

STAFF REPORT

Agenda Item No.:	4
Work Plan:	Private Forests Work Plan
Topic:	Water Quality Protection
Presentation Title:	Riparian Rules/SSBT Rulemaking Update
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SUMMARY

This agenda item presents an informational update on the Riparian Rules/ Salmon-Steelhead-Bull Trout (SSBT) Rulemaking. The Riparian Rulemaking Advisory Committee (committee) met in May and June to discuss remaining aspects of the Board’s decision package, including:

- Oregon Department of Fish and Wildlife’s Fish Habitat database and how that relates to determination and location of SSBT;
- The meaning and criteria for well-distributed throughout the riparian management area;
- Equity relief;
- Issues with Board direction that “all other rules apply;”
- Rule language structure within the Forest Practices Act (FPA); and,
- Draft Economic Impact Analysis and Statement of Need and Fiscal Impact.

The committee has completed their work assignment for 2016, and has reached consensus on all major policy topics, except equity relief. The department was not able to provide the committee complete information on the impacts of equity relief. Several committee members have agreed to work with the department once that information is available.

The committee will meet again in 2017, prior to the close of the comment period for proposed rules. In the meantime, a sub-committee will be working with the department to finalize the proposed rule language prior to the filing date in mid-September. The department expects to bring policy recommendations, draft rule language, and documentation of the committee input to the Board in September 2016.

CONTEXT

The Board of Forestry’s 2011 Forestry Program for Oregon supports an effective, science-based, and adaptive FPA as a cornerstone of forest protection on private lands in Oregon. 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). The Board values broad-based, informed public participation and consensus-based decision-making whenever possible (Value Statement 10).

BACKGROUND

At their November 5, 2015 meeting, the Board adopted a final riparian prescription package for small and medium fish streams in western Oregon. The package described the elements that need to be included in rule language. Specifically, the decision applies to small and medium SSBT streams that are located in the Coast Range, South Coast, Interior, and Western Cascades FPA geographic regions. The Board also directed the department to establish a rulemaking committee.

The department provided an update on the committee process to the Board in April 2016, and described the next steps. The plan was to use the May meeting for remaining policy clarification and review of rule structure, and the June meeting to review department recommendations and begin rule language and fiscal impact review. The department planned to use the July 2016 Board meeting to make policy recommendations and request Board decision on policy topics, including those topics for which the committee did not reach consensus.

At the May meeting, several committee members expressed a desire to continue discussion of unresolved policy topics prior to the department making recommendations, in the hope of reaching consensus. In consultation with the facilitator, the department chose to postpone developing recommendations and use the June committee meeting for a final discussion of unresolved policy topics.

ANALYSIS

The committee has met five times, once each in the months of February, March, April, May, and June. The committee has reached consensus on all major policy topics, except equity relief. The department was not able to provide the committee complete information on impacts of equity relief. Several committee members have agreed to work with the department once that information is available.

The department also presented the draft Economic Impact Analysis and Statement of Need and Fiscal Impact for the proposed rule and asked the committee members to provide written feedback on these documents. The committee also approved the proposed approach to rule language structure within the Forest Practices Act (FPA).

RECOMMENDATIONS

This item is informational only.

NEXT STEPS

The department will complete draft rule language and send to committee members for review. The facilitator will compile comments and work with the department and a subcommittee to finalize the proposed rule language prior to the filing date in mid-September. The Department will also meet with the Northwest and Southwest Regional Forest Practices Committees to review rule language. The department will bring policy recommendations, proposed rule language, and documentation of the committee input to the Board in September 2016.