



Greg Wagenblast  
Oregon Department of Forestry  
2600 State Street, Building D  
Salem, OR 97310

September 18, 2020

**Re: Public Comment on Proposed Rulemaking to Apply Salmon, Steelhead, and Bull Trout (“SSBT”) Stream Buffer Standards to Siskiyou Georegion**

Dear Mr. Wagenblast:

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. Rogue Riverkeeper is a non-profit organization based in Jackson County within the Siskiyou Region that works to protect and restore clean water, native fish, and healthy communities in the Rogue River Basin. The Wild Salmon Center is a non-profit organization that works to strengthen local stewardship and ensure long term salmon conservation.

Following the Board of Forestry’s November 2015 decision to exclude the Siskiyou region from the new SSBT stream buffer rule, Rogue Riverkeeper and the Wild Salmon Center have consistently advocated for the Board to review and update the existing stream buffer standards for the region. Leaving small and medium streams that support salmon and steelhead in the Siskiyou region with significantly less protections than the rest of western Oregon is a serious concern given the compelling evidence that current rules are inadequate to prevent logging that warms water temperatures in violation of the Protecting Coldwater Criterion (“PCW”), a fundamental component of the state’s water quality standard for stream temperature.<sup>1</sup>

On behalf of our members and supporters, we support the proposed rulemaking to apply the SSBT stream buffer standards adopted in 2017 for western Oregon to the Siskiyou region. This represents a modest improvement and a first step to bring stream buffer standards in the Siskiyou up to the same level as the rest of western Oregon. However, we would like to emphasize the following points:

- 1. Neither the Board of Forestry nor the Oregon Legislature made any associated findings that the current stream buffer standards for the Siskiyou are sufficient to meet water quality standards, any TMDL, or to be used as the basis for an approval HCP.**

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<sup>1</sup> Groom et al. 2011. *Response of Western Oregon (USA) stream temperature to contemporary forest management*, *Forest Ecology and Management*, 262: 1618-1629.

First, we want to be clear that, although this rule change is an improvement to current protections that apply in the Siskiyou, neither the Board nor the legislature has made any associated findings that the current stream buffer standards for the Siskiyou are sufficient to meet water quality standards for temperature. Further, no findings were made regarding the sufficiency of current standards to meet any other water quality standards, for any TMDL, or as the basis for an approvable Habitat Conservation Plan under the Endangered Species Act. The proposed rulemaking to apply the SSBT standards to the Siskiyou is a direct result of Senate Bill 1602, and does not reflect any decision or finding regarding whether or not the current standards are sufficient to protect water quality under the Clean Water Act.

**2. The science is clear that only 120-foot buffers will achieve compliance with the PCW to the maximum extent.**

Second, we want to reiterate that the science is clear that only 120-foot buffers will achieve compliance with the Protecting Cold Water (PCW) criterion to the maximum extent, or nearly 100% of the time. Even the final “Siskiyou Streamside Protections Review” released in the September 9th Board packet reiterates this point. A 100-foot buffer is expected to meet the PCW 80-85% of the time. A 90-foot buffer is expected to meet the PCW 50% of the time. The SSBT buffer standards require 60-foot and 80-foot buffers respectively on small and medium streams. As a result, the SSBT standard creates a high degree of risk that the PCW will not be met.

Additionally, we would emphasize that there are six temperature TMDLs within the Siskiyou region and five of those have a Human Use Allowance of 0 degrees Celsius. The Rogue Basin TMDL has an HUA of 0.04 degrees Celsius.

We incorporate by reference all of our previous comments and those submitted by the Oregon Stream Protection Coalition regarding the RipStream study and the resulting development of the 2017 stream buffer standard.

**3. Conclusions**

In conclusion, we support the proposed rulemaking to apply the SSBT stream buffer standards adopted in 2017 for western Oregon to the Siskiyou region. We also want to emphasize that no findings regarding the sufficiency of existing stream buffer standards in the Siskiyou were made as part of this process. Further, the science is clear that only 120-foot stream buffers will be likely to achieve maximum compliance with the PCW. The 2017 SSBT stream buffer standards create a high degree of risk that the PCW will not be met. As a result, we expect that riparian protections on small and medium SSBT streams will be on the table for future policy development as part of the statewide Habitat Conservation Plan discussions.

Thank you for the opportunity to provide public comments.

Sincerely

Stacey Detwiler  
Conservation Director  
Rogue Riverkeeper

Bob Van Dyk  
Policy Director for Oregon and California  
Wild Salmon Center

