



Providing Opportunity to Family Forestland Owners

July 25, 2014

Testimony to Board of Forestry

Re: Riparian Rulemaking Process

My name is Jim James, Executive Director of the Oregon Small Woodlands Association. I would like to start by thanking the Board and Department of Forestry for the Workshop on June 23rd. I know there was a lot of effort that went into the day and OSWA appreciates what we heard and the wealth of information made available to the Board. There are a couple of things discussed that I would like to focus on in my testimony.

- I believe the paired watershed study report at the workshop provided the Board with credible new scientific information about the effectiveness of Oregon's forest practice riparian protections in regard to fish that the board had not officially been made aware of.
- The results of Hinkle Creek clearly demonstrate that minor temperature increases resulting from human activities, in compliance with forest practice rules, are minor, temporary, and recover in a relatively short distance downstream.
- At the workshop, the criticisms about the conclusions from Hinkle Creek were not supported by reference to scientific findings. Several presenters portrayed opinion as fact without providing scientific reference to support their claims.
- OSWA member John Westall's document shows that EPA failed to cite any scientific evidence to support its guidance on Protecting Cold Water. Terms like may, likely to, and can are found throughout the guidance. This guidance led to the current Protecting Cold Water criteria which I believe is based more on assumptions than science.
- As you know, Oregon's Cold Water criteria is the reason the Board of Forestry is in a riparian rulemaking process.
- The guidance provided in the development of the Protecting Cold Water criteria also chose to ignore the Clean Water Act's provisions to consider social and economic considerations when developing water standards.



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- Another questionable underlying theory that drives the Protecting Cold Water criteria is that threatened or endangered species must only have water temperatures that reflect natural regimes without regard to the many other factors that affect fish habitat. I believe Hinkle Creek sheds doubt on this theory, even though there are no threatened or endangered species present at Hinkle Creek as touted by critics. I place more faith in the scientific information from Hinkle Creek than theories about what *may*, *might*, or *likely could* happen.
- I also find it interesting that Hinkle Creek critics use the logic that the information only reflects what happens in Hinkle Creek, and therefore this science cannot be assumed elsewhere. Yet in the same breath those same critics support their temperature theories as being valid across the entire landscape even without any scientific reference.
- I believe the Trask River research science, reviewed by the Board on July 24th, provides more information about protecting fish in all Oregon forest streams. The preliminary results from Trask River support the findings from Hinkle Creek.
- During the June 23rd workshop the Board was given guidance that it has broad flexibility in the direction taken in the rulemaking process.

OSWA supports Oregon's forest practice laws because they are based on science. It would be tragic if riparian protection rules were based on a water quality standard supported entirely on theories and a heavy dose of precautionary principle when there is, science that suggests otherwise. Since the Protecting Cold Water criteria is the catalyst behind the current riparian rulemaking process, one has to question the logic of moving forward with this process. Thank you for the opportunity to testify on this extremely important issue.