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Contact Information:	Kyle Abraham, Private Forests Deputy Division Chief Oregon Department of Forestry 503-945-7473, kyle.abraham@oregon.gov Gene Foster, Watershed Management Section Manager 503-229-5325, eugene.p.foster@.state.or.us Oregon Department of Environmental Quality

SUMMARY

This agenda item provides the opportunity for a joint presentation by the Departments of Forestry (ODF) and Environmental Quality (DEQ) on forest water quality protection. The presentation will provide a brief overview of the Environmental Quality Commission's and Board of Forestry's roles and responsibilities for water quality regulation and management on state and private forestlands and the cooperative mechanisms between the Commission and the Board established by the legislature.

CONTEXT

The Board is charged with the responsibility to "supervise all matters of forest policy and management under the jurisdiction of the state ..." (ORS 526.016). The Forest Practices Act (FPA) gives the Board exclusive authority to adopt and enforce rules governing forest practices. The FPA requires the Board to regulate nonpoint source discharges from forest operations on forestlands (ORS 527.765). The Commission is responsible for implementation of the federal Clean Water Act and State law (ORS 468B), which includes: approval of rules including water quality standards, Water Quality permitting system (NPDES, etc), Nonpoint Source Program (Sect. 319 CWA), Water Quality Limited waterbodies, and Total Maximum Daily Loads (TMDLs). Oregon statutes create a unique cooperative relationship between the Board and the Commission that ensures water quality protection on forestland. Basically, the Commission sets water quality standards and the Board ensures forest practices meet these standards, to the maximum extent practicable, on state and private forestlands.

BACKGROUND AND ANALYSIS

ODF, DEQ, the Board, and Commission cooperate on a process of reviewing Oregon's forest practices rules and best management practices (BMPs) to ensure an adequate level of protection for water quality and aquatic and riparian habitats.

Oregon's policy and regulatory framework for protecting water quality on state and private forestland relies on two main regulatory approaches augmented by voluntary measures and incentives. Oregon's strong land use laws, that maintain forestland in forest use, provide water quality protection by avoiding the negative impacts to natural resources from development.

Oregon's set of forest protection laws, the Forest Practices Act (FPA) works in concert with land use laws to ensure economically efficient forest practices that ensure the continuous growing and harvesting of forest tree species and the maintenance of *forestland* for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water, fish and wildlife resources. The Oregon Plan for Salmon and Watersheds provides a framework for additional voluntary approaches to improve water quality outcomes on forestland. This three-tiered approach results in forestland having the highest water quality in Oregon based on Oregon's Water Quality Index (OWQI).

ODF and DEQ continue to cooperate on policy, regulatory, research, and monitoring efforts to ensure continuous review and improvement of water quality protection. The FPA specifically identifies three priority rule divisions for monitoring; water protection, landslides and public safety, and chemicals. This relationship is also highlighted in a Memorandum of Understanding (MOU) between the two agencies.

This presentation provides information on the Board's and Commission's responsibility, authority, and accountability regarding forest water quality and the relationship between the Board and the Commission.

RECOMMENDATION

This report provides information for discussion only. No action is required.