



# DEPARTMENT OF FORESTRY SALMON, STEELHEAD AND BULL TROUT RIPARIAN RULES



PARC Board Meeting  
November 15, 2017

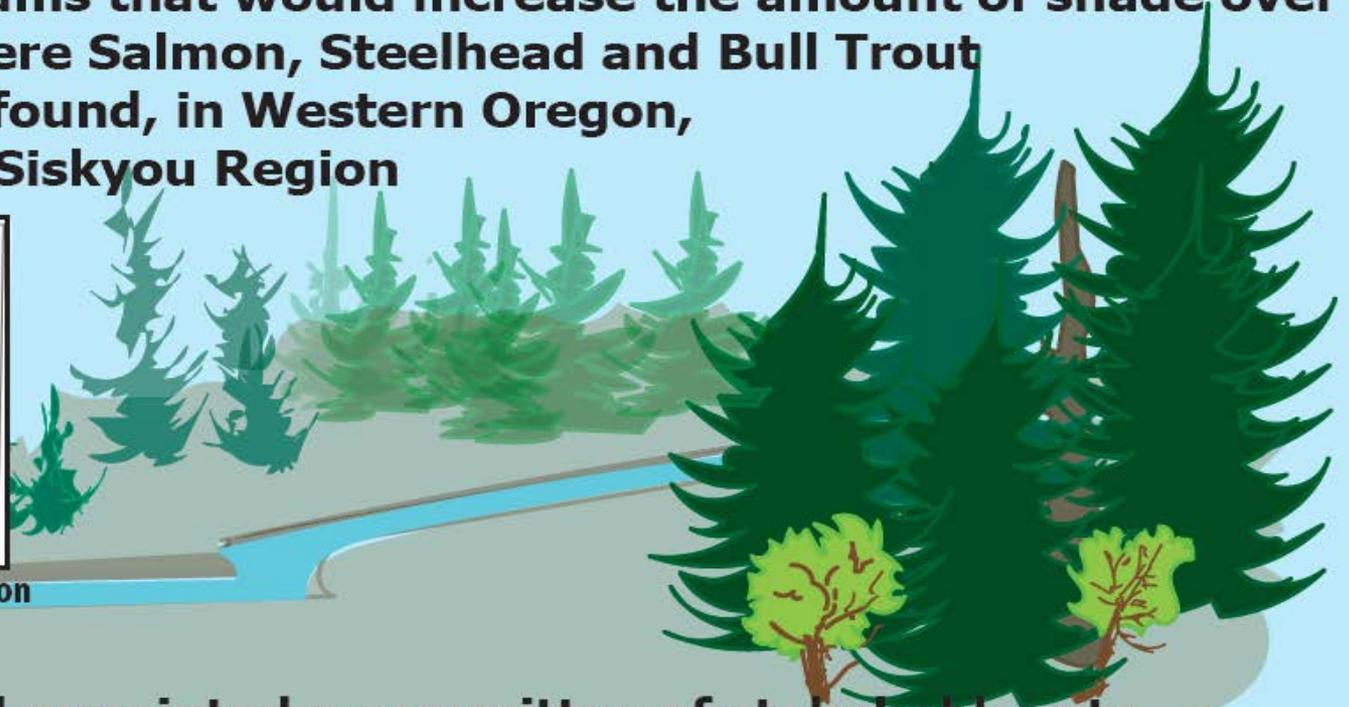
# November 2015

## Oregon Forest Practices Act - Stream Rule Changes 2017

**November 2015** - The Oregon Board of Forestry instructed Oregon Department of Forestry to develop new rules for certain streams that would increase the amount of shade over streams where Salmon, Steelhead and Bull Trout species are found, in Western Oregon, outside the Siskiyou Region



Vicinity Map of Area in Question



The Board appointed a committee of stakeholders to develop the rule language for what are to be known as **“SSBT Streams”**.....



