



# DEPARTMENT OF FORESTRY RIPARIAN RULEMAKING



Proposed rule changes for streamside shade buffers for small and medium streams with salmon, steelhead, or bull trout

# Acronyms




- **Board = Board of Forestry**
- **EQC= Environmental Quality Commission**
- **FPA = Forest Practices Act**
- **ODFW = Oregon Department of Fish and Wildlife**
- **RMA = Riparian Management Area**
- **SSBT = Salmon, Steelhead, or Bull Trout streams**

# Background





- **Oregon's Forest Practices Act (FPA)**
  - Established in 1971
  - Provides resource protection while encouraging effective and efficient forest practices
  - Evolves over time



## Oregon Forest Practices Act: *Adaptable and informed by sound science*

The Oregon Forest Practices Act reflects Oregonians' desires to use and enjoy Oregon's forests and protect its natural resources. It was the first law of its kind in the U.S. when the state Legislature passed it in 1971, and the Act and its rules have been changed many times in response to new scientific findings and evolving public needs and interests.

In a process that incorporates public input, the Board of Forestry – a seven-member citizen board appointed by the governor and confirmed by the state Senate – approves detailed rules to implement the Act's requirements. Here is a list of significant changes in the Act and its rules, which regulate forestry on private and state-owned lands.



Sept. 1996	Enhanced rules for applying pesticides after forest operations.
July 1995	Bolstered civil penalty and enforcement rules.
July 2002	Strengthened forest road and timber-harvest rules, to protect water quality.
Oct. 2002	Enhanced rules related to erosion and landslides, to improve public safety.
Sept. 2006	Enhanced rules to allow artificially obstructed fish-passage streams to be designated "fall" streams, to protect water quality and fish habitat.
Oct. 2006	Required strategic distribution of trees left along streams, to reduce erosion and improve fish habitat.
Oct. 2007	Changed rules to allow foresters to use more information, rather than only fish-counting results, to better determine if fish are present in particular streams, enhancing protection of fish and their habitat.
March 2012	Removed tree replanting requirements along roads, addressing dangers that blown-down trees pose to public safety, highways, bridges and utility lines.

# Policy Background

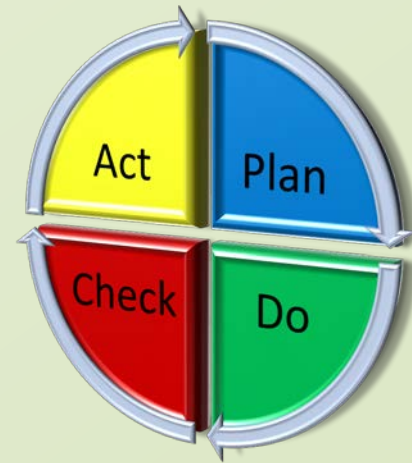


- **Board of Forestry (Board)**
  - Board develops rules to meet water quality standards set by Environmental Quality Commission (EQC)
  - Maximum extent practicable
  - Board maintains authority on forestland in coordination with other agencies

# Policy Background



- **Board is committed to monitoring and adaptive management**



- Rules require monitoring and evaluation
- Monitoring strategy provides direction



# Forest Practices and Stream Temperature

- **Long studied topic**
  - **Reduced shade may lead to increased temperature**
  - **Late 1990's several reports on temperature concerns**
  - **2002 ODF began Ripstream Study**
    - **Riparian function and stream temperature**



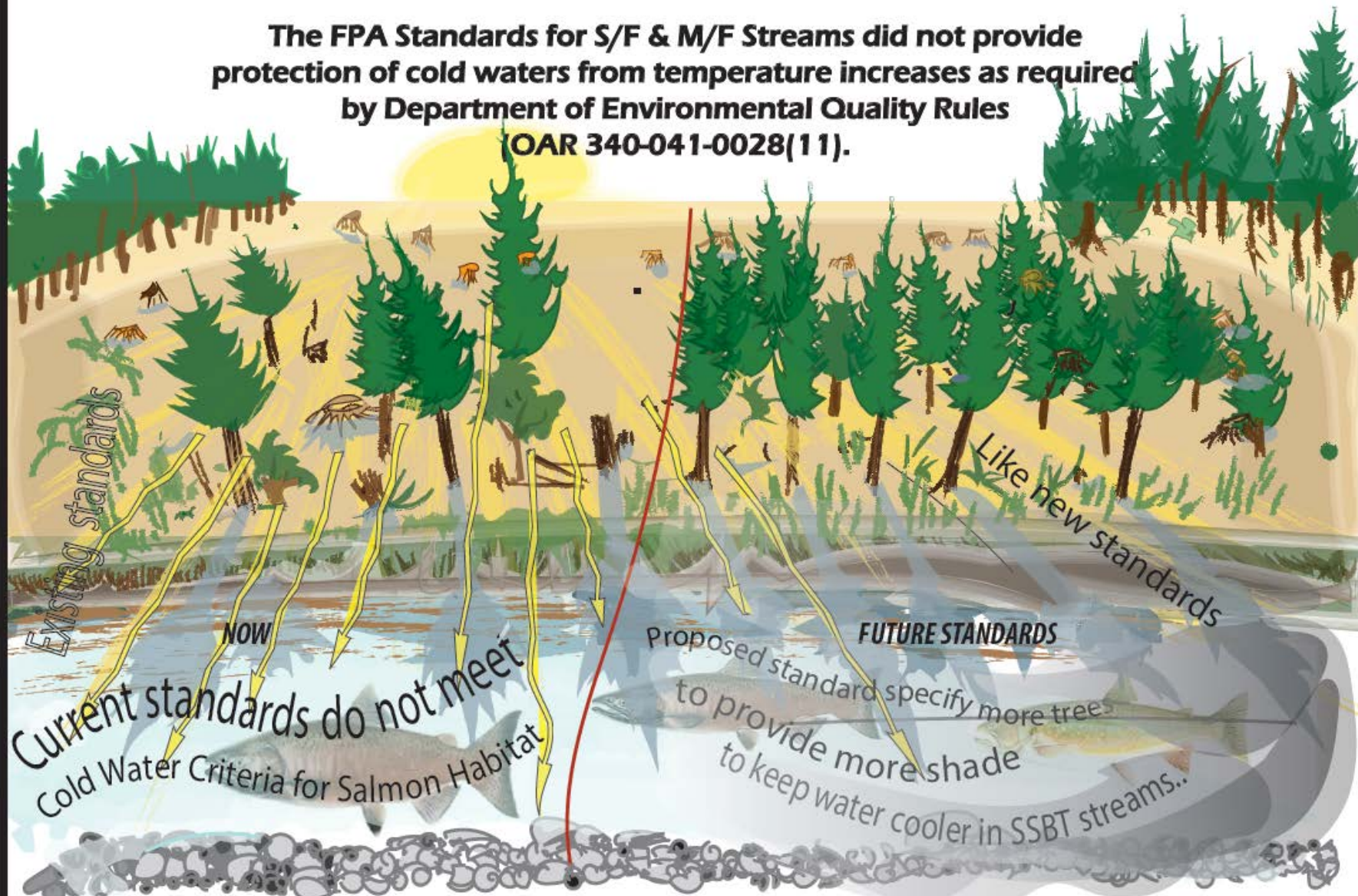
# Forest Practices and Stream Temperature

