



Chair Imeson, State Forester Daugherty, members of the Board, for the record my name is Seth Barnes, and I am the Director of Forest Policy with the Oregon Forest & Industries Council. We are here to discuss the Siskiyou riparian review and offer thoughts and insights for your consideration.

First I will start with some relevant history of the Oregon Forest Practices Act. In 1987 the Oregon legislature passed HB 3396, codifying the legislative policy to “encourage 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.” ORS 527.630. Then in 1991 with SB 1125 the legislature vested exclusive authority in the Board to regulate forest practices, stating in part that...

“Factors to be considered by the board in establishing best management shall include, where applicable, but not be limited to:

- (a) Beneficial uses of waters potentially impacted;
- (b) The effects of past forest practices on beneficial uses of water;
- (c) Appropriate practices employed by other forest managers;
- (d) Technical, economic and institutional feasibility; and
- (e) Natural variations in geomorphology and hydrology.” ORS 527.765.

Finally, in the wake of the 1994 rulemaking that among other things expanded riparian buffers across Oregon, the legislature passed HB 3485. This bill codified the rigorous analysis required as a prerequisite to adoption of new forest practice rules. Among other things, the Board must find:

“(a) If forest practices continue to be conducted under existing regulations, there is monitoring or research evidence that documents that degradation of resources maintained under ORS 527.710 (2) or (3) is likely ...

and

“(c) The proposed rule reflects available scientific information the results of relevant monitoring and, as appropriate, adequate field evaluation in representative locations in Oregon. ORS 527.714.

Ensuring that forest practices rules are based on monitoring and scientific information from representative locations in Oregon is an essential underpinning of the Forest Practices Act. Adherence to these provisions and overall good governance in this manner will ensure that any future considerations or changes to the Oregon FPA continue to be based on science.

Second, some thoughts on the differences found in the Siskiyou. The US EPA recognizes ecoregions as “areas where ecosystems (and the type, quality, and quantity of environmental resources) are generally similar.” This ecoregion framework is derived from mapping done in collaboration with EPA regional offices, other Federal agencies, state resource management agencies, and neighboring North American countries. Designed to serve as a spatial framework for the research, assessment, and monitoring of

ecosystems and ecosystem components, ecoregions denote areas of similarity in the mosaic of biotic, abiotic, terrestrial, and aquatic ecosystem components. The georegion approach and the water classification system were designed so the protection measures could be applied with greater site-specificity. In the Siskiyou georegion, a Mediterranean climate, a mix of hardwood species, Douglas fir, ponderosa pine, incense cedar and true firs, and geologic factors create distinct forest ecosystems. Riparian forests are less dense than coastal or cascade georegions. Canopies are more prone to gaps and openings. Streams are more often seasonal- with flows severely restricted or non-existent during the hottest portions of the year. As a result, forestry is practiced differently- thinnings and individual tree selection prescriptions are more common, and riparian management is less frequent.

In the context of the SSBT rulemaking discussions we shared the following admonition to the board...

“It is essential that further monitoring be undertaken to document the effectiveness of the current standards that are applied in the other georegions. Such monitoring needs to be done in a manner that addresses the limitations learned in the conduct of RipStream. Such monitoring needs to be conducted in conjunction with a process that also documents the actual behavior of landowners in a random sample to better understand the operations and practical application of the rules on the ground. The monitoring needs to be done in a manner that can better support the design of solutions. This means that vegetative plot data needs to be collected in a manner that provides a higher probability that the vegetative plot(s) are representative of the vegetation within the full buffer.”

In conclusion- the forest practices rules were designed to meet water quality standards holistically. This was not a hastily thrown together hodgepodge of ideas- it was a thoughtful process that involved careful consideration of real data with a goal of meeting standards while encouraging active management. We urge the board to accept the staff recommendation, acknowledging the insufficiency of information to decide if rules are adequately protecting resources, and direct the department to begin the process of designing a monitoring project that will truly inform the question.