

*Rehabilitating Oregon's Forestlands...*

# **Timber Salvage after Wildfires**

*Wildfires burn thousands of acres each year on lands protected by the Oregon Department of Forestry and the Forest Protective Associations, spurring many landowners to begin timber salvage operations. The following information should answer many of the questions you, as a landowner, may have about salvaging timber from burned areas.*



Salvage projects should be carefully planned, and should be part of each landowner's overall plan for meeting landowner objectives, legal requirements, and restoration needs for water quality, and fish and wildlife habitat. As you plan your work, you need to be aware of the following:

- Oregon Forest Practices Act requirements (notification, reforestation, leave tree retention, stream and wetland protection, and others) apply to salvage operations.
- Fire prevention and suppression requirements apply to salvage operations.
- Financial assistance is limited in its availability and not all salvage operations are eligible. Investigate whether your planned salvage operation may be eligible for financial assistance before starting timber salvage work.

**REMEMBER:**

*Always gather information and plan ahead before starting timber salvage work.*

**AND:**

*Always contact the Oregon Department of Forestry before starting timber salvage work.*

# Q&As

## Oregon Forest Practices Act Requirements



### Q&A

#### **1** What are the notification requirements for salvage plans?

- As a landowner or representative, you must file a Notification of Operations with the Oregon Department of Forestry at least 15 days before starting salvage work. Other requirements for written plans and waiting periods apply for work near fish streams or other resource sites (see OAR 629-605-170(1) through (7)).
- All notifications must clearly describe the operation area, including any streams or other known resources protected under the Forest Practices Act. Because fire severity and damage vary across burned areas, it may be appropriate to have a single notification for large acreages, or to have a series of notifications, with each covering a smaller area. Landowners should work with the local Stewardship Forester (with the Oregon Department of Forestry) to determine which alternative is appropriate.

### Q&A

#### **2** What is the timing for review of a salvage plan?

- If there aren't any plans for alternate practices, written plan requirements for fish streams or other protected resources (see OAR 629-605-170(1) through (7)), and/or requests for determining eligibility for financial assistance with reforestation expenses, operations can begin after 15 days have passed from the filing of the Notification of Operations. Always check with the local Stewardship Forester to see if waiting periods are required.
- If there are plans for alternate practices or written plan requirements, the time needed for review depends on the complexity of the salvage plan, the presence of protected resources, current workloads, and other factors. Stewardship Foresters work to review plans in a timely manner within those constraints.

## Q&A

### **3 Do reforestation requirements apply to salvage harvests?**

- The reforestation rules in the Forest Practices Act apply to salvage harvests the same as for other kinds of harvests (see OAR 629-610-0020(1)). Stewardship Foresters are available to help landowners determine where reforestation is required.
- Reforestation is not required on lands with unproductive soils (those not capable of growing at least 20 cubic feet of wood per acre annually). See OAR 629-610-0010(1).
- Financial assistance for reforestation and other work may be available for qualifying salvage harvests. Contact the local Stewardship Forester with questions about assistance programs before starting salvage harvesting (also, see the Planning, Assistance, and Taxation section later in this note).

## Q&A

### **4 Can the reforestation requirements be modified for salvage harvests on areas burned by wildfire?**

- Yes. To account for catastrophic occurrences such as wildfire, the reforestation rules allow the Oregon Department of Forestry to approve different stocking levels and/or extended times to accomplish reforestation (see OAR 629-610-0020(10) and 0040(6), (7), and (8)). Landowners may choose natural reforestation methods; a written plan is required (see OAR 629-610-0030).
- The Oregon Department of Forestry may approve plans for alternate reforestation practices if the plans will provide equal or better protection than the standard rules.
- Never assume that reforestation requirements are automatically relaxed or modified just because an area has been burned. Always talk with the Stewardship Forester before starting work to see how rule modifications or natural reforestation plans may be used.