- **Ripstream Results**
  - **Vast improvement over historic practices**
  - **Increase in temperature post-harvest**
    - **Increase above the water quality standard**
    - **Rules to meet water quality standards**



**Long term studies show that Forest Practices Act (FPA) standards for Riparian Management Areas for Small & Medium sized Fish Bearing Streams (S/F & M/F) likely increase stream temperature.**

**The FPA Standards for S/F & M/F Streams did not provide protection of cold waters from temperature increases as required by Department of Environmental Quality Rules OAR 340-041-0028(11).**



**Proposed new standards feature increased Basal Area and attention to spacing of trees in RMA**



# Board Decisions



- **2012, Initiated rule analysis process**
  - Reviewed by Regional Forest Practices Committees
- **2015, Determined protection concepts**
  - Form Rulemaking Advisory Committee
- **2016, Approved proposed rules**
  - Directed public hearings

# Rulemaking Advisory Committee



- **Established by the Board to provide policy input**
- **Represents those affected by the rule**
- **Committee met 7 times and reached consensus on all topics except “relief”**
- **Committee members worked hard and everybody made concessions.**

# Public Input



- **Proposed rules**
  - Request public input through this process
  - If comments identify a need for reconsideration, rules could be modified
    - Public process would start over

# Public Input Information



- **Public comment period ends March 1, 2017**
- **Board to determine final rule language April, 2017**
  - If no modification to proposed rules
- **Anticipated rule effective date: July 1, 2017**
  - If no modification to proposed rules
- **Public comments on the proposed rule language:**
- Online: [RiparianRule@oregon.gov](mailto:RiparianRule@oregon.gov)
- Mail: Oregon Department of Forestry, 2600 State Street, Salem, Oregon 97310. Attn: “Stream Rules”

# Board

## Riparian Management Key Points



- RMA width expands 10 feet
- Well-distributed riparian trees beyond 20 feet
- Some trees beyond 20 feet also count as wildlife trees
- Basal area targets approximately doubled
- Hardwoods count for basal area
- All other rules apply (e.g. retain downed wood, etc.)



# Board Proposed Rule Concepts



## Requirements

- **Coast Range, Interior, Western Cascade, South Coast Geographic Regions**
- **Small or medium fish-bearing stream**
- **Determined to have salmon, steelhead, or bull trout**
  - **Stream layer will provide this information**

# Board Proposed Rule Concepts



## Prescriptions (*Management Options*)

- No harvest
- Partial cut, well distributed
- North sided buffer
- Relief - Reduced prescription standards available in some cases