Department of Forestry  
Salmon, Steelhead and Bull Trout Riparian rules  
training



**April 2017 – Board Adopted  
Rule changes for streamside shade  
buffers for small and medium fish  
bearing streams with Salmon,  
Steelhead, or Bull Trout -  
Applies to all notifications after July 1<sup>st</sup>,  
2017**



# **SIGNIFICANT RULE CHANGES:**

**DIVISION 600: DEFINITIONS – Defines SSBT Streams**

**DIVISION 635: WATER PROTECTION RULES: Purpose, Goals, Classification and Riparian Management Areas  
Adds the SSBT Classification process**

**DIVISION 640: Water Protection Rules: Vegetation Along Streams:  
DELETED**

**DIVISION 642: Water Protection Rules: Vegetation Along Streams:  
Added to replace Division 640 , includes SSBT...**

# Acronyms

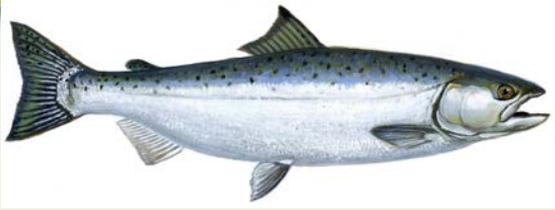


- **Board = Board of Forestry**
- **EQC= Environmental Quality Commission**
- **FPA = Forest Practices Act**
- **ODFW = Oregon Department of Fish and Wildlife**
- **RMA = Riparian Management Area**
- **SSBT = Salmon, Steelhead, or Bull Trout streams**

# Definitions



- **“SSBT” means a stream with salmon, steelhead or bull trout present or otherwise used by salmon, steelhead, or bull trout at any time of the year as determined by the State Forester.**
- **Type SSBT stream means a small or medium stream that is classified as a Type F stream and that has SSBT use. Stream sizes are determined by the State Forester as described in OAR 629-635-0200(15)**

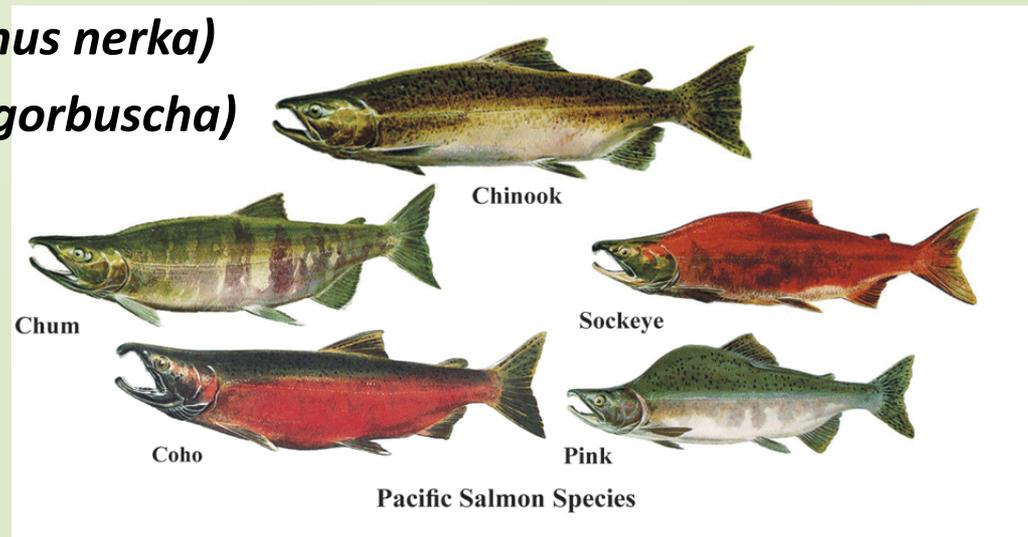


# Definitions



- **Salmon means any of the five salmon species that exist in Oregon. These species are:**

- Chinook salmon (*Oncorhynchus tshawytscha*);
- Coho salmon (*Oncorhynchus kisutch*);
- Chum salmon (*Oncorhynchus keta*);
- Sockeye salmon (*Oncorhynchus nerka*)
- Pink salmon (*Oncorhynchus gorbuscha*)



