

STAFF REPORT

Agenda Item No.:	3
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Update on Siskiyou Streamside Protections Project
Date of Presentation:	January 9, 2019
Contact Information:	Lena Tucker, Division Chief, Private Forests Division 503-945-7482, Lena.L.Tucker@Oregon.gov Marganne Allen, Manager, Forest Health & Monitoring, Private Forests, 503-945-7240, Marganne.Allen@Oregon.gov Ariel Cowan, Monitoring Specialist, Private Forests, 503-945- 7332, Ariel.D.Cowan@Oregon.gov Terry Frueh, Monitoring Coordinator, Private Forests, 503- 945-7392, Terry.Frueh@Oregon.gov

SUMMARY

This agenda item presents 1) work completed since the March 2018 Board of Forestry (Board) meeting on the Siskiyou Streamside Protections Project; and, 2) contextual information on fish status and trends from the Oregon Department of Fish and Wildlife (ODFW) and water quality status and trends and Total Maximum Daily Load (TMDL) analyses from the Oregon Department of Environmental Quality (DEQ).

CONTEXT

The Board's 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

BACKGROUND

The Board and the Department of Forestry are committed to using adaptive management in reviewing (and revising, if necessary) FPA rules using available science, monitoring and research. In November 2015, the Board of Forestry increased streamside protection standards in most of western Oregon. The Siskiyou region was not included because of different vegetative and geologic conditions, and the Eastern Oregon regions were out of the scope of the science used in the rule analysis.

At the November 2016 meeting, the Board finalized the Private Forest Division's Monitoring Strategy. In conversing about the Strategy, the Board discussed the need to address riparian issues in the Siskiyou and Eastern Oregon regions. The Board directed the department to:

- Develop potential monitoring questions regarding streamside protections in the Siskiyou and eastern Oregon regions;
- Estimate the timeline and resources to address questions for various methods of study; and,
- Work with stakeholders to inform the department and the Board.

At the March 2018 meeting, the department presented information based on the aforementioned direction: The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review. The Board also directed the department to work with partner agencies to present to them contextual information on fish status and trends. Since the Board directed the department to assess sufficiency of FPA rules for water quality standards for temperature, we asked DEQ to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data.

The expected outcome of this review will be a decision by the Board in spring 2019 on the sufficiency of riparian rules, to decide if:

- The FPA or rules are working as designed
- FPA or rules may not meet stated objectives
- Additional study is warranted
- No action is needed

If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).

ANALYSIS

Siskiyou Streamside Protections Review: Systematic Review on temperature, shade, and desired future conditions

Systematic Review Protocol

The department prefers to use systematic reviews (SR) for policy-related literature reviews because it provides for rigor and transparency concerning: how studies are searched for, which ones are included in the review, and how they are analyzed. All steps of the review process are documented for transparency. This documentation enables input from stakeholders and tribes at various stages in the review (Attachment 1).

The first step in conducting a SR is the development of a protocol that provides a road map for how to review the scientific literature relevant to the review's focused question. The protocol for the Siskiyou SR identifies key questions linked to policy goals within FPA rules and describes the criteria for searching for literature, its inclusion in the review, and its subsequent analysis.

Stakeholder and tribal involvement

On the initiation of the Siskiyou Streamside Protections Review, the Private Forests Division Monitoring Unit reached out to stakeholders, tribes, the Committee for Family Forestlands, and all three Regional Forest Practices Committees. This outreach, designed to educate and involve interested parties, included in-person, in the field, and over the phone meetings with stakeholders from conservation, industry, state and federal agencies, and southern Oregon ODF field staff. Staff also visited a variety of streams in the Siskiyou region.

For the next step of including interested parties in this Review, staff emailed them (90+ parties) the SR protocol. After receiving the first round of input on the protocol, it was discovered that our list of tribal contacts was out of date. A second request for input was sent to an updated list of tribal contacts including both cultural resource and natural resource representatives from each of the nine Oregon tribes. In addition, an OSU Extension agent for southern Oregon assisted us by sending the draft protocol to their e-mail list of local landowners.

Approximately 20 sets of comments on the SR protocol were received. Some responses were a paragraph or two in an email, some edited the document, some used the comment table that was provided at the end of the document, and some answered the guiding questions we provided. To efficiently and effectively respond to this input, staff captured and responded to comments by themes rather than responding individually (Attachment 1).

Attachment one also lays out the timeline for the remainder of the review, and when we will bring the final information to the Board.

Siskiyou Streamside Protections Review: Contextual Information

At the March 2018 meeting, the Board directed the department, in collaboration with partner agencies, to bring contextual information in the Siskiyou region for their decision-making process. In line with that direction, ODFW will discuss fish status and trends, and DEQ will discuss water quality status and trends and Total Maximum Daily Load (TMDL) analyses at this January meeting.

RECOMMENDATION

This item is informational only.

NEXT STEPS

The department will bring the completed systematic review to the Board to inform their sufficiency call on the FPA's streamside protections with respect to stream temperature, shade, and desired future condition on small and medium Fish streams in the Siskiyou region. We anticipate bringing this information to the Board in April 2019.

ATTACHMENTS

1. Update on the Siskiyou Streamside Protections Review