
(c) Include provisions for establishing the appropriate baseline for projects, practices, rotation ages, harvest schedules and ownership from which measured carbon dioxide emission debits, and credits for carbon storage or sequestration are made;
(d) Account for other relevant and measurable greenhouse gas consequences, specifically credits and debits expressed as a carbon dioxide emissions equivalent, when establishing baselines or otherwise as appropriate;
(e) Account for the specific forest management practices used on-site and include provisions for monitoring carbon dioxide emission debits and credits for carbon storage or sequestration, from the implementation of specific practices;
(f) Account for continuing carbon dioxide emission debits, and credits for carbon storage or sequestration, based on the end product use of harvested biomass;
(g) Account for environmental, social and economic benefits of forestry carbon offsets and ensure that practices with unsustainable, long term consequences are not used to create forestry carbon offsets;
(h) Allow for public access to information in monitoring reports; and
(i) Encourage third-party verification of forestry carbon offsets.
(4) Rules adopted by the board under this section may address qualifications for persons and agencies that provide third-party verification and registration of forestry carbon offsets.
(5) Rules adopted by the board under this section shall be developed with the assistance of an advisory committee appointed by the board. The advisory committee shall consist of at least nine persons and shall contain:
(a) Persons from businesses, governmental agencies and nongovernmental organizations with knowledge and experience in the accounting of greenhouse gas emissions, sequestration and storage;
(b) At least one person from a nongovernmental forestry conservation organization;
(c) At least one nonindustrial private forest landowner or a representative of an organization that represents nonindustrial private forest landowners;
(d) One representative of the State Department of Energy;
(e) One representative of the State Department of Fish and Wildlife, or a designee of the State Department of Fish and Wildlife;
(f) One representative of the Department of Environmental Quality, or a designee of the Department of Environmental Quality;
(g) At least one representative from a qualified organization, as defined in ORS 469.503; and
(h) At least one representative from the State Forestry Department who shall serve as the secretary to the advisory committee. [2001 c.752 §4]

526.789 Effect of state forestry carbon offset program. Nothing in ORS 526.005, 526.725, 526.780 to 526.789, 530.050 or 530.500 shall prohibit any person or governmental agency from marketing, selling or transferring forestry carbon offsets independently from the State Forester program established under ORS 526.725, 526.780 to 526.789, 530.050 or 530.500. Rules adopted by the State Board of Forestry pursuant to ORS 526.786 may not prohibit any person from marketing, selling or transferring forestry carbon offsets using principles and standards different than those adopted by the board. [2001 c.752 §5]

TIMBER EXPORT REGULATION

526.801 Definitions for ORS 526.801 to 526.831 and 526.992. As used in ORS 526.801 to 526.831 and 526.992:
(1) "Export" means that unprocessed timber is loaded on a vessel or other conveyance with a foreign destination or is present at a facility such as a port or dock with intent to load it on a vessel or other conveyance with a foreign destination.
(2) "Person" means an individual, a partnership, a public or private corporation, an unincorporated association or any other legal entity. "Person" includes any subsidiary subcontractor, parent company or other affiliate. Business entities are considered affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third person.
(3) "Private lands" means lands within the State of Oregon owned by a person. "Private lands" does not include federal lands or nonfederal public lands, or any lands the title to which is:
(a) Held in trust by the United States for the benefit of any Indian tribe or individual.
(b) Held by any Indian tribe or individual subject to a restriction by the United States against alienation.
(4) "Public body" means an agency of the State of Oregon or of any other political subdivision.
(5) "Public lands" means lands owned by the State of Oregon or by any other political subdivision.
(6) "Unprocessed timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. "Unprocessed timber" does not include timber processed into any one of the following:
(a) Lumber or construction timbers, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on four sides, not intended for remanufacture.
(b) Lumber, construction timbers, or cants for remanufacture, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on four sides, not to exceed 12 inches (nominal) in thickness.
(c) Lumber, construction timbers or cants for remanufacture, that do not meet the grades referred to in paragraph (b) of this subsection and are sawn on four sides, with wane less than one-fourth of any face, not exceeding eight and three-fourths inches in thickness.
(d) Chips, pulp or pulp products.
(e) Veneer or plywood.
(f) Poles, posts or piling cut or treated with preservatives for use as such.
(g) Shakes or shingles.
(h) Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.
(i) Pulp logs or cull logs processed at domestic pulp mills, domestic chip plants or other domestic operations for the purpose of conversion of the logs into chips.
(j) Firewood cut in pieces 48 inches or less in length. [1991 c.942 §2]

