

PEREZ Sabrina * ODF

From: Marc Elliott <marcoelliott@gmail.com>
Sent: Friday, July 17, 2015 1:58 PM
To: ODF_DL_Board of Forestry
Subject: Oregon waterways

I have been informed that on July 23rd important decisions will be made regarding the issue of protecting our precious rivers and the ecosystem that depend on them. As an Oregon resident and someone who depends on the natural beauty and health of our environment, as a husband and father of 2 grown children, one of them a student at U of O, I am urging you to take the most protective measures to protect our waterways. In today's Register Guard, an article describes the urgency of the issue: " Due to drought, Oregon curtails river fishing." This illustrates fully well the urgency of finding solutions to the predicament we are in. Native salmon, trout and other aquatic species are still fighting just to survive, let alone recover. All rivers and streams need to have riparian protection, a buffer zone of trees of at least 120 feet from the banks to maintain cool temperatures. This would be an absolute bare minimum. I would suggest 200 feet of shading trees considering the quality of life value for millions who depend on healthy rivers for recreation. Our natural heritage is more vulnerable now than ever with climate change.

Thank you for taking my opinion seriously and taking note. I strongly believe many Oregonians feel reasonable steps must be taken with all urgency regarding this matter.

Marco Elliott
1944 Moss street,
Eugene, OR 97403
541 515-6485

Sent from my iPad

PEREZ Sabrina * ODF

From: Linda Brannan <LindaRBrannan@gmail.com>
Sent: Friday, July 17, 2015 1:00 PM
To: ODF_DL_Board of Forestry
Subject: Necessary 120 foot buffers on streams

To the Oregon Board of Forestry,

I am an Oregonian, born and raised. I value our wilderness, and streams need trees; the law specifies prevention of heating. The evidence of damage from logging near streams is clear and consistent.

I urge you to pass adequate streamside buffers. Our salmon and other life require it.

Thank you for your service and consideration,

Linda Brannan
4812 NE 13th Avenue
Portland, OR 97211

PEREZ Sabrina * ODF

From: John Engeliien <saltcreekjs@hotmail.com>
Sent: Friday, July 17, 2015 4:27 PM
To: ODF_DL_Board of Forestry
Subject: Forest Buffer

Good day;

I am a small forest owner less than a 100 acres. If the buffer zones are expanded they would impact my forest very much. Please consider buffer expansions very carefully.

John

PEREZ Sabrina * ODF

From: Jerry & Marilyn Eifert <jeifert@hughes.net>
Sent: Friday, July 17, 2015 3:56 PM
To: ODF_DL_Board of Forestry
Subject: No Buffers and Spraying with Roundup
Attachments: Lane Mt 036.JPG; Lane Mt 059.JPG

Roseburg, Douglas County, Oregon, BLM road 27-4-14. Lone Rock Timber Company logged down to the North Fork of Deer Creek, ran equipment through the creek, piled brush in and on the edge of the creek, and then started spraying by helicopter with Round Up. Then they burned the brush piles along the creek and in the creek. There are six families who rely on this stream for their primary water supply. I personally have on my ranch two families and five watering troughs for cattle.

When I ask the Dept. of Environmental Quality to investigate the fouling of the creek, Lone Rock Timber with the enthusiastic help of Roseburg BLM began a personal attack on me. They tried to take away my access to the communications site on the mountain owned by Douglas County which I maintain and the county has a right-of-way. They tried to block me from access to my water system in the creek on a neighbor's property. They required me to provide proof of my right in ingress and egress to maintain and have a water system on the neighbor's property. The contacted Water Resources to see if I had a right to water. They contacted the Doug. Sheriff's Office to see if I needed access to the mountain. Then, their right-of-way person in front of a group of neighbors and my son lied and said I used my key to trespass.

Big timber money has prevailed again, because the leftist, socialist Oregon legislature declined to rule for 20' buffer zones on each side of a stream. Also, the Dept. of very little fish and no wildlife other than wolves and cougars claimed the stream was "non-fish bearing, even though you can see fish in the stream, and salmon come up to spawn.

We were assured by a Dept. of Forestry person that it was perfectly legal what was done as long as it was 3000' feet from the nearest home.

PEREZ Sabrina * ODF

From: bill blair <farmerbill@charter.net>
Sent: Friday, July 17, 2015 3:00 PM
To: ODF_DL_Board of Forestry
Subject: buffer zone

dumbest thing i ever heard of sure is easy to spend other peoples money.

PEREZ Sabrina * ODF

From: Don Wirth <seed@saddlebutte.com>
Sent: Friday, July 17, 2015 3:44 PM
To: ODF_DL_Board of Forestry
Subject: borders

Why isn't selective thinning keeps the shade yet allows the land to be productive.

--

Donald Wirth
Saddle Butte Ag Inc
PO 50
Shedd, OR 97377
541-928-0102
seed@saddlebutte.com

SELL Tara L * ODF

From: beverlyc@otcwb.com
Sent: Saturday, July 18, 2015 7:47 AM
To: ODF_DL_Board of Forestry
Subject: over regulation of riparian areas

Follow Up Flag: Follow up
Flag Status: Flagged

Fish have survived swings in water temperature for 1000,s of years! Micromanaging and or single species managing will do more harm than good. In the economic impact of regulations must be considered. When DDT was banned for the survival,and rightfully so, not enough planning for the survival of farmers was done. Urban sprawl has taken the place of wetlands and farmland. Look no further than eastern Oregon to see the development of what was once one of the largest most beautiful wetlands in Oregon!

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Monday, July 20, 2015 11:03 AM
To: SELL Tara L * ODF
Subject: FW: Oregon Forest Practices Riparian Rules

Sabrina

From: ggce@aol.com [mailto:ggce@aol.com]
Sent: Friday, July 17, 2015 5:22 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Oregon Forest Practices Riparian Rules

Dear Ms. Perez,

Our family owns 120 acres of forest land in two parcels located in Lane and Douglas Counties. We established our business in 2000 to invest, operate and maintain in family ownership forest land dedicated to sustainable production of commercial timber. Our forests are certified in good standing under the American Tree Farm system.

Today, I wish to share my great concern about overzealous regulations to drastically increase retention of trees along fish bearing streams. On our two properties, small and medium fish bearing streams traverse 3300 lineal feet. Under existing regulations more than 5% of our lands are restricted for a variety of habitat and scenic protection measures.

Maintaining water quality, fish habitat and stream protection have always been very important to us. When designing recent harvest units adjacent to streams, we have developed a written plan in close consultation with our stewardship forester. The plan allowed us to harvest some valuable trees while leaving in excess of required basal area for shade. The result has been a very successful outcome for the landowner and fish. The new proposed very prescriptive rules would eliminate creative collaboration with "one size fits all" approach.

A 100 foot no-touch buffer as proposed in these rules would nearly triple the encumbered acres on our lands. This extreme proposal would "take" a portion of our forests with a potential of over \$150,000 value by prohibiting harvest of both mature and young timber that will mature in the future.

This proposal is a very arbitrary approach to a perceived problem based on very questionable data. Informed science related to fish in forest streams clearly shows lack of harm to any fish species resulting from the current rules.

These proposed rules are an unreasonable hardship on our family as forest owners. We have worked hard for our investment and take great pride in the management of our

forests. We ask the Board of Forestry to halt implementation of these extreme and onerous rules. We support the current the current riparian rules as they protect valuable stream and water resources. To impose this "one size fits all" agenda would be a serious set back to collaborative resource management.

Sincerely,

Gordon and Gail Culbertson
Whitewater Forests LLC
39074 Easton Lane
Springfield, OR 97478
(541) 285 3288

SELL Tara L * ODF

From: Alexandra Davids <alexandra.a.davids@gmail.com>
Sent: Saturday, July 18, 2015 12:19 PM
To: ODF_DL_Board of Forestry
Subject: Oregon should protect it's waterways

Follow Up Flag: Follow up
Flag Status: Flagged

To the Oregon Board of Forestry,

As one of a lot of Oregonians you represent on the Board of Forestry, I want to ask you to make sure we have enough streamside buffers.

If scientists and Federal agencies are pointing out how important it is, why isn't it already part of the rules?

I hope you will make sure that that will happen. Economics is a strong issue but the environment cannot speak up for itself.

Alexandra Davids

Alexandra Davids
5029 Cumberland Ct Se
Salem, OR 97306
5039990094

SELL Tara L * ODF

From: Mora Dewey <morathistle@gmail.com>
Sent: Saturday, July 18, 2015 7:48 AM
To: ODF_DL_Board of Forestry
Subject: Comments on Water Quality Rules

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Oregon Board of Forestry,

These rules require major revision. Oregon's rules are among the weakest in the nation, failing sadly to protect water quality and salmon habitat. Oregon SHOULD BE an exemplar of clean water and abundant wildlife. This is why people move here and why tourists visit.

We need 120-foot stream buffers on ALL streams to prevent overwarming of our waters and habitat for aquatic wildlife. We need further buffers (say 120-400 ft) that are thinned, not clearcut.

I note that Oregon lost a federal clean-water grants several years ago for not maintaining clean water standards, which was mainly due to poor forestry practices. As forestry has been (but no longer is, by the way) the chief industry of our state, we should know better than to degrade our land, water and air by poor practices.

