



Oregon  
Stream  
Protection  
Coalition

**BEFORE THE OREGON BOARD OF FORESTRY**  
Agenda Item 1: Public Comment for items not the on the agenda  
Statement of the Oregon Stream Protection Coalition  
July 24, 2018

Association of  
Northwest  
Steelheaders

Audubon Society of  
Portland

Cascadia Wildlands

Center for Biological  
Diversity

Coast Range  
Association

Defenders of Wildlife

Greater Hells Canyon  
Council

Institute for Fisheries  
Resources

KS Wild

McKenzie Flyfishers

Native Fish Society

Northwest  
Environmental  
Advocates

Northwest Guides  
and Anglers

Northwest  
Sportfishing Industry  
Association

Oregon Wild

Pacific Coast  
Federation of  
Fishermen's  
Associations

Pacific Rivers

Rogue Riverkeeper

Sierra Club

Trout Unlimited

Umpqua Watersheds

Washington Forest  
Law Center

WaterWatch of  
Oregon

The Wetlands  
Conservancy

Wild Earth Guardians

Wild Salmon Center

*Re: Need for Board policy to address Endangered Species Act liability for take of Oregon Coast and other listed salmonids caused by private forest management*

The Oregon Stream Protection Coalition's 25 conservation and fishing industry member groups are united in support of stronger, science-based forest practices standards that reliably meet water quality standards and protect aquatic life on Oregon's 10.6 million acres of private forestland.

Recently, a citizen suit was filed under the Endangered Species Act by the Center for Biological Diversity and four other coalition members naming department officials as defendants. The complaint describes harm to Oregon Coast coho and the quality of coho habitat from logging and road building on landslide-prone slopes and without adequate buffers. This harm is the result of logging-caused landslides, depleted wood sources, depletion of large wood sources, and in-stream sedimentation.

Our purpose in testifying today is to make the point that the adverse timber harvest impacts on listed Oregon Coast coho enumerated in the citizen suit are not limited to timber harvest on state lands, and in fact are more severe on the private lands which encompass at least a third of habitat within this species' range and have less protective default management practices. Significantly, NMFS' findings in decision documents supporting the listing of Oregon Coast coho show that "clear-cutting trees on steep, unstable slopes and along debris flow paths" as well as "road construction associated with log-hauling in the Oregon Coast range" adversely affecting coho were not limited to state lands.<sup>i</sup> NOAA and EPA findings that coastal water quality and beneficial uses such as salmon are not adequately protected by existing forestry measures specifically target stream buffers for smaller fish and non-fish-bearing streams, forest roads and high-risk landslide areas.<sup>ii</sup>

Furthermore, these impacts are not limited to Oregon Coast coho and the Coast Range. Southern Oregon Coastal coho and other Columbia River salmonids all have habitat on private forestlands and enjoy ESA protected status. Recovery plans for salmon, steelhead and bull trout stocks specifically target improvement of conditions that are exacerbated by private lands logging.<sup>iii</sup>

The risks posed by unstable slope logging are of particular concern because on both state and private lands harvest is permitted to increase the risk of mass wasting unless public safety risks are identified. We note that Washington state forest practice rules -- and the collaborative negotiated stakeholder agreement underlying them -- state a clear objective that forest practices must "avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource or could deliver sediment or debris in a manner that would threaten public safety." We propose that Oregon's approach should include a similar objective.

We have attached several photographs that illustrate the difference between Oregon and Washington management of specific landforms prone to shallow rapid landslides.<sup>iv</sup>

In conclusion, the Oregon Stream Protection Coalition urges this Board to establish a unified policy approach to stream protection that adequately limits the adverse impacts of both state and private logging on species listed under the federal Endangered Species Act. While we are encouraged by this Board's recent movement toward the development of a Habitat Conservation Plan on Board-managed state forests, a similarly proactive approach also is needed to address impacts to listed fish from timber harvest on private lands.