526.805 [1961 c.700 §1; 1963 c.298 §1; 1981 c.823 §1; repealed by 1991 c.942 §12]

526.806 Prohibition against export of unprocessed timber; prohibition against certain public timber purchases. (1) It is unlawful to export unprocessed timber originating from public lands in Oregon.
(2) All unprocessed timber that originates from public lands is prohibited from export.
(3) In addition to all other requirements of law, no person who is prohibited from purchasing timber directly from a public agency may purchase public timber from any other person. Acquisitions of Western Red Cedar that are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibitions contained in this subsection. [1991 c.942 §§3,5,6]

526.810 [1961 c.700 §2; 1963 c.298 §7; renumbered 526.835]

526.811 Exemption from export prohibition. The prohibitions against export contained in ORS 526.801 to 526.831 and 526.992 shall not apply to specific quantities of grades and species of unprocessed timber originating from public lands which the United States Secretary of Agriculture or Secretary of the Interior has determined by rule to be surplus to the needs of timber manufacturing facilities in the United States. [1991 c.942 §7]

526.815 [1963 c.298 §3; repealed by 1981 c.823 §3]

526.816 Certification by bidders for public timber. In addition to all other requirements of law, any person submitting a bid for the purchase of public timber must certify to the following:
(1) The person will not export directly or indirectly unprocessed public timber;
(2) The person will not sell, transfer, exchange or otherwise convey unprocessed public timber to any other person without obtaining a certification from the person of the person's intent to comply with ORS 526.801 to 526.831 and 526.992; and
(3) Unless exempted by rule of a public agency, the person has not exported unprocessed timber from private lands in Oregon for a period of not less than 24 months prior to the date of submission of the bid. [1991 c.942 §4]

526.820 [1963 c.298 §5; 1977 c.23 §1; repealed by 1981 c.823 §3]

526.821 Political subdivisions to establish rules. All political subdivisions engaged in selling public timber shall establish, by rule, the standards and procedures to implement the provisions of ORS 526.801 to 526.831 and 526.992. [1991 c.942 §8]

526.825 [1963 c.298 §4; 1967 c.34 §4; repealed by 1981 c.823 §3]

526.826 Barring timber export violators from unprocessed public timber purchases. A public agency may debar any person who violates any provision of ORS 526.801 to 526.831 and 526.992, or any rule adopted pursuant thereto, from entering into any contract for the purchase of unprocessed timber from public lands for a period of not more than five years. Such person shall also be precluded from taking delivery of public timber purchased by another party for the period of debarment. [1991 c.942 §10]

526.830 [1963 c.298 §6; repealed by 1977 c.23 §2]

526.831 Contract cancellation for timber export violation. A public agency may cancel any contract entered into with a person found to have violated any provision of ORS 526.801 to 526.831 and 526.992, or any rule adopted pursuant thereto. [1991 c.942 §11]

526.835 [Formerly 526.810; 1981 c.823 §2; 1981 c.823 §2; repealed by 1991 c.942 §12]

MISCELLANEOUS

526.900 Review of state regulations and policies affecting implementation of conservation strategies. (1) The State Forestry Department and the State Department of Agriculture shall, in consultation with relevant state agencies and other public or private organizations, review state statutes, rules, policies and programs that affect landowner decisions to implement conservation strategies.
(2) The review conducted under subsection (1) of this section shall include:
(a) Establishing a statewide strategy for the implementation and coordination of incentives, regulatory disincentives, expedited permit processes and related taxes.
(b) The development of a stewardship agreement program for rural lands that establishes a baseline management standard for landowners and a voluntary higher standard that provides natural resource benefits and regulatory certainty for landowners. [2001 c.708 §17]

