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Elections Division

Be it enacted by the People of the State of Oregon:

Section 1. (a) Notwithstanding any other provision of Oregon law, clearcut logging and associated forest operations are prohibited:

(1) Within 100 feet of fishbearing streams, large and medium streams, significant wetlands, wetlands five acres or larger, and streams with domestic water use; and,

(2) Within 50 feet of all perennial streams, lakes, wetlands larger than one half an acre, and small non fishbearing streams subject to rapidly moving landslides as defined in ORS 195.250(3).

(b) The distances set forth in subsection (a) of this section shall be measured as horizontal distances from the forest waters and are intended to be implemented as exact minimum distances, not averages of variable distances over some unit of stream length within a harvest area.

(c) The minimum areas within which clearcut logging and associated forest operations are prohibited in subsection (a) of this section are subject to site-specific limited exceptions as specified in a written plan for operation approved by the State Forester for:

(1) maintenance of existing road crossings and unavoidable yarding corridors to the minimum size necessary provided an additional contiguous riparian area equal in size to that covered by the road crossing or yarding corridor remains unharvested and the impacted area is rehabilitated to the maximum extent practicable;

(2) thinning of small, under-canopy vegetation in a stand that best available information demonstrates is both necessary and effective to mitigate the risk of fire within the defensible space of dwellings, public buildings or critical built infrastructure, or to allow the safe use of prescribed fire as a forest restoration tool on dry forest types such as those in Southwest and Eastern Oregon.

(3) thinning of small, under-canopy vegetation in a stand that best available information demonstrates will enhance the resilience of the riparian area to drought, fire or to restore properly functioning riparian conditions provided that these operations shall first be reviewed and approved by a state-employed specialist in aquatic and riparian functions.

(d) The Department of Forestry may increase the size of areas specified in subsection (a) of this section, or specify additional restrictions on forest operations within these areas, to protect the quality or quantity of any or all forest waters as necessary to comply with state water quality standards, the protection goals of the Oregon Forest Practices Act, or to avoid impacts to threatened and endangered fish, species, wildlife, and habitats identified pursuant to ORS 527.710(3)(a), based on the best available information, significant new information, or changing climatic conditions.

Section 2. (a) The Board of Forestry shall adopt new rules for clearcut logging adjacent to forest waters on small tract forestlands that shall apply only to small tract forestland ownerships with 20 percent or more total acreage subject to no-harvest water protection restrictions under

section 1 of this Act. Upon final adoption of those rules, the prohibitions in Section 1 shall not apply to small tract forestland ownerships with 20 percent or more total acreage otherwise subject to no-harvest water protection restrictions under section 1 of this Act.

(b) In developing rules under this section, the Board shall balance the regulatory impact of this Act while minimizing the threat of harm to forest waters.

Section 3. ORS 526.009 is amended as follows:

(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.

(a) Any member of the board who derives 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/or 527.992 shall be considered to have an actual conflict of interest regarding any action, decision, or recommendation as a member of the board regarding forest waters or any provision of this Act.

(b) Any member of the board with an actual conflict of interest as set forth in subsection (4)(a) of this section must announce publicly the nature of the conflict. After announcing the nature of the conflict, any such member may participate as a public official in any discussion or debate on the issue out of which the actual conflict arises but may not vote on the issue.

(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.

Section 4. (a) Any action, decision or recommendation by any person acting in a capacity as a public official regarding forest waters or any provision of this Act which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business which the person or a relative of a person is associated, shall be considered an actual conflict of interest regardless of whether the private pecuniary benefit or detriment arises out of circumstances described in ORS 244.020(13)(a) or (c).

(b) Notwithstanding ORS 244.120(1)(c), any public official met with an actual conflict of interest as set forth in subsection (a) of this section must announce publicly the nature of the conflict. After announcing the nature of the conflict, any such public official may participate as a public official in any discussion or debate on the issue out of which the actual conflict arises but may not vote on the issue.

Section 5. Emergency Exceptions. The provisions of this Act and any rules promulgated pursuant to this Act may be suspended temporarily by the State Forester for an emergency that poses hazards to public health, safety or property, including but not limited to firefighting. Any suspensions may not exceed 60 calendar days unless renewed with a subsequent finding of necessity by the State Forester. For each suspension and renewal of suspension pursuant to this section, the State Forester shall provide an after-incident report to the Board of Forestry, posted on the Department’s website, detailing the reasons for and effectiveness of the suspension and the effect of the suspension on the affected forest waters.

