

Agenda Item No.:	7
Work Plan:	Private Forests Work Plan
Topic:	Water Quality Protection
Presentation Title:	Developing Riparian Rule Prescriptions
Date of Presentation:	June 3, 2015
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### **SUMMARY**

This agenda item presents work completed since the April 2015 Board of Forestry (Board) meeting on the westside riparian rule analysis. Specifically, described work includes the Department's results for each of the prescriptions concerning: (a) modeled temperature change; (b) changes in restrictions; and, (c) large wood and shade functions. Finally, we summarize work with stakeholders.

### **CONTEXT**

The Board of Forestry's (Board) 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

### **BACKGROUND**

At their January 2012 meeting, the Board initiated a rule analysis of riparian protection standards on small and medium fish streams. The monitoring results leading to this analysis only identified an issue with the Protecting Cold Water (PCW) criterion as based on sample sites in the Coast Range and Interior Geographic Regions of Oregon. At their April 2012 meeting, the Board adopted the following rule objective focused on this criterion (rather than on the complete set of goals for the water protection rules):

Establish riparian protection measures for small and medium fish-bearing streams that maintain and promote shade conditions that insure, to the maximum extent practicable, the achievement of the Protecting Cold Water criterion.

The Board also approved a plan for developing alternatives (April 2012), including non-regulatory approaches, for the rule analysis of riparian protection standards on small and medium fish streams. The plan included a decision timeline on findings (an "informal checklist") to be

made at each step of the process to provide the Board clear information about the legal on-ramps, off-ramps and safety nets that define their decision space at each step.

Since April 2012, the Board has taken a systematic approach to reviewing work and providing direction to the department. In June 2014, the Board held a workshop to improve their understanding of available information regarding their rule analysis process for protecting cold water, including relevant science, policy, and legal aspects, stakeholder perspectives and to provide an opportunity to discuss policy choices and potential outcomes. At the September 2014 meeting, the Board directed the department to proceed with the rule analysis and to include the Regional Forest Practices Committees and stakeholders in developing prescriptions. At the April 2015 meeting, staff presented the proposed methods for developing and assessing prescriptions.

## **ANALYSIS**

To help the Board understand the suite of information and matters on which they will decide at their next meeting, the Department has organized information it is providing to the Board in a written analysis (Attachment 1) and the summary Decision Matrix (Attachment 2). The work completed for each prescription includes:

- Modeled temperature change
- Changes in restrictions on forests practices
- Change in wood production values (economic information)
- Ecological information for large wood and shade

Detailed analysis of the modeled temperature change is presented in Attachment 3. In July 2015, we will provide the Board additional information in the matrix (e.g., ecological functions of fish response, litter fall, and change in restrictions on forest practices by geographic region and stream reach).

## **RECOMMENDATION**

This item is informational only.

## **NEXT STEPS**

The Department will bring additional information for the Board decisions in July 2015 regarding prescriptions, geographic regions, stream extent, regulatory v. non-regulatory, and remaining ORS 527.714 findings.

## **ATTACHMENTS**

- (1) Riparian Rule Analysis: Analysis of riparian prescriptions and expected changes in restrictions
- (2) Decision Matrix
- (3) Detailed Analysis - Predicted Temperature Change Results