Independent of whether a statewide forest practices aquatic habitat conservation plan is adopted as this Board's public policy objective, we hope you will conduct a rigorous evaluation of the sufficiency of existing forest management for high risk sites and debris-torrent prone streams as they relate to the protection of ESA-listed aquatic species.<sup>v</sup>

Respectfully submitted,



Mary Scurlock

---

<sup>i</sup> See e.g., 73 Fed. Reg. at 7821; 60 Fed. Reg. 38,011, 38,024 (July 25, 1995); 62 Fed. Reg. 24,588, 24,592-93 (May 6, 1997).

<sup>ii</sup> NOAA/EPA. 2015. FINDING THAT OREGON HAS NOT SUBMITTED A FULLY APPROVABLE COASTAL NONPOINT PROGRAM, (January 30, 2015). (24 pp).

<https://coast.noaa.gov/czm/pollutioncontrol/media/ORCZARAddecision013015.pdf>

<sup>iii</sup> See e.g. NOAA-NMFS, 2013 Recovery Plan for Lower Columbia River Coho Salmon, Lower Columbia River Chinook Salmon, Columbia River Chum Salmon and Lower Columbia River Steelhead. (targeting tributary habitat degradation from “[l]ogging on unstable slopes and in riparian areas” and “[i]mproperly located, constructed, or maintained forest roads], specifically “[t]he high density of forest and rural roads in the Lower Columbia subdomain, combined with past, and in some cases current, logging and other forest management practices and other land use patterns on unstable slopes adjacent to riparian habitat, contributes to an abundance of fine sediment in tributary streams”; NOAA-NMFS, 2014. Final Southern Oregon Northern California Coastal Coho Recovery Plan, at 3-54 (calling for review and improvement of forest practices rules on nonfederal forestlands).

<sup>iv</sup> WAC 222-16-050 (1)(d)(i) lists the following landforms where proposed forest practices trigger rigorous environmental analysis: “(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than thirty-five degrees (seventy percent); (B) Toes of deep-seated landslides, with slopes steeper than thirty-three degrees (sixty-five percent); (C) Groundwater recharge areas for glacial deep-seated landslides; (D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or (E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.” Forest harvest proposals are reviewed to determine 1) whether they are likely to increase the probability of mass movement on or near the site, and 2) whether sediment or debris would be delivered to a public resource or be delivered in a manner that would threaten public safety, and 3) whether such movement and delivery are likely to cause significant adverse impacts. For further details on the process, see WAC 222-10-030 (SEPA policies for potentially unstable slopes and landforms).

---

<sup>v</sup> Some questions that come to mind include: 1) How effective are rule and guidance provisions directing forestland owners to avoid locating roads, not build skid roads, and prevent deep or extensive ground disturbance during log felling and yarding in high-risk landslide areas? 2) How effective are the 2002-03 rules regarding avoiding road construction in critical locations, limiting road use in wet weather, and requiring drainage systems that direct runoff away from streams? 3) Are older (legacy) roads being effectively addressed through voluntary measures? We note that ODF's Monitoring Strategy identifies the following questions, but that to our knowledge no projects exist to address them:

Effectiveness Questions:

- E5. Are forest practice rules effectively protecting headwater (small Type N) streams such that local and downstream beneficial uses are protected? Key issues include effects on stream temperature, large wood recruitment, stream flow, sediment delivery, mass wasting initiation and debris torrent processes, macroinvertebrates, and how those effects are translated
- E39. Are forest practice erosion-related BMPs required by rules dealing with road construction, maintenance, and harvest activities, effective at preventing and limiting surface erosion and landslides and sediment delivery to waters of the state?
- High priority implementation question: What are the compliance rates with BMP requirements for roads, skid trails, and high-risk sites?
- E44. Are High landslide hazard location rules effective at protecting human life and property?

Implementation questions:

- I28: Are high-risk sites consistently identified during the forest practices notification process?
- I27. What are compliance rates with High landslide hazard location rules?

