



Providing Opportunity to Family Forestland Owners

August 28, 2014

Testimony of Jim James, Executive Director Oregon Small Woodlands Association
Environmental Quality Commission (EQC) meeting, August 28, 2014

Chair O'Keeffe, members of the EQC, and Director Pederson

My name is Jim James. I am Executive Director of the Oregon Small Woodlands Association (OSWA). OSWA is an association that represents the 140,000 family forest owners in Oregon who own 44% of the private forests in the state. As you know OSWA has a concern about the riparian rulemaking process underway by the Board of Forestry addressing temperatures on small and medium fish bearing streams in Oregon's forests. As you also know, the only reason they are in this rule making process is because of the Protecting Cold Water criteria, approved by the EQC sometime ago.

There is a real possibility that the Board of Forestry may impose stricter riparian protections on forest owners with significant economic harm to forest landowners because of the PCW criteria. OSWA believes new paired water research shows that the very strict 0.3 degree Celsius threshold in the PCW criteria is flawed. Paired watershed research has demonstrated that a temporary increase above 0.3 Degree Celsius in a forested stream, in compliance with Oregon's forest practice laws, can actually be beneficial to fish and does not harm them.

A paper prepared by John Westall, a Benton County OSWA member, titled "Goals and Scientific Basis of the Protecting Cold Waters Rule" sheds a new light on this subject. A copy is part of my testimony. The paper did a thorough review of the EPA guidance provided to the EQC when the current Protecting Cold Water criterion was adopted. One conclusion of John's review is that he could not find that EPA provided any scientific documentation in support of their guidance that only current natural conditions can protect fish populations. OSWA believes that specific guidance is the catalyst for the selection of 0.3 degree Celsius in the current Protecting Cold Water criteria. There is no specific science that recommends 0.3 degree Celsius is the correct temperature threshold. OSWA believes the new paired watershed studies demonstrate that the myth that any human caused modification of forest stream temperature will harm fish species is not correct. These study results are inconsistent with this EPA and NOAA Fisheries myth about only natural conditions can protect fish. Hinkle Creek also creates doubt about the EPA and NOAA Fisheries assumptions about temperature increases not being mitigated downstream in a forest setting. The temperature increases in the Hinkle Creek study dissipated in a relatively short distance downstream.



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OSWA believes the results of Oregon's paired watershed studies in combination with Oregon's forest zoning laws and the fact that there is no science that actually determines 0.3 degree Celsius is the correct threshold for maintaining forest stream temperatures suggests the PCW criteria is flawed when applied to forest streams. An exception to the existing Protecting Cold Water criteria, specifically in forested streams, could prevent a potentially huge economic consequence for forest owners that would in essence have no measurable benefit to fish populations because of water temperatures.

OSWA thanks you, Chair O'Keeffe and other EQC members who attended the Board of Forestry Workshop on June 25th. Your continued interest in this subject is greatly appreciated. OSWA is all for protecting the environment and water quality, but not when it includes regulations that cannot be justified by science and have such a large economic consequence. OSWA believes this is the case with the Protecting Cold Water criteria when applied to Oregon's forest streams. Thank you for your attention today and willingness to listen to the concerns about the Protecting Cold Water criteria raised by forest owners.

