



## Providing Opportunity to Family Forestland Owners

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VIA EMAIL: [jokranch@hotmail.com](mailto:jokranch@hotmail.com)

Jane O'Keeffe, Chair  
Environmental Quality Commission  
Department of Environmental Quality  
811 SW 6<sup>th</sup>  
Portland, OR 97204-1390

Dear Chair O'Keeffe,

Thank you and other EQC members for attending the Board of Forestry Workshop on June 25<sup>th</sup>. It provided the Board and the audience with the current science around forested riparian areas along with the legal and social issues related to the Board of Forestry's current riparian rulemaking process. As you know, the reason for the rulemaking is that Oregon's Forest Practices Act riparian protections for small and medium fish bearing streams may not be consistent with Oregon's Protecting Cold Water criteria established by the Environmental Quality Commission. The scientific validity of Oregon's Protecting Cold Water criteria, particularly in small and medium forest streams, continues to be an issue with the Oregon Small Woodland Association. Thank you for your willingness to listen to the concerns about the Protecting Cold Water criteria raised by forest owners.

In an effort to understand the science behind the Protecting Cold Water criteria, an OSWA member, John Westall has done a thorough review of the EPA guidance provided to the EQC when the current Protecting Cold Water criterion was adopted. He has searched for references to scientific information during the decision making process. John sent a draft of his paper to DEQ some time ago inviting comments, but none was received. He did present a final version (modified from the draft version sent to DEQ) of his findings to the Board of Forestry at its July 25<sup>th</sup> meeting in Forest Grove. John has recently sent his final work to the Department of Environmental Quality. A copy is attached with this letter.

One conclusion of John's review is that he could not find that EPA provided scientific documentation in support of the guidance that only current natural conditions can protect fish populations. OSWA believes this 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. Logic does suggest that big changes in natural conditions could negatively impact fish and wildlife, but it is clear from the Hinkle Creek study that a small temporary

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temperature increase does not harm fish and in fact the evidence suggests such small and temporary increases can actually benefit fish. Hinkle Creek also creates doubt about the EPA and NOAA Fisheries assumptions about temperature increases not being mitigated downstream. The temperature increases in the Hinkle Creek study dissipated in a relatively short distance downstream.

OSWA believes the preliminary information from the Trask River Watershed study supports the Hinkle Creek study information. Minor and temporary increases in forest streams do not harm fish in any way. Trask River will also measure other cumulative effects from timber harvest following current practices in riparian areas. Unfortunately, the Trask River study will not be completed until 2016, but early information indicates no measurable cumulative effects from timber harvest.

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 all suggests the Protecting Cold Water criteria in Oregon should be modified for Oregon's forested 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. Please give this issue serious consideration in light of the impact the Protecting Cold Water criteria could have on the Board of Forestry's riparian rulemaking process.

OSWA plans to testify at the EQC's August 28<sup>th</sup> meeting in Medford. This will be an opportunity to answer any questions you might have about OSWA's position and why we strongly feel the Protecting Cold Water criteria, as written, should not apply to forest streams. OSWA looks forward to continuing our dialogue with you about the Protecting Cold Water criteria.

Sincerely,

Jim James

Executive Director

cc:

Dick Pederson

Doug Decker

Richard Whitman

Tom Imeson