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"Representing the logging industry since 1969"

Developing Riparian Rule Prescriptions

Comment by Rex Storm, Associated Oregon Loggers, Inc.
before the Oregon Board of Forestry – July 23, 2015

Chair Imeson and Board members, my name is Rex Storm, Certified Forester and Forest Policy Manager for Associated Oregon Loggers (AOL). I make these comments on behalf of the 1,000+ AOL member companies—many who own and manage forestlands and forest streams.

We urge the Board to approve small rule changes, comparable to those from the Board's advisory committees, which would best reduce the minor Protecting Cold Water criterion (PCW) variance. I recommend that you redouble the Board's long-standing commitment to Forest Practices Rules that are developed in the spirit of cooperative stewardship with your advisory committees and forest cooperators. These "cooperators" are: landowners, operators, and forestry rate payers who uniquely share in the expense of Oregon forest resource protection.

This rulemaking presents a dilemma between two choices: 1) a singular water quality criterion and its myopic, unnatural expectations; versus 2) the Board's advisors and cooperators who offer you those small rule changes that encourage their ongoing stream improvement. Resolution of this dilemma is brought into focus by eight key considerations:

1. The fruitful 44-year relationship between the Board's Forest Practices Act rulemaking and those forest cooperators and advisory committees—who teamed to create the Act in 1971, and together strengthen it over time. This marriage has forged America's most respected forest law through cooperation.
2. The Board's advisory committees—Regional Forest Practices and Family Forestlands committees offer their thoughtful solutions for small targeted stream upgrades, which are not over-reach nor unintended consequence.
3. Oregon's forest cooperators are unified in their support for a measured rulemaking with small tailored enhancements that would foster improved stream conditions over time.
4. The solid record of voluntary private investment in stream improvements and RMA rule compliance by wiling forest cooperators is unrivalled in other states. These voluntary private investments achieve greater stream gains than can regulation—and such investments should be identified and reported by the Department.
5. Human side of stream protection is uniquely Oregon. This is the "Oregon Way." Private forest cooperators are vested in continuous stream improvement through their cooperative stewardship. Let's not be tempted away from this exemplar by the Sirens Song of over-reach in other states, nor by absentee federal regulators.
6. PCW is not the best determinant of stream condition. Arguably, the PCW criterion is a singular dimension isolated unnaturally in space & time. The lone pursuit of this unnatural zero tolerance for PCW temperature control appears to come at great expense to fish condition, landowner cost, and unintended consequences.
7. Prescription package limits. The Department's 'Riparian Rule Analysis' report's three prescription packages and unintended consequences are non-responsive to the Board advisory committees and forest cooperators.
8. Legal basis supports Board prudence to adopt small, targeted stream upgrades to reduce the PCW effects. Rulemaking provisions authorize your discretion to the maximum extent practicable and least burdensome.

In summary, these eight considerations illustrate the importance of private cooperative stewardship, and how small, targeted rule changes can best reduce the variance concerning the PCW dilemma, without unintended consequence.

Thank you. I look forward to assisting the Board, Department, and landowners to assure effective rules and voluntary measures that are willingly employed by forest cooperators. That's the Oregon Way!