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Update to Board of Forestry from Eastern Oregon Regional Forest Practices Committee (EORFPC)

It has been almost one year since the Eastern Oregon Regional Forest Practices Committee (EORFPC) submitted information to the Board of Forestry related to stream monitoring. Because of the length of time which has past, our committee felt it prudent to address the Board on this important topic.

The Department completed its survey and has analyzed the results. Several written comments were received and both, Cascade/Siskiyou and Eastern Oregon Regional Forest Practices Committees offered input. The Board will soon make a decision about monitoring of Eastern Oregon streams. The EORFPC recognizes the importance of the adaptive management process when monitoring FPA rules. It is an important part of determining the effectiveness of those rules. We also recognize the significant effort and cost that will likely be incurred by the Department to adequately conduct any monitoring program across such a large and diverse landscape as Eastern Oregon.

Before you make the final decision about what and if to monitor, please consider the following:

1. The current stream rules adopted in 1994 intended to move riparian areas over time to a "desired future condition".
2. Many streams in Eastern Oregon at the time of the current stream rules change (1994) were deficient in many desirable attributes of a healthy functioning riparian system.
3. Growth rates are much slower in Eastern Oregon and it was recognized it would take many years to move streams to a "desired future condition".

Any monitoring must consider the slow nature of change and importance of management in Eastern Oregon riparian areas. Active management inside riparian areas has been an effective tool to move streams towards a "desired future condition".

What criterion the Board selects to monitor will be critical. Using only one or even two criteria to monitor, such as temperature and/or shade, without considering all of the various attributes needed for a functioning riparian system would be a mistake, and worse yet could lead to rule making that could negatively impact riparian resources.

Any monitoring should be a holistic approach which created the rules and was reaffirmed in 2001 by the Eastside Riparian Function Advisory Committee (ERFAC).

If monitoring is determined to be needed, the following questions should be considered:

1. Do the current rules create a vigorous structurally diverse forest with a broad range of tree species and size over time?
2. Do the rules encourage management practices that create an understory of shrubs and herbs?
3. Are fish and wildlife resources benefiting from the current set of standards?
4. Is water quality and hydrologic function being protected and/or enhanced?

It is truly a functioning system that brings the most benefit to riparian areas.

The EORFPC is confident that the current stream rules adopted in 1994 and reviewed in 2001 have been effective to improve riparian function in Eastern Oregon. We are confident that monitoring, if done correctly and by evaluating the stream holistically, will validate this opinion. Because of the size and

tremendous diversity within the Eastern Oregon Region, the Board should give careful consideration to the size, scope and resulting cost of any monitoring effort.

We hope that you will consider this comment and review our previously submitted letter before making any monitoring decision in Eastern Oregon. We look forward to the opportunity to continue to assist the Board in this endeavor.

Thank You

Joe Justice

Representing the EORFPC

Joe Justice, Lee Fledderjohann, Chris Johnson

At the request of the Chairman of the Eastern Oregon Regional Forest Practices Committee a sub-committee was formed to gather information related to ODF's request for stream monitoring input. Joe Justice (Hancock Forest Management) Lee Fledderjohann (Collins Pine) and Chris Johnson (Whitefish Cascade) participated in the sub-committee. After initial discussion it was agreed that two primary subjects would be researched and discussed to help the sub-committee make a recommendation to the entire committee. The two subjects are:

1. Current Eastside stream rules and basis for those rules
2. Idaho stream rule changes

Current Rules

In 1994 Oregon adopted its current stream rules. A great deal of work and research went into the adoption of these rules. An excellent paper was written in December of 1994 by ODF which describes the scientific and policy considerations that led to the changes. As a sub-committee we felt it was important to review the current rules, how they were developed, and what effect to streams over time was anticipated.

It was recognized in 1994, as it still is today, that Eastern Oregon streams are incredibly complex. Developing stream rules that deal with all the diversity is no small task. This ultimately led to the conclusion that creating rules that would result in a future desired condition for all fish bearing streams was the best approach. Streamside conditions that existed or mimicked a mature forest would provide the desired future condition. A mature forest condition that develops over time would provide important functions for stream health. Channel stability, filtering, shade, large woody debris, nutrients, and cover are just some of the functions a mature forest condition provides. Mature conditions can be achieved faster than they would naturally occur using landowner incentives. The rules allow for site specific plans that benefit the RMA, speeding up the time required to achieve a mature forest condition. Site specific plans can allow landowners to remove trees that they otherwise could not without the plan. This is a unique and important aspect of Oregon's stream rules.

A holistic approach was felt to be the best way to protect riparian habitat including water quality. Only considering one or two functions like shade or temperature could have unintended consequences. For instance focusing only on shade could indirectly discourage the growth of shade intolerant tree species, or RMA's could become so overstocked with small trees they become a fire hazard. In the absence of baseline data related to specific stream conditions that covers the diversity of eastside streams, the sub-committee agrees that looking at stream function holistically is still the most reasonable way to protect streams.

