Oregon Stream Protection Coalition

Association of Northwest Steelheaders

Audubon Society of Portland

Cascadia Wildlands

Center for Biological Diversity

Coast Range Association

Defenders of Wildlife

Greater Hells Canyon Council

Institute for Fisheries Resources

KS Wild

McKenzie Flyfishers

Native Fish Society

Northwest Environmental Advocates

Northwest Guides and Anglers

Northwest Sportfishing Industry Association

Oregon Wild

Pacific Coast Federation of Fishermen's Associations

Pacific Rivers

Rogue Riverkeeper

Sierra Club

Trout Unlimited

Umpqua Watersheds

Washington Forest Law Center

WaterWatch of Oregon

The Wetlands Conservancy

Wild Earth Guardians

Wild Salmon Center

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
Statement of Mary Scurlock during General Public Forum
22 March 2018

I am Mary Scurlock, representing the Oregon Stream Protection Coalition's 25 conservation and fishing industry member groups united in support of stronger, science-based forest practices rules that reliably meet water quality standards on Oregon's 10.6 million acres of private forestland.

Today I continue my effort to keep the Commission engaged on developments at the Board of Forestry on matters related to attainment of water quality standards. As you know, the water protection rules in the hottest, driest regions of Oregon were excluded from the modest improvements for Salmon, Steelhead and Bull Trout streams that became effective in 2017, i.e the Siskiyou and the two regions in Eastern Oregon. At the Board's March 7 meeting, it directed a monitoring project to gather information relevant to stream protection in the Siskiyou Region — but not in the two eastern Oregon regions as follows:

> Option 2 – Modified Siskiyou Alternative: *Conduct a study to assess the effectiveness of FPA streamside protection rules in the Siskiyou geographic region on Type F stream types and size medium and small streams to meet the purpose and goal for healthy streamside forests (desired future condition, "DFC"), and water protection relating to stream temperature and shade. Utilize research and monitoring data from peer-reviewed scientific articles, unpublished "gray" or "white" literature, TMDL analyses by Oregon Department of Environmental Quality, watershed council data or analyses, status and trend data on fish populations, streamside and fish habitat data, and voluntary measures on non-federal lands to inform the monitoring study. Begin with a literature review of this information.*

This is a positive, though extremely limited step**.**

We urge the Board to direct DEQ's active engagement in this important project to ensure consideration of information relevant to the practices needed to meet both the Protecting Coldwater Criterion and TMDL load allocations for temperature and sediment-related parameters.

We further urge the Commission's attention to the continued exclusion of Eastern Oregon from meaningful adaptive management work. There are significant amounts of private timberland in these regions – approximately 3.4 million acres – and despite widespread federal and state listings of fish since the current rules were developed the 1994 rules remain in place.

As the EPA-generated maps I have provided illustrate, even with incomplete monitoring data, an extremely high proportion of the streams running through private forestlands in Eastern Oregon are impaired for temperature and sediment-

related parameters: 68% in the Eastern Cascades and 64% in the Blue Mountains. (This number is 80% for the Rogue/Siskiyou). These numbers are alarming.

I am further providing a letter from the Columbia River Intertribal Fish Commission that expresses extreme concern:

> *The Commission's information and belief is that the current riparian protections on private forestlands in Eastern Oregon are not adequate to protect salmon, steelhead and lamprey and that stream temperature, in particular, is an issue of immediate concern. There is enough evidence to – at a minimum – spark an investigation into whether this is indeed true. The Board has a duty to monitor its rules to determine whether they actually meet the standards they implore that they meet and insure landowners against violating.*

We are in accord. The high resource risk associated with current stream protection rules in Eastern Oregon, particularly in a changing climate, justifies inclusion of these ODF regions in monitoring efforts as soon as resources allow. I note that both ODF and DEQ have un-kept commitments to determine the sufficiency of the default forest practices rules to meet TMDLs now in effect in eastern Oregon. It is well within this Commission's bailiwick to direct that action be taken to determine the adequacy of current forest practices BMPs in Eastern Oregon.

We already know from existing research that stream temperatures in the Grande Ronde Basin of northeast Oregon are limiting overall summer density and abundance of juvenile steelhead and chinook salmon, that increased stream shade can produce significant reach-scale stream cooling that directly benefits salmonids, and that themal refugia associated with cold tributaries and groundwater upwelling sites help sustain juvenile salmonids during the warmest hours of the day in mid summer. (Ebersole et.al. 2003). This means that under prevailing conditions: 1) any loss of shade translates into lost fish population abundance and productivity, 2) tributary warming from near-stream forest harvest, including thinning, likely harms salmonids, and 3) improved riparian shade cover will benefit salmonid populations.

Respectfully submitted,

Mary Scurlock

Enclosures:
1) EPA Region 10. 2017. Memorandum from P. Leinenbach, R10 EPA to A. Henning, R10 EPA Re: River distance associated with 303d segments with temperature/sedimentation/ turbidity listings within the Rogue/Siskiyou,and Blue Mountain assessment areas in Oregon. 3 pp.
2) *Columbia River Intertribal Fish Commission, Letter from Executive Director Jaime A. Pinkahm to Oregon Board of Forestry Chair Tom Imeson dated March 7, 2018. (3pp, with one attachment, 2pp)*