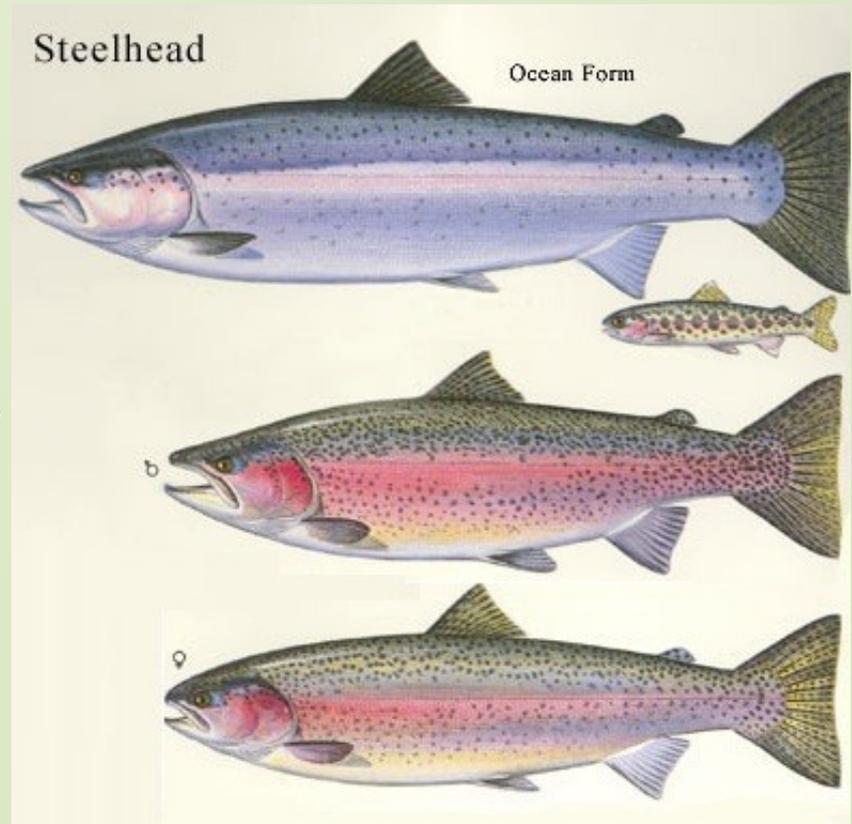


steelhead

## Definitions



- **Steelhead means the anadromous life history variant of *Oncorhynchus mykiss*.**
- *The steelhead or sea-run rainbow trout is the largest race of rainbow in Oregon.*
- *Most steelhead migrate to the ocean during their first or second year, returning one to three years later when mature to spawn*

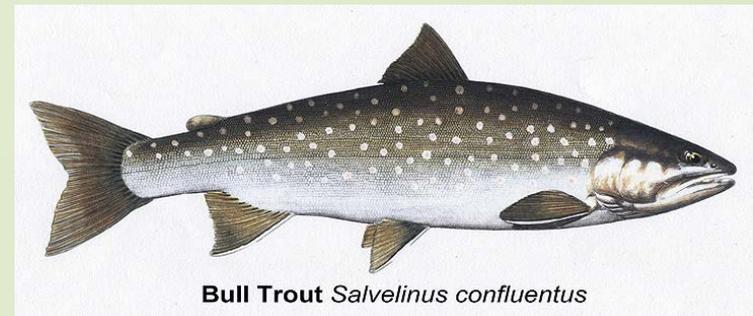
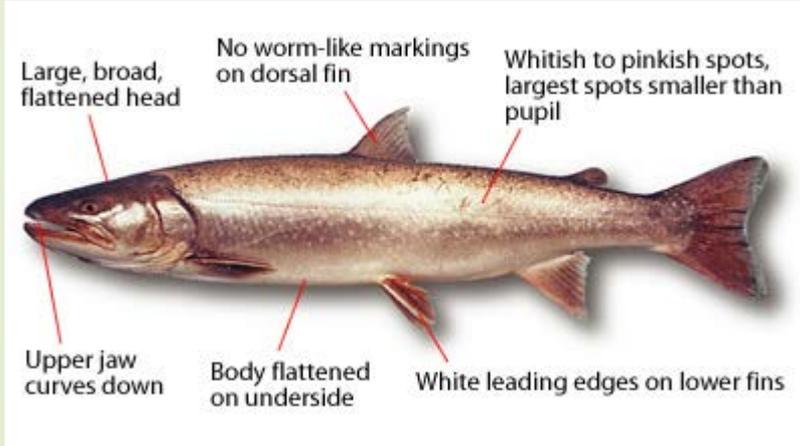