## Q&A

### **5 Do the requirements to leave down wood and green trees or snags in harvest units apply to salvage operations?**

- Yes. When harvest type 2 or type 3 units exceed 25 acres (see ORS 527.676), the landowner needs to work with the Stewardship Forester to ensure that down wood and green trees or snags will be retained. This is especially important where the landowner has filed a notification covering a large area.
- Fire-killed standing and downed trees may be abundant; landowners should consider how some of these dead trees can be left to maintain wildlife habitat while meeting objectives for timber salvage, fire prevention, forest health, and worker safety.

## Q&A

### **6 Do protection requirements for wetlands, streams, and wildlife sites apply to salvage operations?**

- Yes. Landowners must protect these resources during all forest operations. These resources must be identified on the ground and on notification maps. Written plans with mandatory waiting periods may be required. Before starting salvage work, contact the local Stewardship

Forester to help identify these resources and to determine how to meet protection requirements.

- Depending on the condition of a stream riparian management area, one or more of the following management options will apply:
  - Standard rule prescriptions (see OAR 629-640-0100 and 0200).
  - Alternative Prescription 1 is designed for stream riparian management areas damaged by wildfires or other catastrophic events (see OAR 629-640-0300(3)).
  - Landowners may propose site specific prescriptions to meet local situations (see OAR 629-640-0400).

## Q&A

### 7

**Can harvest type 3 units (commonly known as clearcuts) on burned areas exceed the 120 acre limit described in ORS 527.740?**

- Yes. If the fire was beyond the landowner's control and was severe enough to substantially impair the growth potential of the forest, harvest type 3 units on burned areas can exceed the 120 acre limit. The landowner must obtain approval from the local Stewardship Forester before doing salvage harvesting that would result in a harvest type 3 unit larger than 120 acres. See ORS 527.740 (4).

## Q&A

### 8

**Is there a special harvest type for salvage?**

- There is an entry for "Salvage" on the Notification of Operations form, but there is not a special harvest type for salvage in the Forest Practices Act. The definitions for harvest type 1, type 2, and type 3 are based on the number, size, and condition of the trees that remain after harvest, not on whether an area has been burned. See ORS 527.620 (8), (9), and (10).

## Q&A

### 9

**What other forest practice requirements apply to salvage harvests?**

- Most of the remaining requirements in the Forest Practices Act apply to salvage harvests, just as they would on any other operation.
- In most cases, landowners can propose plans for alternate practices to better fit local conditions. The Stewardship Forester will evaluate the plans to determine if they will provide equal or better protection than the standard requirements.

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## **Fire Prevention & Suppression Liability**

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## Q&A

### 10

**Do fire prevention requirements apply during salvage operations?**

- Yes. The fire prevention requirements apply to all harvesting operations (and other operations) on or near a Forest Protection District.
- In some situations, the local Oregon Department of Forestry or Forest Protective Association

office may allow requirement modifications that are proposed by the operator, if the modifications will provide equal or better fire suppression than would the standard requirements.

- For more information, see the “Guide to Legal Requirements,” available at Department of Forestry offices or at <http://www.oregon.gov/odf/pages/fire/guide.aspx>.
- Landowners should not relax their vigilance. Just because an area is burned over does not mean that it is fire safe—burned areas can and do reburn.

## Q&A

### **11** On salvage operations, does the landowner or operator have fire-cost liability for wildfires that result from hot spots or other holdovers from the original wildfire?

- The landowner and operator are always responsible to take immediate action to control and extinguish any fire started in an active operation and any fire resulting from operation activity.
- In general, landowners and operators are not held responsible for fires that they do not start, or that do not start in an operation area. However, each case is different. For specific questions about fire cost liability, contact the local Oregon Department of Forestry or Forest Protective Association office.

## Q&A

### **12** Are the fire suppression duties of the Oregon Department of Forestry, the U. S. Forest Service, or other wildland firefighting agencies any different on forestland after it is burned over?

- No. The fact that an area has been burned does not change the firefighting responsibilities of any agency.

## Q&A

### **13** If a fire changes forest cover to range cover, does the type of forest patrol assessment change?

- No, not automatically. Long term cover changes must be discussed on a case by case basis with the local Oregon Department of Forestry or Forest Protective Association office.