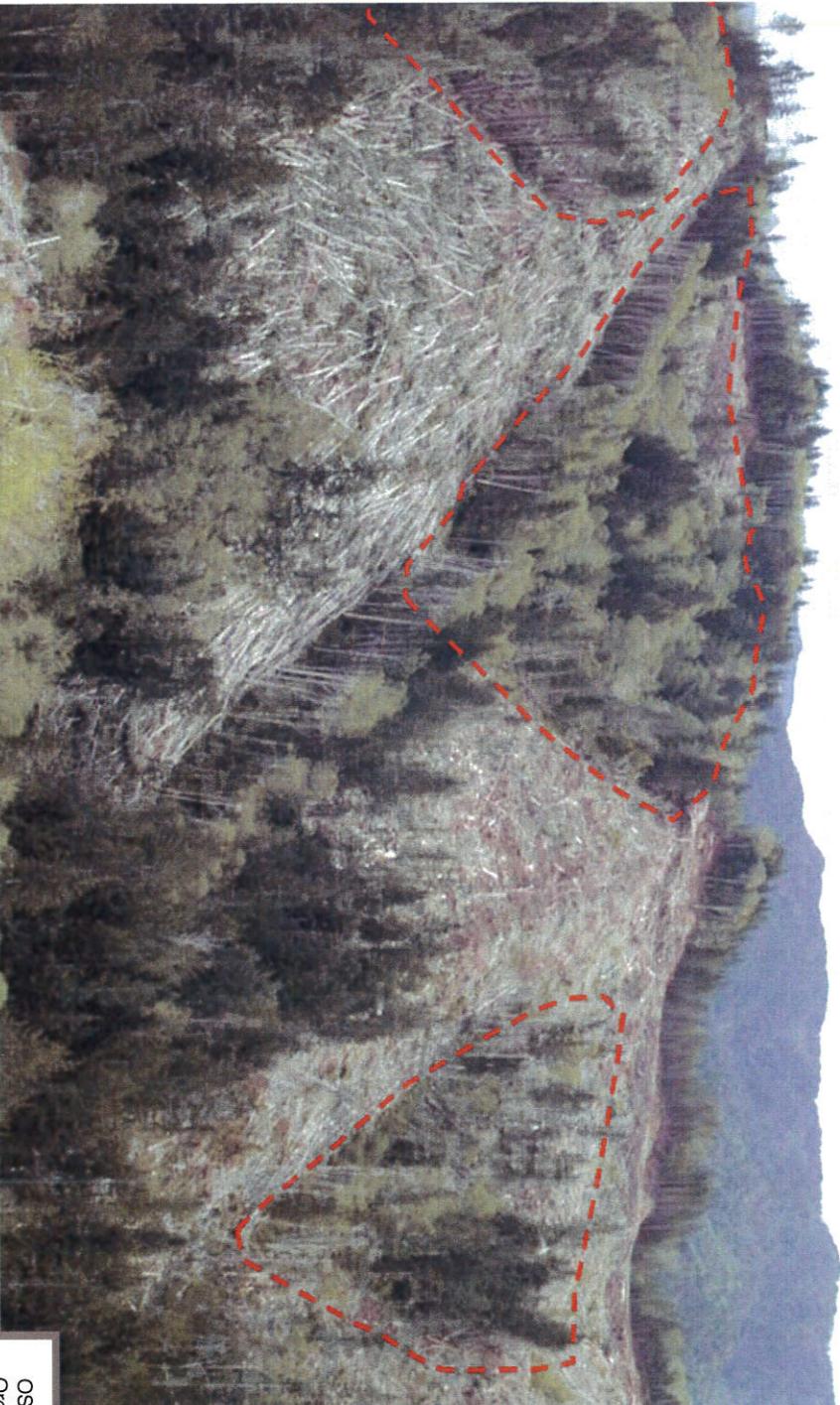
# Steep Headwalls In Oregon are routinely harvested



These are headwall swales that experienced shallow rapid landslides and debris flows near Jump Creek, North Fork Smith River, and Umpqua River. The center of the photo shows extensive sedimentation in the tributary canyon.