# Definitions

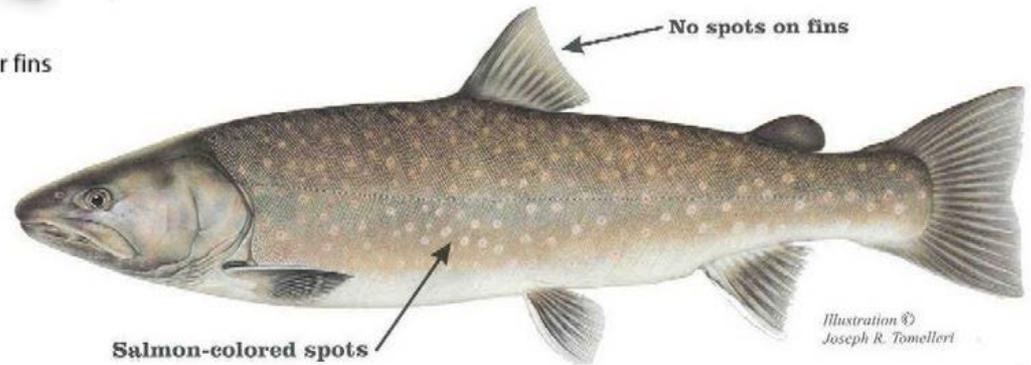


- **Bull Trout means fish species *Salvelinus***

***confluentus*.** A freshwater game fish (*Salvelinus confluentus*) of western North America, having yellow spots on the back and red or orange spots on the sides, and resembling the Dolly Varden.



<http://www.dfw.state.or.us/species/fish/>



**The Bull Trout** (alias Dolly Varden)

# Background



- **Oregon's Forest Practices Act (FPA)**
  - Established in 1971
  - Provides resource protection while encouraging effective and efficient forest practices
  - Evolves over time



## Oregon Forest Practices Act: *Adaptable and informed by sound science*

The Oregon Forest Practices Act reflects Oregonians' desires to use and enjoy Oregon's forests and protect its natural resources. It was the first law of its kind in the U.S. when the state Legislature passed it in 1971, and the Act and its rules have been changed many times in response to new scientific findings and evolving public needs and interests.

In a process that incorporates public input, the Board of Forestry – a seven-member citizen board appointed by the governor and confirmed by the state Senate – approves detailed rules to implement the Act's requirements. Here is a list of significant changes in the Act and its rules, which regulate forestry on private and state-owned lands.



March 2012	Removed tree replanting requirements along roads, addressing dangers that blown-down trees pose to public safety, highways, bridges and utility lines.
Oct. 2007	Changed rules to allow foresters to use more information, rather than only fish-counting results, to better determine if fish are present in particular streams, enhancing protection of fish and their habitat.
Oct. 2006	Required strategic distribution of trees left along streams, to reduce erosion and improve fish habitat.
Sept. 2006	Enhanced rules to allow artificially obstructed fish-passage streams to be designated "fish" streams, to protect water quality and fish habitat.
Oct. 2002	Enhanced rules related to erosion and landslides, to improve public safety.
July 2002	Strengthened forest-road and timber-harvest rules, to protect water quality.
Sept. 1996	Enhanced rules for applying pesticides after forest operations.
July 1995	Bolstered civil penalty and enforcement rules.