The drive from Astoria to Lincoln City is painful, with all the scars of clearcuts clearly in sight whenever one looks eastward. Imagine how tourists see this!

Come on, let's make Oregon a state to be proud of, one with abundant natural beauty and wildlife species.

Mora Dewey
PO Box 1113
PO Box 1113
Cottage Grove, OR 97424

SELL Tara L * ODF

From: EULIA QUAN MISYIMA <counterpoints@earthlink.net>
Sent: Friday, July 17, 2015 8:54 PM
To: ODF_DL_Board of Forestry
Subject: There are more signs that our waters are becoming less and are not protecting or promoting life as it has 100 years ago.

To the Oregon Board of Forestry,

Our legislature has gone to take a rest. But the people should not take any rest in moving to save our natural water and keep it in a natural condition in order to save the fish and all other animals dependent upon survival in naturally clean and the temperatures in which they will not die as they seem to be on the verge of doing so recently in water that is overly warm - for many days.

As one of the millions of Oregonians you represent on the Board of Forestry. Do what science has revealed to help save longevity for animals who can survive only if water is pure, clean, natural and not overly warm.

I join with others in sending you the following group statement:

I urge you to pass adequate streamside buffers. You have heard the evidence time and again, including from the Department of Forestry: we need 100-120 foot no-harvest buffers on all streams in western Oregon to reliably prevent logging from heating streams in violation of Oregon's standards under the federal Clean Water Act.

Thank you for your service and consideration,

I would like a response to my statements in this letter. I want to know that you will act to restore Nature so that it will promote life instead of be altered by the actions of people singularly or in organized business placing short term nonearthly gains by misuse of water - instead of keeping water available and naturally healthy for maintaining life near our homes as well as for saving our planet. the Earth.

Thank you for your attention.

EULIA QUAN MISYIMA
840 N. W. SIXTH ST
Gresham, OR 97030

SELL Tara L * ODF

From: Clair Klock <cklock@conservationdistrict.org>
Sent: Sunday, July 19, 2015 2:53 PM
To: ODF_DL_Board of Forestry
Subject: Riparian Forest Buffer

Follow Up Flag: Follow up
Flag Status: Flagged

July 17, 2015

Chair Imeson and Board of Forestry,

Having listened to the presentation by staff and testimony at the last board meeting I urge you to adopted that 170/275 option as the standard for riparian buffer at the July 23rd board meeting. This option comes the closest to achieving the EPA mandated standard for temperature

This allows cutting in the riparian zone as well as increase the health of the forest. No cut zone are not good for forest health or the economy.

Other state agencies and conservation districts and watershed council spend millions dollar sand work hard to achieve better habitat only to have the result nullified by poor greedy logging practices.

I would further urge you to include non-fish bearing streams in the rules as they are the source of fish bearing stream water and sediment load.

Summer cheers and thank you for your consideration.

Clair Klock

Forest land owner and natural resources conservation specialist

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Monday, July 20, 2015 10:45 AM
To: SELL Tara L * ODF
Subject: FW: Board of Forestry meeting July 23, 2015

Sabrina

From: Robert Kahl [mailto:bob@kahl.org]
Sent: Saturday, July 18, 2015 2:14 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Board of Forestry meeting July 23, 2015

Dear Sabrina,

My name is Bob Kahl. My wife, Marianne and I own property in Clackamas County which includes approximately 42 acres of forest land. While this property has only been under our direct control for a little over 20 years, it is property my parents purchased in 1939 and which I grew up on.

I see the next Board of Forestry meeting is set for July 23rd. Unfortunately I will be out of town and unable to attend that meeting. However, I do have concerns about the recommendations I understand are to be considered for Forest Practice Riparian Rules at that meeting and am writing you in hopes of having my voice heard.

As a rough estimate, we have about 1500 feet of stream running across our property. Indications are this is a fish bearing stream. Current Riparian Rules for this stream encumber about 8% of our forest or about \$15,000 current value. Even though this is a significant impact, we support the current Riparian Rules because we see the impact they have and believe in the protection they provide our stream.

That said, we strongly oppose the proposed 100 foot no-touch zone concept. To give you an idea of the impact on our farm, such a rule would take over \$25,000 of our timber assets and more than double encumbered acres. But the bigger issue is that it does that based upon rule changes which do not appear needed. Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from the current rules. We don't need rule changes.

We are strongly connected to this land. We work hard to support the animals that share the land and streams here with us. We do appreciate the work the Board of Forestry has put into concerns about stream health. But we ask they look to the science and not take away any more of our land.

Thank you.
Bob Kahl

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Monday, July 20, 2015 10:37 AM
To: SELL Tara L * ODF
Subject: FW: Proposed FPA Stream Rules

Sabrina

From: trees4pathfinders@centurytel.net [mailto:trees4pathfinders@centurytel.net]
Sent: Sunday, July 19, 2015 11:04 AM
To: sabrina.perez@oregon.gov; Jim James <jimjamesoswa@yahoo.com>
Subject: Proposed FPA Stream Rules

My name is Rod Bardell. My wife, Ann, and I live and own 176 acres of forestland in Linn County. We have owned and managed our forest for 8 to 25 years for timber and recreation. On our tree farms there are 4400 lineal feet of fish bearing streams on our properties including small and medium classed tributaries of the South Santiam River. The current Forest Practice Rules restrict management on over 6% of my forest with a current value today of \$102,000. However A 100 foot no-touch buffer, as proposed as an option by the Department of Forestry, would have a big economic impact to me and my family. It would remove from harvesting over \$47,000 worth of my timber assets and more than double my encumbered acres.

Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from timber harvests under the current FPA rules. The small temporary stream temperature increases resulting from timber harvest under the current rules are within natural variation and minor compared to the increased water temperatures evidenced this year. Major changes to Forest Practices Rules are not justified.

We support the current FPA Riparian Rules because I believe they adequately protect the beneficial uses of forest streams. Our streams are a wonderful asset to our property and we enjoy them for recreation and are proud of the pure cold water they provide the South Santiam watershed. We are also proud of the timber resource that provides a renewable resource and jobs to our community.

Red alder is a dominant specie near streams, but it has a relative short life span. The tops on red alder start to die when only 40 years old, eventually the trees die off due to disease and in the future its value for shading is eliminated. For many years I have planted western red-cedar in small openings along our streams for specie diversity, future shade and stream protection. Even though the cedar is shade tolerant, I have observed it does need some open area and sun otherwise it just doesn't grow. To impose a strict buffer without any harvesting does not allow for successful riparian planting and does not improve long term stream shading and maintain riparian ecosystems.

My suggestion is that the current riparian rules be kept, but that when any harvesting is done within 100 feet of the streams, a detailed and aggressive reforestation project be required in the written plan(which is required now) that improves the future shade and riparian function.

Thank you for your consideration of the impacts of FPA rules on small woodland owners.
Rod Bardell

SELL Tara L * ODF

From: Paul Sutfin <Paul93sutfin@gmail.com>
Sent: Saturday, July 18, 2015 9:51 AM
To: ODF_DL_Board of Forestry
Subject: Water

Follow Up Flag: Follow up
Flag Status: Flagged

To the Oregon Board of forestry

Please protect our fish and water
By passing the buffer law.

The environment is the economy.

Paul Sutfin

Paul Sutfin
5601 n. campbell ave
Portland, OR 97217

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Monday, July 20, 2015 10:40 AM
To: SELL Tara L * ODF
Subject: FW: Message to Board of Forestry on the Riparian Rule - July 23rd

Sabrina

-----Original Message-----

From: Tom Nygren [mailto:tnygren@juno.com]
Sent: Saturday, July 18, 2015 4:47 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Message to Board of Forestry on the Riparian Rule - July 23rd

Hello, Sabrina,

Will you please forward my message below to the Board for their consideration on July 23rd? Thanks!

My name is Tom Nygren. My family and I own 75 acres of forestland in Washington County. We have owned and managed this forest for the past 17 years. There is 1200 lineal feet of fish bearing streams on our property. The current Forest Practice Laws encumber nearly 4% of my forest with a current value today of \$17,000. I support the current Riparian Rules because I believe they adequately protect the beneficial uses of forest streams. A 100 foot no-touch buffer, as proposed as an option, by the Department of Forestry would have a big economic impact on me and my family,. It would take over \$40,000 worth of my timber assets and more than double my encumbered acres. Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from the current rules.

Based on the information that I have seen coming out of the ODF sponsored research and the paired-watershed studies, it appears to me that the options for riparian rule adjustment being considered by the Board are in excess of what a prudent approach would require. In fact, the lack of a solid basis for the more severe rule changes seems to be based on a premise of "since we don't know for sure what would be the scientifically sound approach, let's just set a very conservative buffer to cover all contingencies". As David Bateman pointed out in his message to the Board, a more prudent approach would be to spend the time and effort needed to identify the really important and critical conditions and regulate them - and not just apply a blanket of unjustified restrictions across the board.

The economic impacts to small woodland owners particularly is very significant - a poor reward for their good stewardship. The impact of heavy handed rule-making goes well beyond a purely economic effect - it results in a chilling effect on woodland owners desire to retain and provide good stewardship of their properties. Please keep this in mind as you consider these proposed rule changes!

Thanks for the opportunity to share my thoughts with you.

Sincerely,

Tom Nygren
19022 SW Finnigan Hill Road
Hillsbor, OR
Please do not steal my assets.

