

June 3, 2015

Chair Imeson, Members of the Board,

For the record, my name is Heath Curtiss, and I am here on behalf of the Oregon Forest Industries Council. I have appeared before you many times on this issue. I suspect that by now you're very familiar with our position: 1) Relative to historic studies, RipStream is a success story evidencing the profound efficacy of modern forest practices in mitigating temperature increases. 2) A large and growing body of science indicates that temperature impacts of the nature observed in RipStream do not have identifiable negative biological impacts. 3) Because the Board is obligated to consider "practicability" and the "beneficial use" under ORS 527.765, and given the analysis required by ORS 527.714, the Board has broad latitude to craft a solution tailored to the magnitude of the "problem" posed by RipStream. 4) And, finally, good policy requires that the benefits of any given prescription outweigh the costs, in the long run, and both biologically and financially.

In an effort to better explain ourselves, we have now delivered to each of you a paper detailing the legal, science, and policy bases for our position in this rulemaking. We have also suggested a suite of prescriptions that, if implemented, would satisfy the Board's legal obligations and that would, we believe, result in a desirable outcomes on the ground. Among other things, the OFIC proposal seeks to decrease the risk of large temperature increases that would harm fish, while at the same time promote conditions in small and medium fish streams that would enhance aquatic productivity. We look forward to discussing our analysis with each of you personally in the coming weeks.

In the meantime, I'd like to make a couple comments in response to testimony today.

First, the matrix prepared by ODF includes projected temperature impacts of the various stakeholder alternatives. It is important to note that the Department's modeling did not capture three important elements of the OFIC package: closing gaps, decreasing RMA tapering, and increasing south-side shade. While these elements are difficult to model, we believe that they will further decrease the magnitude of temperature swings we saw in RipStream. This position is further substantiated by the site-specific analysis undertaken by the Regional Forest Practices Committees.

Second, as you heard in the state lands testimony, if we can't do it, the model shouldn't be allowed to do it. When directed to harvest to FPA standards in RipStream, private foresters necessarily left additional basal area. We discussed this last time. This resulted in an average temperature impact of 0.7C, not the 1.45C temperature increase modeled in the Department's matrix. While we can't be certain of the magnitude, we can be relatively confident that the same operational constraints would result in exceeding minimums under alternative prescriptions as well. It's also likely that landowners would, on average, leave basal area exceeding these minimums if not specifically directed to harvest to the minimums (i.e., as actually implemented on the ground). As you know, many landowners voluntarily leave significantly more.

In light of the foregoing, we have proposed a robust monitoring program to (1) track the voluntary measures implemented by landowners, and (2) further test ODF's model as applied to many sites, across georegions, going forward.