# Headwalls in Washington are bounded out of harvest units

## Post Harvest Convergent headwalls

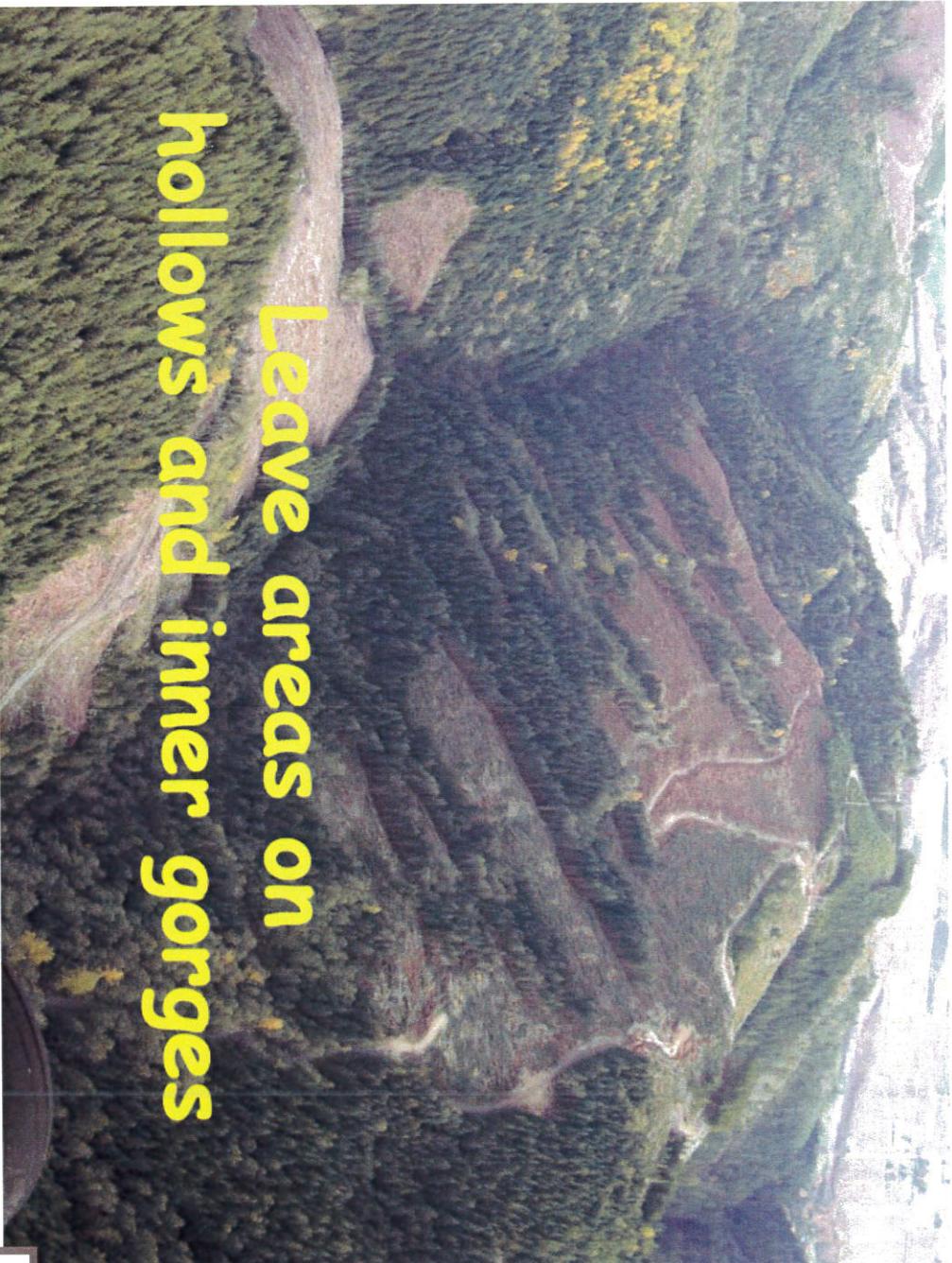


# Inner Gorges and hollows are clearcut in Oregon



Steep inner gorges are seen adjacent to the East Fork of the Nehalem River.

# Inner Gorges and Hollows aren't harvested in Washington



**Leave areas on  
hollows and inner gorges**

# Post harvest bedrock hollows In Washington