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Monday, July 20, 2015 12:18 PM
To: SELL Tara L * ODF
Subject: FW: Riparian Rules

Sabrina

-----Original Message-----

From: dalboge@juno.com [mailto:dalboge@juno.com]
Sent: Monday, July 20, 2015 12:00 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Fw: Riparian Rules

----- Forwarded Message -----

From: "dalboge@juno.com" <dalboge@juno.com>
To: sabrina.perez@odf.state.or.us
Subject: Riparian Rules
Date: Mon, 20 Jul 2015 17:08:24 GMT

Dear Ms. Perez,

Please forward my comments to the members of the Board of Forestry.
Thank you.

Dallas & Sharon Boge

To the members of the Board of Forestry:

My name is Dallas Boge. My wife Sharon and I own about 100 acres of forestland in Washington county. We have owned and managed this forest for over 55 years. In that time we have planted bare ground, harvested same and replanted a new forest.

There is 2900 lineal feet of fish bearing streams on our property. The current Forest Practice Laws encumber nearly 7% of my forest with a current value today of \$67,000. I support the current Riparian Rules because I believe they adequately protect the beneficial uses of forest streams. A 100 foot no-touch option, as proposed as an option, by the Department of Forestry would have a big economic impact to me and our family. It would take over \$156,000 worth of our timber assets and more than double my encumbered acres.

Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from the current rules. Please do not steal my assets, these monies are for our retirement. In addition, the State of Oregon takes a large hit from lost tax revenue.

Thank you for your consideration.

Dallas and Sharon Boge
10735 N W Thornburg Road
Gales Creek, OR 97117
503 357-7688

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<http://thirdpartyoffers.juno.com/TGL3141/55ad2b537efc02b5343b9st04vuc>

SELL Tara L * ODF

From: Bruce and Helle Ruddenklau <ruddenkl@viclink.com>
Sent: Sunday, July 19, 2015 7:51 PM
To: ODF_DL_Board of Forestry
Subject: Buffers around streams

Follow Up Flag: Follow up
Flag Status: Flagged

Board of Forestry,

As a landowner in Oregon, I'm concerned about your intent to increase the no-cut buffers around fish bearing streams in Western Oregon.

Changes such as this, should only be done if there is scientific proof that the current buffers are not sufficient. It is easy to make assumptions, but it is imperative that Oregon follows a scientific route for best management practices. Please keep the current buffers until such a time when there is scientific evidence that a change should be made.

Sincerely,
Helle Ruddenklau
Amity

SELL Tara L * ODF

From: Glenn Walker <glenn.walker88@gmail.com>
Sent: Monday, July 20, 2015 11:13 AM
To: SELL Tara L * ODF
Subject: RE: Protect Oregon's Waterways

That is just fine. However, my comments were really regarding the fact that I will, in no way, vote for a politician who is willing to side with the Timber corporations against the interests of the citizens of the state of Oregon.

And the fact remains that corporate timber interests appear (are) the only interests that are considered with the natural resources (timber) within our state. They pay few, if any taxes, they are largely subsidized by the state and yet the inversion process continues. With the blessing of our state government they have moved most of the timber processing jobs overseas and now Oregon has become little more than a raw material resource to be exploited by interests that have been located in foreign countries. Logs continue to go out. Lumber and paper continue to be imported back and the Oregon middle class and jobs continue to decline.

This is what ODF has become. Nothing more than a middle man for corporations and the further implementation of corporate entitlement and corporate welfare.

From: SELL Tara L * ODF [mailto:Tara.L.Sell@oregon.gov]
Sent: Monday, July 20, 2015 11:03 AM
To: glenn.walker88@gmail.com
Subject: RE: Protect Oregon's Waterways

Thank you for your comments to the Oregon Board of Forestry. They have been shared with our Board members and Department Staff.

For further information on the Board of Forestry or upcoming meetings, please visit www.oregonforestry.gov.

Best regards,

Tara L. Sell | Interim Board Support

Public Affairs and Executive Team
Oregon Department of Forestry
2600 State Street, Salem, OR 97310
Desk (503) 945-7210
Tara.L.Sell@oregon.gov

Connect with us:
www.oregon.gov/ODF



SELL Tara L * ODF

From: Gilbert or Barbara Shibley <shibleys@123mail.net>
Sent: Monday, July 20, 2015 11:37 PM
To: ODF_DL_Board of Forestry
Cc: Jim James; Scott Hanson
Subject: Testimony on RMA rules

Members of the Board of Forestry:

I have testified before, explaining which kind of rule changes would fit my family's forest management goals. Now, a week before you decide, I got to see what the Department has provided the Board as recommendations. I have a bit more to say.

Seeing 1500 cells in the matrix and 50 pages of explanation, I am still not convinced that what they report is good enough for the fish to warrant it being so bad for our business and our state's goals of keeping forestland in forest use.

My ownership and management may soon be passing to my children, and my grandchildren are watching what it takes to keep it worthwhile in both economic and family value. If stream protection keeps reducing our returns, we must reduce our inputs proportionately. All the science shows that the benefits to water quality and fish health come far short of increasing at the same rate.

Our whole family is well educated and understands the law of diminishing returns. In our business we are careful not to let our costs get very far ahead of the benefits. We have a stake in this so we can keep it a sustainable forest operation. Here is the problem: you and other parts of government are deciding what stream health will cost but are then sending us the bill to cover it.

If you force us to quit managing the current RMAs then I will be unable to explain to my family why that sacrifice is required of us, since the 0.3 deg. C threshold seems to be a policy call for which no one can give a scientific rationale. That it is also the least detectible change supportable by good statistics makes it all the harder to swallow. We will be coming to you for that explanation I cannot give. The fish know it matters if that increase meets them at vs. well below the "numeric criteria."

You must weigh the evidence and make a reasonable, scientifically supportable decision. Please do not see your job as choosing between interest groups competing with power and influence.

Gilbert A. Shibley shibleys@123mail.net (503) 630-6123
Owner/Manager, Forest Home Woodlands LLC

24750 S Wallens Rd
Estacada, OR 97023

SELL Tara L * ODF

From: Orella Chadwick <orella@quixnet.net>
Sent: Tuesday, July 21, 2015 10:35 PM
To: ODF_DL_Board of Forestry
Subject: Buffer Zones....

Are not the answer. The answer is to clear out the streams and rivers of the silt built up in them and especially at the mouth of the streams where it is as much as 30 ft. deep in some streams that flow into Tillamook Bay....If the water is free-flowing it will be much cooler, ask the experts.

Orella Chadwick 503-842-6036

Tillamook, OR

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Tuesday, July 21, 2015 11:57 AM
To: SELL Tara L * ODF
Subject: FW: Letter concerning stream buffer impact on our forestland

Sabrina

From: Annabelle Morgan [mailto:chipmunkam@gmail.com]
Sent: Monday, July 20, 2015 11:54 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Letter concerning stream buffer impact on our forestland

My name is Annabelle Morgan. I am a 3rd generation Small Woodland Owner. My parents bought the land from my father's uncle in the 1950's and managed it until his death in 2011 with my brother and I becoming part of the management since 1999. My father was Tree Farmer of the Year 2 times during this time, and his vision was to improve and increase our forestland so that it could be passed on to future generations to manage. His passion inspired my daughter to receive a degree in Forestry Management and a Masters in Forestry Biometrics, so her education will help the next generation use best practices to maintain and improve our forestlands and the environment on our farm and along the Alsea River. My brother and I own 415 acres of forestland in Lincoln County. There is approximately 5000 lineal feet of fish bearing streams on our property. The current Forest Practice Laws encumber nearly about 4% of my forest with a current value today of \$122,000. I support the current Riparian Rules because I believe they adequately protect the beneficial uses of forest streams. A 100 foot no-touch buffer, as proposed as an option, by the Department of Forestry would have a huge economic impact to my family and me. It would take nearly \$46,000 worth of my timber assets today, more than double my encumbered acres, and take from me the opportunity to recoup a return on our investment in the young forests outside the current riparian areas. Since much of our land is in reproduction stage, we have to use current assets to maintain roads, manage noxious weeds, do thinning so stands are free to grow, plant when we do harvest, and control vegetation in newly planted areas this year and during future harvests. Without the assets which this new rule would impose, it will be difficult financially to keep our farm viable, especially since we have very few harvestable acres currently and must wait for reprod areas to mature enough to harvest in the next 10-20 years, so we will have little income during this time, so this will negatively impact our ability to manage our lands effectively and properly.

Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from the current rules. Expanding buffer zones would negatively impact our ability to manage our forestlands as they should be managed, so please do not steal our assets. Help us honor the vision of our father so we can pass his legacy on to our children by retaining the current stream buffer regulations.

Thank you for consideration of our sincere concerns. We trust you will make a decision which will take into consideration the evidence that the current rules are stringent enough to maintain healthy fish species along streams.

Sincerely,

Annabelle Morgan

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Tuesday, July 21, 2015 1:43 PM
To: SELL Tara L * ODF
Subject: FW: Proposed Changes In Riparian Rules of the Oregon Forest Practices Act

Sabrina

From: Doug Shannon [mailto:douglas@molalla.net]
Sent: Tuesday, July 21, 2015 1:41 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Proposed Changes In Riparian Rules of the Oregon Forest Practices Act

Sabrina,

Please forward this email to the Board of Forestry.

