

Understanding the Private Forest Accord

Compliance, Adaptive Management, and Enforcement

Importance: It's one thing to have a system of rules and laws designed to protect ecological function on private forestlands. It is quite another to ensure that those rules and laws are actually being followed. Along with accurate tracking of compliance and the ability to effectively deter rulebreakers with strong enforcement, this section of the PFA lays out a brand new adaptive management program for the state in the hopes that forest practices will evolve over time in response to the science.

Current Law/System: Oregon's compliance monitoring program has come under heavy criticism in recent years for lacking statistical rigor and overinflating compliance rates. ODF's enforcement program suffers from a lack of adequate staffing and a penalty structure that does not adequately punish serial rule violators such that they are deterred from breaking the rules in the future. Research at ODF is dramatically underfunded and, when combined with statutes like the current version of ORS 527.714 that flips the precautionary principle on its head, rule change is often slow and inadequate.

Proposed Change: While compliance and enforcement efforts at ODF get increased funding and better direction, a key element of the proposed changes is the new requirement for allowing access to lands so that the state can conduct compliance audits. Previously, compliance monitoring sampling suffered because property owners were under no obligation to allow ODF onto their land to conduct monitoring evaluations.

The adaptive management program gets a complete overhaul and dramatically increased funding. There is a new and diverse stakeholder body to direct science work and assist ODF in pursuing rule changes over time as the science shows they are necessary. This science work will be conducted by an independent science team that will report findings to the Board of Forestry. Critically, ORS 527.714 gets some important changes that make the statute more balanced (ie: economic analysis not just centering on the timber industry) and provides a more reasonable framework under which the Board of Forestry will consider future changes.

Discussion: The agreement solves a long-lingering problem with the compliance monitoring program so that Oregonians will actually know whether or not forest laws are being followed. Significantly, Oregon will have an adaptive management program that improves on the model created in WA twenty years ago by making the science work more independent from stakeholders and a process less reliant on full consensus (which has stymied rule changes in WA over the years).