



Petition to Initiate Rulemaking for Coho Salmon Resource Sites

Comment by Rex Storm, Associated Oregon Loggers, Inc.
before the Oregon Board of Forestry – July 24, 2019

Chair Imeson and Board members, my name is Rex Storm, Certified Forester, Certified Family Forest Owner, and Forest Policy Manager for Associated Oregon Loggers (AOL). I make these comments on behalf of the 1,000+ AOL member companies—representing forest operation businesses statewide who grow, harvest, manage, enhance, and protect forest resources.

We urge the Board to *deny* the petition with no rulemaking (recommendation option #2), concerning the petition to initiate forest practices rulemaking for coho salmon resource sites.

- A. Previously-enacted riparian upgrades that benefit coho are accruing watershed gains—and will continue taking time to be fully realized;
- B. High compliance rates demonstrate successful implementation of harvest and riparian forest practices rules; and
- C. Cooperative stewardship among landowners-operators-ODF foresters is achieving watershed enhancement additionality that would be unachievable via regulation alone.

There is no urgent need to elevate regulation; there's insufficient impetus to determine that current riparian rule harvest rules are adversely impacting coho today or tomorrow.

- ✚ The Department's next step should be continued investment in: 1) monitoring forest riparian conditions, which appear to be improving; and 2) cooperative stewardship efforts with forest landowners and operators that successfully foster their willing additionality in watershed enhancement (voluntary enhancements and high compliance).

Our reasons for urging this decision are described in greater detail below. Furthermore, our recommendation is based upon rationale offered by Oregon Forest & Industries Council, Oregon Small Woodlands Association, professional foresters, and other forest sector representatives.

A. Previously-enacted riparian upgrades that benefit coho are accruing watershed gains—and will continue taking more time to be fully realized

Previously-enacted upgrades to the Oregon Forest Practices Act & Rules (FPA) are currently—and will continue—amplifying their benefits for coho, for stream riparian conditions, and for watershed performance. Legacy harvest areas (1850-1994)—which experienced reduced riparian vegetation—for just the most recent 25 years have been growing streamside trees. This ingrowth is occurring under continuously improved ingrowth under existing contemporary FPA policies and willing additionality in watershed enhancement.

Numerous FPA regulatory upgrades enacted over the past several decades are already functioning on an ingrowth basis to benefit coho riparian habitat. Forest ingrowth of riparian trees and upland forest road upgrades are ongoing—and will continue over the entire tree maturity life-cycle rotation, possibly 40 to 80 years in length. Because of already-enacted upgrades and accruing voluntary projects, the greatest measure of these watershed benefits will be fully-realized in the coming years.

Increasing today’s riparian buffer widths or density requirements would not speed these orderly ingrowth and watershed improvement functions that were previously codified and now in-progress.

All told, there are clear signals that current FPA regulation of freshwater habitat—plus ongoing upland watershed improvement and the already-codified riparian ingrowth and enhancement—is now producing the desired trajectory of tangible conditions sought for coho habitat.

Previously-enacted upgrades to the FPA that continue to accrue desired watershed improvement benefits for coho include, but are not limited to:

<u>FPA Upgrade</u>	<u>Year Enacted</u>		
		Enhance pesticide rules	1995
Increased SSBT RMA buffers	2017	Strengthen penalties/enforcement	1995, 1992, 1988
Refine fish presence identification	2007	Riparian Management Areas	1994
Additional streamside tree retention	2006	Erosion/road/operation upgrade	1994
Expand upstream reach of fish	2006	Fish passage upgrade	1994
Landslide/erosion mitigation	2002	Increase stream/wetland protection	1991
Road use/road erosion reduce	2002	Streamside/road improvements	1987
Oregon Plan voluntary origin	1998	Reinforced streamside/road/harvest	1985, 1983

B. High compliance rates demonstrate successful implementation of harvest and riparian forest practices rules

The Oregon Department of Forestry (ODF) conducted a field audit of harvest practices regulated under the FPA, conducted 2012-2016. The compliance audit focused on rules for harvests, roads, and a subset of water protection. The initial 2013 audit determined an overall compliance was 96%, with an improving trend identified through the 2016 audit at an overall compliance of 97%.

<u>Rule Division-Description</u>	<u>Compliance Rate</u>
Several-Written plans	92%
625-Road construct/maintenance	98%
630-Harvesting	96%
640-Streamside vegetation retention	99%
655-Other wetland protection	98%
660-Operations near waters	99%
OVERALL 2016 Compliance Rate	97%

Oregon’s private forest operators and landowners are serious about implementing science-based, outcome-oriented rules. This 5-year demonstrated high rate of compliance illustrates their diligence, their effective work with ODF’s 50 stewardship foresters, and their willing stewardship when daily ODF oversight is not possible.

Furthermore, for those targeted FPA Rule elements of lesser compliance ODF foresters have ongoing training programs aimed at improvement—working annually with forest operators, landowners, and our allied organizations. It’s through these continuous education efforts that we believe an improving compliance trend was identified by the 2016 audit.

C. “Cooperative stewardship” among landowners-operators-ODF foresters is achieving watershed enhancement additionality that would be unachievable via regulation alone

“Cooperative stewardship” is key to make the FPA rules more effective in practice— more effective with more watershed improvements achieved than would be possible by regulation alone. Willing compliance by operators and landowners happens because of continued working relationships and acceptance of rule validity. Additional voluntary watershed enhancement projects are completed on forestlands because of willing operators and landowners. The three primary forest operating partners each have vested commitment to the FPA: operators; landowners; and ODF stewardship foresters.

Cooperative stewardship makes strong streamside protection and watershed improvement additionality. I share this cooperative stewardship relationship with you so that you may more fully appreciate the fundamental role forest cooperators have in achieving desired results in Oregon’s forests—across more than 15,000 FPA activity notifications annually addressed by ODF stewardship foresters statewide. The basis for additionality accomplished by cooperative stewardship hinges on FPA rules that do not overreach beyond the science, the practicable, and the least burdensome.

The building blocks of cooperative forest stewardship are these:

- ✓ Willing compliance with FPA rules by operators & landowners
- ✓ ODF stewardship foresters effective in their role
- ✓ FPA monitoring and continuing education programs by operators-landowners-ODF
- ✓ Private forest sector shared-funding of FPA administration
- ✓ Board advise & consult by: Regional FP Committees, Family Forest Committee
- ✓ Engagement with professional foresters and scientists in policymaking
- ✓ Certainty of practicable regulation that affords economical growing & harvesting of trees
- ✓ “Voluntary” watershed improvement actions by private forest operators & landowners

An example of this “voluntary” additionality for watershed improvement is the *2018 Outstanding Oregon Certified Tree Farmer of the Year*, the Oakes Family Forest. Located in Benton County, much of the 640-acre Oakes family property in 1940 was farmland. Today, the land is a thriving multi-aged family forest successfully managed for diverse long-term values of renewable habitat, riparian, recreation, and wood. This stewardship-spawned additionality of watershed benefits never would have been possible through regulation.

In closing, thank you for your consideration to *deny* the petition with no rulemaking (recommendation option #2), concerning the petition to begin rulemaking for coho salmon resource sites.