



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

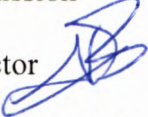
Salem, OR 97301-1266

503-986-0900

FAX 503-986-0904

MEMORANDUM

TO: Water Resources Commission

FROM: Thomas M. Byler, Director 

SUBJECT: Agenda Item B, February 13, 2020
Water Resources Commission Meeting

Request to Adopt Rulemaking - Nehalem River State Scenic Waterway

I. Introduction

During this agenda item, the Oregon Water Resources Commission (OWRC) will consider whether to concur with the Oregon Parks & Recreation Commission (OPRC) in adopting rules governing the management of land adjacent to the newly designated Nehalem River State Scenic Waterway.

II. Background

In February 2019, the OWRC concurred with OPRC on the designation of the Nehalem as a scenic waterway and also approved flow recommendations that would maintain the free-flowing nature of the river in quantities necessary for recreation, fish and wildlife uses (see OWRC staff reports for June 2018, Agenda Item J; November 2018, Agenda Item K; and February 2019, Agenda Item L).

On June 30, 2019, Governor Brown designated a section of the Nehalem River as a State Scenic Waterway. After designation, ORS 390.845(2) requires adoption of rules governing the management of land adjacent to the newly designated waterway. OWRC concurrence is statutorily required before the OPRC and the Oregon Parks and Recreation Department (OPRD) can formally adopt these rules.

Prior to designation, a Management Plan Advisory Committee was formed in the spring of 2018 and met in May and July of 2018 to provide input on the Nehalem River draft management plan. The purpose of the draft management plan process is to gather public input for the development of a comprehensive and workable plan to manage the river. The proposed rules were developed as part of the draft management plan and later refined by a Rules Advisory Committee that included local government representatives, community leaders and state agencies. The proposed rules will guide development within a quarter mile of the bank along the designated section of river.

III. Public Input

Public comment on the draft proposed rules was open between October 1 and November 4, 2019. Comments were accepted via mail, email, or a website. The proposed rules are included in Attachment 1 and a map of the scenic waterway is included for reference in Attachment 2. During the public comment period, five written public comments were received (see Attachment 3). Four members of the public attended a hearing held in Nehalem, but all chose not to provide comment in person at that time.

OPRD staff reviewed and considered all comments. Some of the suggestions were outside of the scope of statutory authority for this program, including requests to eliminate logging and expand protections beyond a quarter mile from the river. Additionally, a few comments expressed concern that protections provided by the Oregon Forest Practices Act were insufficient for a scenic waterway. OPRD continues to deliberate on the best long-term strategy for fulfilling the purpose of the scenic waterway designation. OPRD program managers chose to remain consistent with rule language used for other designations and did not directly incorporate these comments into the proposed rule. As changes to Forest Practices Act are made, they will be reflected in implementation of the scenic waterway.

During development of the draft master plan prior to designation, the river classification of "Scenic River Area" was selected. The proposed rules were developed to align with the selected classification. OPRD staff will be reviewing the entire scenic waterway program and will consider suggestions included in the comments for programmatic changes. As an agency, OPRD's in-house expertise mainly manages scenic and recreation areas. OPRD will continue to work with other agencies and the Governor's Office to develop standards for evaluating impacts on natural systems encompassed by scenic waterways.

Commenters appreciated inclusion of consultation with ODFW and suggested additional agency consultations. Based on that suggestion, staff recommended adding a requirement in (g) to consult with additional agencies and partners when applicable. Additional suggestions to incorporate considerations for enhancement of opportunities for partnerships to improve water quality, riparian health, planting native species, invasive species management and placement of woody debris will be included in the management plan as it is updated.

After considering the public input and staff responses, the OPRC approved adoption of the rules in November 2019. In order for the rules to be filed and go into effect, the OWRC must concur on the adoption of the rules.

IV. Conclusion

The OWRC is asked to concur on the approval to adopt OAR 736-040-0120, as amended, to include management rules for the Nehalem River Scenic Waterway. A copy of the proposed rule approved by the OPRC is included in Attachment 1.

V. Alternatives

The Commission may consider the following alternatives:

1. Concur with the OPRC on the adoption of rules in Attachment 1 for the Nehalem River State Scenic Waterway.
2. Do not concur with the OPRC on the adoption of rules for the Nehalem River State Scenic Waterway.

VI. Recommendation

The Director recommends Alternative 1.

Attachments:

1. Proposed Rule
2. Nehalem River Scenic Waterway Area Map
3. Public Comments

Ken Stahr	(503) 986-0838
Katie Gauthier	(503) 947-8625
Trevor Taylor	(503) 986-0738

Proposed Nehalem State Scenic Water Waterway Rules
Marked Copy- UPDATED

OAR 736-040-0120

(1) Scenic River Area:

(a) That segment of the Nehalem River from the Henry Rierson Spruce Run Campground to the confluence with Cook Creek is classified as a Scenic River Area.

(b) The department shall administer this Scenic River Area as provided in OAR 736-040-0035 and 736-040-0040(1)(b)(B). In addition, all new improvement shall be consistent with applicable Federal and State law, and Tillamook and Clatsop County land use and development regulations.

(c) New improvements shall be finished in colors and tones that blend with the natural character of the landscape. For the purposes of this rule, landscape includes native vegetation, soils and rock material.

