

Committee for Family Forestlands

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March 5, 2014

Tom Imeson, Chair
Oregon Board of Forestry
2600 State Street
Salem, OR 97310

RE: Water Quality Issues

Dear Chair Imeson and Board Members:

Over the last several years the Committee for Family Forestlands* has closely followed discussions concerning water quality and forests, including the recent notice of intent by EPA and NOAA to disapprove Oregon's CZARA Plan. We ask that you consider the concerns raised below in deliberating these matters and carry them forward in your response to the EPA/NOAA notice.

The CFF and small forest owners well understand the need to protect medium, small and non-fish-bearing streams and to limit landslides, address roads, and ensure adequate stream buffers. Indeed the CFF and the family forestland owners we represent are committed to ensuring high water quality. We want to affirm our and Oregon's commitment to these goals and then discuss a number of concerns from the perspective of family forestland owners raised by the notice to disapprove.

First, the CFF is on record underscoring the importance of "one stop shopping" to meet water quality regulations under the arrangement of joint responsibility shared by the EQC and BOF with implementation through the FPA. "One stop shopping" keeps the "regulatory transaction" cost associated with facing multiple regulators low and is the best way to ensure that family forestland owners are successful in using management to meet policy goals.

Second, also a matter of record, CFF notes that in Oregon and elsewhere the highest quality water and best stream conditions are found on forestlands relative to range, agricultural, suburban and urban lands. The goals of all parties in this debate should be to ensure retention of lands in forests and slow rates of conversion to non-forest uses. Family forestland owners with smaller parcel size and location most proximate to urbanizing influences are at greatest risk of conversion. Indeed if the preferred model for the EPA and NOAA is the "certainty" of the State of Washington, we would like to emphasize that Washington has a 20% conversion rate compared to 8% in Oregon. There is additional irony in that family forestlands most at risk are also lower in riparian systems, closer to riparian zones and areas where people live, work and play. Policy makers should be "leaning into" processes that make it easier for family forestland owners to navigate the policies implemented to reach our shared goals.

Third, these two points lead us to offer strong support for the “Oregon way” expressed in the Oregon Plan for Salmon and Watersheds, the integration of regulatory policy for water quality through the FPA, and shared responsibility between the EQC and BOF. In particular, we like the commitment Oregon has made to address water quality issues via an adaptive rule-making process that allows rules that prove inadequate to be changed over time. Coupled with this is CFF’s preference for research-based evidence as the basis for guiding rule-making. In this regard, however, we strongly encourage the use of outcome-based approaches as opposed to process-based approaches to forest regulation.

Finally, recall from your visits in the field with family forestland owners that blanketing the landscape with broader riparian buffers disadvantages family forestland disproportionately. These set-asides often represent a larger proportion of their ownership than is true of owners of larger blocks. This is not only a function of size, but also partly a function of the typical location of family forestlands lower in the landscape and partly because alternative measures require ODF staff time and professional expertise often unavailable to family forestland owners.

The consequence as we have said before is that family forestland owners often just “stay out” of riparian zones. We believe there are ecological draw-backs to this approach as well as economic ones. All family forestland owners need a financial model that works. Financial support may result from commercial activities on their lands, from transfer of payments from day jobs, or from retirement income from accumulated wealth. In any case, when meeting ownership goals becomes difficult, the consequences for family forestlands are most often conversion to other uses.

In summary, the CFF supports the state's overall efforts to improve the health of riparian areas and to maintain high quality water. As evidenced by the specific attention given to stream and riparian conditions on small forest ownerships during the fall 2011 Board tour of family forestlands, we understand the impacts, including positive impacts that management activities can have on stream conditions. The CFF has been keenly interested in understanding the effects current and potential future policy may have on family forestlands and their owners, who by their very ownership positively impact water quality in the landscape where Oregonians live, work and play.

The intent of this letter is to note several principles we consider important for any policy related to riparian management and recommended forestry practices related to water quality:

- 1) The current working agreement between the Board of Forestry and the Environmental Quality Commission regarding policy making and implementation should be maintained.
- 2) Keeping forestland in forests across Oregon’s landscape should be a primary policy goal as forestlands have the highest quality water over the landscape.
- 3) Family forestland owners are particularly sensitive to changes in riparian standards and management prescriptions mandating set-asides of special management zones because such zones often impact a larger proportion of a typical family forest ownership than of larger ownership blocks.
- 4) Family forestlands are embedded in and “connected” to the larger landscape, interdependent on upstream and downstream effects. Commitments to landscape-level

benefits need to be balanced with particular impacts related to actions on specific blocks of land.

- 5) Family forestland owners understand that forests are dynamic ecosystems. Change does occur with and without management action. We have concerns that recent studies showing small changes in stream temperature on private lands treated to minimum forest practices standards may not reflect the dynamic nature of forests.
- 6) Family forestland owners have many different ownership goals, which reflect a wide variety of values. Surveys confirm that family forestland owners treasure the lands as well as ecosystem values and their personal and familial relationships to the land over time.
- 7) Family forestland owners have a long tradition of "doing what's right" when the standard is based on the best and most relevant science. The CFF suggests that any Board decision should carefully consider all available research to guide rule-making and policy responses in this area of ensuring water quality and stream health. It is important to look beyond the temperature metric and evaluate the impact riparian management activities have on fish directly if fish recovery is the goal.
- 8) Family forestland owners are concerned about the additional costs of implementing new standards. Many family forestland owners treat riparian areas as "no touch" zones because the rules are too complex for easy application. This may not be in the best interests of the forest, the streams, landowners, or the public. Standards should balance marginal benefits with the costs of a change in the standard, including the costs to small landowners of securing the expertise required to help manage to the new standard.

Please do not hesitate to involve the CFF in future discussions regarding forests and water quality generally, the role family forests play in maintaining Oregon's forest landscape, or policy issues specifically related to the notice to disapprove Oregon's CZARA plan.

Sincerely,

Committee for Family Forestlands



Craig Shinn, Chair



Susan Watkins, Vice Chair

cc: Oregon Board of Forestry Members
Doug Decker, State Forester

* The CFF is a standing committee commissioned by the Oregon legislature to advise the State Forester and the Oregon 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 areas of the state, environmental organization and forest industry representatives, a citizen-at-large and ex-officio members representing the Oregon Department of Forestry (ODF), small forest owner associations, Extension Service, Oregon Forest Resources Institute, the United States Forest Service, and logging/forestry consultants.