
Date: Jan. 13, 2020

To: Environmental Quality Commission

From: Richard Whitman, Director

Subject: Item K: Department of Forestry (ODF) and DEQ collaboration
(Informational)
Jan. 23-24, 2020 EQC meeting

Purpose of item DEQ and ODF will present an update on the work effort underway by the two agencies working toward alignment of the respective agencies' water quality programs. The update also will include information on the status and work plan for the ODF and the Oregon Board of Forestry on their determination of whether current forest practice rules are sufficient to meet water quality objectives in the Klamath-Siskiyou region.

Background DEQ and ODF embarked on an interagency collaboration with the objective of aligning water quality efforts and processes to meet water quality goals. As part of this effort, the agencies have agreed to develop mutually-acceptable processes between DEQ and ODF to:

- a) Assess the adequacy of Forest Practices Act rules and other measures in particular basins or subbasins where water quality standards are not met, and where a Total Maximum Daily Load has been adopted or is being developed; and
- b) Develop or update load allocations for forestlands and identify conditions necessary to achieve water quality standards, along with similar allocations to other designated management agencies, for those basins or subbasins.

DEQ/ODF collaboration DEQ and ODF will provide an overview of the work conducted to date, the agencies' planned work to achieve the stated desired outcomes and the anticipated work products from these efforts.

EQC involvement There is no request for commission action as part of this agenda item. DEQ will provide approximately quarterly updates on the agencies' effort.

Attachments A. ODF Update on Siskiyou Streamside Protections Review
B. ODF Siskiyou Streamside Protections Review – Charter Work Plan

Report written by Jennifer Wigal
Water Quality Division Deputy Administrator

STAFF REPORT

Agenda Item No.:	3
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Update on Siskiyou Streamside Protections Review
Date of Presentation:	January 8, 2020
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SUMMARY

This agenda item presents 1) an update on work completed since the September 2019 Board of Forestry (Board) meeting on the Siskiyou Streamside Protections Review (Siskiyou Project); and, 2) lays out three decisions for the Board to make regarding the implementation of their direction to the department.

CONTEXT

The Board's 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

BACKGROUND

The Board and the Department of Forestry (department) are committed to using adaptive management in reviewing (and revising, if necessary) FPA rules using available science, monitoring and research. In November 2015, the Board increased streamside protection standards in most of western Oregon. The Siskiyou region was not included because of different vegetative and geologic conditions, and the Eastern Oregon regions were out of the scope of the science used in the rule analysis.

At the November 2016 meeting, the Board finalized the Private Forest Division's Monitoring Strategy. In conversing about the Strategy, the Board discussed the need to address riparian issues in the Siskiyou and Eastern Oregon regions. The Board directed the department to:

- Develop potential monitoring questions regarding streamside protections in the Siskiyou and eastern Oregon regions;
- Estimate the timeline and resources to address questions for various methods of study; and,
- Work with stakeholders to inform the department and the Board.

At the March 2018 meeting, the department presented information based on the aforementioned direction: The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and stand structure component of riparian desired future conditions, starting with a literature review. The Board also directed the department to work with partner agencies to provide contextual information on fish status and trends. Since the Board directed the department to assess sufficiency of FPA rules for water quality standards for temperature, we asked DEQ to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data.

In June 2019, the Board determined there was insufficient information from a literature review to make a sufficiency determination, and requested the department bring back additional information for their consideration. In September 2019, the Board directed the department to form an advisory committee to provide input on the project, and expand the literature review to include information from western Oregon and similar forests. Staff proposed two options to address climate change (see September 2019 meeting materials). The Board discussed these options but did not decide to move either option forward.

The expected outcome of this review will be a decision by the Board on the sufficiency of riparian rules, to decide if:

- The FPA or rules are working as designed
- FPA or rules may not meet stated objectives
- Not enough information for sufficiency decision: Additional study prioritized
- Not enough information for sufficiency decision: Other work prioritized at this time

If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).

ANALYSIS

Attachment 1 describes the department's progress on aspects of the Siskiyou Project:

- Expanded literature reviews;
- Collaboration with the Oregon Department of Environmental Quality;
- Progress on convening the Advisory Committee; and,
- Exploration of various monitoring options.
- Completing a decision on if and how to address climate change in the Siskiyou Project

Attachment 2 contains the project workplan which details the scope, project elements, and team composition. *(Note that depending on the Board decision regarding addressing climate change, this work plan may need modification and to be brought back to the Board for their subsequent approval)*

Attachment 3 contains the advisory committee objectives and stakeholder input.

Board Decisions

We ask the Board to make three decisions regarding implementation of the Siskiyou Project:

- Decide on if and how to address climate change within this Siskiyou work (Attachment 1).
- Approve the Project Charter Workplan to ensure the department is aligned with the Board's direction (Attachment 2).
- Approve the objectives for the Advisory Committee the Board directed the department to form (Attachment 3).