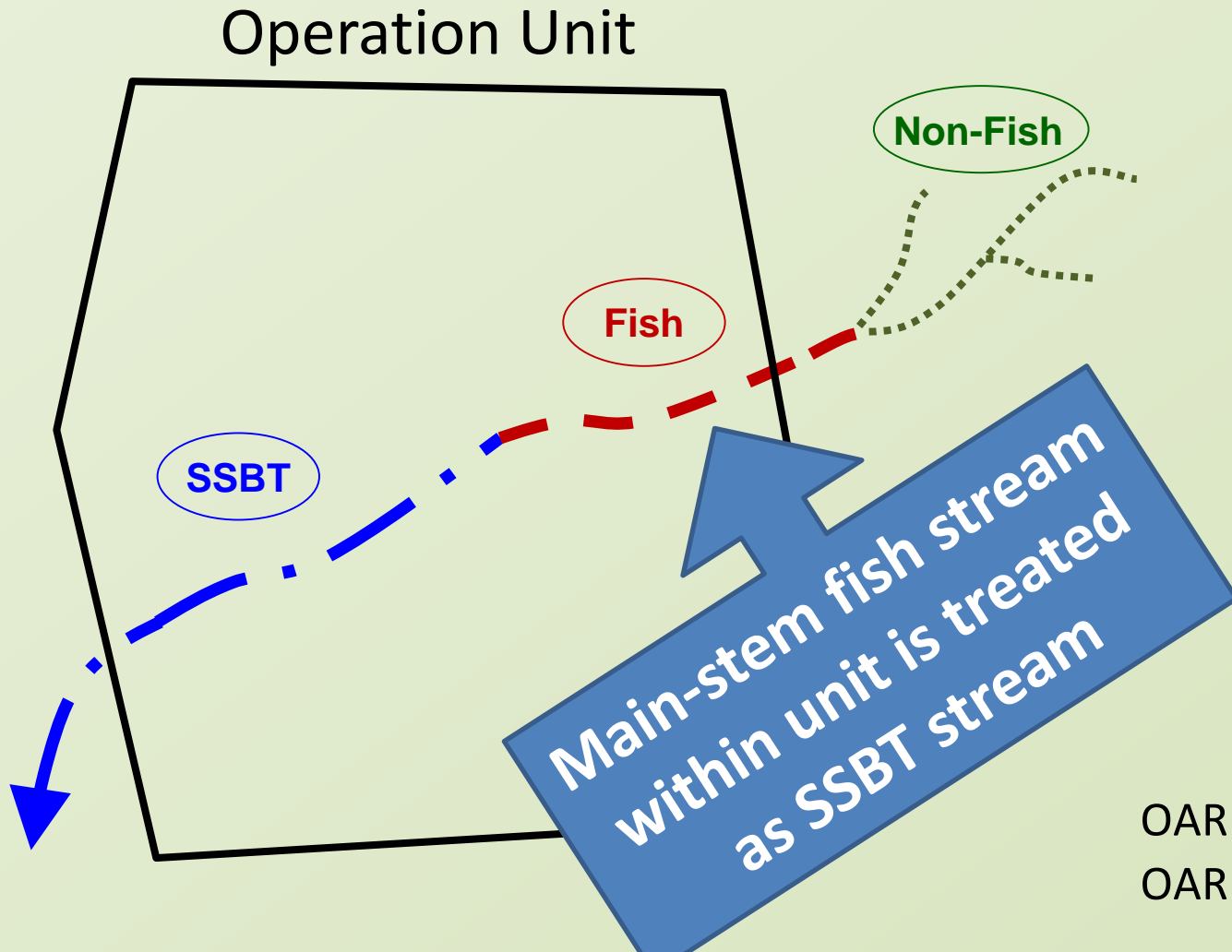
# Board

## Additional Concepts



- **SSBT protections may continue upstream in specific areas**
- **Leave trees can be counted as wildlife trees and basal area in some cases**
- **Other rules continue to apply:**
  - **Written plan requirements**
  - **Measure RMA width in slope distance**

# Upstream Extent



OAR 629-635-0200(12)  
OAR 629-642-0105(3)

