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November 4, 2015

Mr. Tom Imeson
Oregon Board of Forestry
2600 State Street
Salem, Oregon 97310

Sent via email to BoardofForestry@oregon.gov

RE: Quantified Conservation Can Improve Forestry Management Outcomes

Dear Mr. Imeson,

The Freshwater Trust provides the following comments concerning the Oregon Board of Forestry's upcoming vote on proposals to alter the Private Forests Work Plan in order to meet the cold water criterion. The Freshwater Trust is supportive of regulatory measures that improve water quality and the health of freshwater ecosystems in the state of Oregon. Regardless of the proposal selected, however, The Freshwater Trust writes to reiterate that to realize outcomes that truly improve watershed health requires a quantified assessment of current conditions and trends, numeric targets, coordinated and prioritized implementation investments, and a system that can track progress towards achieving those water quality targets. The quantification of the ecosystem, and the information generated from this approach, facilitates strategic management that can better comply with the cold water standard. Foregoing these steps makes it very difficult to understand if the selected alternative has achieved quantifiable watershed improvements, much less the cold water criterion.

Founded in 1983, The Freshwater Trust is a 501(c)(3) not-for-profit conservation organization committed to accelerating the pace and scale of restoration of freshwater ecosystems. As a wild fish advocacy group founded three decades ago that helped list several of the first Pacific Salmon under the Endangered Species Act (ESA), and the pioneer of the nation's first water trust, The Freshwater Trust understands well what is at stake for freshwater ecosystems—including Oregon's forests—and the species that depend on them. Our focus is, and always has been, on restoring and protecting freshwater ecosystems. This work has shown us that there is room for improvement in all Oregon nonpoint pollution categories, but that our rivers and streams also desperately need other practical solutions that can be achieved and quantified in our lifetimes. The Freshwater Trust believes that the Board of Forestry should consider the following points in evaluating management options and issuing its decision on the proposals to best achieve the cold water temperature standard.

Use Data to Establish, Prioritize, and Track Programmatic Progress Towards Water Quality Goals

First and foremost, Oregon's Private Forests Work Plan should be based on current data and analysis. Before regulators establish and implement goals for this plan, stakeholders need to know what is truly happening on the ground, the size of the gap between water quality goals and current conditions, and whether current restoration funding or measures can reasonably address this gap (and if not, where funding is going to come from). Two keys to answering these questions are quantification as well as monitoring and tracking. This type of information is now available through improvements in science and technology that now enable quantification of ecosystem benefits, and objective comparison of how impactful restoration actions are in achieving compliance obligations under different management scenarios. For example, the shade produced from restored riparian buffers on nonpoint source land can be converted into kilocalories removed from the adjacent waterway to show temperature benefits of the restoration. Similarly, models can be used to determine how many pounds of nitrogen or phosphorous would be removed as a result of different management practice options.¹ Moreover, through the use of these models at the site level, the relative benefits of management actions can be compared and optimized. The technology, the data, and the analyses are real. However, effectiveness data is lacking across multiple nonpoint programs, including those for the Forest Management Plans. Even where adaptive management and effectiveness feedback loops have been implemented, such as with the Pesticide Stewardship Program, monitoring locations are few and water quality data sets limited. Without an ability to quantify and compare the impacts of current and potential management strategies in common units, regulators will struggle to make the most effective adjustments to management strategies over time in accordance with Oregon Forest Practices Act.²

In addition to quantification, it is essential to aim for the right outcomes. Across the state, agencies and other organizations continue to make extensive conservation investments.³ However, these efforts are measured in dollars spent, acres enrolled, practices applied, or best professional judgment—not in terms of water quality issues objectively addressed—making it difficult to determine what progress is made toward attainment of water quality standards. This lack of a common accounting system leads to subjective disagreement over whether, and how successfully, forest landowners and other nonpoint sources are undertaking the actions assigned to them by TMDL and forest management regulations.⁴ This is especially true for voluntary actions as they often lack a meaningful metric or feedback loop to evaluate environmental outcomes.

Conclusion

While The Freshwater Trust concurs that water quality stemming from activities on Oregon forestlands may be improved, first and foremost, our rivers and streams desperately need practical solutions that can be *achieved* and *objectively quantified* right now. Until the impacts of nonpoint source management options are quantified and tracked in the same units as the water quality pollutants, regulators and stakeholders will continue to lack data on whether, or by how much, a particular action is addressing pollution problems. Moving forward without this information will only

¹ See The Freshwater Trust, Uplift Report 2014, *available at* http://www.thefreshwatertrust.org/wp-content/uploads/2015/09/2014_Uplift-Report_FINAL-web.pdf.

² OR. REV. STAT. § 527.765 (requiring the Board of Forestry to establish best management practices and other rules to achieve and maintain water quality standards).

³ The Freshwater Trust estimates that \$50-60 million is spent on voluntary riparian restoration each year.

⁴ OR. ADMIN. RULES div. 629-635, 640 (2014).

perpetuate these same issues that led to the current rule proposals. Inevitably, this lack of information will result in some degree of management actions that fail to produce the anticipated outcomes or redundant actions that do not generate additional benefits.⁵ Fortunately, adopting and implementing regulations based on the principles of quantified conservation will facilitate outcomes-based land management that will help ensure that Oregon's forests remain healthy and viable for generations to come.

Yours in conservation,

A handwritten signature in black ink, appearing to read 'JSW', with a long, sweeping horizontal flourish extending to the right.

Joe S. Whitworth

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⁵ A recent GAO study found that 35% of nonpoint source-only TMDLs surveyed, including some Oregon temperature TMDLs, are not monitored for progress by state water quality coordinators. GAO, Clean Water Act: Changes Needed if Key EPA Program is to Help Fulfill the Nation's Water Quality Goals, at 35 (2013). Similarly, while sampling analysis found that 83% of TMDLs are achieving point source reductions, only 20% of the samples were meeting nonpoint source reductions. *Id.*