



Riparian Rules/SSBT Rulemaking

Board of Forestry

26 April 2017

Outline of Presentation



- **Context and Background**
- **Public Hearing Process**
- **Public Comment Review**
- **Status of RRAC Work**
- **Department Recommendations**
- **Next Steps**

Context



- Supports an effective, science-based, and adaptive Forest Practices Act.
- Commitment to continuous learning (Value Statement 11).
- Values broad-based, informed public participation and consensus-based decision-making (Value Statement 10).



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 blow-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. 1998	Enhanced rules for applying pesticides after forest operations.
July 1995	Bolstered civil penalty and enforcement rules.

Background



- **November 2015**
 - Adopted a final riparian prescription package for small and medium Salmon, Steelhead, Bull Trout (SSBT) streams.
 - Directed the department to establish a Riparian Rulemaking Advisory Committee (RRAC).

Background



- **April 2016**
 - RRAC composition and charter
- **July 2016**
 - RRAC reached consensus on all topics except equity relief.
 - Provided a brief summary of the key tradeoffs in equity analysis.

Background



- **September 2016**
 - Directed department to move forward with formal administrative rule making following the SOS process.
- **January 2017**
 - Reviewed and approved economic analysis as satisfactory work regarding ORS 527.714 requirements.



Public Hearing Process

- **11 public hearings scheduled across western Oregon**
- **2 hearings canceled due to inclement weather; one was rescheduled.**
- **Format included open house information sessions prior to the formal hearing.**
- **Estimated 208 attendees at hearings.**



Public Comment Review

- **512 comments were received by March 1, 2017.**
 - **87 people testified at public hearings**
 - **370 emailed comments**
 - **55 sent written comments**



Public Comment Review

- **Themes**
 - **Buffer Width**
 - **Maximum extent practicable**
 - **Variable Retention options**
 - **Complexity**
 - **Relief**
 - **North-side Buffers**
 - **Include Siskiyou**



Status of Advisory Committee Work

- **RRAC met 7 times in 2016, including a conference call in August 2016, and also met once in 2017.**
- **RRAC Subgroup on rule language met once.**
- **Reached consensus on all major policy topics, except equity relief.**



Status of Advisory Committee Work

- Convened final RRAC in March 2017.
- Overview of public comment themes.
- Reviewed proposed language modifications to clarify intent.
- Department provided update on GIS stream layer work.
- RRAC provided input to training needs.

Advisory Committee Members



Name (Alternate)	Organization	Name (Alternate)	Organization
Rex Storm (Jim Giesinger)	Associated Oregon Loggers	Mary Scurlock	Oregon Stream Protection Coalition
Mike Barnes (Randy Silbernagel)	NW Regional Forest Practices Committee	Dick Courter (Rick Barnes)	Small Forestland Owner
Rod Sando	NW Sportfishing Industry Association	Randy Hereford (Paul Betts)	Industrial Forestlands Starker Forests and Miami Corp.
Gene Foster (Jennifer Wigal)	Oregon Department of Environmental Quality	Dana Kjos (Sanford Hillman)	SW Regional Forest Practices Committee
Bruce McIntosh (Jon Bowers)	Oregon Department of Fish and Wildlife	Kevin Godbout (Meghan Tuttle)	Industrial Forestlands Weyerhaeuser
Seth Barnes (Heath Curtiss)	Oregon Forest Industries Council	Bob Van Dyk	Wild Salmon Center
Jim James (Scott Hayes)	Oregon Small Woodlands Association		



Questions

ODF Recommendations



- **The Department recommends that the Board**
 - **Approve the final SSBT rules and housekeeping package.**
 - **Direct the Department to file the final SSBT rules and housekeeping package with the Secretary of State's office.**

Next Steps



- **File final rules with SOS and Legislative Counsel in order to complete the rule making.**
- **Implementation Date – 7/1/17**



Thank You

Summary of Analysis



- **The four regions contain 5.8 million acres, in 73,963 parcels, with 66,892 owners.**
- **3.4 million acres, in 7,885 parcels (11 %), with 6,850 owners are affected by the rule.**
- **The 7,885 parcels contain 2,355 miles of small and medium SSBT streams.**
- **The average encumbrance per acre is 0.5 percent.**

Summary of Analysis



- **Key tradeoff: acres eligible for relief and the of SSBT stream length contained in those acres.**
- **3.1 million acres or 90 percent of encumbered acres (less than 1.0 percent encumbrance) only contain 53 percent of SSBT streams.**
- **The upper ten (10) percent of encumbered acres (encumbrance greater than 1.0 percent) contain 47 percent of SSBT streams.**
- **The upper three (3) percent of encumbered acres (encumbrance greater than 2.2 percent) contain 27 percent of streams.**

