

Agenda Item No.:	2
Work Plan:	Private Forests Work Plan
Topic:	Water Quality Protection
Presentation Title:	Methods for Riparian Rule Analysis
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SUMMARY

This agenda item presents work completed since the November 2014 Board of Forestry (Board) meeting on the westside riparian rule analysis. The item presents an approach for summarizing the prescription information in a decision matrix and describes the methods for developing: (a) temperature change predictive model, and other information, used for evaluating prescriptions; (b) information (e.g., economic and ecological) to consider when selecting a prescription; and (c) geographic extent of the rule analysis (geographic regions and stream reaches). The item also summarizes work with stakeholders.

CONTEXT

The Board of Forestry's (Board) 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. 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).

The overall goal of the water protection rules is to provide resource protection during operations adjacent to, and within, streams, lakes, wetlands and riparian management areas so that, while continuing to grow and harvest trees, the protection goals for fish, wildlife, and water quality are met. This rule analysis constitutes another step in the Board's adaptive management process of ensuring an effective and science-based FPA by considering regulatory and non-regulatory routes to meet water quality standards. The rule analysis process (ORS 527.714) requires that the Board determine that the proposed rule reflects available scientific information and appropriate factors have been considered. The analysis will seek to minimize the regulatory burden on forestland owners and operators, keep working forests working, and recognize the diverse forest management objectives throughout Oregon.

BACKGROUND

At their January 2012 meeting, the Board initiated a rule analysis of riparian protection standards on small and medium fish streams. The monitoring results leading to this analysis identified an issue with the Protecting Cold Water (PCW) criterion as based on sample sites in the Coast Range and Interior Geographic Regions of Oregon. At their April 2012 meeting, the Board adopted the following rule objective focused on this criterion (rather than on the complete set of goals for the water protection rules):

Establish riparian protection measures for small and medium fish-bearing streams that maintain and promote shade conditions that insure, to the maximum extent practicable, the achievement of the Protecting Cold Water criterion.

The Board also approved a plan for developing alternatives (April 2012), including non-regulatory approaches, for the rule analysis of riparian protection standards on small and medium fish streams. The plan included a decision timeline on findings (an “informal checklist”) to be made at each step of the process to provide the Board clear information about the legal on-ramps, off-ramps and safety nets that define their decision space at each step.

At their July 2012 meeting, the Board approved a range of rule alternatives (13) to analyze in the rule analysis. At their November 2012 meeting, the Board directed the department to develop an approach to reviewing science related to the rule alternatives, as per ORS 527.714(5)(c). The Department, in consultation with stakeholders and technical experts, developed a protocol for a systematic review of this science. The Board approved this protocol in March 2013 and the findings in November 2013. In November 2013, the Board directed the Department to develop prescriptions for a new Riparian Protection Rule, considering: a) Variable retention buffers, b) No-cut buffers, and c) appropriate criteria for a Plan for Alternate Practice, with the overall goal of protecting sufficient shade to meet the Protecting Cold Water criterion and facilitating flexibility in harvest approaches. The Board also directed the Department to include Forest Practices Act and Forest Management Plan alternatives within the variable retention alternatives considered, and to develop prescriptions collaboratively with stakeholders.

The department updated the Board on progress at the April 2014 meeting, and discussed emerging policy issues and challenges. The Board directed the department to hold a workshop to assist their understanding of available information regarding their rule analysis process for protecting cold water, including relevant science, policy, and legal aspects, stakeholder perspectives and to provide an opportunity to discuss policy choices and potential outcomes. The workshop was held in June 2014. At the September 2014 meeting, the Board received a summary of this workshop, and directed the department, in conjunction with the Regional Forest Practice Committees and stakeholders, to proceed with the rule analysis and develop prescription and associated information (Attachment 1).

ANALYSIS

Overview of Information – Decision Matrix

The Board directed the department to develop prescriptions for a new Riparian Protection Rule designed to meet the Protecting Cold Water (PCW) criterion along with preliminary economic and ecological information related to each prescription. The Board also directed the department to continue analysis of the geographic extent to which the rule would apply.

Working with Regional Forest Practice Committees (RFPCs) and stakeholders, the department developed a matrix approach for summarizing the prescription choices and associated ecological and economic information (Attachment 2). We intend the decision matrix to provide summary tradeoff information, but not to replace the more detail information in the accompanying analysis. The matrix groups prescriptions by the Board alternatives: no-cut buffer rule, variable retention, plan for alternate practice, and alternate prescription (which was developed in conjunction with RFPCs). The matrix body contains, predicted temperature change, change in restriction on forests practices, economic and ecological information, and information on impact by geographic region and stream extent. The matrix and associated information is still in development with the RFPCs and stakeholders.

Methods for evaluating prescriptions and their geographic extent

Attachment 3 discusses the methods and approaches developed to populate the Decision Matrix. The methods section covers:

- Predicted Temperature Change
- Change in Restrictions on Forest Practices
- Change in Wood Production Values (Economic Information)
- Ecological Information
- Geographic Extent to Which Prescriptions Apply

Work with stakeholders and Board advisory committees

As of March 1, ODF staff has met with the following groups (number of meetings since September 1, 2014 listed in parentheses):

- Combined northwest and southwest Regional Forest Practices Committees (4)
- Committee for Family Forestlands (5)
- Oregon Small Woodlands Association (4)
- Oregon Tree Farm System (3)
- Oregon Forest Industry Council (2)
- Oregon Stream Protection Coalition (7)

With each group, we discussed the following information:

- Rulemaking timeline, Board meeting dates, and key points for public input;
- Geographic extent of prescriptions (geographic regions and stream reach extent);

- Review of recent model development and results;
- Approaches to presenting information to the Board of Forestry;
- Elements of voluntary vs. regulatory prescriptions; and
- Approaches beyond just meeting the PCW criterion.

RECOMMENDATION

This item is informational only.

NEXT STEPS

Per the Board's direction at the September 2014 meeting (Attachment 1), the department will continue to work on the riparian rule analysis following the timeline given to the Board in January 2015 (Attachment 4). Using the methods and information presented in Attachment 3, the department work will continue to work in conjunction with the Regional Forest Practices Committees and stakeholders, to bring a preliminary prescription package and associated considerations (Attachment 2) to the Board in June 2015.

ATTACHMENTS

- (1) Board of Forestry direction provided at the September 2014 meeting.
- (2) Proposed Decision Matrix
- (3) Riparian Rule Analysis: Methods for Evaluating Prescriptions and their Geographic Extent.
- (4) Adjusted Timeline for Riparian Rule Analysis.