RECOMMENDATION

The department recommends:

1. The Board direct the department to implement Climate Change Option 2 (comprehensive policy work) described in Attachment 1.
2. The Board approve the Project Workplan (Attachment 2).
3. The Board approve the Advisory Committee Objectives (Attachment 3).

NEXT STEPS

The department will implement the Board's direction regarding the decisions outlined in Attachments 1-3, and continue with ongoing work described in the Project Charter Workplan as approved by the Board.

ATTACHMENTS

1. Update on the Siskiyou Project
2. Siskiyou Project Workplan
3. Siskiyou Project Advisory Committee Objectives and Stakeholder Feedback



SISKIYOU STREAMSIDE PROTECTIONS REVIEW

CHARTER WORK PLAN

JANUARY 2020

REQUESTOR	SPONSOR(S)	PROJECT MANAGER	START DATE	END DATE
Oregon Department of Forestry	Kyle Abraham	Terry Frueh	September 2019	TBD

BACKGROUND
<p>In November 2015, the Board increased streamside protection standards in most of western Oregon. The Siskiyou region was not included due to concerns about extrapolating available studies across different vegetative and geologic conditions. The Eastern Oregon regions were outside the scope of science used in the rule analysis.</p> <p>At the November 2016 meeting, the Board finalized the Private Forest Division’s Monitoring Strategy. In conversing about the Strategy, the Board discussed the need to address riparian issues in the Siskiyou and Eastern Oregon regions. The Board directed the department to: Develop potential monitoring questions regarding streamside protections in the Siskiyou and eastern Oregon regions; Estimate the timeline and resources to address questions for various methods of study; and work with stakeholders to inform the department and the Board.</p> <p>At the March 2018 meeting, the department presented information based on the aforementioned direction: The Board directed the department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review. The Board also directed the department to work with partner agencies to present to them contextual information on fish status and trends. Since the Board directed the department to assess sufficiency of FPA rules for water quality standards for temperature, we asked DEQ to provide contextual information on status and trends of stream temperature as captured by any Total Maximum Daily Loading (TMDL) analyses and associated data.</p> <p>The Board directed the department make this assessment with a literature review in March 2018. In June 2019, they determined there was insufficient information to make a sufficiency determination, and requested that the department bring back additional information for their consideration, including collaboration with DEQ. In September 2019, the Board directed the department to form an advisory committee to provide stakeholder input on the project, and expand the literature review to include information from western Oregon and similar forests.</p> <p>The expected outcome of this Streamside Protections Review (Siskiyou Project) will be two decisions by the Board in on the sufficiency of riparian rules. If the Board found the rules did not meet stated objectives and that a resource is being degraded, they could consider changing the rules through a rule analysis, which could result in regulatory or voluntary measures. According to statute, effects to fish, wildlife, and water quality, and economic impacts to forest landowners and the timber industry must be considered in such decisions (ORS 527.714 and 527.765).</p>

PROJECT DESCRIPTION
<p>The expected outcome of this Project will be decisions by the Board on two high-priority monitoring (2) questions regarding the sufficiency of Forest Practices Act (FPA) riparian rules in the Siskiyou geographic region:</p> <ol style="list-style-type: none"> (1) For small and medium fish-bearing streams in the Siskiyou region, what is the effectiveness of FPA buffers to meet DEQ water quality standards for temperature? (2) For small and medium fish-bearing streams in the Siskiyou region, what is the effectiveness of FPA buffers in achieving the desired future conditions of streamside forests? <p>For each question, the Board will decide if:</p> <ul style="list-style-type: none"> • The FPA or rules are working as designed • FPA or rules may not meet stated objectives • Not enough information for sufficiency decision: Additional study prioritized • Not enough information for sufficiency decision: Other work prioritized at this time.

OBJECTIVES & SUCCESS CRITERIA		
Objectives	Success Criteria	How Measured
Stream temperature sufficiency analysis completed	Complete review of FPA riparian rule sufficiency for meeting water quality standards and allocations	Board makes a final decision that ends the current stream temperature review process
Riparian desired future condition sufficiency analysis completed	Complete review of FPA riparian rule sufficiency for meeting goals for stand structure and associated outcomes (shade, cover)	Board makes a final decision that ends the current riparian desired future condition review process
Adequate stakeholder engagement	Key stakeholders affected by FPA sufficiency analyses are identified and engage in advisory committee or other public input processes	<ul style="list-style-type: none"> • Successful convening of and implementation of advisory committee objectives • A range of public input is received through project and Board pathways. • Board is apprised of the range of public perspectives on the sufficiency analysis process and products.
Adequate, timely, and affordable project design and implementation	Project elements align with and address monitoring questions, are completed on time, and within budget	Project elements are completed on time, within budget, and advance the state of knowledge on monitoring questions.
Project timelines and expectations for Board of Forestry Staff Reports, Attachments, and Presentations are met	High-quality, concise reports and presentation materials are provided to correct chain of command in a timely manner	<ul style="list-style-type: none"> • Board documents are received and approved in a timely manner • Presentations are clear and within allotted time

