



Providing Opportunity to Family Forestland Owners

Date: July 25, 2014

To: Board of Forestry

From Scott Hanson (President, Oregon Small Woodland Association)

Re: Riparian Rulemaking Process

OSWA recommends that the Board of Forestry revisit the degradation finding you made in January 2012 that started you down the current riparian rulemaking process. Information, not available to the Board at that time, was presented to you at the June 23rd Workshop. This new information warrants a new look at that determination.

1. The Board of Forestry has discretion to make a non-degradation finding notwithstanding RipStream results were in some cases a slight increase in water temperature occurred after unit harvesting. There is no judicial precedent that a slight temperature increase trumps the combined other habitat values (such as channel structure, stream bed load, flood plain connectivity, alluvial aquifer recharge, etc) and results in a degradation finding. The question for the Board of Forestry is — what makes for good policy? Is it not, does the combination of all habitat values taken together harm fish? We believe the answer is no to this question.
2. The Protecting Cold Water (PCW) Rule has no basis in science. Research by retired professor and OSWA member John Westall did not find scientific evidence for the Protecting Cold Water (PCW) in either EPA's 2003 published Guidance Document or on DEQ's webpage.
3. Fish don't need the PCW to survive and thrive. (e.g., paired watershed studies). Hinkle Creek paired watershed studies show that minor and temporary increases in stream temperature may actually benefit fish. The fish were found to be bigger and healthier in some studies.

For the above reasons, the Board should revisit the degradation finding and question whether riparian rulemaking is needed for scientific reasons. OSWA believes you will find rulemaking is not supported by science.