



# Talking Points | New Stream Buffer Rules

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## Overview

*On April 26, 2017, the Board of Forestry adopted new streamside buffer rules to increase shade buffers on small and medium salmon, steelhead and bull trout fish-bearing streams. The board based its decision on scientific findings and significant and broad public input. The rules apply only to streams west of the Cascades and north of the Siskiyou region. The board is looking into water quality protection needs for the rest of the state. The rules:*

- More than double the shade along streams by increasing the buffer-width by 10 feet and keeping more trees.
- Provide economic relief for some smaller landowners.
- Offer alternative buffer options along streams running east-west.
- Effective date is July 1, 2017.

## Background

- An Oregon Department of Forestry streamside study assessed the effects of forest harvests on streamside shade and stream temperature on small and medium fish streams in western Oregon.
- State stream temperature standards require stream temperatures to stay below a certain temperature – 60.8°F or 64.4°F depending on the stream – and the pre- to post-harvest temperature change must be less than a half degree Fahrenheit where salmon, steelhead, and bull trout are present. The maximum temperature standard is referred to as the Numeric Criteria, and the half degree maximum temperature change is known as the Protecting Cold Water standard.
- The department has managed and continues managing State Forests with streamside buffers that provide shade to meet the state stream temperature standards.
- Private sites met the Numeric Criteria, keeping streams below the roughly 61 and 64 degree marks, but had average increases of 1.26 °F.
- The Forest Practices Act stream rules were last revised in the 1990s to reclassify streams according to the benefits they provide and further protect water quality and habitat.
- In 2002, through the streamside study, the Oregon Department of Forestry and Department of Environmental Quality began analyzing the Forest Practices Act streamside shade buffer rules to assess alignment with the federal Clean Water Act and state standards.
- Research showed that following FPA rules didn't meet the Protecting Cold Water standard.
- The Board of Forestry started analyzing the Forest Practices Act rules in January 2012 for streamside buffer effectiveness. Based on scientific review the board found that the streamside protection rules did not require wide enough buffers to keep temperature changes under one-half degree.
- As the board analyzed the rules, it also recognized successes, including:
  - \$100 million voluntarily invested to restore streams and salmon habitat through Oregon's Plan for Salmon & Watersheds
  - Forest stream water quality is rated 65 percent good or excellent
  - Some of the best Coho salmon rearing habitat is on private forestlands
- November 2015, the board voted on a prescription for rewriting the rules and increase buffers on many streams in western Oregon. The decision applies to streams:

- West of the Cascades and north of the Siskiyou region;
- Classified as a small or medium fish-bearing stream; and
- That have salmon, steelhead or bull trout present.
- The rules provide economic relief for some landowners.
- Under the new rules, buffer widths are 10 feet wider and filled with more trees and twice as much shade. Adding ten feet to the buffers means 14 to 20 percent wider buffers.
- For all other streams, the rules remain the same.

### **Public Involvement**

- To ensure broad public representation the board convened an advisory committee of members from the conservation, forestry, fishing, and landowner communities to provide input to clarify policy and rule language to meet the board’s policy intent.
- The committee provided advice about:
  - How to identify salmon, steelhead and bull trout streams within ODF’s stream tracking system.
  - How to apply standards along the main-stem of fish bearing streams within the harvest unit and above the end of mapped salmon, steelhead and bull trout streams.
  - What leaving trees “well-distributed throughout the Riparian Management Area” means.
  - Relief options for forestland owners who will be highly encumbered by the new rules.
  - North-sided buffers and the scale to which this option applies – such as how long the stream segment running east-west must be to qualify for the alternate approach.
- The committee reached consensus on all major policy topics, except the relief threshold.
- To receive economic relief the landowner must have eight percent more land encumbered under the new rule than it would have had under the old rule. The relief allows a landowner to reduce buffers and adjusted tree retention levels in consultation with a professional forester.
- The board adopted the committee’s consensus policy recommendations and final report.
- The board directed the department to start training and implementing the new rules.
- Forestry held 9 public meetings to bring the public into the conversation.

### **Next Steps**

- Training for the public to learn the new rules:
  - May 9 – Clatsop County: Astoria Dept. of Forestry Office, 92219 Hwy 202, Astoria
  - May 18 – Columbia County PUD 64001 Columbia River Hwy, Deer Island
  - May 22 – Benton/Polk Counties: Guerber Hall Benton County Fairgrounds 110 SW 53<sup>rd</sup> St, Corvallis
  - May 23 – Douglas County: Douglas Forest Protection Association, 1758 NE Airport Rd, Roseburg
  - May 24 – Coos County: Coos Forest Protection Association Training Rm 63612 Fifth Rd, Coos Bay
  - May 25 – Curry County: OSU Extension Service Office 20390 Ellensburg Avenue, Gold Beach

### **More information**

Online: [www.oregon.gov/ODF](http://www.oregon.gov/ODF) at [Streamside \(Riparian\) Buffer Rules](#).