PROJECT SCOPE	
In Scope (Will be Included)	Out of Scope (Will not be Included)
Overall Project Scope (Inference of Board decisions, FPA sufficiency topics)	
Siskiyou FPA geographic region	All other FPA geographic regions
Small and medium Type F (fish)	All other FPA stream sizes and types
Stream temperature, desired future condition of riparian vegetation, resulting shade and cover	All other water quality, riparian vegetation, and other topics (ex: large wood recruitment, sediment, climate change, etc.)
FPA clearcut and thinning activities	All other FPA activities
FPA riparian basal area standard target prescriptions	All other FPA riparian prescriptions
Project Element 1 – Two (2) expanded literature reviews	
Geographic region in scope included: W Oregon, W Washington, British Columbia, and Northern California west of the crest of the Cascades; SE Alaska	All other EPA georegions
Product 1) Stream temperature literature review/executive summary (DEQ stream temperature standards, existing temperature TMDL allocations, temperature human use allowance)	All other water quality topics, water quality standards, and TMDLs (ex: sediment, turbidity)
Product 2) Riparian DFC literature review (standing riparian vegetation, shade, cover)	All other topics (ex: large wood recruitment)
Project Element 2 – Informational Board agenda item on Oregon Revised Statutes	
Board training session on ODF and DEQ statutes relevant to Board sufficiency decisions	All other statutes
Project Element 3 – Advisory Committee	
Review, discuss, and provide feedback on project design, development, implementation, and final products (Literature reviews, monitoring options)	DEQ/ODF coordination efforts, other work not identified
Receive project updates on DEQ/ODF coordination efforts, and other work (e.g., Board training on statutes) of the Siskiyou Project	Other work not identified
Project Element 4 – ODF/DEQ Collaboration	
Develop process for aligning agencies' sufficiency reviews	
Project Element 5 – Monitoring Options	
Riparian Desired Future Condition sufficiency review monitoring options: <ul style="list-style-type: none"> • Remote sensing and GIS analysis • Field study • Integrated field/remote sensing study Monitoring plan to be developed. Can include existing, new data.	
Stream temperature sufficiency review monitoring options: <ul style="list-style-type: none"> • Field study • Integrated field/GIS study Monitoring plan to be developed. Can include existing, new data.	

DRAFT ADVISORY COMMITTEE COMPOSITION (GENERAL)	
Interested Parties	Why Interested
Oregon Department of Environmental Quality	Delegator of forest water quality program

Page 4 of 4 Oregon Department of Fish and Wildlife	Fisheries program affected by forestry water quality, aquatic habitat outcomes
Conservation Community	Directly, indirectly affected by decisions
Family forest landowners	Directly affected by decisions
Industrial forest landowners	Directly affected by decisions
Northwest and Southwest Regional Forest Practices Committees	Board committee charged with advisory role in review of proposed forest practice rules appropriate to forest conditions
Committee for Family Forestlands	Statutory role
Full committee composition to be finalized in consultation with facilitator	

RELATED PROJECTS
Outreach to Tribes of Oregon

PROJECT TEAM		
Resource Name	Role	Responsibilities
Peter Daugherty	ODF Executive oversight (ODF/DEQ Collaboration)	Executive oversight, direction, coordination
Joe Justice	Board of Forestry Liaison with Environmental Quality Commission	Board liaison oversight, direction, coordination
Kyle Abraham	Project Sponsor	Division oversight and coordination, direction
Josh Barnard	Project Coordination	Facilitate intra-agency communication
Marganne Allen	Project Oversight	Support Project Manager, communications & outreach as needed
Terry Frueh	Project Manager	Project planning & management, rule language drafting, communications & outreach
Ariel Cowan	Project Implementation	Provide technical support & expertise; communications & outreach as needed
John Hawksworth	Project Support	GIS analysis, other technical support and expertise
ODF GIS Unit	Project Implementation	Lidar analysis, other GIS analysis
Jim Gersbach	Public Affairs	Support Project Manager through press releases and other public outreach
DEQ Commission Liaison, Executive, and TMDL program staff	ODF/DEQ Collaboration Project: Oversight, implementation, support	Executive oversight, direction, coordination
Advisory Committee	Public project oversight, input	Provide comment on project design and implementation