Thank-You

Oregon Board of Forestry members:

My name is Doug Shannon. My wife and I own 15 acres of forestland in Clackamas County. We have owned and managed this forest since the early '70's. We have been counting on the timber on this forest to be part of our retirement. There is 600 lineal feet of fish bearing streams on our property. The current Forest Practice Laws encumber nearly almost 13% of my forest with a current value today of \$25,000. I support the current Riparian Rules because I believe they adequately protect the beneficial uses of forest streams. A 100 foot no-touch buffer, as proposed as an option, by the Department of Forestry would have a big economic impact to me and my family,. It would take over \$41,000 worth of my timber assets and more than double my encumbered acres. Science related to fish in forest streams clearly shows there is no harm to any fish species resulting from the current rules. Please do not steal my assets. I ask that the current riparian rules be retained.

Sincerely,

Doug Shannon
Oregon Small Woodland Association Member

7/20/2015

Chair Imeson and Board Members:

Thank you for the opportunity to comment on the Protecting Cold Water Standard and potential new stream protection rules. I commend the Board for taking the necessary time and due diligence to get this important issue right.

Disclosures: I do not own any forestland. I am a retired ODF forester; I am a volunteer with the Oregon Tree Farm System and the Oregon Forest Resources Institute.

I offer the following comments based on 23 years experience working with **FFO's [Family Forestland Owners]** as an ODF Stewardship Forester and as an Incentives Coordinator in the Private Forests Program.

I support Oregon's Forest Practice Act (FPA) because it has been based in science and has provided forest protection while minimizing economic impacts to forest landowners.

Forestland generally provides the cleanest and coldest water. FFO lands often provide a strategic buffer between urban areas and other forestland [Industrial, State, Federal] and provide forest benefits at the urban fringe. Loss of FFO lands [forest cover] would have a permanent negative impact on water quality in the lower reaches of streams as they enter urban areas.

The ability of Oregon's private forestland to remain in forest use depends on the economic viability of these forests. This is particularly true for FFO's. FFO's are constrained by not having the "economy of scale" needed to deal with the ever increasing carrying costs of their forests. These costs include regulation, fire protection, management planning, taxes, road maintenance, invasive species, vandalism, etc. These costs also include voluntary actions to improve fish and wildlife habitat.

Many FFO's are also constrained by infrequent timber harvests; this makes it very difficult to "cash-flow" the holding costs of their forests. Some FFO's have forests that are immature and will not be harvestable for decades.

I am concerned about the impact of the proposed new stream protection rules on FFO's ability to maintain their forestland. Adding a new regulation to the existing regulations on top of the previously mentioned FFO constraints is problematic. My sense is that the economic viability of some of these forests is approaching a "tipping point"; I liken it to a slow economic death by a thousand cuts. In Central, Eastern, and Southern Oregon, some forests are no longer viable. Non-viable forests tend to be converted to more intensive land uses resulting in reduction or elimination of forest cover.

I believe that the benefit of the proposed rules will be very small [if any] relative to the costs incurred by the state and individual landowners. Former State Forester, Jim Brown, wisely observed that “(t)he current context of family forestland ownership is marked by (several) developments: (including) ... (r)egulations that have reached the limits of their effectiveness...” [Looking Forward II, Oregon Families & Their Forestlands: Proceedings of a Symposium, Page 16, April 27-28, 2007, Oregon State University].

The tools the Board uses to address this water quality issue should be proportionate to the magnitude of the environmental impairment. Given there is a small PCW variance, it is not clear that the variance causes any impairment to organisms that live in the water. The Board has received contradictory input from the research community; some of the information presented may have been over-reliant on watershed “models”.

After having read and/or listened to most of the testimony presented to the Board on this issue, I have concluded that:

- 1) The science is not settled on this complex issue;
- 2) The paired watershed study data [when complete] will greatly inform this issue;
- 3) The PCW temperature variance is very small under current FPA rules;
- 4) The PCW temperature variance may be beneficial to fish;
- 5) The cost/benefit ratio of creating regulations will likely be high;
- 6) Economic impact to the most effected LO's [FFO's] is significant;
- 7) FPA regulations have reached the point of “diminishing returns”;
- 8) The Board has wide discretion in addressing the PCW issue.

For the above reasons, I urge the Board to use a **voluntary** approach to addressing the PCW Standard reinforced by robust monitoring. Doing so will allow time: (A) to monitor the effect of specific voluntary BMP's on the PCW, and (B) for the paired watershed data to better inform this issue.

A voluntary approach would also be consistent with existing successful initiatives that address water quality. Examples include OWEB's Oregon Plan for Salmon and Watersheds, DEQ's Pesticide Stewardship Partnership, and ODFW's Conservation Strategy. The Oregon Plan relies heavily on voluntary actions; the DEQ and ODFW programs rely exclusively on voluntary actions.

Thank you for considering my comments.


Steve Vaught
4388 Oakman St. S.
Salem, OR 97302

SELL Tara L * ODF

From: Cynthia <cynthia.a.warnock@gmail.com>
Sent: Tuesday, July 21, 2015 11:14 AM
To: ODF_DL_Board of Forestry
Subject: Buffer zones

I understand it is being considered to increase the no-cut buffer zones along waterways and I thank you for the opportunity to comment on this. We manage trees to help reduce fuel and thus reduce wildfires. Riparian areas should be of no exception. This area will also burn and in the long run have a greater detrimental effect on the waterway if it burns then the no treatment would. A few years ago in Wallowa County there was a riparian area the burnt in the wilderness. A year later a cloud burst opened up above this and created a large amount of water to go down this waterway taking with it an abundance of soil. There were a lot of fish that did not survive that sediment dumping. In southern Oregon there was a large fire and the fish in the waterways did not survive because of the heat. Granted these are a one-time event, but it can happen and if we can help reduce these risks then we should be proactive. Logging and thinning are tools. Like a hammer - if it is never used the house does not get built. If used right, you have a good house. If used wrong then something gets hurt. There should be no action along riparian areas, but good sound management. I hope you put a great deal of thought into this before making a decision.

Sincerely,

Cynthia Warnock

Imnaha, Oregon

SELL Tara L * ODF

From: Alene Allen <gsgranny97@gmail.com>
Sent: Wednesday, July 22, 2015 2:26 PM
To: ODF_DL_Board of Forestry
Subject: Fw: Stream side buffers.

Subject: Stream side buffers.

Greetings,

I just received notice from our local Farm Bureau of the Board of Forestry's meeting to decide on the widening of 'no touch' buffer zones beside streams. Could this be 'overkill'?

How much moisture will the plant life in this extended buffer zone soak up that otherwise would find it's way into the stream? How much would be drawn from the stream? Considering that most streams meander, how tall would the trees have to be to shade all the water?

Considering a like amount of water flow, compare the temperature of a wide shallow stream, with a lot of water exposed to the sun and warmer air, and a narrow deep stream with less exposure to the sun and warm air. I know what I think the answer is, you guys are the experts, what is your answer?

Those buffer zones should still be maintained, invasive weeds controlled, dead/dying brush cleared out, erosion controlled, etc. Will you do that or will you walk away thinking your job was done, leaving a breeding ground for pests, invasive weeds or fire hazard?

Leaving a few spindly trees in a draw that probably never has a live stream, or along a road seems like a waste. Without the support of their neighbors, they are much more likely to blow down in a storm and be wasted. I like to see trees, but I also like to view the more distant vistas, even if it is just more trees. More important, along the roads, they are a danger to the life and property of travelers.

If you would like to know my background, my family moved to a dairy farm south of Tillamook in 1945, when I was 13, just after the '45 burn and I saw the '51 burn. I came by my love and respect for the land, honestly. I belong to the Tillamook Bay Watershed Council, Farm Bureau and attend a lot of meetings. With my logger husband, I hunted the 'Burn' and watched the trees grow.

I enjoy seeing logging, because it means people are working, there is raw material for paper, houses and not the least of benefits, tax money for roads and schools. With the current logging practices laws, you know the area will be replanted and that means a new crop for our children and grandchildren's benefit. I'd much rather see that than all mature trees with their life span drawing to a close.

Respectfully,

Alene Allen, 1102 5th St. Tillamook, OR. 97141 503-842-7188



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SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Wednesday, July 22, 2015 5:43 PM
To: Candace Bonner
Cc: SELL Tara L * ODF
Subject: FW: written testimony for BOF meeting July 23, 2015
Attachments: written commentary for July 23, 2015 BOF meeting, riparian rules.docx; Copy of cmments submitted June 2015 BOF meeting, riparian rules.docx

Hi Candace,

Tara will forward your message to the Board but at this time I'd add that they may not see it before tomorrow.

I would recommend bringing copies of your new testimony so they have it available.

Best,

Sabrina

From: Candace Bonner [mailto:candace.bonner@gmail.com]
Sent: Wednesday, July 22, 2015 3:30 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: written testimony for BOF meeting July 23, 2015

Sabrina, I have attached written commentary for tomorrow's meeting on the riparian rules agenda item 2. I will also attach the written commentary I submitted on this topic for the June 3 meeting. This time I hope to also provide oral commentary, which is a shorter version of this. Thank you. Do I still need to bring printed copies for the Board members, if submitted electronically?
Mahalo nui,
Candace Bonner.