Section 6. Protection of Human Health and Safety. Sections 1 to 2 of this Act, and any rules or regulations adopted or enacted pursuant to any provision of sections 1 to 2 of this Act, are for the protection of public health and safety for the purposes of ORS 195.305(3)(b). The provisions of sections 1 to 2 of this Act, and any rules or regulations enacted pursuant to this sections 1 to 2 of this Act, shall not be considered one or more land use regulations that restrict the residential use of private real property or a farming or forest practice.

Section 7. Forest Waters and Forestlands Protected. The provisions of this Act apply to all forestlands in Oregon including privately owned, state-owned and local government-owned forestlands, except as set forth in this Act. The provisions of this Act do not apply to federal or tribal forestlands exempt from regulation by this Act under federal law, or to Common School Forestlands.

Section 8. Definitions. (a) The words and phrases in this Act shall have the meaning provided in the Oregon Forest Practices Act, and in the version of OAR 629-600-0100 in effect as of January 1, 2020, unless specifically set forth and defined in subsection (b) of this section.

(b) As used in this Act:

(1) “Act” and “this Act” mean this 2020 initiative petition submitted to the electors of Oregon as a statewide ballot measure on the November 3, 2020 General Election ballot.

(2) “Actual conflict of interest” has the meaning provided in ORS 244.020(1).

(3) “Clearcut logging” means any Harvest Type 1, Harvest Type 2, or Harvest Type 3 operation. This does not include firewood cutting or timber milling for personal use.

- (4) “Common ownership” means direct ownership by one or more individuals or ownership by a corporation, partnership, association or other entity in which the one or more individuals, or an affiliated corporation, partnership, association, or other entity owns an interest.
- (5) “Common School Forestlands” means forest parcels owned by the State Land Board granted to the state by the federal government when Oregon obtained statehood.
- (6) “Emergency” means an actual or imminent threat of catastrophe, disaster, or unforeseen condition or circumstance that causes or threatens to cause widespread loss of life, or injury to person or property.
- (7) “Fishbearing stream” means any stream inhabited at any time of the year by anadromous or game fish species or fish that are identified on any lists that are adopted, by rule, by the State Fish and Wildlife Commission or are federally listed under the Endangered Species Act of 1973, as amended, or which contains fish habitat that is currently accessible to such species. The existence of man-made barriers to fish passage shall not be a basis for classifying a stream as other than a fishbearing stream.
- (8) “Forest operation” means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (9) “Forest waters” means any waters of the state on forestland.
- (10) “Large stream” means a stream with an average annual flow of 10 cubic feet per second or greater.
- (11) “Medium stream” means a stream with an average annual flow greater than 2 and less than 10 cubic feet per second.
- (12) “Perennial streams” are flowing waters that do not go dry at any time during a year of normal rainfall and include any intermittently dry portions of the perennial channel below the uppermost point of perennial flow.
- (13) “Public official” has the meaning provided in ORS 244.020(15).
- (14) “Small tract forestland” means:
- (A) forestland subject to assessment under ORS 321.700 to 321.754 and from which the harvesting of timber is subject to severance taxation under ORS 321.700 to 321.754;
 - (B) has an owner that owns or holds common ownership in at least 10 acres of Oregon forestland but less than 5,000 acres of Oregon forestland; and,
 - (C) constitutes all forestland within a single tax lot and all forestland within contiguous parcels owned or held in common ownership by the owner.
- (15) “Stream” means a channel, such as a river or creek, which carries flowing surface water during some portion of the year.

(A) “Stream” includes:

- (i) the water itself, including any vegetation, aquatic life, or habitats therein;
- (ii) beds and banks below the high-water level which may contain water, whether or not water is actually present;
- (iii) the area between the high-water level of connected side channels;
- (iv) beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year;
- (v) stream-associated wetlands; and,
- (vi) the channel migration zone, which is the area adjacent to an unconfined stream channel where channel location is reasonably expected to shift position on its floodplain through lateral avulsion or erosion during the period of time required to grow mature forest trees from the surrounding area (180-500 years, depending on site conditions), except as modified by a permanent levee or dike.

(B) “Stream” does not include:

- (i) ephemeral overland flow (such flow does not have a channel); or
- (ii) road drainage systems or water bodies developed for human purposes that are not part of a stream such as waste treatment lagoons, reservoirs for industrial use, drainage ditches, irrigation ditches, farm ponds, stock ponds, settling ponds, gravel ponds, cooling ponds, log ponds, pump chances, or heli-ponds that are maintained for the intended use by human activity.

(16) “Written plan” has the meaning provided in ORS 527.620.

