

Information for Alternate Prescriptions

Background

This document is designed to facilitate discussion, at the Board Subcommittee meeting, of potential riparian rules. It was developed at the request of, and in collaboration with, the Subcommittee. We used information from previous Board material and the following principles that emerged from July 23, 2015 Board Discussion:

- Temperature must be the lens used for evaluation due to Ballot Measure 49 concerns;
- Role of monitoring to evaluate implementation action;
- Must consider regulatory and voluntary approaches;
- Notion of equity and relief for non-industrial landowners;
- Goal of developing one or two proposals to bring to full Board for decision; and
- Developing a discussion guideline for the Board.

For more information of how this document was developed, see the Staff Report.

Elements of Alternate Prescriptions that can be included in a Package

Rx: 1) RFPC package components that can be used in the rules process:

- ✓ North sided buffers – alternate practice approach
- ✓ Utilize ODFW SSBT GIS layer
- ✓ Limit rules to SSBT stream only

2) Inner and outer zone approaches

- ✓ 1st zone – 50'-maybe up to 70' no cut buffer with limited options to enter zone for management activities relating to DFC.
- ✓ 2nd zone – Has more flexibility for active management than the 1st zone, maybe along lines of what is done in Idaho, California, or Washington

3) Equity for Family Forestland (FFL) owners

- ✓ Encourage large wood placement during operations in exchange for less restrictive harvest requirements; work with ODFW for large wood prescriptions
- ✓ Build equity into rules
- ✓ Consider options for this approach by ownership size, or by amount of /% of acreage encumbered (for reference: 90% of FFL own less 100 acres - see Attachment 6) perhaps for FFL that meet threshold for exemption, rule would be voluntary

Originally prepared for the September 25, 2015 Riparian Rule Analysis Subcommittee meeting as Attachment 5

Alternate Prescriptions support notes

<u>Expectation / Solutions</u>	<u>Expectation / Solutions</u>
<p>Description of the RFPC's process</p>	<ul style="list-style-type: none"> • RFPC utilized a process by which they made observations of photos and data from RipStream sites with PCW exceedances (Question – What sites did not meet PCW and why?) • Sites that met the PCW were not the focus of RFPC approach that analyzed some data and aerial photos from a subset of sites. • RFPC differed from the ODF approach, which used a robust statistical analysis of data from all sites to answer two questions with two different statistical analyses of the full data set: (1) Did the two management strategies (FMP & FPA) meet the PCW standard? (2) What site characteristics led to increases in stream temperature? • The Committees felt that sites with PCW exceedances to have these characteristics <ul style="list-style-type: none"> ○ 2 sided harvest ○ Large gaps between trees ○ E-W aspect ○ Had few hardwoods • Prescriptions are targeted to mitigate these characteristics (“Intelligent buffers, not just bigger buffers”) <ul style="list-style-type: none"> ○ Increase retention of trees ○ Stagger implementation of 2-sided buffers ○ Minimize canopy gaps ○ Focus increased retention on the south side of streams ○ Allow hardwoods to count for retention requirements

<u>Expectation / Solutions</u>	<u>Expectation / Solutions</u>
Likelihood of meeting PCW	<ul style="list-style-type: none"> • The RFPC observations differ somewhat from the ODF RipStream analyses in that study design limited the ability to make conclusions about aspect or canopy gaps. • The Board would accept a greater level of risk that PCW exceedances would occur because the proposed RFPC prescriptions have less supporting evidence (few if any supporting studies within the Systematic Review). • The novel nature of their proposals would make it essential to pair them with monitoring of their implementation and performance • RFPCs are confident that focusing on the above aspects will improve stream temperature outcomes relative to the PCW and that the Board should be willing to accept a greater risk to allow innovation in riparian protections that minimize economic impacts to landowners. • Is the Board willing to accept a greater level of risk and wait for monitoring findings to affirm the outcomes of the proposed RFPC prescriptions? • Other states (Idaho) have opted for variable retention prescriptions similar to RFPC A, as is the current FPA prescription. <ul style="list-style-type: none"> ○ RFPC A utilizes a two-zone approach in the RMA, a 20 foot no-cut interior with 30-50 foot variable retention exterior similar to FPA but with greater retention standards. ○ Building on this prescription, explore options such as <ul style="list-style-type: none"> ▪ 1st zone – 50-70 ft. no cut buffer with limited options to enter zone for management activities relating to DFC. ▪ 2nd zone –More flexibility for active management than the 1st zone

<u>Expectation / Solutions</u>	<u>Expectation / Solutions</u>
Is RX feasible?	<ul style="list-style-type: none"> • RFPC prescriptions come with risk to the PCW, but they also have characteristics that maximize prescription feasibility. • They maximize efficiency by: <ul style="list-style-type: none"> ○ Focusing on streams, as supported by ODFW data, where SSBT are present ○ Capitalizing on landowner willingness to act voluntarily • Aligning with the RFPC recommendations by limiting regulatory considerations to SSBT stream reaches. • Could consider voluntary measures upstream of SSBT reaches.
Unintended Consequences	<p>Large Wood & Active Management - Increased retention standards will discourage active large wood placement in streams.</p> <p>The OWEB data suggests that very few large wood placements have been done in past 5 years in the Coast Range. Approximately 4/year on PI lands and almost nothing on PNI lands. Although those numbers only represent projects that were reported.</p> <p>Ecosystem Values – inability to capture financial incentives with regulatory options.</p> <p>FFL equity – treating landowners differently raises fairness issues</p>
Equity concern	<p>Ownership Equity</p> <ul style="list-style-type: none"> • Family forestlands will be disproportionately affected, across this ownership type and particularly on small parcels or those with multiple streams. • Waiving or diminishing requirements for family forestlands may result in PCW exceedances and an unfair playing field across the forestry sector. • Exploration of options that tailor exceptions to those with the greatest potential for disproportionate economic impacts is desirable <ul style="list-style-type: none"> ○ Precedent already set in Scenic Highway statute (exemption for ownerships <5 acres, ORS 527.755(8)(a))

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<u>Expectation / Solutions</u>	<u>Expectation / Solutions</u>
	<ul style="list-style-type: none"> ○ 90% of FFL own less 100 acres (see Attachment 6), but account for about 40 % of FFL acres ○ An acreage amount or % of acreage encumbered may allow consideration of the number of streams in an ownership
Management Flexibility	<p>Complexity vs. Simplicity</p> <ul style="list-style-type: none"> • Industrial landowners see complexity as equaling flexibility • Family forest landowners want simplicity • Providing variable retention and no-cut prescription options could meet the needs of these customers <p>Active Management:</p> <ul style="list-style-type: none"> • Should we be thinning for forest health concerns on the west side? • Thinning could be more about reaching DFC, maximizing growth to result in large-diameter trees. • Variable retention allows for treatments • Use alternate prescription for treatment in high density riparian stands • Use selective harvest to grow larger trees to meet DFC and LWD requirements
Incentives	<p>Large Wood & Active Management</p> <ul style="list-style-type: none"> • Increased retention standards will discourage active large wood placement in streams. • ODFW data indicates a declining trend of wood in streams for fish habitat. • ODFW and DEQ have expressed a willingness to accept short-term disturbances to promote active wood placement. • Proposed prescriptions should include an option to accept less restrictive harvest requirements in exchange for active wood placement. • ODF could work in partnership with these agencies to develop criteria for such an option.