Candace Bonner

RE: Public Comment, July 23, 2015 Board of Forestry Meeting. Agenda Item 2,
Developing riparian rules prescriptions

July 23, 2015

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

I submitted written commentary on the riparian rules process at the last Board meeting (attached below) and appreciate the opportunity to add a few additional comments.

First, we should all take note that this is the warmest year in Oregon in 100 years, with record breaking temperatures in the Columbia. Rivers and streams are low due to our warm winter and low snowpack, with another warm winter predicted. Salmon die-offs due to warm water are in the news, in the Deshutes, the Columbia, and the Willamette Rivers. Even the large salmon and steelhead spawning stream crossing my own property appears to have exceeded the biologic marker of 18 degrees centigrade this year. Unusually hot years are predicted to become increasingly frequent.

This makes the point that the biologic danger levels are easy to exceed in hot years, and that we need to protect our riparian areas adequately for the hottest years as well as average years. The other point is that the Oregon public is currently acutely aware that our streams and rivers are too warm and salmon are dying.

Second, the Forestry Department staff report outlines three categories of prescriptions for riparian protection, but only the first, with a no-cut riparian buffer, fully protects cold water. Peter Daugherty discusses the possible “unintended consequences” of a no cut buffer in the Staff Report. He references OAR 629-640-0000, Desired Future Condition (DFC) of mature streamside stands:

The desired future condition for streamside areas along fish use streams is to grow and retain vegetation so that, over time, average conditions across the landscape become similar to those of mature streamside stands. Oregon has a tremendous diversity of forest tree species growing along waters of the state and the age of mature streamside stands varies by species. Mature streamside stands are often dominated by conifer trees. For many conifer stands, mature stands occur between 80 and 200 years of stand age. Hardwood stands and some conifer stands may become mature at an earlier age. Mature stands provide ample shade over the channel, an abundance of large woody debris in the channel, channel-influencing root masses along the edge of the high water level, snags, and regular inputs of nutrients through litter fall (OAR 629-640-0000).

I stated previously why I believe we need a no-cut riparian buffer. I see the “unintended consequences” of active management in the RMA being the elimination of the likelihood

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of ever achieving the DFC. When I moved on to my forest land 13 years ago, many of the streamside areas in this watershed were in the desired state of shady mature stands, dominated by conifers 60-80 years old, with no or few invasives. Over the years, many of the streams have had clear cut harvests, often appearing to be actively managed down to the 20 ft no cut line, and many of the remaining buffer trees have gone down in the first three years. None of these RMAs will achieve the desired future condition in my lifetime. With the current short rotations, I doubt they will ever be in the DFC state again. The unintended consequences of active management can be transforming shady, mature, conifer-dominated streamsid es, to mainly shrub and hardwood with a few smaller diameter conifers remaining.

I continue to believe that a no-cut buffer is the best way to have any chance of achieving the DFC, and retaining most of the larger conifers within the RMA. If the Board does choose to continue active management in the RMA, I believe it is essential to add more limitations than merely basal area requirements, such as borrowing a page from the California rules, which require thinning in the RMA to increase tree diameter, require leaving the 13 largest trees per acre, and require 70-80% remaining canopy. Hardwoods do make a valuable contribution to shade, but as long as they are counted in basal area, the actual result is to permit more harvest of the larger conifers within the RMA, again leaving us further from the DFC.

Third, we are all concerned about economic impacts to landowners with increased protection of our riparian areas, and disproportionate impact to small woodland owners. As I have stated previously, the small landowners I have spoken to in my area have chosen not to enter the RMA when they harvested, so would not suffer a negative impact. All are upset by what they perceive as damage to the streams, including small n streams as well as fish streams, by the industrial timber harvests in our area. The small woodland owners I have spoken to are in favor of 100 ft no cut RMAs on all streams, including n streams. My woodland neighbors are of course a small sample. For those small landowners who would be hurt by losing money from trees which they would harvest under the old rules, I suggest we borrow a page from the Washington riparian rules, which give exemptions to small landowners. (See Summary of Riparian Rules for Neighboring States, page 5.)

I agree with Peter Daugherty that the best way to protect Oregon's environment is to keep our private forest land in working forest, and that Oregon benefits environmentally as well as economically from a thriving forestry industry. However, I believe forestry cannot continue to thrive unless the Oregon public, including environmentalists, believe in and support the environmental benefits of a thriving timber industry. This will not happen until we can all trust that our shared natural resources of water and wildlife habitat are adequately protected, and not threatened by forest practices. This is the moment to win the public's trust, by enacting rules that fully protect cold water and riparian habitat. Any halfway measures, any compromises that compromise riparian health, will continue to foster public mistrust. I urge you to look at the big picture and the long term consequences as you struggle to make the best choices for Oregon. And I

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urge you to put a temporary set of rules in place now, so we will not have further compromise of our streams while waiting for our new rules to go into effect.

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

Respectfully submitted,

Candace Bonner
NWRFPC, public member
Small woodland owner, Corbett, OR

Candace Bonner
Public Comment, July 23, 2015 Board of Forestry Meeting
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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
Contact information available through Private Forests staff

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. 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

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(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 (PCW) criterium is shown to be an accurate marker for human activity (harvesting) induced warming of small and medium streams, and 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 criterium. The BOF 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

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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.

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

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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 their own n 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 criterium.

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 criterium 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

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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 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,

Candace Bonner
NWRFPCC, public member
Small woodland owner, Corbett, OR

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SELL Tara L * ODF

From: Deb Evans <debron3@gmail.com>
Sent: Wednesday, July 22, 2015 7:52 AM
To: ODF_DL_Board of Forestry
Subject: It's time for 21st century water protection in Oregon

To the Oregon Board of Forestry,

As an owner of timber ground and a steward of Oregon Forests and water, and someone you represent on the Board of Forestry, I urge you to pass adequate streamside buffers. You have heard the evidence time and again, including from the Department of Forestry: we need 100-120 foot no-harvest buffers on all streams in western Oregon to reliably prevent logging from heating streams in violation of Oregon's standards under the federal Clean Water Act.

Over 20 years ago, we were hired to place logs back in streams to protect Salmon young fry. Why? because the timber company who had logged the stream to within 20 feet of its edge had created a situation that raised the stream's temperature. It is a travesty that we continue to shoot our own foot by allowing these harvests to within 20 feet. For water quality and to promote healthy rivers for fish and other Oregon industries we implore you to increase the buffer to 100-120 feet of a stream's edge, so the we don't have to spend additional monies to try and mitigate the damage the current policy incurs.

We are 15 years into the new century. The evidence is clear. Please heed the research and revise the forestry practice to take into account our 21st century needs.

Thank you for your service and consideration,

Deb Evans
9687 Hwy 66
Ashland, OR 97520
5416014748

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Wednesday, July 22, 2015 2:05 PM
To: SELL Tara L * ODF
Subject: FW: Board of Forestry letter
Attachments: Forestry Board letter.doc

Sabrina

From: Terry Muilenburg [mailto:gvf@molalla.net]
Sent: Wednesday, July 22, 2015 1:17 PM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Board of Forestry letter

Please forward this letter to the Board of Forestry.

Thank you

Terry Muilenburg

Msg sent via MCC Webmail - <http://www.molalla.net/>

To Oregon State Board of Forestry,

I got word that the riparian rules may be broadened. I ask why? For some reason, government bureaucrats resort to "one size fits all". This is simply not true.

My family has lived and worked our farm for 53 years. We have no off farm income. We pride ourselves in being good stewards of the land. We have a small creek bottom (Mind you, there is no flowing water in it now.) that runs over 3/4 of a mile through our farm. I have fenced the cattle out of the creek, now the elk come and take out the fence *and* the creek bank. I plant trees beside the creek to provide shade and stability, with the intent of thinning, replanting, and maintaining constant protection. It angers me to think of the pompous arrogance of someone in Salem, who has no skin in the game, telling me what to do or not do. I always thought that you may have a chance to tell me how to run my business, *if* you pay my bills. The current Forest Practice Laws encumber too much of my forest now, I shudder at the thought of making it worse.

If these new rules were to be enacted, the state would steal more of our farm. I was taught that stealing is a crime. When did *that* rule change? Now, if the state wants to buy the property . . . we could talk, but I'm not really interested in selling, and if I did sell, then there would not be any incentive to properly manage the creek. There is no scientific evidence to merit these rule changes. The current rules are not broken, and no fish will benefit from the change. It is nothing more than political correctness appeasement. This is excessive overreach, and is wrong.

Terry & Bernice Muilenburg
Molalla
503-829-5096

P.S. I would like a report back if possible. Accountability is always in order.

SELL Tara L * ODF

From: Tim Beechie - NOAA Federal <tim.beechie@noaa.gov>
Sent: Wednesday, July 22, 2015 5:19 PM
To: ODF_DL_Board of Forestry
Cc: DAUGHERTY Peter * ODF; WHITMAN Richard M * GOV; tom.imeson@nwnatural.com; Kim Kratz - NOAA Federal; Jeffrey Lockwood - NOAA Federal; George Pess - NOAA Federal; Richard Zabel - NOAA Federal
Subject: July 23, 2013 Board Meeting: Developing Riparian Rule Prescriptions
Attachments: Beechie NOAA-NMFS ODF buffer width testimony.docx

Dear Chairman Imeson and Oregon Board of Forestry Members,

I am pleased to provide the attached written statement for your consideration in developing riparian rule prescriptions.