# Policy Background



- **Board of Forestry (Board)**
  - Board develops rules to meet water quality standards set by Environmental Quality Commission (EQC)
  - Maximum extent practicable
  - Board maintains authority on forestland in coordination with other agencies

# Policy Background



- **Board is committed to monitoring and adaptive management**



- OAR 629 - 635 -0110 MONITORING :**  
**Monitoring and Evaluation are necessary because.....**
- Monitoring strategy provides direction**

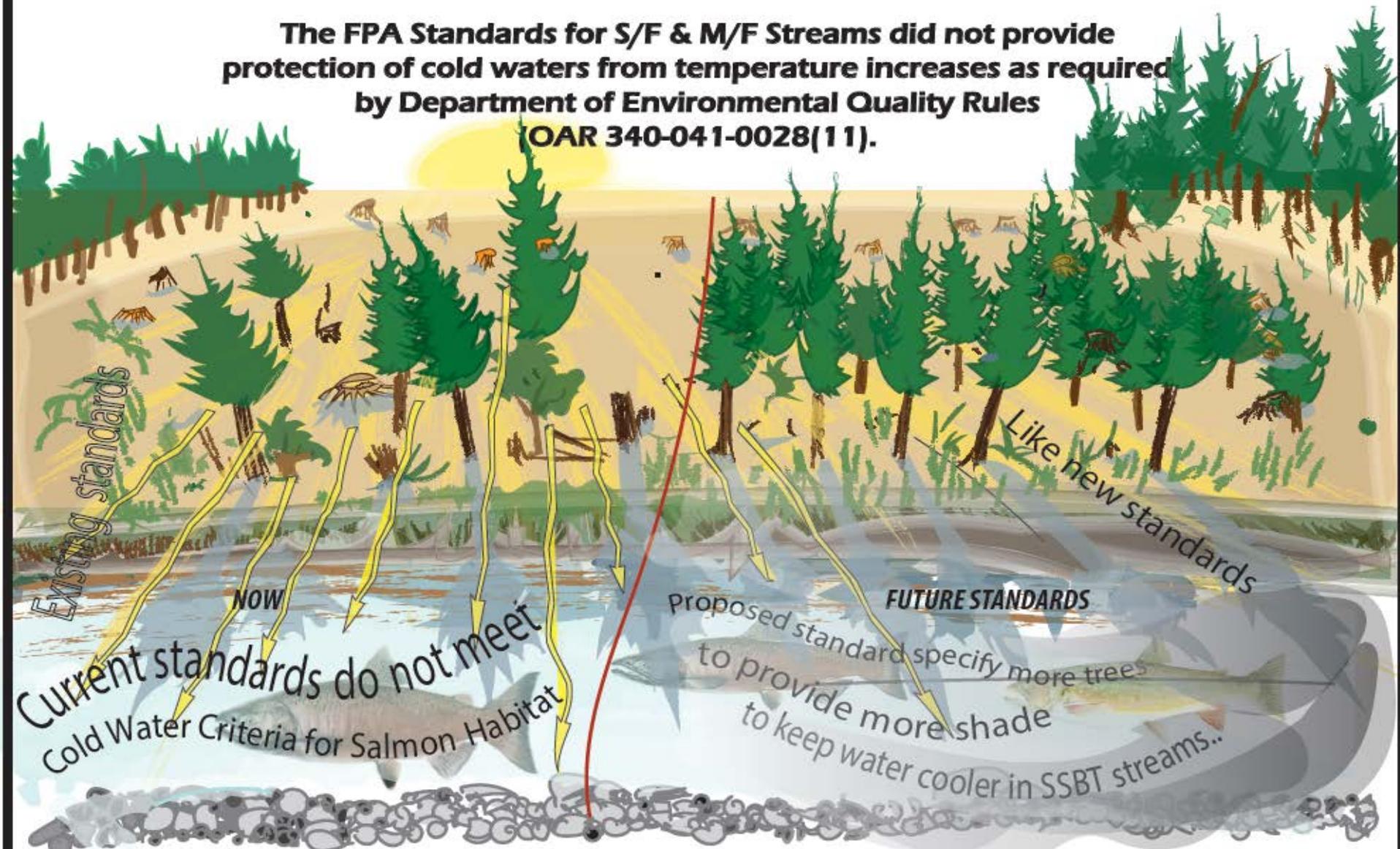


# Forest Practices and Stream Temperature

- **Long studied topic**
  - **Reduced shade may lead to increased temperature**
  - **Late 1990's several reports on temperature concerns**
  - **2002 ODF began Ripstream Study**
    - **Riparian function and stream temperature**
    - **Additional information to come for Large Woody Debris based on the RipStream Study**

