



*By Electronic Mail*

September 28, 2020

Greg Wagenblast, Hearings Officer  
Private Forest Siskiyou SSBT Rulemaking  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310  
[Greg.WAGENBLAST@oregon.gov](mailto:Greg.WAGENBLAST@oregon.gov)

**Re: Public Comment on Proposed Amendment to OAR Chapter 629: Expanding water rules on small and medium salmon, steelhead, and bull trout Siskiyou Georegion streams**

Dear Mr. Wagenblast:

I am the coordinator of the Oregon Stream Protection Coalition (OSPC), an ad hoc coalition of 26 non-profit organizations in Oregon and Washington united around the promotion of increased protection for freshwater aquatic ecosystems on nonfederal lands in Oregon. Thank you for the opportunity to provide public comment on the proposed rulemaking to apply the Salmon, Steelhead, and Bull Trout (“SSBT”) stream buffer standards to the Siskiyou Georegion.

As a signatory of the Memorandum of Agreement implemented by SB 1602, I support the proposed rule change as part of a larger policy change package that includes future collaboration with private forest landowning entities to develop the framework for a statewide forest practices aquatic habitat conservation plan. Incorporation of the SBBT rule expansion to the Siskiyou into legislation helped expedite and streamline what could have been a lengthy and contentious rulemaking. This action effectively reverses a 2015 Board of Forestry decision to exclude small and medium streams that support salmon and steelhead in the Siskiyou region from stream protection requirements that became effective in July 2017 for the balance of western Oregon. OSPC has consistently advocated for inclusion of the Siskiyou in the SSBT rule since 2015. This rule change represents a modest improvement that brings stream buffer standards in the Siskiyou up to the same level as the rest of western Oregon

I would like to take this opportunity to clarify that in adopting this rule the Board was not required to make a specific finding about the adequacy of either the existing or proposed rules to meet water quality standards under the Clean Water Act or restoration targets under any of the six applicable Total Maximum Daily Load plans (TMDLs) for impaired water bodies in the Siskiyou region. Nor did the Legislature or the Environmental Quality Commission make such findings.

Likewise, this rulemaking is not accompanied by analysis that indicates it renders the Oregon Forest Practices rules to be an adequate foundation for the federally approvable Endangered Species Act habitat conservation plan aspired to by the parties to the MOU implemented by SB1602. As noted in the comments dated September 18, 2020 already submitted into this proceeding by Rogue Riverkeeper and Wild Salmon Center, which we endorse, additional protection of the small and

medium fish-bearing streams covered by this rule will be an important consideration in planned future collaborative policy discussions.

Therefore, we are submitting for this record as separate electronic files:

**1. Comments submitted by OSPC to ODF on the original SSBT rule change**

These comments argued that none of the four buffer designs provided under the western Oregon SSBT rule (no cut, partial cut, North-South or equity relief) are adequate to meet the Protecting Coldwater Criterion or the watershed-specific targets established by applicable temperature TMDLs. OSPC continues to find that available information supports the contention that larger buffers applied to more of the stream network are needed to achieve compliance with the Protecting Coldwater Standard and applicable TMDL/Human Use Allowance requirements.

**2. The final ODF report entitled “Siskiyou Streamside Protections Review: Summary of Literature Review” by Adam Coble, W. Terry Frueh, John Hawksworth and Ariel Cowan**

This report, provided in its final form to the Board of Forestry as an informational item at its September 6, 2020 meeting, generally informs policy considerations regarding attainment of DEQ water quality standards for temperature for small and medium fish-bearing streams in the Siskiyou geographic region.

This document includes a summary of available information relevant to the Siskiyou region about the adequacy of current forest practices water protection rules to meet stream temperature goals and relationships between riparian buffer width and basal area and prevention of stream temperature increases due to shade reduction. A primary finding is that: “[r]elevant literature (12 studies) suggests implementation of current FPA rules will not ensure maintenance of Protecting Cold Water standard or the Human Use Allowance.” Siskiyou Review at iv. The review is notable for its discussion of the policy implications of applicable TMDLs for forest practices and for its evaluation of how these analyses may inform our understanding of riparian buffer design as it relates to effective stream shading.

Sincerely,



Mary Scurlock, Coordinator  
Oregon Stream Protection Coalition

*Attachment 1: March 2017 OSPC Comments on SSBT Rule (24 pp)*

*Attachment 2: Attachments to March 2017 OSPC Comments on SSBT Rule (78 pp)*

*Attachment 3: Siskiyou Streamside Protections Literature Review Summary from 9/9/20 Board packet (30 pp)*