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To whom it may concern:

Please accept my comments on the draft McDonald-Dunn Forest Plan. Over the past thirty years as a watershed scientist, I have conducted research and participated in planning efforts for western Oregon forests. Thus, consistent with my training and experience, the following observations target the plan components most directly affecting riparian and aquatic ecosystems. I commend the inclusion of plan provisions, such as managing to increase the acreage in older forests, that are likely to benefit riparian and aquatic habitats. However, by relying on the minimum standard of compliance with the Oregon Forest Practices Act (OFPA) rules, the draft plan falls well short of its overall vision, mission, and goals and specifically regarding management of riparian areas as an Ecosystem of Concern. Additionally, as an essential forest product, water was not identified in Human Dimensions nor were the effects of forest management on water quality and quantity meaningfully considered.

The draft plan defaulting riparian protection to the OFPA rules for large forestland owners in western Oregon presents several issues. First, the “Purpose and Goals” of the OFPA water protection rules (629-635-0100(1)) for riparian areas states that “The leading use on private forestland is the growing and harvesting of trees, consistent with sound management of soil, air, water, fish and wildlife resources.” Unless “growing and harvesting of trees” rather than the broad spectrum of goals specified in the draft plan is the primary purpose of management, the OFPA water protection rules are unlikely to provide the desired level of stewardship for riparian and aquatic resources on McDonald-Dunn Forest.

As a state funded research forest, riparian and road management strategies consistent with those in either the draft Western Oregon State Forests Habitat Conservation Plan (HCP) or in the final Elliott State Research Forest HCP would be more supportable than rules intended for industrial forestlands. Both of those plans require more conservative management than under the OFPA rules. For example, the prescribed width for the no-harvest riparian management area on either side of a fish-bearing stream is 120 feet in the Western Oregon State Forests HCP, ranges from 100 to 200 feet in the Elliott State Research Forest HCP, and ranges from 100 to 110 feet under the OFPA rules. As another example, the no-harvest riparian management area under both of the HCPs extends the full length of every small non-fish-bearing perennial stream in recognition of the value of those streams as potential amphibian habitats. However, under the OFPA rules, small non-fish-bearing streams require a no-harvest riparian management area only when these are a direct tributary to a fish-bearing stream and only on the first 600 to 1,150 feet upstream of the junction with the fish-bearing stream. Both HCPs require that the widths of riparian management areas be measured based on horizontal distance, providing greater protection for streams in steeper areas. In contrast, the OFPA rules use slope distance.

The second major concern is uncertainty around the durability of the current OFPA rules for private forest lands, which began taking effect in 2022. Senate Bill 1501, which modified ORS 527.610 to 527.770 to authorize development of the current rules, contained a “sunset clause.”

It directs the newly adopted OFPA rules to remain in effect provided that “An incidental take permit related to an approved habitat conservation plan consistent with the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022, is issued on or before December 31, 2027...” Despite confidence that an incidental take permit will be issued by the deadline, the draft McDonald-Dunn Forest Plan should acknowledge the uncertainty and specify contingencies. Uncertainty is heightened by federal budget and staffing cuts at NOAA and the USFWS, the two regulatory agencies responsible for issuing an incidental take permit under the Endangered Species Act. According to Oregon statute, failure to meet the deadline would cause reversion of the current OFPA rules to the pre-2022 rules, which were substantially weaker. For instance, under the pre-2022 rules, riparian management areas on either side of fish-bearing streams ranged from 50 to 100 feet with only a 20-foot no-harvest zone closest to the stream. If the intent is to have management direction for the McDonald-Dunn Forest similarly roll back to the pre-2022 rules, this should be disclosed and the effects analyzed. If not, then that should be clearly stated.

Post-disturbance management in riparian areas under the current OFPA rules is another topic of uncertainty. The Oregon Board of Forestry found that OAR 629-643-0300(3) for catastrophic events was likely to cause degradation. Thus, a rulemaking for riparian post-disturbance management is underway but has not yet been finalized.

The third major issue is that the draft plan offers no substantive scientific justification for applying the current OFPA rules, does not analyze the likely effects of the rules for meeting the articulated plan goals for fish and water resources, and presents no plan to monitor outcomes under the rules for aquatic organisms or water resources. The scientific justification is limited to a few brief sentences (p33-34), which inadequately/incorrectly assess the effectiveness of the current OFPA rules. One of these sentences states, “recent evidence has illustrated that adherence to Oregon’s Forest Practice Rules results in minimal changes in stream temperature (Bladon et al. 2016; Miralha et al. 2024)...” The first cited study was well designed, implemented, and interpreted by the authors regarding its limitations. However, those limitations are not mentioned in the draft plan, and the study examined the effects on stream temperature under the pre-2022 water protection rules at only three harvested sites. Field and modeling studies were not cited in the draft plan that had larger sample sizes and found greater site-level increases in stream temperature from harvest under the pre-2022 rules than did Bladon et al. (2016) (e.g., Groom et al. 2011; Groom et al. 2018). Similarly, studies with evidence of temperature increases downstream of units harvested under the pre-2022 rules were not cited (e.g. Davis et al. 2015; Bladon et al. 2018). The second cited study in the draft plan was conducted in northern California and did not directly examine the western-Oregon applicable OFPA water protection rules - either past or current. Although implementation of the current OFPA water protections rules has not been scientifically evaluated, the draft plan could have cited studies supporting the likely effectiveness of those rules and issues around which knowledge gaps exist.

Although some aspects of biodiversity and human dimensions are evaluated for the various scenarios and monitoring plans for those aspects were identified for the preferred scenario, the

draft plan excluded aquatics other than habitat for amphibians. Under the section 2.5.2 *Regulations*, the draft plan fails to include the Clean Water Act. Accordingly, whether streams on or downstream of the planning area currently meet beneficial uses under the Act is not identified. No analysis of potential management effects on or monitoring of water quality and quantity in those streams is offered and other elements of fish habitat remain unaddressed.

Respectfully submitted,

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