**Long term studies show that Forest Practices Act (FPA) standards for Riparian Management Areas for Small & Medium sized Fish Bearing Streams (S/F & M/F) likely increase stream temperature.**

**The FPA Standards for S/F & M/F Streams did not provide protection of cold waters from temperature increases as required by Department of Environmental Quality Rules OAR 340-041-0028(11).**



**Proposed new standards feature increased Basal Area and attention to spacing of trees in RMA**



# Forest Practices and Stream Temperature

- **Ripstream Results**
  - **Vast improvement over historic practices**
  - **Increase in temperature post-harvest**
    - **Increase above the water quality standard**
    - **Rules to meet water quality standards**

# Board Decisions



- **What led to SSBT** - Ripstream Study determined post-harvest temperatures increased more than the allowed 0.3 Celsius based on the water quality standard. This increase resulted in degradation which then led the Board to rulemaking.
- **2012, Initiated rule analysis process**
  - Reviewed by Regional Forest Practices Committees and recommendations made to Board
- **2015, Determined protection concepts**
  - Form Rulemaking Advisory Committee
- **2016, Approved proposed rules**
  - Directed public hearings

# Rulemaking Advisory Committee



- **Established by the Board to provide policy input**
- **Represents those affected by the rule**
- **Committee met 7 times and reached consensus on all topics except “relief”**
- **Committee members worked hard and everybody made concessions.**

# Public Input Information



- **Public comments were received up until March 1, 2017 through**

- Online email
- USMail
- Fax



- **Public Hearings were completed at 9 locations**

- Coos Bay to Astoria and Roseburg to Portland
- Public Open house presentation
- Public Hearing – everyone in attendance that wanted to testify was heard and statements recorded.
- Salem and Field staff participated and listened to testimony.



# Public Input Information



- Board approved final rule language  
April, 2017
- Effective date: July 1, 2017



# Key Points

- **RMA width expands 10 feet**
- **Well-distributed riparian trees beyond 20 feet**
- **Some trees beyond 20 feet also count as wildlife trees**
- **Basal area targets approximately doubled**
- **Hardwoods count for basal area**
- **All other rules apply (e.g. retain downed wood, etc.)**

# Type SSBT Management Prescriptions Options



## Type SSBT Prescription 1

### *“No Harvest”*

- 629-642-0105 (10)

Small RMA = 60 ft

Medium RMA = 80 ft

## Type SSBT Prescription 2

### *“Partial Cut”*

- 629-642-0105 (11)

Small RMA = 60 ft

Medium RMA = 80 ft

Only if the basal area in the RMA beyond 20 feet of the stream is more than the Type SSBT basal area in Table 5

## Type SSBT Prescription 3

### *“North-Sided Buffer”*

- 629-642-0105 (12)

North Side RMA = 40 ft

Where not applying type SSBT prescription 3, choose either Type SSBT prescription 1 or 2

## Alternative Prescription

### *“Catastrophic event” or “hardwood dominated sites”*

- 629-642-600

If the live conifer basal area is no more than one-half the standard target basal area in Table 2

## Site Specific Prescription

May use for all situations and stream classifications, if approved by the State Forester

- 629-642-0700

# RMA Sizes by Stream Size and Classification



	Type F	<u>Type SSBT</u>	Type D	Type N
<b>LARGE</b>	100 feet	<u>N/A</u>	70 feet	70 feet
<b>MEDIUM</b>	70 feet	<u>80 feet</u>	50 feet	50 feet
<b>SMALL</b>	50 feet	<u>60 feet</u>	20 feet	Apply specified water quality protection measures, and see OAR 629-642-0400.

Table 1. Riparian Management Area Widths for Streams of Various Sizes and Beneficial Uses (OAR 629-635-0310)

# Board

## Additional Concepts



- **SSBT protections may continue upstream in specific areas**
- **Leave trees can be counted as wildlife trees and basal area in some cases**
- **Other rules continue to apply:**
  - **Written plan requirements**
  - **Measure RMA width in slope distance**



# Questions about Background & History of Stream Protection Rules Changes ?

- **WHAT HAS CHANGED?**