Small SSBT  
Stream

# "Partial Cut" Prescription



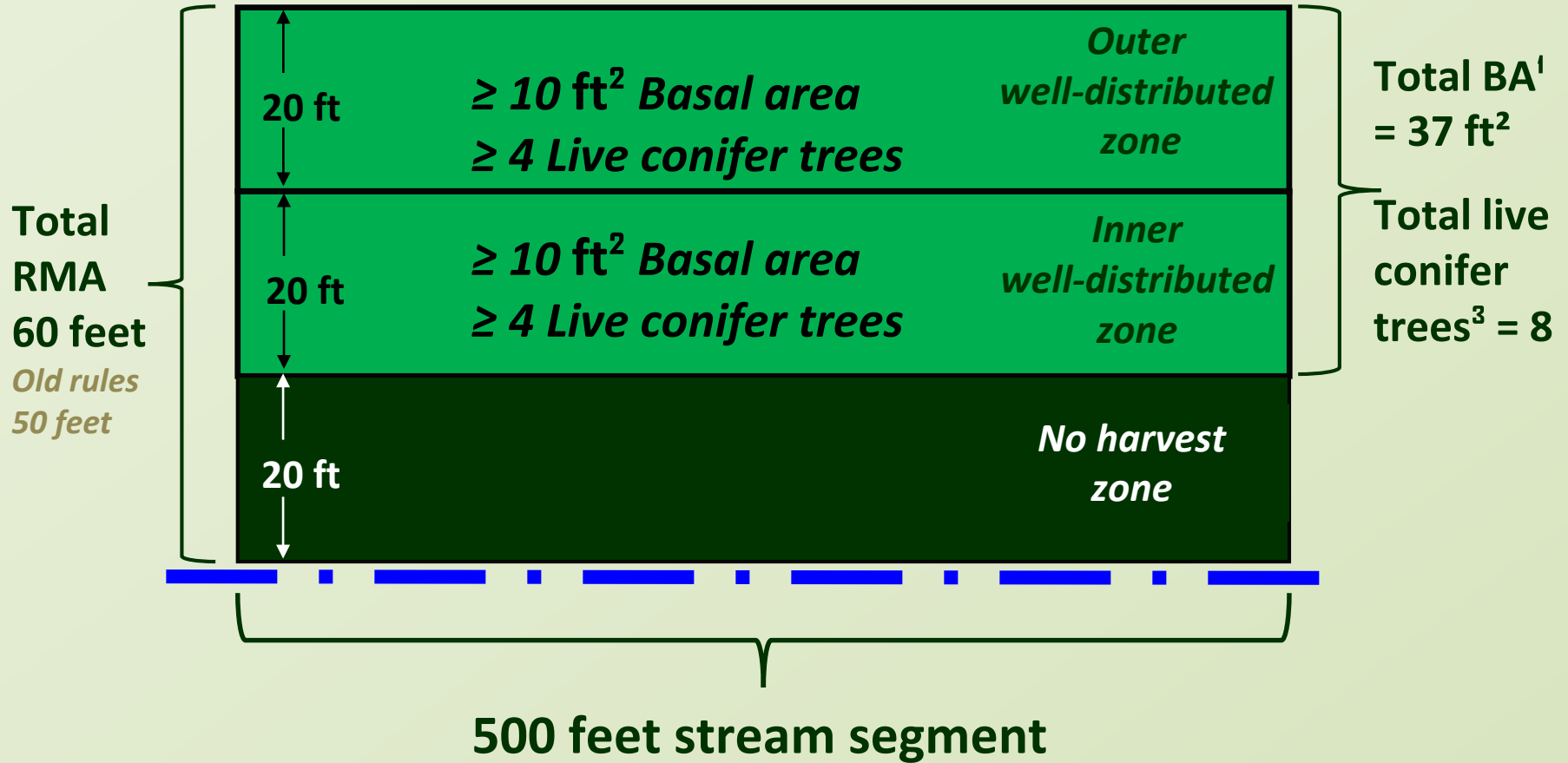


# Type SSBT Prescription 2

## "Partial Cut"



Small Stream



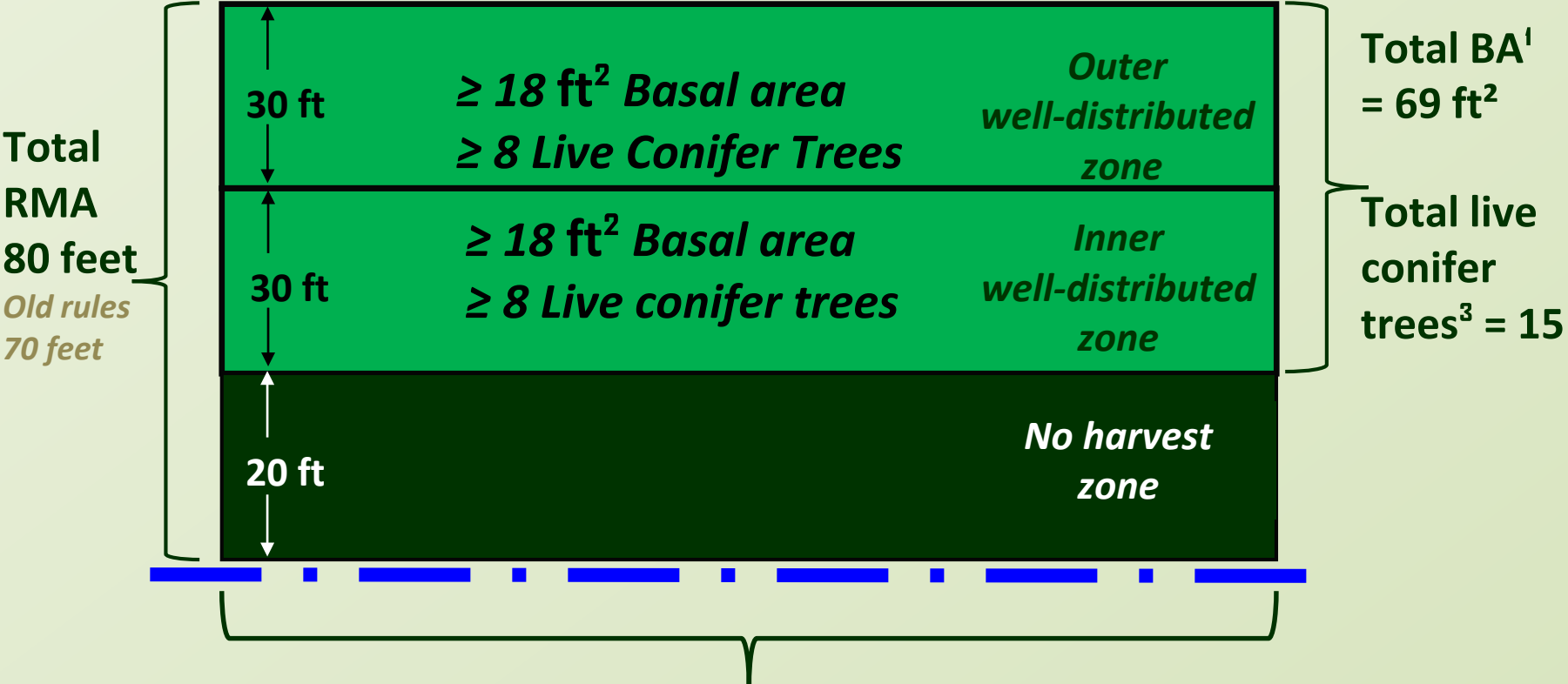
<sup>1</sup> Sound conifer snags  $\geq 30$  ft tall  $\leq 10\%$  BA

<sup>3</sup> Live conifer trees  $\geq 8$  inches DBH

Medium Stream

# Type SSBT Prescription 2

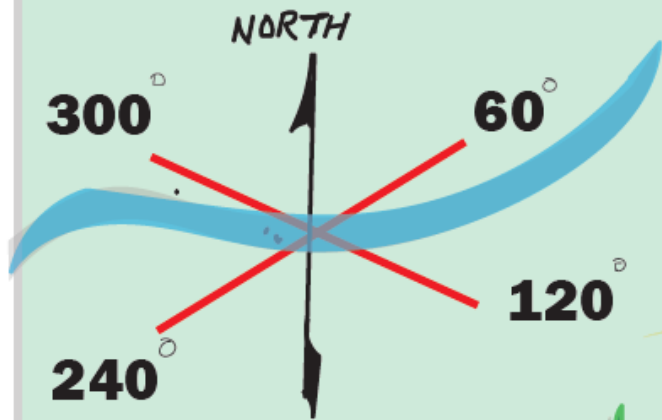
*“Partial Cut”*



500 feet stream segment

Table 5

<sup>1</sup> Sound conifer snags ≥ 30 ft tall ≤ 10% BA    <sup>3</sup> Live conifer trees ≥ 8 inches DBH    OAR 629-642-0105(11)

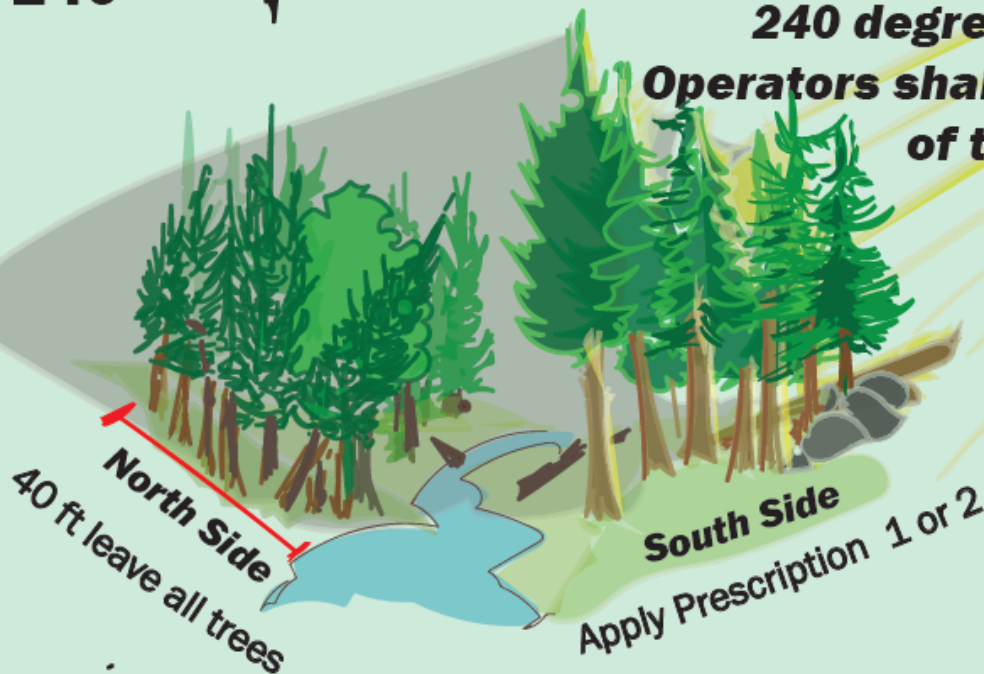


### **SSBT Prescription #3** **0AR-629-242-0150(12)**

(North - South Side Buffers)

