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September 21, 2015

To: Board of Forestry Subcommittee for PCW options,

On behalf of the Northwest Sportfishing Industry Association (NSIA), thank you for the opportunity to provide further comment on the rule making process to develop riparian buffers for the purposes of reducing stream temperatures to meet the PCW standards. We understand your challenges, and hope our comments will assist your final deliberations.

Foremost, we ask you to bear in mind that your rulemaking affects jobs outside of the timber industry. In Oregon, sport fishing sustains over 11,000 family wage jobs and creates over \$1 Billion in economic benefit to mostly rural communities (see attached).

This summer, stream temperatures are at or near lethal levels to cold water species. Before the summer ends, biologists fear that hundreds of thousands of salmon and steelhead will perish from temperature pollution. It is imperative that land uses with the potential to contribute to this complex, and very real problem accept their fair share of responsibility. We commend the Board of Forestry for stepping up to the plate and taking its water quality duties seriously.

NSIA business owners are experiencing one of the worst fishing summers in memory. At higher temperatures, fish are stressed and they go off the bite. Anglers stop fishing and they stop going into our stores or booking trips. Regulated fishing closures, combined with a front-page article in The Oregonian declaring that Oregon hung up the "no fishing" sign harms our businesses even more. But we're coping with fishing restrictions brought on by high stream temperatures for the good of the fish.

In 2012, on the basis of the "RipStream," study, the Board of Forestry determined that current rules allow removal of too many trees in the riparian buffer area, allowing stream warming that violates the "Protecting Coldwater Criterion" (PCW), a Department of Environmental Quality (DEQ) standard intended to protect cold streams from heating up. Logging down to the minimum buffers under current rules is now understood to cause warming of – on average – about 1.45 degrees C. This average is nearly five times the standard which is .3 degrees C.

Over the last four years, based on RipStream, ODF has developed a highly credible analytical model to evaluate how much shade is needed to meet the PCW standard. Whereas current requirements often result in just 20 feet of trees left next to streams, ODF analysis shows that to prevent stream warming with a high probability (~85%), at least a 100 foot no-cut buffer is needed. (A 90-foot buffer would prevent warming about 50% of the time, and a 120-foot buffer would ensure no temperature impacts virtually 100% of the time).

In order to meet BoF's obligation under the PCW, we believe it is necessary to focus subcommittee deliberations on options that are modeled to have a high degree of success. Anything less than a 90 foot buffer should be off

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the table for consideration. Further, if the Board decides on this minimal prescriptive buffer, we would urge you to consider additional measures to insure that the PCW is not violated and to increase the likelihood meeting the PCW to a higher degree of certainty than 50% of the time.

ODF's analysis demonstrates that 100-foot buffers provide the necessary shade to keep small and medium fish bearing streams and in compliance with the PCW 80-85% of the time.

The Board's duty is to meet the standard to the "maximum extent" unless it is not "practicable" to do so. No evidence has been presented to the Board that 100 foot buffers are not "practicable". In fact, several small landowners are supporting 100 foot buffers, and other states have protective rules that translate into buffers of this size or larger.

Surely the definition of "maximum extent practicable" falls much closer to 85% than 50%.

Any rule that is adopted should be effective, simple to understand, and enforceable. If these criteria are met it will provide a durable solution to a significant and long term problem. For that reason we recommend that you adopt a rule that provides a 100 foot no cut buffer along all fish bearing streams. A 100 foot buffer will provide a high level of certainty that the cold water standard will be met under all but the most extreme conditions, is effective, understandable and enforceable. The rule is feasible, and will affect a small percentage of private forested land. It is to be expected that a small subset of landowners may be disproportionately burdened with the regulatory changes. Methods to mitigate for these cases can and should be developed.

For these reasons, we recommend that you adopt a rule that provides a 100-foot no cut buffer along all fish bearing streams. Cold-water refugia should be one of our primary considerations with climate change. These fish need water temperatures where they can exist until they spawn in the fall and winter. 100 foot buffers also contribute large wood to stream complexity, pools and other factors that create lower temperature opportunities for fish to take refuge.

We understand and appreciate landowners' desire for flexibility in planning harvest operations, and do not call lightly for no-harvest restrictions. But state and federal experts agree that stream habitat complexity and water quality are Primary and Secondary limiting factors for Oregon Coast Coho, and these goals should be advanced by any rule the Board puts forward. Thus, we have substantial objections to the alternatives that use variable retention to meet the PCW. Such a rule, as currently proposed, would allow the harvest of some trees – including the largest trees – outside 20 feet of streams, which will degrade stream habitat complexity restoration goals.

Applying this rule to all fish bearing streams will insure a landscape scale effect. The long term health of forest ecosystems will be well served by this recommendation. There will be many added benefits for fish and wildlife if riparian areas are protected in this manner as well as the cold water improvement. Creating effective and enforceable buffers also meets Coastal Zone Management Act Reauthorization Amendments of 1990 (CZARA) standards, and will have a positive contribution to the EPA/NOAA Section 7 Consultation on Oregon's Temperature Standard, the Bureau of Land Management's Western Oregon Plan revisions. A broader application of the rule would also improve the chances of delisting coastal Coho by addressing more of the land use issues identified in the Oregon Coastal Coho Status Review and Recovery Plan. These are tremendous returns on an investment that affects a small percentage of private forested land holdings in Oregon.

No other industry is dealing with the magnitude of raising stream temperatures than the sport fishing industry. The die offs of 2015 will create a biological legacy our industry will be dealing with for multiple generations of fish returns. At NSIA we have a documented, decades-long

history of making financial sacrifices for the long term health of Oregon's fishery resources. We fully understand that these conservation measures do come at some cost, but we fully expect others to do their part as well. Otherwise, those costs are externalized to fish and to our industry. Quoting the Oregon Governor's office, "...to be truly sustainable, Oregon's private forests need to do their part to meet water quality standards and protect our environment."

We implore the Board of Forestry to do its part and increase forest buffers around streams to widths that maximize our ability to attain the standard. Let's show that Oregon cares as much about the future of fishery resources and our industry at least as much as Washington, California and Idaho. Anything less leaves fish survival to chance, risking more ugly summers down the road.

Thank you for all the time and effort. Our industry truly understands how difficult this is.

In Service,

A handwritten signature in cursive script that reads "Liz Hamilton".

Liz Hamilton, Executive Director
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