

Candace Bonner  
Member (Public) – Northwest Regional Forest Practice Committee  
RE: Public Comment, June 3, 2015 Board of Forestry Meeting. Agenda Item 7,  
Riparian rule analysis

June 3, 2015

State Forester Decker, Chairman Imeson, and Members of the Board of Forestry:

I have the privilege of serving on the Northwest Regional Forest Practices Committee (RFPC). I have been part of the process as the Southwest and Northwest Committees have worked hard to construct proposals for riparian rules changes to improve protection of Oregon's small and medium salmon, steelhead and bull-trout (SSBT) bearing streams, while having the least possible negative economic impact on industrial timber companies and other private forest landowners. With great respect for the committees' hard work and sincere commitment to riparian health, I feel that as a public member, I need to present a dissenting opinion to you.

I have introduced myself to you before as a small woodlands owner, living on property bordered by industrial timberlands, Bureau of Land Management forest land, and other small woodland owners like myself. My property and surrounding lands include a large type F stream, a medium type F stream, and several small type n streams. As I have observed changes to the streams with harvesting over the years, I have been convinced that the current FPA riparian rules do not adequately protect stream habitat. My fellow committee members, in contrast, all have extensive backgrounds in forestry, working for timber companies or managing and harvesting their own properties, and for the most part they perceive the current riparian rules to be working well. Again, for the most part, they do not perceive that the Ripstream study data is adequate to prove harm to fish, while I believe it is enough that the data clearly show that human activity- harvesting timber - is having an impact on water quality.

My differences of opinion from my fellow committee members stem from this, and are as follows:

- 1) Part of the Board of Forestry's (Board) assignment to the Regional Forest Practice Committees (September 2014) was to develop prescriptions for a new Riparian Protection Rule designed to meet the Protecting Cold Water (PCW) criterion to the Maximum Extent Practicable (MEP). The Oregon Department of Forestry (Department) spent ten years gathering scientific evidence in Oregon through the RipStream study, and invested in a thorough systematic review to take advantage of other studies done. I believe the Protecting Cold Water criterion is shown to be an accurate marker for human activity (harvesting) induced warming of small and medium streams, and

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therefore exceedance is an accurate marker for inadequate stream protection. Now that we have the science, we need to limit our choices to rules which are supported by this science. Our committees worked hard to craft prescriptions to improve riparian protection, but the Department analysis shows that our proposals would not meet the PCW criterion. The Board loses all credibility if new rules are not supported by the scientific evidence we have gathered.

2) Another dimension of the Board's direction was for the RFPCs to consider both variable retention, and no-cut buffer rule alternatives. I have long believed we need to simplify our riparian rules, ideally to a no-cut buffer. The RFPCs did not consider a no-cut RMA for understandable reasons, as this would require the greatest number of trees to be left behind, and have the greatest economic impact. What are the advantages of a no-cut riparian buffer?

A no-cut RMA is easier to understand, implement and enforce.

A no-cut RMA has the strongest scientific evidence for effectiveness as shown in the systematic review.

A no-cut RMA also offers the opportunity to address large wood recruitment, a facet the Board directed the department to consider in its analysis of proposed prescriptions. As long as basal area and metrics measured "on average" allow it, it makes sense for the harvester to select the biggest and best trees for harvest. This has a marked effect on the composition of the RMA, and its ability to naturally produce large wood for stream structure over the long term.

Blow down is inevitable. A thinned RMA, or an RMA with enough basal area to be cut down to the 20 ft no cut line, is more vulnerable to blow down. Basal area measured three years after a harvest may be quite different from the basal area left at the completion of the harvest, with a marked increase in sun exposure. This is what I observe in the area where I live.

A simple no cut buffer would help correct the mistrust of ODF by many small landowners and the public at large, fostered by our current complex rules based on basal area. Those who have heard the 100-70-50 ft RMA numbers, look at the stream crossing the big clearcut, and question how the 0-2 tree RMA can be legal. I can explain about basal area and active management to no effect. Others have heard the Oregon Forest Resources Institute ad on the radio, which refers to protection of water quality and habitat under the Oregon Forest Practices Act. This supports their belief that there are regulations protecting streams. The previously shady stream in the clearcut does not look protected to them. This can lead to the suspicion that timber companies are violating these regulations, and ODF is looking the other way. I get calls and emails from landowners who believe timber companies are breaking the law.

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3) The Board's direction included a desire for the Northwest and Southwest Regional Forest Practice Committees to assist in the Department's analysis of which stream reaches should be in scope. The Committees opted to include only those segments with current SSBT use. As we are still far below the historic populations of SSBT fish, it makes more sense to continue to treat a stream as a SSBT stream until a barrier to fish migration is reached.