Sincerely,
Timothy J. Beechie, PhD

Watershed Program, Fish Ecology Division, Northwest Fisheries Science Center

NOAA Fisheries, Seattle, Washington



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Fisheries Science Center
Fish Ecology Division
2725 Montlake Boulevard East
Seattle, WA 98112-2097
(206) 860-3270

July 21, 2015

Tom Imeson, Chairman
Oregon Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, Oregon 97310
BoardofForestry@oregon.gov

Dear Chairman Imeson and Oregon Board of Forestry Members:

The National Marine Fisheries Service's Northwest Fisheries Science Center's (NWFSC) mission is to conduct the science necessary to conserve marine and anadromous species and their habitats off the Washington, Oregon, and northern California coasts and in freshwater rivers of Washington, Oregon, and Idaho. Our research provides reliable, relevant, and credible information to help decision-makers and natural resource managers build sustainable fisheries, recover endangered and threatened species, maintain healthy ecosystems, and protect human health. I'd like to take this opportunity to build upon the testimony provided by my NWFSC colleague, Phil Roni, PhD on June 3, 2015 and provide additional perspective for your consideration on the action titled "Developing Riparian Rule Prescriptions", which is scheduled for the Board of Forestry (Board) review on July 23, 2015.

Salmonids depend on many ecosystem functions for long-term survival and recovery, including riparian functions such as wood supply to the stream for habitat structure, shade to regulate stream temperature, retention of flood flows and sediment, and supply of leaf litter and nutrients that fuel the food web (citations). Many salmon species—including Chinook salmon, coho salmon, and steelhead—have an affinity for wood cover (e.g., Beechie et al. 2005), as well as for low velocity habitats such as pools that are created by wood (e.g., Bisson et al. 1998). Wood forms pools in a wide range of channel sizes, but is particularly effective in smaller streams where relatively small pieces of wood can form pools (Bilby and Ward 1989, Montgomery et al 1995, Beechie and Sibley 1997). As channel size increases, the size of wood required to form pools increases (Bilby and Ward 1989, Beechie and Sibley 1997, Abbe and Montgomery 2003). In larger rivers single wood pieces may not be large enough to create pools, and instead accumulations of wood anchored by large key pieces are a dominant pool-forming agent (Abbe



and Montgomery 2003). In all channel sizes, low velocity habitats and wood cover are important habitat features for listed salmon species, including Chinook salmon, coho salmon, and steelhead (Bisson et al. 1988, Beechie et al. 2005).

In the past, logging of riparian forests has contributed to significant declines in habitat function via loss of wood recruitment (Grette 1985; Andrus et al. 1988; Carlson et al. 1990; Bilby and Ward 1991; Ralph et al. 1994). This in turn has contributed to decreased availability of low velocity habitats (pools) (Bilby and Ward 1991; Ralph et al. 1994, Montgomery et al. 1995, Beechie and Sibley 1997), and also to declines in the capacity of rivers and streams to support salmon populations (e.g., Beechie et al 1994). Today, wood recruitment to streams is recognized as an important function of riparian forests, and the practice of leaving forested buffers along streams to protect this function is now common in the western US. It is well known that as distance to the stream increases the probability of a tree providing wood to the stream decreases (Van Sickle and Gregory 1990, McDade et al. 1990). Therefore, the portion of a forested buffer nearest the stream tends to provide more wood than the portion of the buffer farther away from the stream. **Models and field data for western Oregon forests indicate that 90% of wood recruited to streams from conifer forests originates from within 90-131 feet of the stream** (McDade et al. 1990) (modeled for 131 foot tall trees - 107 feet; modeled for 164 foot tall trees - 131 feet; field data for mature conifer - 90 feet; field data for old-growth conifer - 123 feet). **This suggests that most wood recruitment could be protected by leaving forested buffers 90 feet or greater in width.**

Chinook salmon, coho salmon, and steelhead are cold-water fish species that require cool water during all life stages, including adult migration to spawning areas and the summer rearing life stages (Groot and Margolis 1991, Richter and Kolmes 2005). In a literature review of temperature thresholds for salmonids, Richter and Kolmes (2005) found that coho salmon spawning migrations tend to occur at temperatures $<16^{\circ}\text{C}$, and that reduced egg viability or thermal barriers for Chinook, coho and steelhead occurred at $20-21^{\circ}\text{C}$. For juvenile rearing, coho salmon tended to select habitats $<14.8^{\circ}\text{C}$, and optimal growth for Chinook salmon and steelhead occurred between 14°C and 15.6°C . Lethal temperatures for Chinook, coho, and steelhead range from $23-25.8^{\circ}\text{C}$. These data suggest that temperatures $<16^{\circ}\text{C}$ are likely to protect salmon and steelhead during both the adult spawning migration period and the juvenile summer rearing period.

Stream temperatures are significantly influenced by shading from streamside forests (e.g., Brown 1970, Brown and Krygier 1970, Brazier and Brown 1973). Recent field evidence in British Columbia showed that stream temperature was 3°C higher with a forested buffer 33 feet wide than in the forested control site, and 1.6°C higher with a 98 foot forested buffer (Kiffney et al. 2003). **By contrast, a recent modeling effort showed that, on average, a 90 foot forested buffer in Oregon forests was likely to keep the temperature increase less than 0.3°C** (upper 95% confidence interval 0.6°C , based on modeled stream temperature using Ripstream, Groom et al. 2011). **This suggests that stream temperatures may still not be protected in many reaches even with a 90 foot buffer.**



In summary, a long history of research on the influences of forested riparian buffers on stream habitats and Pacific salmon species suggests that forested buffer widths necessary to protect wood recruitment and stream shading functions in the Pacific Northwest will likely exceed 90 feet.

Respectfully,



Timothy J. Beechie, Ph.D.
Watershed Program, Fish Ecology Division, Northwest Fisheries Science Center
NOAA Fisheries, Seattle, Washington

Cc: Peter Daugherty, Oregon Department of Forestry, Ex-officio Chief, Private Forests
Cc: F/NWC3 George Pess
F/NWC3 Rich Zabel

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OREGON SOCIETY OF AMERICAN FORESTERS

4033 SW Canyon Road • Portland, OR 97221 • 503.224.8046

July 16, 2015

The Oregon Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, OR 97310

Dear Board members:

On behalf of the Oregon Society of American Foresters (OSAF), I wish to submit to the Board of Forestry a recently updated OSAF position statement, "Managing Riparian Forests" (also at www.forestry.org/oregon/policy/position/). This position statement has direct relevance to the Board's current riparian rulemaking activities.

For background about our perspective, the OSAF has nearly 1,000 members and is the largest state affiliate of the national Society of American Foresters (SAF). The SAF supports and represents the forestry profession in advancing the science, education, technology, and practice of forestry. OSAF members work throughout the state in a variety of organizations, including local, state and federal agencies, higher education, as well as the private sector.

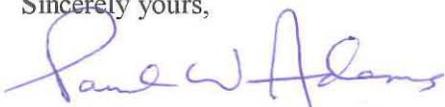
Many OSAF members are directly involved with planning and administering forest operations that must comply with Oregon's Forest Practice Rules, and thus they are primary stakeholders in the current rulemaking process. However, I must emphasize that *OSAF provides an independent, professional perspective* rather than the views of our members' employers, public or private.

Although OSAF does not have a formal position on the specific rulemaking that is underway, "Managing Riparian Forests" discusses a number of important points about the science, policy and practices for forest stream protection in Oregon that are worthy of the Board's consideration. These points include:

- Like all forests, riparian areas are locally unique, dynamic and ever-changing. Highly precautionary and restrictive policies (e.g., large "no-touch" zones) for riparian forests have not consistently produced desirable environmental results and do not effectively address changing environmental conditions.
- Current research shows few or no persistent, wide-scale impacts to fish populations and general water quality when contemporary practices and Oregon's Forest Practice Rules are applied. Conversely, there is little or no evidence that highly restricted management in riparian forests is a cost-effective approach for achieving desirable resource conditions while avoiding important unintended consequences.
- Active management can maintain or improve riparian forest benefits through carefully applied professional forestry, fisheries, and hydrology expertise and experience. There is growing need to encourage active management of many of Oregon's riparian forests, with updated policies and direction to promote research, education and incentives that effectively support desirable resource conditions.

Thank you for your attention to this input. If you have any questions or if OSAF can provide any assistance to the Board regarding this important issue, please do not hesitate to contact us.

Sincerely yours,



Paul W. Adams, Ph.D.
Oregon SAF Policy and Legislation Committee Chair

encl.: Managing Riparian Forests (OSAF position statement)



Managing Riparian Forests

A Position of the Oregon Society of American Foresters

The Oregon Society of American Foresters (OSAF) believes that active management of riparian areas on public and private forestlands should be a key part of contemporary strategies and policies to maintain and improve water resources and fish and wildlife habitat. Highly cautious decisions have contributed to very limited management and inconsistent results in many riparian forests in Oregon, even where some active management is allowed. We are concerned that, lacking management, many of these unique and ever-changing forests now have or will develop conditions that are less than ideal for habitat and water quality, including reduced biodiversity and substantially increased risks of damaging wildfires.