Summary of Analysis



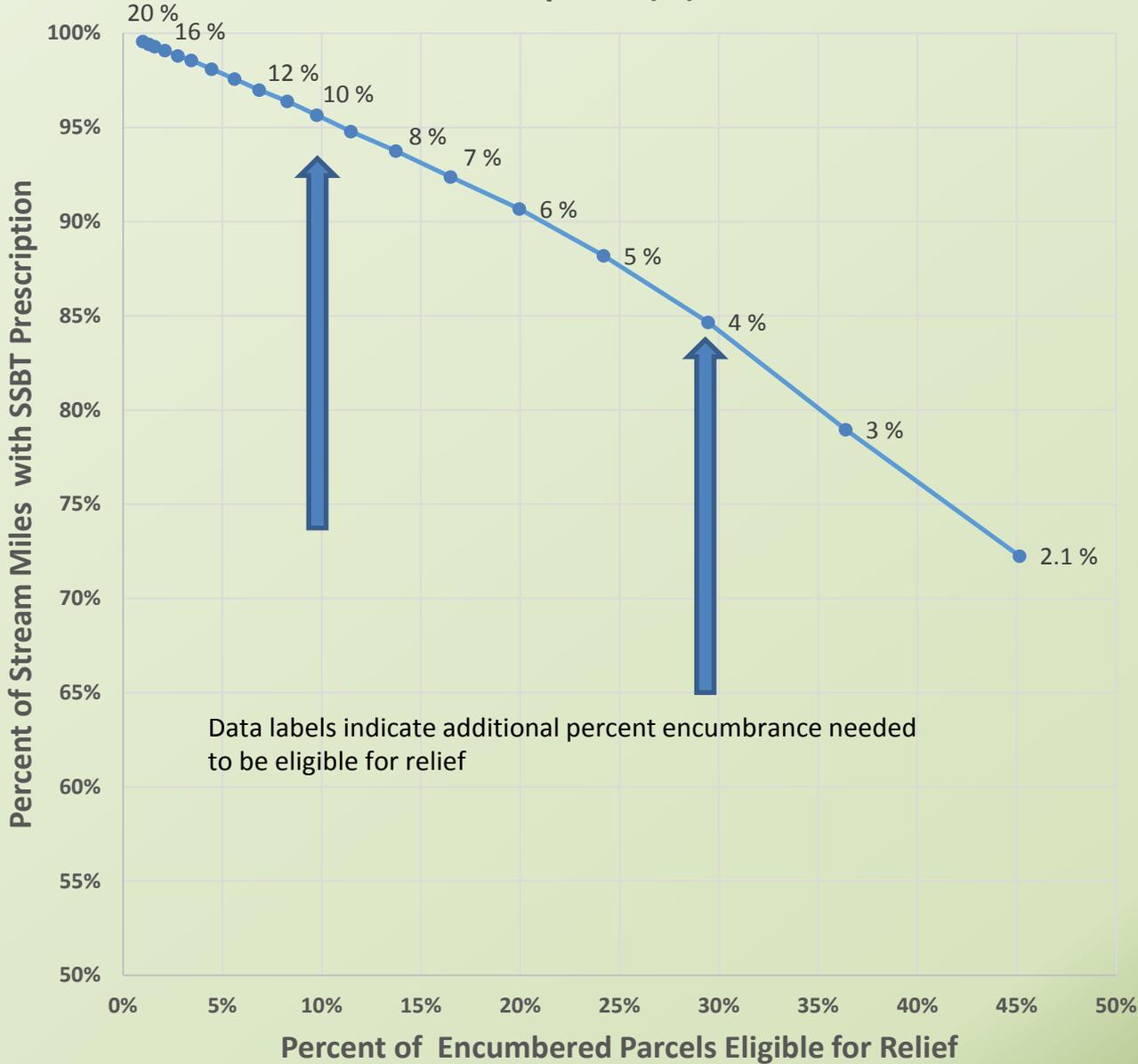
- **Discussion with RRAC members narrowed the decision space on the eligibility threshold to between 4.0 and 10.0 percent additional encumbrance.**
- **At a 4.0 percent, 2,323 parcels or 29 percent of encumbered parcels would be eligible for relief; these parcels contain 361 miles or 15 percent of SSBT streams.**
- **At a 10.0 percent, 760 parcels or 10 percent of encumbered parcels would be eligible for relief; these parcels contain 102 miles or 4 percent of SSBT streams.**

Parcels and Stream Miles

Parcel Size (Acres)	Additional Encumbrance							Total # of Parcels
	4-5%	5-6%	6-7%	7-8%	8-9%	9-10%	>10%	
2-10	160	143	150	122	120	99	665	1,459
10-20	80	68	66	52	32	18	73	389
20-50	104	92	43	40	24	16	30	349
50-100	52	26	12	2	2	3	1	98
100-500	19	5	2	2	0	0	0	28
500-5000	0	0	0	0	0	0	0	0
>5000	0	0	0	0	0	0	0	0
Total # Parcels	415	334	273	218	178	136	769	2,323
percent of parcels eligible for relief prescription	2,323	1,908	1,574	1,301	1,083	905	769	Total Encum. Parcels
	29%	24%	20%	16%	14%	11%	10%	7,885

Parcel Size (Acres)	Additional Encumbrance							Total Miles
	4-5%	5-6%	6-7%	7-8%	8-9%	9-10%	>10%	
2-10	6	6	8	7	8	7	66	108
10-20	8	9	9	9	6	4	19	64
20-50	25	24	13	13	9	6	16	106
50-100	24	14	8	1	1	3	1	53
100-500	21	5	2	3	0	0	0	31
500-5000	0	0	0	0	0	0	0	0
>5000	0	0	0	0	0	0	0	0
Total Miles	83	59	40	33	24	20	102	361
Cumulative miles and percent of streams with relief prescription	361	278	219	179	147	122	102	Total Stream Miles
	15%	12%	9%	8%	6%	5%	4%	2,355

Parcels Eligible for Relief v. Stream miles with SSBT Prescription (%)



Tradeoff Curve

Data labels indicate additional percent encumbrance needed to be eligible for relief