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## **Planning, Assistance & Taxation**

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## Q&A

### **14** Are programs available to help landowners with reforestation expenses on areas burned by wildfire?

- Yes. Stewardship Foresters with the Oregon Department of Forestry provide technical advice for the following financial assistance programs (funding agency in parentheses) that may be available to qualifying landowners. Talk with your Stewardship Forester to learn more about

these programs.

- Emergency Forest Restoration Program (Farm Service Agency)
- Farm Bill Conservation Programs (Natural Resources Conservation Service)
- Forest Resource Trust (Oregon Department of Forestry)
- Watershed Restoration Grants (Oregon Watershed Enhancement Board)
- Fuels Reduction Programs (Oregon Department of Forestry)

## Q&A

### **15** How can landowners find out if they qualify for financial assistance programs?

- Eligibility requirements vary for the different programs and depend on ownership size, soil productivity, availability of funds, and other factors. If you are planning to conduct a salvage operation, contact the Oregon Department of Forestry (or the funding agency) before starting any on-the-ground activities (including harvesting).
- If reforestation will be required after a salvage harvest, to qualify for most assistance programs the income from the harvest must be less than the total of logging costs, associated taxes, and reforestation costs. In this situation, determining eligibility for financial assistance begins with a request to the Oregon Department of Forestry for a Suspension of the Reforestation Rules when the notification of operations is submitted (see Q&A 1). Contact the Department for more information on the suspension process.

## Q&A

### **16** Can landowners separate profitable and non-profitable salvage harvest units so that the non-profitable areas will qualify for financial assistance for reforestation costs?

- Yes. Talk to your local Stewardship Forester during the planning stage to work this out on a case-by-case basis.

## Q&A

### **17** Are there other types of financial assistance programs such as tax credits?

- The federal reforestation tax allowance may be available. Consult a tax advisor.
- Oregon's 50% Underproductive Forestland Tax Credit expired at the end of 2011. The program is no longer available.

## Q&A

### **18** What about property taxes and timber taxes for burned forestlands?

- If a burned area is not reforested, it may no longer qualify for special forestland tax status, even if there is no timber harvest. To be eligible for special forestland tax assessments, landowners must maintain at least the minimum tree stocking levels described in the Forest Practices Act (see OAR 629-610-0020). The Oregon Department of Forestry is required to report understocked lands to county assessors. The county assessors determine whether the parcel can continue under special forestland tax assessments.
- Harvest taxes are the same for salvage harvesting as for other kinds of harvesting.

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## CONTACT LIST

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*(See back page for Oregon Department of Forestry contact information)*

### **Oregon Watershed Enhancement Board**

Local contact information is available from the state office at (503) 986-0178 or <http://www.oweb.state.or.us/>.

### **U.S. Department of Agriculture Natural Resources Conservation Service**

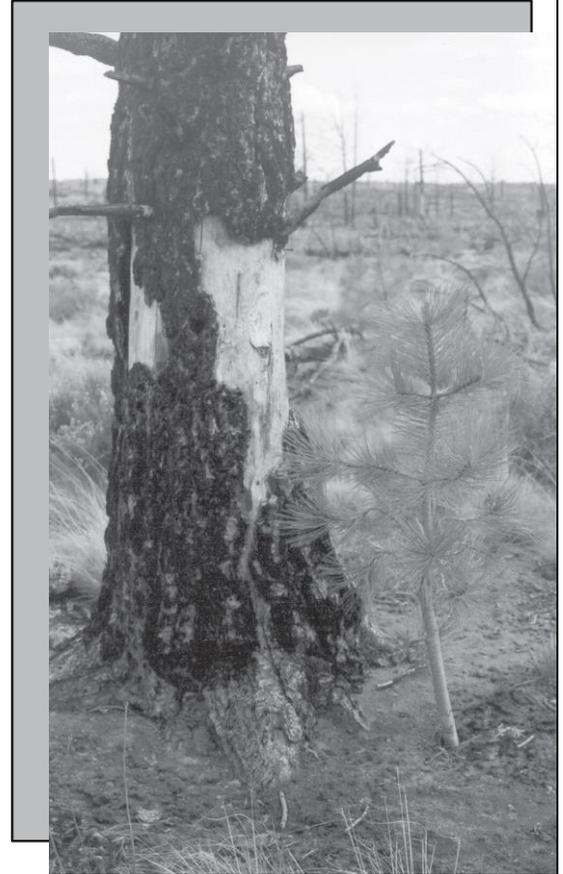
Local office locations are available from the state office at (503) 414-3200 or <http://www.or.nrcs.usda.gov/>.

