

## Oregon Department of Forestry (ODF)

### Answers to Frequently Asked Questions about Riparian Rulemaking for Salmon, Steelhead, Bull Trout (SSBT) Streams

#### Background in a nutshell

The Board of Forestry is committed to continuous learning, evaluating, and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research. Whenever specific Forest Practices Act rules are changed, a broad-based scientific review process is used along with informed public participation in decision-making to whatever extent is possible. The Oregon Secretary of State's Office requires a public comment process in rulemaking. Public Hearings are part of that process.

The Legislature directed the Board to establish forest practice rules to ensure that to the maximum extent practicable, forest operations to not impair water quality standards as established by the Environmental Quality Commission.

In 2002 Riparian studies were conducted to ensure the FPA rules were effectively meeting water quality standards. Those studies produced results that indicated that, on average, forest operations on private lands resulted in streams warming by +0.7 degrees C. So the current rules fell short of meeting the Protecting Cold Water Temperature Standard amount of less than 0.3 degrees C. The resulting rule analysis began in January 2012 looking at all available scientific data on the effect of temperature changes to fish populations; causal effects of harvesting near riparian areas and the relationship between shade, buffer width and stream temperatures. November 2015 the Board of Forestry ruled to increase forested buffers by 10 feet and doubled tree retention standards on many streams in western Oregon. The rules were to apply to streams:

- West of the crest of the Cascades but not in the Siskiyou region;
- Classified as a Small or Medium Fish-bearing stream by ODF;
- Determined by ODFW to have Salmon, Steelhead and/or Bull Trout (SSBT) present

The Board then requested a (Riparian) Rulemaking Advisory Committee (RRAC) be established to work on the actual rule language and parameters. The Committee members represented a wide range of interests including representatives of those that would be economically affected by the rule. That committee met over several months and reached agreement on most major policy topics. In September 2016 rule language was proposed to the Board, and they accepted all recommendations from the stakeholder committee and ODF Staff. This public comment period (which closes March 1, 2017) is to provide for any additional public scrutiny prior to finalizing the language in rule.

#### Questions

##### Why does the rule only apply to part of Oregon?

*There is inadequate monitoring information or scientific study to justify regulation in the Siskiyou region or Eastern Oregon. There has to be adequate proof of harm to the resource before the state can regulate operations.*

##### Why are the protections limited to small and medium "SSBT" streams?

*Large streams and non-fish streams were not in the scope of the rule analysis. The federal water quality regulations were addressing concerns for critical cold water habitat for endangered salmonid species.*

##### How do I know if I have SSBT streams on my property?

*The Department will provide access to map layers denoting Type SSBT. The local Stewardship Foresters can assist in determining SSBT within a proposed notification unit.*

##### When will rules take effect, what if I have active notifications?

*Rules will apply to all notifications submitted on the effective date and thereafter. Rule notifications before the effective date will not be required to meet the new standard. The tentative effective date is July 1, 2017.*

##### How is 'relief' from SSBT rules determined?

*Each local ODF office will have a map showing local landowner parcels that would potentially qualify. Individual tax lots and stream classification data will be reviewed to make a final determination of whether a parcel meets the qualifying threshold reducing the newly required buffer widths.*

##### Do other rules still apply?

Yes.