Note: 526.900 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

526.905 Management plans or policies to reduce risk of loss of forest resources. (1) Pursuant to its authority to improve the efficient and effective use of state resources, the Oregon Department of Administrative Services shall coordinate with the State Department of Fish and Wildlife, the State Parks and Recreation Department, the State Forestry Department, the Department of State Lands and any other state agency that has oversight responsibilities for state forestlands to adopt forest management plans or policies that:
(a) Establish forest health programs and management strategies designed to reduce the risk of catastrophic loss of forest resources from disease and insect infestation.
(b) Establish goals and strategies for managing forest fuel accumulation in order to reduce the risk of catastrophic fires in areas historically subject to frequent, periodic fires.
(2) To the extent that a state agency with oversight responsibilities for state forestlands has, as of January 1, 2004, policies, approved forest management plans or other strategies designed to address forest health and forest fuels management, those policies, plans and strategies may be incorporated into the plans and policies developed by the Oregon Department of Administrative Services.
(3) The Oregon Department of Administrative Services may develop forest fuel reduction and forest health restoration projects that may be implemented by state agencies. Such projects may include procedures for:
(a) Identifying forests that are at high risk of loss due to fuel accumulation, disease or insect infestation.
(b) Cooperating with local governments to identify locations where the urban-forest interface poses the greatest risk of contributing to damage or loss during a fire.
(c) Establishing priority areas for the projects due to natural, economic or scenic values. [2003 c.424 §1]

Note: 526.905 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 526 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

526.990 Criminal penalty for rule violation. Violation of any rule promulgated under ORS 526.041 (1) is, upon conviction, punishable as a misdemeanor. [1969 c.249 §4]

526.991 Criminal penalty for large commercial event offense. An organizer commits a Class A misdemeanor if the organizer:
(1) Accepts money or other items of value in an exchange described under ORS 526.287 (2)(a) prior to the issuance of a large commercial event permit required under ORS 526.291; or
(2) Recklessly allows the violation of a term or condition of a large commercial event permit issued to the organizer by the State Forestry Department. [2015 c.713 §7]

Note: See note under 526.287.

526.992 Criminal and civil penalties for timber export violation. (1) A person who, with willful disregard for the prohibitions contained in ORS 526.801 to 526.831 against exporting public timber, exported or caused to be exported unprocessed timber originating from public lands in violation of this chapter is guilty of a Class C felony and may be assessed a civil penalty not to exceed $500,000 for each violation or three times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.
(2) If the agency concerned finds, on the record and after an opportunity for a hearing, that a person has violated any provision of ORS 526.801 to 526.831 or any rule issued pursuant thereto relating to lands which the agency administers (notwithstanding that such violation may not have caused the export of unprocessed public timber in violation of this chapter), such agency may:
(a) Assess against such person a civil penalty not more than $75,000 for each violation if it is determined that the violation was casual or involuntary.
(b) Assess against such person a civil penalty not more than $500,000 or three times the gross value of the unprocessed timber involved in the violation, whichever amount is greater, if it is determined that the person committed such violation willfully. Any person who willfully commits such a violation is guilty of a Class C felony.
(3) Any civil penalty imposed under this section shall become due and payable when the person incurring the penalty receives a notice in writing of the imposition of the penalty. The notice may be personally served on the person incurring the penalty or may be sent by registered or certified mail.
(4) The person incurring the penalty shall have 20 days from the date of receiving the notice to make written application for a hearing.
(5) Any person who makes application as provided for in subsection (4) of this section shall be entitled to a hearing. The hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.
(6) Judicial review of an order made after a hearing under this section shall be as provided in ORS 183.480 to 183.497 for judicial review of contested cases.
(7) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record.
(8) All moneys recovered pursuant to this section shall be paid into the State Forestry Department Account and may be used only to pay the expenses of administration, investigation and enforcement of ORS 526.801 to 526.831 by the State Forester or any law enforcement agency. [1991 c.942 §9; 1999 c.59 §165]