



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232

(503) 238-0667
F (503) 235-4228
www.critfc.org

March 7, 2018

Tom Imeson
Chairman
Oregon Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, Oregon 97310
BoardofForestry@oregon.gov

RE: March 7, 2018 Board Meeting Agenda Item 2, Riparian Protection Monitoring in Eastern Oregon

Dear Chairman Imeson and Oregon Board of Forestry Members:

The Columbia River Inter-Tribal Fish Commission (Commission) was created by and serves the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. As part of its mission, the Commission is charged with helping its member tribes protect the anadromous salmon, steelhead and lamprey that migrate through the Columbia River and spawn and rear within its interior tributaries. Three of the Commission member tribes have ceded lands that include areas in Eastern Oregon; all of the tribes have an interest in the anadromous fish that spawn and rear in the tributaries of Eastern Oregon and make up part of the fishery that the tribes share. All the tribes share an interest in land use activities that have the potential to affect anadromous fish habitat.

It is our understanding that the proposal before the Oregon Board of Forestry (Board) is whether and how to assess the adequacy of current riparian protections prescribed under the Oregon Forest Practices Act. The assessment would consider whether the practices would meet desired future conditions and state water quality standards in the Eastern Oregon and Siskiyou regions.

It is also our understanding that Board's proposal is to perform a study to this effect in the Siskiyou region, but none in Eastern Oregon. For reasons noted below, it is our belief that riparian protections in Eastern Oregon need to also be studied for their adequacy for meeting the required conditions and standards.

- The Commission provided comment and testimony during the Boards' review of riparian buffers for Western Oregon Forests in 2015. Attached is the cover letter we submitted with our comments for the July 23, 2015 Board Meeting. The full comments included the technical comments (27 pages) of Dale McCullough, Ph.D., Senior Fishery Scientist with

the Commission (since retired). Those full comments can be found in your records here: http://www.oregon.gov/ODF/Board/Documents/BOF/20150723/BOFMIN_20150723_ATT_CH_41.pdf In our cover letter, we noted that while the decision before the Board concerned the Western Oregon forests, the Commission was concerned about how that decision might transfer to the Eastern Oregon forests, with a hope that the Board would next review the protections in the eastern part of the state. Dr. McCullough's comments identified proper science to be applied in such a review. We were pleased to hear that the Board decided to take action to improve the riparian protections in Western Oregon forests, albeit, we have not had the opportunity to scientifically and thoroughly review those changes.

- Dr. McCullough's July 2015 technical comments discuss the relationship between salmon density, and water temperature. They draw from a Commission-led research project in Eastern Oregon that looks directly at streamside buffers and water temperature. These comments report that stream temperatures in Eastern Oregon forests are a limiting factor for salmon, steelhead and lamprey. They also note the importance of maintaining shade in fish-bearing and headwater streams. The Commission's annual project reports assess current status and trends in habitat characteristics considered to be key limiting factors (e.g., temperature), available at <http://www.critfc.org/blog/reports/assessing-the-status-and-trends-of-spring-chinook-habitat-in-the-upper-grande-river-and-catherine-creek-3/>.
- There is a significant amount of private forestland in Eastern Oregon and much of this coincides with streams supporting anadromous fish.
- Eastern Oregon riparian protections were not considered in the previous decisions because, as stated in the current Staff Report, "Eastern Oregon regions were out of the scope of the science used in the review." However, strong inferences can be drawn from current science that riparian protections in Eastern Oregon are inadequate – and this clear inference supports at least a study on riparian conditions and protections in Eastern Oregon. The RipStream study provided strong evidence that current stream protection rules are inadequate in Western Oregon forests; also indicating that the same may be true for Eastern Oregon forests.
- Washington State requires greater buffers for similar ecoregions, and the federal riparian protection for Eastern Oregon are far greater than those that ODF currently imposes. We note that the Warm Springs Reservation of Oregon, with interests in both forestry and fish, has voluntarily adopted federal buffers for their own forest practices.
- The Board's recommendation to include a study of the Siskiyou region does not adequately represent the Eastern Oregon region. Again, your staff report notes that the Siskiyou has different vegetative and geologic conditions than other western forests, but that the Eastern Oregon regions were completely out of the scope of the science used in the review. The adequacy of Eastern Oregon protections should not be determined under a study of the Siskiyou region.

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.

Thank you for the opportunity to provide this input on your decision. If you have any questions, please feel free to contact Christine Golightly, Policy Analyst, at 503-238-0667.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jaime A. Pinkham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jaime A. Pinkham
Executive Director

Attachment



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July 21, 2015

Tom Imeson, Chairman
Oregon Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, Oregon 97310
BoardofForestry@oregon.gov

Dear Chairman Imeson and Oregon Board of Forestry Members:

The Columbia River Inter-Tribal Fish Commission (Commission) was created by and serves the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. As part of its mission, the Commission is charged with helping its member tribes to protect the salmon and lamprey that migrate through the Columbia River and spawn and rear within its interior tributaries.

Attached are the technical comments, of Dale McCullough, Ph.D., Senior Fishery Scientist with the Commission, regarding the review of the action titled “Developing Riparian Rule Prescriptions”, which is scheduled for the Board of Forestry (Board) review on July 23, 2015. Included with the comments is a summary of Dr. McCullough’s extensive technical background and experience with stream temperature, water quality, fisheries biology (including the relation to temperature and water quality), fish habitat monitoring and cumulative effects of land management on salmon habitat conditions.

Although the action before the Board would apply only to areas in western Oregon (i.e., Coast Range, South Coast, Interior or Willamette Valley, Western Cascades, and Siskiyou), the Commission is concerned with the Board’s decision and its future implications on lands in eastern Oregon (i.e., Eastern Cascades and Blue Mountains) where the Commission’s member tribes have significant interests. Stream temperatures and riparian protections are important issues affecting eastern Oregon streams and the fish and fisheries they support. The Commission hopes that as a next step, the Board takes a look at the protections afforded to streams and associated habitats in forested lands in the eastern part of the state. However, we are extremely concerned about the science and analyses being implemented in the current review before the Board. We fear that this will lead to bad decisions for Oregon’s western forest lands, and that those decisions will be repeated when looking at riparian protections in eastern Oregon.

Thank you for the opportunity to provide this input on your decision. If you have any questions, please feel free to contact Dale McCullough or Christine Golightly at our offices.

Sincerely,

A handwritten signature in blue ink that reads "Babtist Paul Lumley". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Babtist Paul Lumley
Executive Director

Cc: Richard Whitman, Governor's Office, Natural Resources Policy Director
Peter Daugherty, Oregon Department of Forestry, Ex-officio Chief, Private Forests