Factors that have limited the management of Oregon's riparian forests include concerns about potential impacts, policies that typically restrict rather than promote management, and the complexities and costs of management under the existing regulatory constraints. A common perception is that active management of riparian forests will only have negative outcomes for desired resources. However, a growing body of research and management experience shows that carefully prescribed forest practices can have little or no extended impacts while helping maintain or improve resource conditions. In contrast, there is little or no evidence that highly restricted riparian forest management is cost-effective in achieving diverse management objectives and in avoiding unintended consequences such as reduced ecosystem function and wildfire resiliency. OSAF believes that both state and federal policies should reflect these important realities and do more to encourage active management of riparian areas on Oregon's forestlands.

Issue

Since the 1990s, population levels of many wild anadromous (ocean migrating) fish species in the Pacific Northwest have raised widespread concerns about the effects of human activities on these populations. Riparian forests along streams in the region are known to provide important ecological functions that benefit the habitat of many fish species. Because timber harvesting and other forest practices in riparian areas can alter some of these functions, these practices have been widely viewed as undesirable and that regulations restricting riparian forest management are believed to be most effective for protecting fish habitat. In addition, it has been widely assumed that such management restrictions are similarly beneficial to wildlife habitat and drinking water supplies. However, forestry professionals in the region now recognize that, without active management, over time the changing conditions in many of our riparian forests may not effectively provide or protect the diverse resource benefits that society needs and wants.

Background

Awareness and concerns about potential effects of forest management on water resources are widely recognized in the Pacific Northwest, with wild salmon and other anadromous fish habitat a particular focus. As one part of a complex array of environmental influences, forest practices have received considerable attention because many fish spawn and rear in forest streams, and the unique and important influences of riparian forests on aquatic habitats are now better understood. For example, trees that fall into streams can help create deep pools that provide key rearing habitat, and riparian vegetation supplies leaves and other material that help sustain the insects that fish feed upon.

Forest practices clearly have the potential to alter water quality and aquatic habitat. Earlier studies showed that unrestricted and less refined logging and road construction could cause erosion, stream sedimentation, and warmer water temperatures. Habitat also was reduced when natural accumulations of fallen trees were removed from many streams in the mistaken belief that they were harmful to fish. Such findings led to the 1972 adoption of regulations under the Oregon Forest Practices Act, and to major rule revisions in 1994 that

markedly increased protection of riparian areas on private forestlands. On state and federal lands, updated forest plans mandated even greater restrictions for riparian areas. Regardless of ownership, stream protection requirements on forestlands continue to greatly exceed those for other land uses in Oregon.

Because these restrictions in Oregon's riparian forests provided some immediate benefits and were generally believed to permanently protect water resources and habitat, a common assumption has been that such limits should continue or be increased further. Greater restrictions on private lands in Oregon also have been argued on the basis that neighboring states and public lands have adopted more restrictive rules. However, the need to further restrict riparian forest management is not clearly supported by more recent research findings, and the cost-effectiveness and unintended consequences of greater restrictions often have been overlooked in the politics of rulemaking in other states and for public lands. Studies on private forestlands in Oregon show that substantial timber harvesting near streams can occur without significant impacts to water quality or local fish populations. Research also shows that carefully designed and implemented forest openings along streams can mimic natural disturbances and promote aquatic productivity while maintaining water quality, resulting in larger fish from enhanced food supplies.

With well over a decade of major restrictions in riparian forests in Oregon, a pattern of "benign neglect" has emerged. For various reasons, forest owners and managers have often avoided riparian areas, even where policies have included some allowances for management. The result has been significant areas where undesirable conditions have developed, including overly dense forests with serious wildfire and forest health hazards, as well as invasive and other competitive species that suppress more desirable plants and trees. These conditions have raised concerns about reduced habitat diversity and other features favorable for many fish and wildlife species. The policy emphasis for private lands that rigidly favors riparian conifers to improve in-stream fish habitat also may contribute to some questionable outcomes for both fish and wildlife.

Policies that greatly restrict management and rely primarily on natural processes can improve riparian and stream conditions, but the results are highly variable and benefits can take decades or even centuries to be realized. Wildfire cannot be widely relied upon for resource benefits, particularly if climate change adds to unusually severe fires and watershed impacts. Active management can accelerate riparian forest benefits through carefully applied professional forestry, fisheries, and hydrology expertise. In dry forest types threatened by fire and forest health hazards, the benefits of riparian thinning and other active management can far outweigh the risks of inaction. Further research and adaptive management can help target and refine practices and policies that are most cost-effective in improving desirable riparian forest conditions.

Clearly, there remains a need for policies that mandate extra care and well-proven restrictions of forest practices in riparian areas. However, recent and ongoing changes in these unique and dynamic forests challenge the common notion that little or no management will provide the best long-term protection and enhancement of desirable watershed conditions. There is now an important need to pointedly recognize and encourage active management of many of Oregon's riparian forests, with updated policies and administrative emphasis that promote research, education and incentives for improved riparian management on public and private lands.

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This statement was adopted by the OSAF Executive Committee on July 14, 2015. The statement will expire on July 14, 2020, unless after thorough review it is renewed by the Committee.

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Wednesday, July 22, 2015 11:45 AM
To: SELL Tara L * ODF
Subject: FW: Board of Forestry

Sabrina

From: Art/Betty Sleight [mailto:maryspeak@casco.net]
Sent: Wednesday, July 22, 2015 7:08 AM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: Board of Forestry

My name is Art Sleight. My wife Betty and I own 160 acres of forestland in Benton County. We have owned and managed this forest for 26 years. We have 800 lineal feet of a fish bearing stream on our property. The current Forest Practice Laws encumber over 1% of our forest with a current value today of \$14,000. Nobody is more interested protecting the fish in our streams than we are, and we believe that current rules adequately protect the fish and other wildlife utilizing our stream. The DEQ standard is not based on any science whatsoever. A 100-foot no-touch buffer, as proposed as an option by the Department of Forestry, would have a big economic impact on us and our children. It would take over \$20,000 worth of our timber assets and more than double our encumbered acres. Science related to fish in forest streams shows there is no harm to any fish species when current rules are followed. The proposed no-touch buffer zone would terminate our efforts to establish the recommended balance between conifers and deciduous trees in our riparian zone. Please do not penalize us financially with rules that truly make no sense at all. Forest owners will have no respect for such nonsense rules, and a very severe adversarial relationship between ODF and the forest owners will inevitably result.

Please forward this message to the Board of Forestry.

Art Sleight

Philomath

SELL Tara L * ODF

From: Rick Stonex <Rick.Stonex@gwrglobal.com>
Sent: Wednesday, July 22, 2015 1:55 PM
To: ODF_DL_Board of Forestry
Subject: Stream buffers

GreenWood Resources manages 150,000 acres of timberland in Oregon. Increasing stream buffers will have a severe negative impact on our managed properties and the businesses dependent on that property being used as productive timberland.

We additionally buy timber volume from throughout western Oregon to supply a large mill. Increased stream buffers would also negatively affect that wood supply, and the jobs created by harvesting, shipping, milling, and necessary supporting suppliers.

Please do not increase stream buffer sizes.

Rick Stonex
Westside Tree Farm Manager
GreenWood Resources, Inc
Rick.Stonex@gwrglobal.com
360.430.7548 cell
971.533.7032 direct
www.greenwoodresources.com

SELL Tara L * ODF

From: Nina Bell <nbell@advocates-nwea.org>
Sent: Thursday, July 23, 2015 8:56 AM
To: ODF_DL_Board of Forestry
Subject: comments to the Board -- July 23, 2015
Attachments: NWEA testimony July 23 2015.pdf

Please find comments attached.

Nina

Nina Bell, J.D., Executive Director
Northwest Environmental Advocates
P.O. Box 12187
Portland, OR 97212-0187
www.NorthwestEnvironmentalAdvocates.org
nbell@advocates-nwea.org
503/295-0490

NORTHWEST ENVIRONMENTAL ADVOCATES



Statement of Nina Bell, Executive Director, Northwest Environmental Advocates Re: Riparian Rule Analysis – July 23, 2015 Board of Forestry Meeting

My name is Nina Bell and I am the Executive Director of Northwest Environmental Advocates. NWEA has worked to improve regulatory programs that protect and restore water quality in Northwest states, including state water quality standards that are the foundation of pollution control programs.

Over 20 years ago, along with other stakeholders we began working with the Oregon Department of Environmental Quality to craft water quality standards for temperature to protect Oregon's streams and the species that depend upon cold water. In all of the intervening years since that process began, nothing meaningful has changed in the way that Oregon treats the riparian areas that are essential to ensure cold water. Nothing.

Now fish are dying in streams and rivers all over the state. While the direct cause is identified as this year's drought, the sad fact is that with climate change we know the future will look more like this than any of us want. Oregon's streams are too hot and it will only get worse. That's not environmental groups talking; that's the State of Oregon.

And while this year's fish kills are glaring evidence of a widespread failure to protect riparian vegetation that protects stream temperatures, the less dramatic effects of high water temperatures on cold water species are seen every year.