**If the stream valley direction is  
between 60 degrees and 120 degrees East  
or**

**240 degrees and 300 degrees West  
Operators shall leave all trees within 40 feet  
of the High Water Line**



*The State Forester shall maintain a map showing stream valley direction for applying this prescription ....*

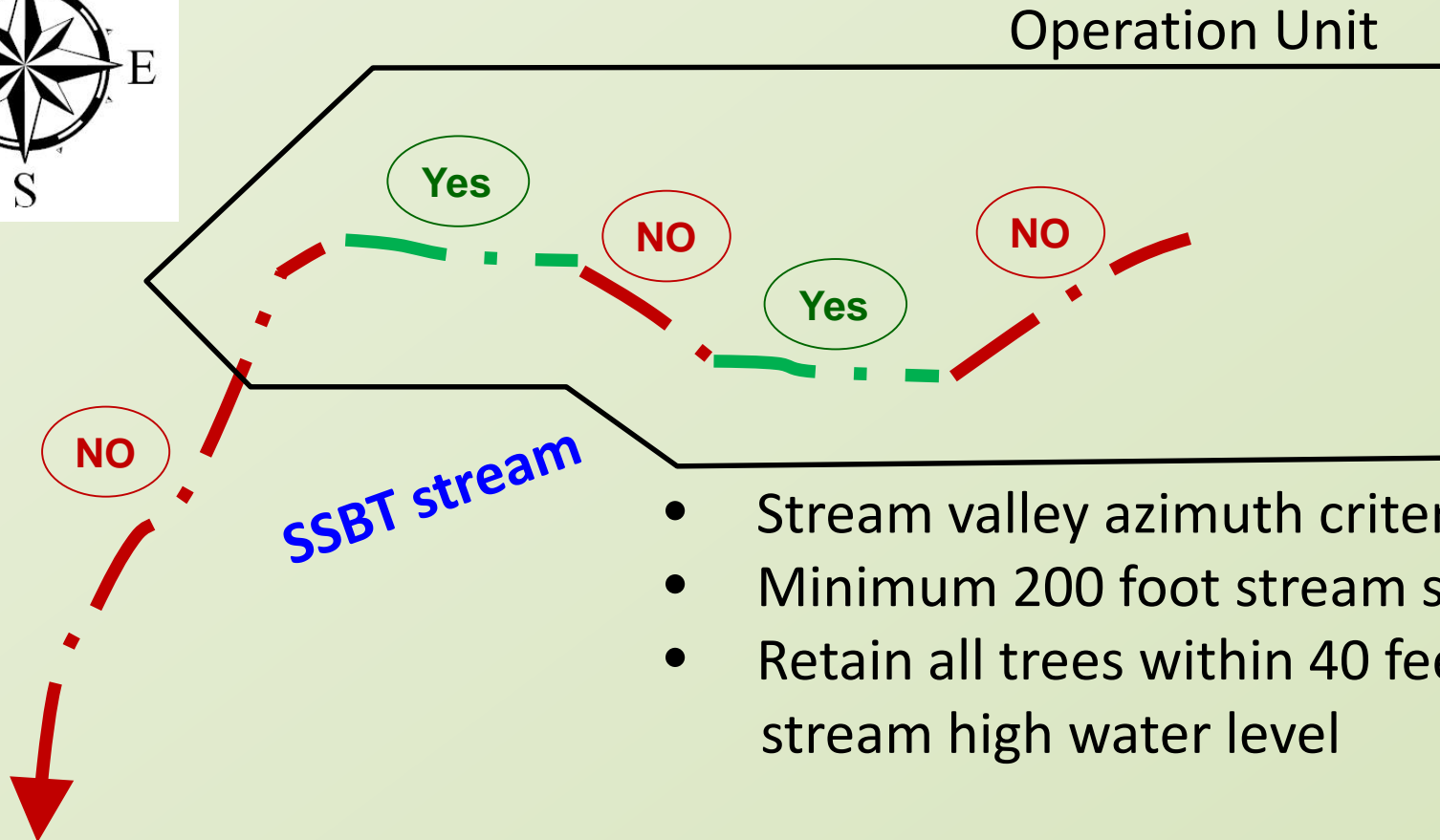
*The State Forester may substitute field evaluations of stream valley directions instead of the map...*

*The field - based evaluation shall measure the stream valley direction with a minimum of 200 foot stream segments..*

*The entire 200 foot stream segment must meet the stream valley criteria to apply this alternate prescription*

