



~ Protecting clean water and fish in the Rogue basin

Thomas Imeson, Chair
Oregon Board of Forestry
2600 State Street
Salem, OR 97310

July 21, 2017

Re: Public Comment on Agenda Item 7: Forest Practices Act (FPA) Rule Policy Review

Dear Chair Imeson and Members of the Board:

Thank you for the opportunity to provide public comment on Agenda Item 7: Forest Practices Act (FPA) Rule Policy Review. Rogue Riverkeeper works to protect and restore clean water and native fish populations in the Rogue River Basin through advocacy, accountability, and community engagement. On behalf of our more than 3,500 members and supporters, we thank the Board for committing to develop a monitoring strategy for the Siskiyou region, but have some significant concerns regarding the process and timeline.

The Rogue River watershed stretches across more than 3 million acres, from its headwaters near Crater Lake to the mouth of the river along Oregon's southern coast at Gold Beach. The Rogue Basin includes approximately 1 million acres of private forest land managed under the Oregon Forest Practices Act. The 2002 statewide sufficiency analysis and the results of the RipStream study in 2011 demonstrated that current stream buffer rules under the Forest Practices Act are not protective of stream temperature and violate the Protecting Cold Water (PCW) water quality standard.¹ Under ORS 527.765(1), the Board is required to establish regulations and best management practices to "insure that to the maximum extent practicable" water quality standards are achieved and maintained.

The Siskiyou Exemption and New Water Protection Rules – Stream Buffers

As a result of the 2002 sufficiency analysis and RipStream study in 2011, the Board moved forward to develop updated stream buffer requirements. The new rulemaking was finalized in April 2017 and took effect July 1, 2017. The new Water Protection Rules apply to western Oregon, but were not extended to include the Siskiyou region or eastern Oregon.

As stated in Agenda Item 7 Attachment 5: "Scoping the Effectiveness of Riparian Protection Standards in Eastern Oregon and the Siskiyou Geographic Region Charter Work Plan December 30, 2016," the Board "did not increase protections in Eastern Oregon or the Siskiyou geographic region because the areas were considered both outside the scope of inference for the study, and other research and monitoring information collected." In other words, the Board did not extend the RipStream analysis and resulting rulemaking to the Siskiyou region because it determined that the data could not be extrapolated to our region.

Critically, however, the PCW water quality standard applies statewide in streams that support salmon, steelhead, and bull trout ("SSBT") and to upstream stream reaches necessary to meet the criterion downstream. Data from Oregon Department of Forestry (ODF) show that 64% of small and medium fish-bearing streams (Type F) in the Siskiyou region are SSBT streams. In other words, more than half of the small and medium fish-bearing streams in the Siskiyou that would qualify for the proposed revised buffer standard are now left with the current inadequate prescriptions.

Scoping Streamside Protection Review for the Siskiyou and Eastern Oregon

We thank the Board for committing in the November 2016 meeting to developing a monitoring strategy for the Siskiyou and eastern Oregon and appreciate the ongoing work by ODF staff to develop and implement this strategy. We are concerned about the delays in developing potential monitoring questions and completing the initial informational analyses. Although we recognize budget challenges and staff resources make completing these tasks challenging, we are concerned about the ongoing delays. Additionally, we would strongly urge the Board to start with a narrow scope centered around their statutory requirements under ORS 527.765(1) to "insure that to the maximum extent practicable" water quality standards are achieved and maintained. Specifically, we would urge the Board to identify monitoring questions around how the scope of inference from the RipStream study and other related analyses can be extended to the Siskiyou region and eastern Oregon.

Specifically, we ask the Board to:

- **Commit to a specific timeline to finalize the monitoring questions and implement the strategy:** At the November 2016 BOF meeting, the Board directed ODF staff to develop potential questions regarding streamside protections in the Siskiyou and eastern Oregon by the July 2017 BOF meeting. Although ODF staff has made progress on the informational analyses, we are significantly concerned that no potential questions have been developed and may be pushed back to spring 2018. Continued delays will make it increasingly difficult to develop and implement a monitoring strategy for these regions. We ask the Board to prioritize identifying monitoring questions, a study approach, and timeline to complete.

- **Consider monitoring questions related to expanding the scope of inference to include the Siskiyou and eastern Oregon:** We are concerned that the Charter Work Plan takes a very broad approach to develop “a list of monitoring questions related to the effectiveness of FPA riparian protection standards in Eastern Oregon and the Siskiyou geographic region.” Although we are generally supportive of evaluating riparian protection more comprehensively, we are concerned that the monitoring questions do not specifically tie back to meeting the PCW water quality standard and extending the scope of inference to the Siskiyou and eastern Oregon. We urge the Board to consider potential questions related to expanding the scope of inference specifically tied to meeting the PCW water quality standard to these region. Examples of these questions could include: 1) Is there a scientific basis for not broadening the scope of inference of RipStream to the Siskiyou and eastern Oregon?; 2) What data exist to support extrapolating RipStream results to these regions?; or 3) What data (literature review, monitoring, etc.) are needed to broaden the scope of inference to include these regions?

The statewide PCW water quality standard applies equally in the Siskiyou region as it does in the rest of the state. As evidenced by the 2008 Rogue River Basin Total Maximum Daily Load (TMDL) for temperature, streams across the Rogue watershed are already impaired by high temperatures.² The 2014 recovery plan for threatened SONCC coho salmon in the Rogue Basin specifically identifies revising current forest practices as a high priority action.³ Although we are generally supportive of evaluating improvements to riparian practices in our region, we are concerned that such a broad scope will significantly delay forward progress and leave the Siskiyou with inadequate protections. We ask that the Board continue to prioritize developing this monitoring strategy, commit to a specific timeline, and identify monitoring questions around how the scope of inference can be extended to the Siskiyou and eastern Oregon.

Thank you for the opportunity to provide comment regarding Agenda Item 7: Forest Practices Act (FPA) Rule Policy Review.

Sincerely,

Stacey Detwiler
Conservation Director
Rogue Riverkeeper

¹ Groom et al. 2011. *Response of Western Oregon (USA) stream temperature to contemporary forest management*, Forest Ecology and Management, 262: 1618-1629.

² Rogue River Basin TMDL Chapter 2: Temperature. 2008. Oregon Department of Environmental Quality.

³ National Marine Fisheries Service. 2014. Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, CA, p. ES-5.