4) The Regional Committees were also asked to work with the Department in their analysis of the scope of georegions to be included. The Committees took a position that their riparian prescriptions be considered only for the Coast Range georegion since the bulk of the RipStream sites were located there. I believe we should allow our ODF staff who have the appropriate scientific knowledge base to tell us when data can be extrapolated from the region in which it has been collected to other georegions, based on the similarity of vegetation and other conditions. New rules should include all georegions in which the data can reasonably be expected to apply.

5) Finally, the Board asked the Committees to consider regulatory and voluntary riparian protection options, or combinations thereof. The Committees opted to only put forth a voluntary option. I believe this would be problematic, and that regulations are necessary. Voluntary measures can be carried out in whole, in part, or not at all. Moreover, voluntary measures will be incredibly difficult and expensive to monitor for effectiveness. A regulatory no cut RMA of specific width can be monitored in a few representative areas, and elsewhere compliance to this RMA can be a reasonable and inexpensive proxy for effectiveness. The members of my committee, and the operators we visited as we considered operator of the year, all would be likely to fully comply with voluntary measures. The large scale operator who trespassed onto my own property, would never leave a tree behind unless regulations required it, and sometimes not even then. It is unlikely he is the only operator who takes this path. He does not believe there is any good achieved by leaving trees. The harvester needs to feel a voluntary effort is accomplishing a worthy goal in order to be motivated to leave trees and give up income when the law does not require it.

6) The economic impact on landowners of increased riparian protection, and especially the impact on non-industrial, small landowners, has been a topic in public comment and in our Committee discussions. The impact is considerable, as seen in the Department analysis. The Committees have directed great effort to come up with prescriptions which minimize this impact. I have found, however, that many small landowners around me support better protection of streams, including type n. Most do not enter the RMA when they harvest. My neighbors left generous no entry RMAs even around n streams when they harvested. What I hear from them as small landowners in terms of economic impact of harvest rules and lack thereof, are complaints about the lack of a buffer requirement when large clear cuts extend to their borders. The recent industrial harvest bordering on one neighbor resulted in 25 large fir of theirs going down within their border on the first windy night after the industrial harvest. That represented a big economic loss for them. In contrast, they felt the benefits of leaving a wide buffer around

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their own stream when they harvested a section of their forest several years ago, far outweighed the loss of dollars from the trees left behind. My committee's perception is that small landowners are overwhelmingly opposed to increased stream protection, and my experience is that many would welcome better protection of stream and habitat in their areas. This is probably the main reason I feel that as a public member I need to express some dissent to the Committees' final recommendations.

#### Discussion:

The Regional Forest Practice Committees have worked hard to craft riparian prescriptions to improve protection of water quality while minimizing economic impact on the industrial timber industry and other private landowners. I am expressing dissent only because our own analysis indicates that our Committee prescriptions are inadequate to prevent timber harvests from impacting water quality, and inadequate to meet the PCW criterion.

Keeping our working forests working and our timber industry economically viable is in the interest of all Oregonians, from timber landowners to environmentalists. As Peter Daugherty has eloquently and repeatedly stated, from an environmental point of view, we are much better off having land in working forest than in subdivisions or agriculture. Why is there not greater recognition of this in the environmental community? There is a lack of trust that the FPA is adequate to prevent degradation of our waters and habitat. I believe we will only come together when the FPA rules are unquestionably based on scientific evidence of effectiveness in protecting our natural resources as they are intended to do. We won't come together until we can say to the timber harvester that evidence clearly shows that this is the least amount of trees which can be left and still protect water quality. And we can say to the environmental community, evidence clearly shows that we do not need to leave more trees than this to protect this stream.

Our current riparian rules have been definitively shown to fail the criterion of avoiding human impact on water quality. Correcting this puts short term for-profit economics, and water quality protection, at odds - protecting water quality requires more trees to be left behind, every tree left behind is dollars left behind. The long term economics are less clear cut. Good quality water is becoming the most valuable commodity on earth. Stream restoration is many times more expensive than stream protection.

It would be ideal if ODF could work with the legislature and the governor to mitigate the short term economic effects of improved riparian protection, with such measures as tax credits, subsidies, and conservation easement purchases. Regardless, we cannot avoid the risks we run if we do not act quickly to improve riparian protection. We have a low snow pack this year, and low snow pack years are predicted to be more frequent. We already have many streams 303d listed for temperature. The long term economic effects of human activity impacting water quality, on top of other factors which our rules

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cannot control, such as climate change, are likely to be much more devastating than the short term effects of losing income by leaving trees.

Thank you for taking the time to read and consider this in your deliberations.

Respectfully submitted,

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