# Type SSBT Prescription 3

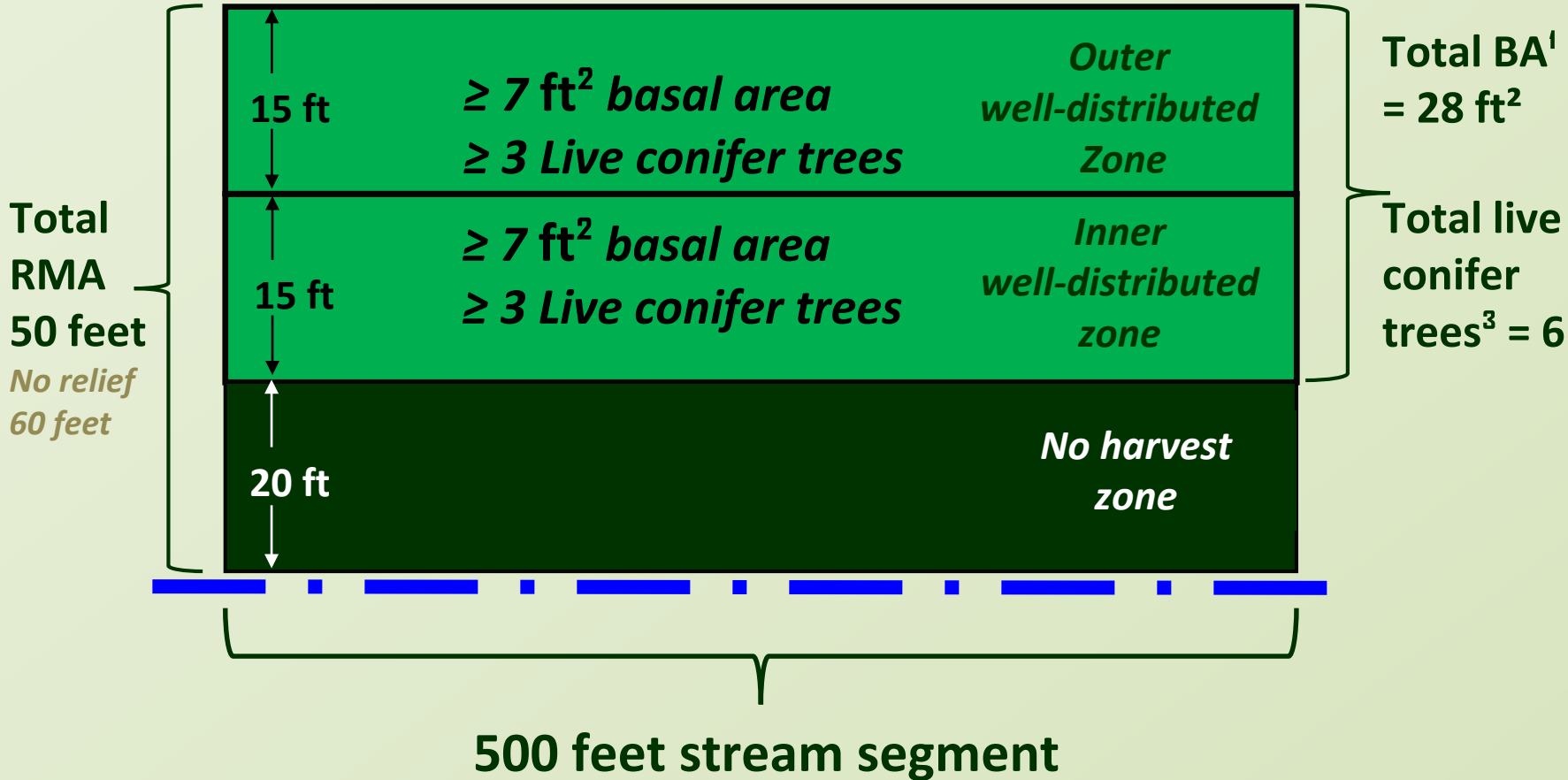
## *“North Sided Buffer”:*



Small Stream

# SSBT Relief Prescription 2

*“Partial Cut”*



<sup>1</sup> Sound conifer snags ≥ 30 ft tall ≤ 10% BA

<sup>3</sup> Live conifer trees ≥ 8 inches DBH

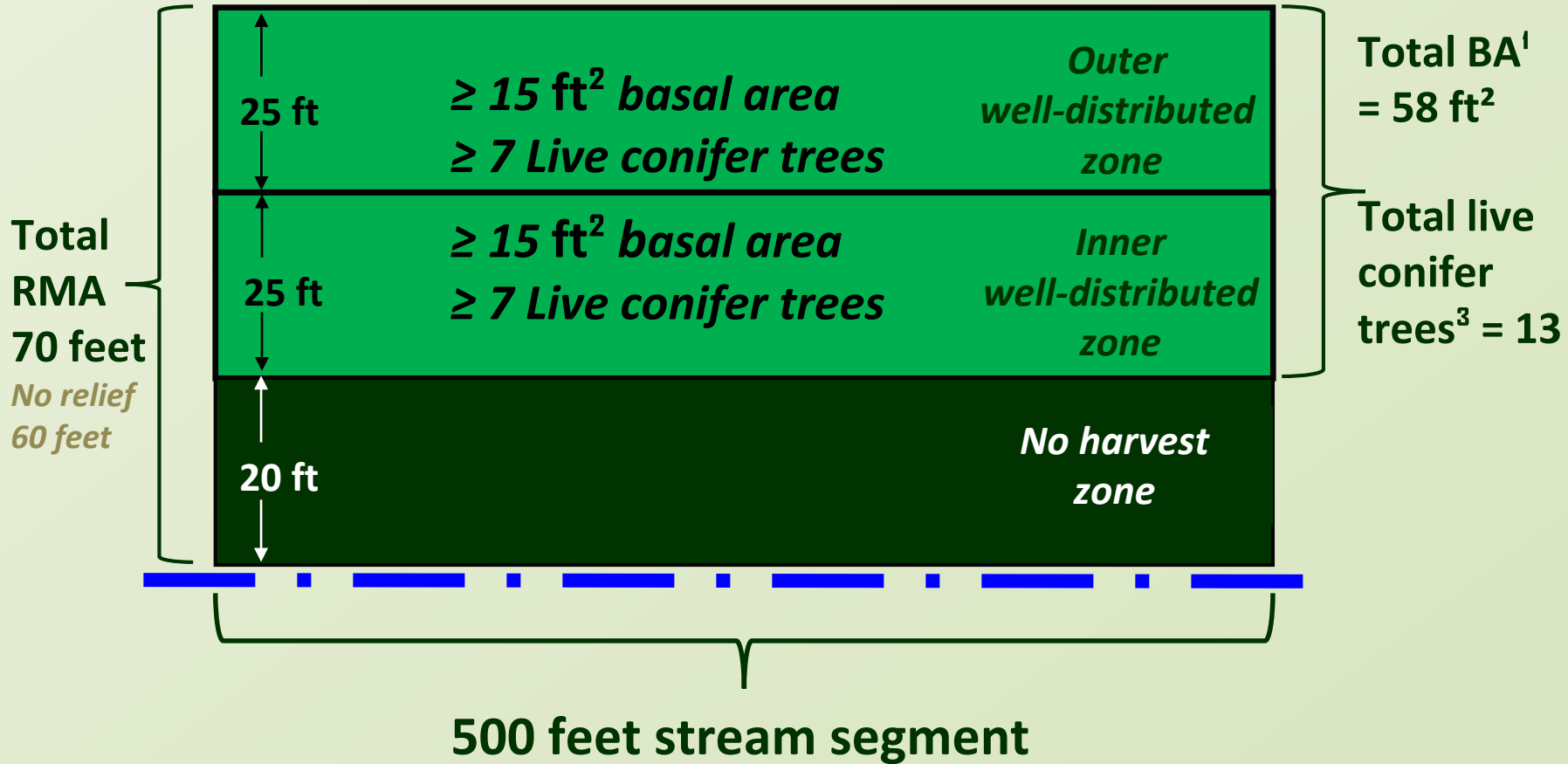


# SSBT Relief Prescription 2

*“Partial Cut”*



Medium Stream



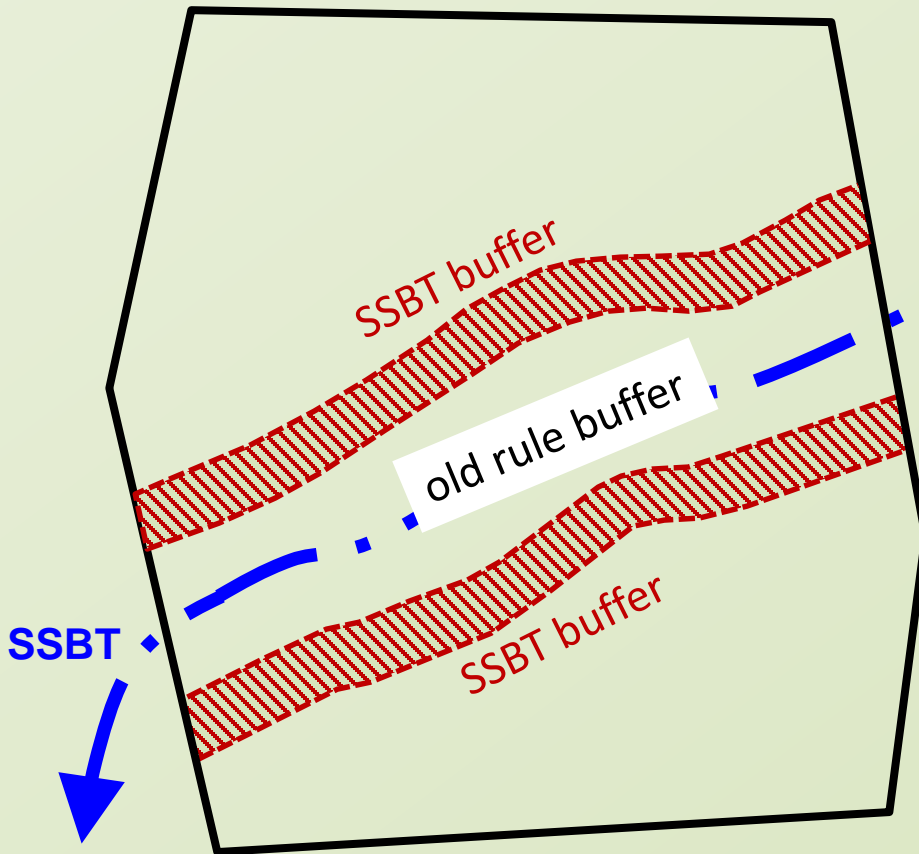
