

Committee for Family Forestlands

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To: Chair Imeson, Board members and State Forester Decker

From: Committee for Family Forestlands

Date: November 3, 2015

Re: Riparian Rules

As you are aware, the Committee for Family Forestlands has been very involved in learning about the impacts forest practices have on streams and the riparian rule-making process. We now provide additional comments from the perspective of family forestland owners in Oregon as regards the riparian rules being considered in the November 5, 2015 Board of Forestry meeting.

A major focus of the Board is keeping small forestlands in forests going forward since other potential uses may well pose even more risks for fish and water quality. This desire to maintain family forestland also rests on the recognition that most small forest landowners take a long-term view of their forest management. They have a strong desire to leave their property in a better condition than it was when they took control and are committed to "doing the right thing" to protect the environment. In our prior testimony we presented good evidence of commitment, including the many substantial investments private landowners have made to stream restoration projects.

Given this preface, we ask for consideration of the following as the Board decides the riparian rule issue:

- Forest landowners of all sizes will bear the cost of added riparian buffers. Downstream land uses are not impacted, when there are arguably greater benefits to be gained by changing practices on lower stream reaches dedicated to non-forestry uses.
- We are concerned that small private family forest owners will bear a disproportionate share of the costs, especially if buffer requirements are increased.
- The evidence for both the harm from harvesting in accordance with FPA rules and the benefit of avoiding the slight rise in stream temperatures seen in RipStream are small. At the same time, other studies of current FPA practices on actual fish show fish doing well.
- The cost for small private forest owners of complying with the new rule is likely to outweigh the benefits to fish and the environment.
- We believe that it is important to treat of all private family forest landowners as a unified group subject to the same forest management rules and believe that the idea of equity, as described in Package #1, should not be adopted as written.

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Taken together, these considerations lead the Committee to the following recommendations:

- Landowners should be given discretion to choose the management option best suited to their particular property and resource, including the voluntary guidelines option.
- If the Board believes riparian rules are in order, the requirements of any new riparian rule for protecting cold water should pertain only to salmon, steelhead, and bull trout (SSBT) main stems.
- If the Board believes riparian rules are in order, the Board should choose the alternative that is least burdensome to landowners, while still achieving the desired level of protection.
- A viable, robust monitoring regime should be included in a final rule as a method to help us understand if the prescriptions are working, while also developing better information about which forest management practices are working best.
- If equity is a consideration, and if exemptions to riparian rules are offered, we prefer that they be based on the percentage of additional encumbrance of a particular family forestland no matter the size of the property.

These considerations and conclusions--the preference for less restrictive buffers, the voluntary guidelines option, SSBT main stem protection, concerns over regulatory compliance costs versus potential benefits for fish and riparian areas, and the preference for the "least burdensome, yet still protected" option--lead the Committee to support Package #2.

Sincerely,

Edward P. Weber

Edward P. Weber, Ph.D.

Chair

Committee for Family Forestlands

cc: Tom Imeson, Chair Oregon Board of Forestry
Oregon Board of Forestry Members
Doug Decker, State Forester,
Peter Daugherty, Private Forests Division Chief

** The Committee for Family Forestlands is a standing committee established by the Board of Forestry to assist the State Forester and the Board of Forestry on issues relevant to some 70,000 family forestland owners in the state. Our committee is made up of family forestland owners from different regions of the state, environmental organization and forest industry representatives, a citizen-at-large and ex-officio members representing the Oregon State Forester, Oregon State University College of Forestry, Oregon Forest Resources Institute, the United States Forest Service, small forestland owner groups, and forestry interest/consulting groups.*