### **U.S. Department of Agriculture Farm Service Agency**

Local office locations are available from the state office at (503) 692-6830 or <http://www.fsa.usda.gov/or/>.

### **Soil and Water Conservation Districts**

Local office locations are available at 503-986-4700 or <http://www.oregon.gov/ODA/SWCD/Pages/index.aspx>.



## OREGON DEPARTMENT OF FORESTRY CONTACT LIST

For more information about the Oregon Forest Practices Act, fire prevention, or technical or financial assistance, contact the Forestry Department office listed below, the state office at 2600 State Street, Salem, OR 97310 (503) 945-7200, or go to <http://www.oregon.gov/odf/Pages/index.aspx>. Note: If you are within the jurisdiction of a Forest Protective Association, contact the local Forest Protective Association listed below for information on fire suppression and fire cost liabilities.

### ***Eastern Oregon—Oregon Department of Forestry***

3501 E 3rd, Prineville 97754 .....	(541) 447-5658
3701 W 13th, The Dalles 97058.....	(541) 296-4626
415 Patterson Bridge Road, John Day 97845.....	(541) 575-1139
3200 DeLap Road, Klamath Falls 97601 .....	(541) 883-5681
2290 N 4th Street, Lakeview 97630.....	(541) 947-3311
611 20th Street, La Grande 98750 .....	(541) 963-3168
1055 Airport Road, Pendleton 97801.....	(541) 276-3491
802 West Hwy 82, Wallowa 97885 .....	(541) 886-2881

### ***Eastern Oregon—Forest Protective Associations***

Walker Range Patrol Association, 135393 Hwy #97, Crescent 97733 .....	(541) 433-2451
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### ***Northwest Oregon—Oregon Department of Forestry***

801 Gales Creek Road, Forest Grove 97116 .....	(503) 357-2191
92219 HWY 202, Astoria 97103.....	(503) 325-5451
405 E Street, Columbia City 97108 .....	(503) 397-2636
5005 3rd Street, Tillamook 97141.....	(503) 842-2545
14995 South Hwy 211, Molalla 97038 .....	(503) 829-2216
22965 North Fork Road SE, Lyons 97358 (Santiam Unit) .....	(503) 859-2151
24533 Alsea Highway, Philomath 97370.....	(541) 929-3266
825 Oak Villa, Dallas 97338.....	(503) 623-8146
763 Forestry Road, Toledo 97391.....	(541) 336-2273

### ***Southern Oregon—Oregon Department of Forestry***

1758 NE Airport Road, Roseburg 97470 .....	(541) 440-3412
63612 Fifth Road, Coos Bay 97420 .....	(541) 267-4136
4690 Highway 20, Sweet Home 97386.....	(541) 367-6108
3150 Main Street, Springfield 97478 .....	(541) 726-3588
87950 Territorial Highway, Veneta 97487.....	(541) 935-2283
2660 Kingwood Street, Florence 97439.....	(541) 997-8713
5286 Table Rock Road, Central Point 97502 (Medford Unit) .....	(541) 664-3328
5375 Monument Drive, Grants Pass 97526.....	(541) 474-3152

### ***Southern Oregon—Forest Protective Associations***

Coos Forest Protective Association, 63612 Fifth Road, Coos Bay 97420 .....	(541) 267-3161
Douglas Forest Protective Association, 1758 NE Airport Road, Roseburg 97470 .....	(541) 672-6507