<sup>1</sup> Sound conifer snags  $\geq 30$  ft tall  $\leq 10\%$  BA

<sup>3</sup> Live conifer trees  $\geq 8$  inches DBH

# Relief Eligibility



Landowner's Parcel



Parcel = 25 acres

**Additional acreage = 3 acres**

3 acres ÷ 25 acres = 12 %

If ≥ 8 %, eligible for reduced RMA standards, except for North Sided Buffer prescription.

OAR 629-635-0200(12)

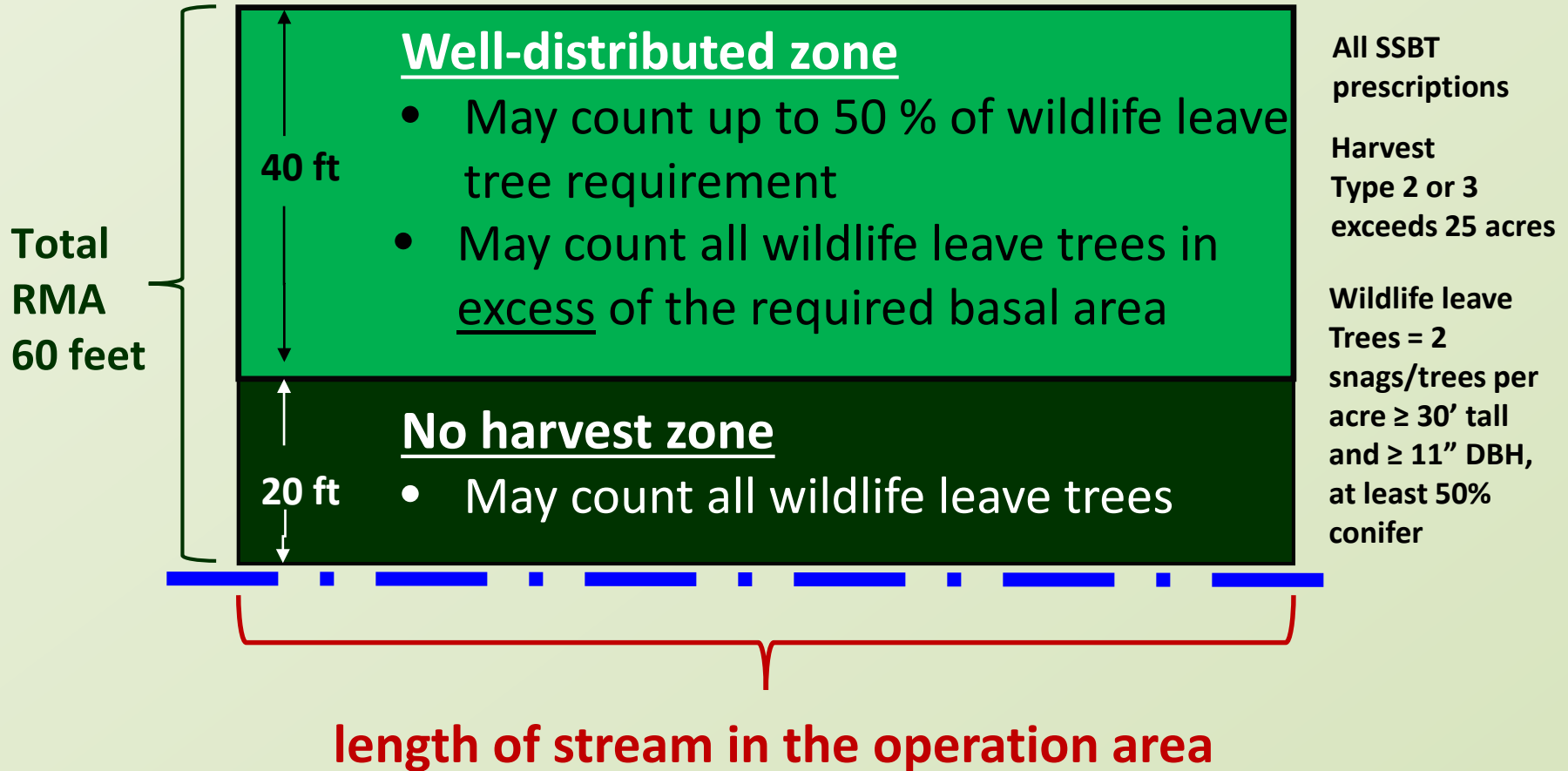
OAR 629-642-0105(3)