Thinking like a home owner, it only makes sense to insulate our streams the best that we can. To literally insulate them from the sun's rays that heat the water. And to figuratively insulate them from the politics that drive the backwards forest practices in this state. Instead, the Oregon Department of Forestry wants to continue the status quo, just as it has for all the years we have had a state Forest Practices Act. It hasn't even bothered to put forth a recommendation to the Board or to explain why none of its proposals go beyond a 90-foot riparian buffer.

It's taken over six years to get to this point because ODF refused to act until it gathered its own data. Now that ODF data shows what all the other scientists and agencies said it would—namely that Oregon's forest practices cause stream warming—ODF does not want to meet Oregon's water quality standards. Yet that is the goal of state law and the Board's job.

ODF will continue to inform you, the Board, that meeting water quality standards means meeting the Protecting Cold Water (PCW) criterion, a limit of 0.3°C on stream warming. ODF is wrong. ODF will continue to tell you that the EPA-approved Total Maximum Daily Loads (TMDL) developed by the ODEQ are irrelevant to this process, "a different problem for a different day." ODF is wrong.

These TMDLs may often be perceived as irrelevant artifacts of the federal Clean Water Act that can be ignored. But, *in Oregon, for temperature*, that is distinctly not the case.

www.NorthwestEnvironmentalAdvocates.org

P.O. Box 12187, Portland, OR 97212-0187 Phone (503) 295-0490 Fax Upon Request

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First, the water quality standards for temperature *prohibit any stream warming* over numeric criteria for nonpoint sources such as forestry until a TMDL is in place.¹ That means that for those basins and subbasins *without* TMDLs, to meet Oregon’s temperature standards means knowing whether a stream is listed on Oregon’s Clean Water Act Section 303(d) list of impaired waters and having no warming at all on those streams. **Second**, meeting water quality standards means that once a TMDL is in place, the increment of allowable warming known as a “load allocation” is *incorporated into the temperature standards* as the allowable increase in temperature for a nonpoint source such as forestry.² A TMDL is not irrelevant because it is built in to the standards. **Third**, the TMDL establishes the geographic scope of the waters to which its load allocations apply, superseding the limitations of the PCW criterion and the debate over salmon/steelhead/bull trout ranges.³ **Fourth**, the load allocations of allowable warming in the TMDLs range from zero to a 0.1°C increase—*not* the 0.3°C increase of the PCW criterion.⁴

¹ Oregon’s temperature standards specify that “[i]n no case may a source cause more warming than that allowed by the human use allowance provided in subsection (b) of this rule.” OAR 340-041-0028(12)(a). Subsection (b)(A) of this rule, pertaining to a Human Use Allowance *prior to completion of a TMDL*, creates an temperature increase allowance for NPDES permitted sources but no allowance for nonpoint sources such as forestry.

² Subsection (b)(B), pertains to the Human Use Allowance *following completion of a TMDL*, creating a temperature increase allowance for nonpoint sources as established in the TMDL:

Following a temperature TMDL or other cumulative effects analysis, waste load and *load allocations* will restrict all NPDES point sources *and nonpoint sources* to a cumulative increase of no greater than 0.3 degrees Celsius (0.5 Fahrenheit) above the applicable criteria after complete mixing in the water body, and at the point of maximum impact.

OAR 340-041-0028(12)(b)(B) (emphasis added).

³ The following TMDLs in the boundary area to which the Ripstream rulemaking may apply *include all perennial streams unless indicated to the contrary*: North Coast (all perennial or fish bearing); South Coast; Upper South Fork Coquille watershed; Umpqua (all perennial and fish bearing); Rogue except Bear Creek watershed; Bear Creek watershed (all perennial and intermittent fish bearing); Applegate, Lobster Creek and Lower Sucker Creek watersheds; Willamette (perennial and/or fish bearing); Sandy; Mid Columbia Miles Creek watershed (all perennial and intermittent).

⁴ In the TMDLs that pertain to the geographic boundaries being considered for the rule, the load allocations are as follows:

North Coast	0.0°C
South Coast	0.0°C Upper South Fork Coquille watershed
Umpqua	0.1°C (for landscapes not likely to achieve a natural condition)
Rogue	0.04°C <i>entire basin except</i> 0.05° in the Bear Creek watershed (applicable to altered landscapes and existing structures)
	0.0°C in the Applegate, Lobster Creek and Lower Sucker Creek watersheds
Willamette	0.05°C <i>except</i> 0.035°C at the Willamette River point of maximum impact (Marys

And, **last**, the existence of a TMDL supersedes the Protecting Cold Water criterion if it is more protective.⁵

As a result, the existence and content of temperature TMDLs and identification of 303(d) listed streams are absolutely key to knowing whether revised forest practices for riparian buffers will be sufficient to “meet water quality standards.”

Unfortunately, you are being told otherwise. In the short term, it will make the politicians and agencies captured by the timber industry, to say nothing of the industry itself, pleased. But there will be many longer term ramifications of ignoring the facts of Oregon law as the Board moves forward with this rulemaking.

First, whatever action the Board takes to ostensibly address water quality standards, ODF and the Board will still have TMDLs to address in the future. Second, the Board’s new forest practices will still fail to meet Oregon water quality standards, as they do today. Third, Oregon will not be

	River-Santiam River);
	0.025°C on the lower Coast Fork Willamette and lower McKenzie Rivers;
	0.025°C on the Clackamas River below PGE Clackamas Project;
	0.025° on the lower Willamette River below Willamette Falls
Sandy	0.05°C of HUA (but not incorporated into load allocations so essentially 0.0)
Mid Columbia	0.05°C Miles Creek watershed (for landscapes not likely to achieve a natural condition)

⁵ DEQ agrees, explaining in its guidance that:

Total Maximum Daily Loads (TMDLs) include a human use allowance. . . . This heat load is allocated among all sources in the TMDL. An individual source or type of source (such as forestry) will typically get a load allocation that is a portion of the human use allowance (e.g. 0.1°C). If modeling or temperature monitoring shows that an activity or activities would fail to comply with the PCW criterion, then the activity would necessarily not comply with the TMDL human use allowance or load allocation. Appropriate action should be taken by DEQ and Designated Management Agencies to bring activities into compliance with the TMDL.

Upper watershed streams (headwaters streams), particularly small, non-fish-bearing, or intermittent streams, may or may not be subject to TMDL load allocations and surrogate measures. This can vary by TMDL. If TMDL load allocations apply to headwater streams and are more stringent than the PCW criterion, then the load allocations and their surrogate measures should be used. If the TMDL does not apply to all streams, then the PCW criterion applies to any streams not covered by the TMDL and an evaluation is necessary to determine if cold water from those streams is needed to meet the downstream TMDL load allocation (i.e. evaluate whether Exception C of the PCW criterion is met; see Section 2.1). *In any case, the more stringent of PCW criterion or TMDL load allocations applies.*

Oregon DEQ, Internal Management Directive: Nonpoint Source Compliance With the Protecting Cold Water Criterion of the Temperature Standard (Nov. 2011) at 11 (emphasis added).

able to claim, nor federal agencies to find, that Oregon's forest practices are sufficient to meet the requirements of the Coastal Zone Act Reauthorization Amendments (CZARA), which depends upon the practices' meeting water quality standards. Fourth, eventually Oregon's Clean Water Act permitted dischargers will have to pay the price of Oregon's failure to control nonpoint source pollution. Fifth, not only will Oregon have failed to protect its waters from temperature increases but, as the scientists are telling you, the proposed revisions will fail to protect against excess sedimentation and to ensure sufficient large woody debris. Sixth, Oregon's failure to protect streams against warming will result in new Endangered Species Act listings for amphibians whose populations are plummeting due to, among other factors, inadequately protective logging practices. Seventh, for all of these reasons, Oregon will fail in any effort to delist the Oregon coast coho as a threatened species or to make any meaningful progress in protecting the other cold water species listed under the Endangered Species Act. And, last, Oregon will continue to give lip service to the effects of climate change on stream habitats without making any meaningful progress thus, once again, failing to be the national leaders we claim to be.

SELL Tara L * ODF

From: PEREZ Sabrina * ODF
Sent: Thursday, July 23, 2015 1:46 PM
To: SELL Tara L * ODF
Subject: FW: stream survey

Sabrina

From: Rick Spring [mailto:rsjspring@frontier.com]
Sent: Thursday, July 23, 2015 8:59 AM
To: PEREZ Sabrina * ODF <Sabrina.PEREZ@oregon.gov>
Subject: stream survey

To the Board of Forestry:

My name is Rick Spring. My wife and I own 150 acres of forestland in Coos County and are managing a family trust with 317 acres in Linn County. We have owned and managed this forest for many years. (30+) There are 1300 lineal feet of fish bearing streams on our property in Coos County and 1300 feet of fish bearing streams in Linn County. The timber is over 70 years old. The current Forest Practice Laws encumber over 2% of the property that I manage with a current value of \$46,000. I support the current Riparian Rules because I believe they adequately protect the beneficial use of forest streams. A 100 foot no touch buffer as proposed as an option by the Department of Forestry would have a big economic impact on my family. It would take over \$131,000 worth of my timber assets and more than double my encumbered acres. Science related to fish in forest streams clearly shows that there is no harm to any fish species resulting from the current rules. Please do not steal my family assets. The property in Linn County is the livelihood for my mother-in-law and for future generations. This property has been in our family for over 60 years and been managed carefully for our family and for the future.

Sincerely,
Rick Spring and Family