In 2001 the Eastside Riparian Function Advisory Committee (ERFAC) was convened by the Department of Forestry and approved by Board of Forestry to meet Executive Order 99-01 signed by Governor Kitzhaber. In February of 2003 the ERFAC committee submitted their report to the Board of Forestry. The ERFAC report, defined the desired future condition of riparian forests to be vigorous, structurally diverse with a broad range of tree species, size and age classes, with an understory of shrubs and herbs. A functioning riparian system was agreed to bring the greatest benefit to RMA's. The work done by this committee led them to conclusions similar to the original work done in 1994, namely that the functions and values of riparian forests include water quality, hydrologic function, the growing and harvesting of trees, and fish and wildlife resources.

Idaho's Rules

In 2014 the State of Idaho adopted new stream protection rules. It has been suggested that streams in Idaho are similar to streams in Eastern Oregon. Because of this perception of similarity the sub-committee felt it prudent to investigate Idaho's rules. Idaho focused their rulemaking on one stream condition, shade. Relative stocking targets were developed by forest cover type. In general the stocking targets are greater in the wetter forest types and lower in the drier forest type. All fish streams regardless of size have the same relative stocking targets. These targets must be met within 75 feet of the high water mark of any stream. Idaho recognized that management inside RMA's can be desirable to enhance their function. Idaho also recognizes that trees closer to the stream provide more shade than trees farther away.

To provide management flexibility for landowners Idaho rules allow for two harvesting options. 60-30 option and the 60-10 option. The 60-30 option requires more trees in the inner 25 feet and fewer trees to be left in the outer 50 feet. The 60-10 option requires more trees in the first 50 feet and less in the outer 25 feet.

In reviewing the relative stocking requirements in Idaho as compared to Oregon's basal area requirements it appears a much higher stocking level is required in Idaho. Foresters working in Idaho have expressed how difficult it is to have enough stocking to hit the relative targets. In practice it was learned that virtually all fish streams require a 50 foot no cut buffer which allows some removal of timber in the outer 25 feet. Even though Idaho recognizes the positive benefit of active management in RMA's their rules tend to discourage this practice.

Conclusion

Oregon's stream rules and protection standards are unique in the country. They were developed because it was recognized some fish streams in Oregon were deficient of important attributes. Several years have passed since these rules were adopted. If monitoring is done it should evaluate if the rules are accomplishing the goal of achieving a desired future condition similar to a mature forest with an

emphasis toward conifer species. ODF must keep in mind the length of time needed in Eastern Oregon for these rules to impact RMA's. It is our recommendation that any monitoring should be done with the same holistic approach that created the rules.

Eastern Oregon is a vast area with many different and unique attributes. This sub-committee is aware of research on red band trout in the goose lake basin which showed this species of fish is adapted to warmer stream temperatures than previously assumed. Monitoring and evaluating the effect of current stream rules on one function like temperature or shade would be inadequate. Worse yet conclusions could be drawn that may negatively affect RMA habitat. It is for this reason ODF should be cautious when considering Idaho's rules and how they were developed.

It is our recommendation that ODF access data from watershed councils and soil and watershed conservation districts to evaluate the health of forest streams. ODF should also access any research unique to streams or fish in Eastern Oregon, however the conclusions from research should be judged considering the diversity of Eastern Oregon. As an example of diversity many small fish streams in Eastern Oregon go dry for a significant part of the summer. These streams are important to fish during a portion of the year but when water temperature could be the highest, they are dry.

Using basal area as a measure works well and gives credit for larger trees which often bring more benefit to RMAs. Medium and Large fish streams have greater protection than small fish streams. These Medium and Large fish streams are much more likely to have fish present in late summer when water temperature is critical for fish. The larger buffers will contribute more down woody debris to these streams which by their nature tend to flush wood out more often than small fish streams.

This sub-committee believes the RMA protections in Eastern Oregon are working, and we are not aware of any data that demonstrates water quality deficiencies. No rule making should be initiated or considered in the absence of scientifically based, peer reviewed monitoring protocols that show a deficiency and its scope. This monitoring protocol should incorporate the diversity of each ecoregion in Eastern Oregon. ODF should also compute the percentage of stream types by ecoregion to understand the magnitude of any rule change.

It is this sub-committee's hope that this brief summary will help the EORFPC develop a recommendation for ODF's consideration.

On February 22nd 2017 a public meeting of the Eastern Oregon Regional Forest Practices Committee was held. After discussion of the recommendation the EORFPC voted unanimously to adopt the sub-committees recommendations to the Oregon Department of Forestry.