Small  
Stream

# Wildlife Leave Trees



Type SSBT stream and main stem of Type F stream

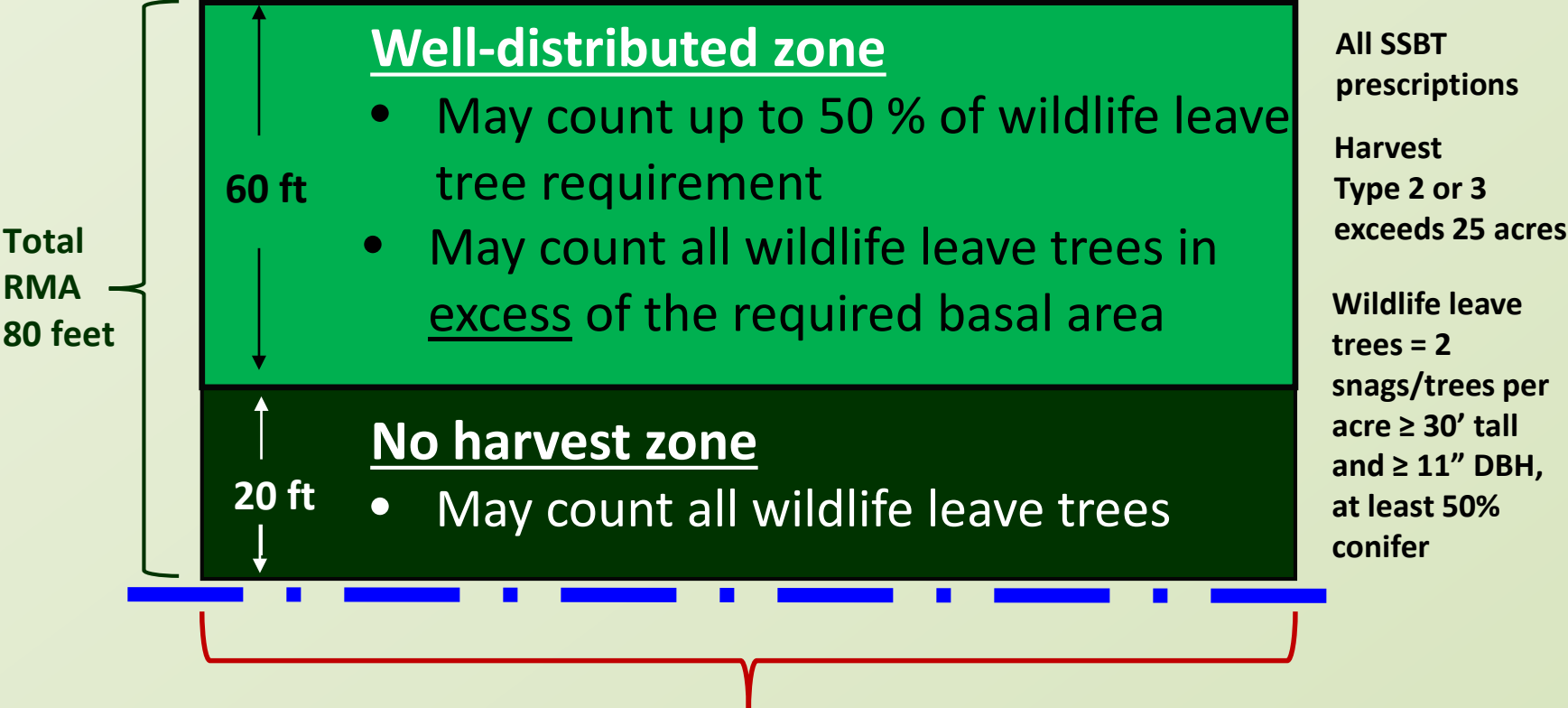


Medium Stream

# Wildlife Leave Trees



## Type SSBT stream and main stem of Type F stream



length of stream in the operation area



# Oregon Forest Practices Act - Stream Rule Changes 2017

**November 2015** - The Oregon Board of Forestry instructed Oregon Department of Forestry to develop new rules for certain streams that would increase the amount of shade over streams where Salmon, Steelhead and Bull Trout species are found, in Western Oregon, outside the Siskiyou Region



Vicinity Map of Area in Question



The Board appointed a committee of stakeholders to develop the rule language for what are to be known as  
**“SSBT Streams”.....**