



PETITION TO INITIATE RULEMAKING TO IDENTIFY AND DEVELOP PROTECTION REQUIREMENTS FOR COHO SALMON RESOURCE SITES

JULY 24, 2019

Photo Credit:
Eiko Jones Photography

AGENDA ITEM A
Attachment 14
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Outline of Presentation

- **Policy and Protection Standards for Streams**
- **Administrative Procedures Act**
- **Review of Petition**
- **Options**



Forestry Program for Oregon



Forestry Program for Oregon

A Strategy for Sustaining Oregon's
Public and Private Forests

2011 Edition

Oregon Board of Forestry

July 28, 2011

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FPA Framework

 **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.

2020

- Sept. 2017 Revised bald eagle rules to match science and their successful recovery!
- July 2017 Increased buffers around many salmon, steelhead, and bull trout streams.
- Jan. 2016 Set no spray buffers for aerial pesticide use around homes and schools.
- Mar. 2015 Enhanced wildlife habitat by allowing people to make small open areas in forests to grow food for wildlife.
- July 2014 Set rules to help connect landowners and people wanting to harvest special forest products, like truffles, Christmas trees, or boughs.
- Sept. 2013 Changed written plan requirements for streams and wetlands.
- Mar. 2012 Revised rules for tree planting along state roads to improve safety and traffic visibility.



Adaptive Management



Policy Changes:

- **1994 – Comprehensive revisions to stream protection requirements**
- **1997 – The Oregon Plan for Salmon and Watersheds**
- **2007 – Stream classification changes**
- **2017 – SSBT rules were implemented for Western Oregon**

Ongoing work including:

- **Siskiyou Streamside Protection Review**
- **Western Oregon Streamside Protection Review**



Current Rules

- **Streamside Vegetative Buffers**
 - **Type F and Type SSBT for fish**
- **Road construction standards**
- **Debris Torrent-Prone Streams**



Water Quality Performance Metrics



- **Key performance Measures – Oregon’s Water Quality Index (DEQ)**
- **Land use rules – Goal 4**
- **Voluntary Measures – Oregon Plan for Salmon and Watersheds**



Administrative Procedures Act ORS 183.390; OAR 137-001-0070



- **90 days to make decision**
- **Decision Options:**
 - **Deny the petition, or**
 - **Initiate rulemaking.**
- **Board has broad discretion**
- **Criteria**

ORS 527.710 (3) Duties and powers of board



Relating to this petition:

- **(a) the board shall collect and analyze the best available information; establish inventories of the following resource sites needing protection**
- **(b) determine if there is a conflict; protections if warranted**
- **(c) the board shall adopt rules to protect resource sites if there is a conflict**

Review of Coho Petition



Petitioners request:

- 1) Development of a rule designating resources sites**
- 2) Collect and analyze best available information; and**
- 3) Conduct a resource site inventory; and**
- 4) Adopt rules to protect resource under ORS 527.710(3) (b) & (c).**

Petitioners propose the addition of a new rules with proposed rule language specified within the petition .

Options for the Board to consider



- 1. Accept the petition and proceed to rulemaking related to resource site protection rules for coho salmon described in ORS 527.710.**
- 2. Deny the petition in writing.**
- 3. Deny the petition in writing and direct the department to begin rulemaking to better align water protection and resource site protection rules.**