(d) Native evergreen vegetation shall be maintained between the improvements and the river. If proposed improvements are visible from the river, the department may allow the project to proceed if vegetation is established by the applicant that will substantially screen the project in a reasonable time (for example, 4–5 years). Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" shall consist of an ample density and mixture of compatible native vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements as seen from the river year-round. Improvements necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but shall be designed to blend with the natural character of the landscape as much as possible.

(e) New roads, trails, driveways and similar linear forms of development shall be permitted when substantially screened from view of the river by topography, vegetation, or both. Any existing roads should not be extended or realigned unless substantially screened by topography or vegetation. Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" is described in 736-040-0120 (1)(d).

(f) Any erosion control projects intended to protect structures such as roads, homes, or other existing structures, shall be designed to blend into the existing landscape. Natural products such as vegetation and rock shall be used.

(g) The Oregon Department of Fish and Wildlife will review applicable activities and provide the department with any additional considerations necessary to protect fish and wildlife resources in a manner consistent with the scenic waterway classification. The department will consult additional agencies and partners as subject matter experts when applicable including for management of water and soil quality.

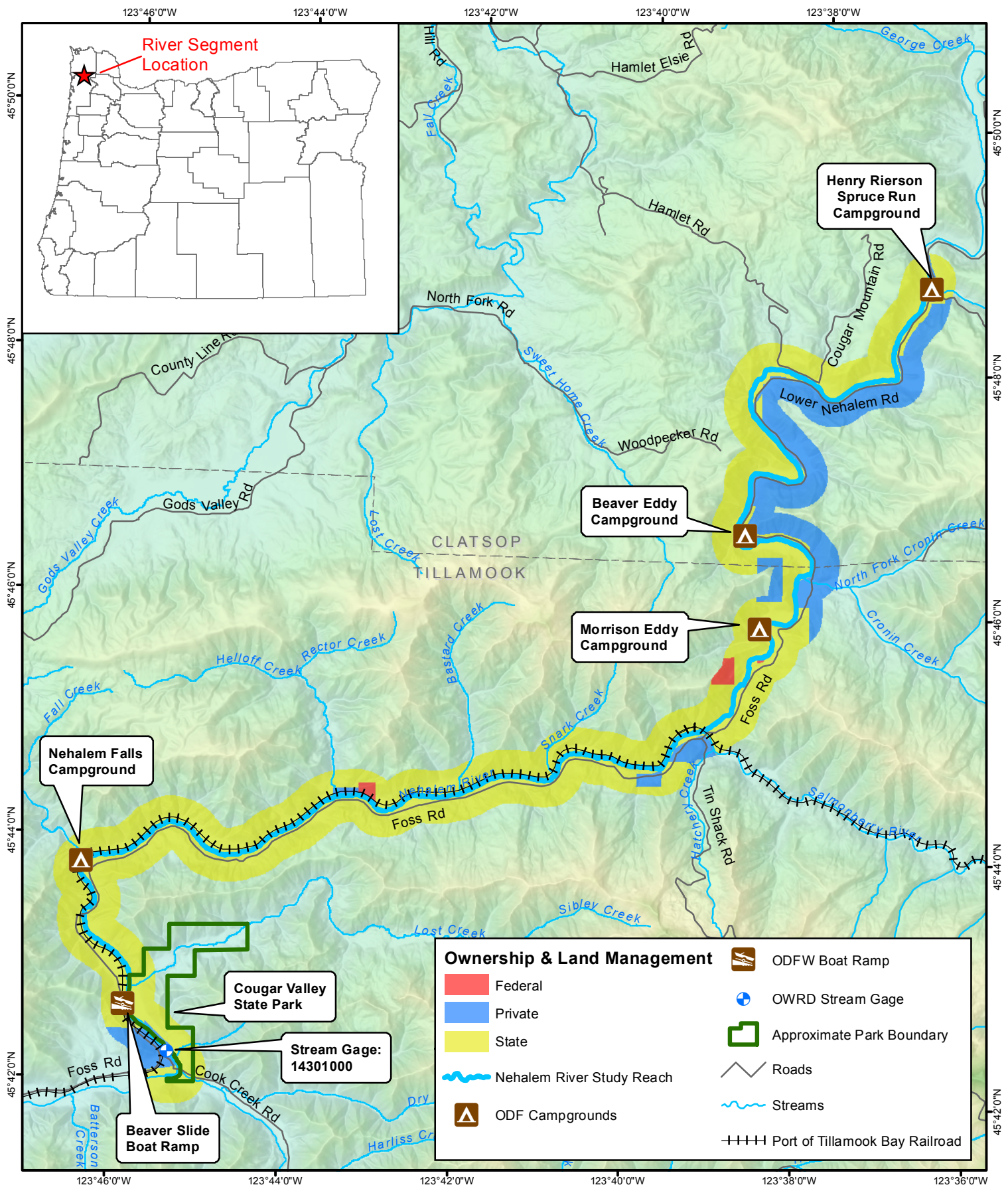
(h) Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:

(A) The provisions of the Oregon Forest Practices Act are followed on all private forest land. The provisions of the State Forest Management Plan are followed on all state forest land.

(B) Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or State Forest Management Plan shall be designed to enhance the scenic view. “Enhance” means to benefit forest ecosystem function and vegetative health, and can for example include, but is not limited to, optimizing forest stand densities and vegetative composition, fostering forest landscape diversity, and promoting sustainable forest values.

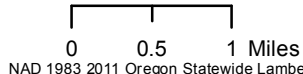
Nehalem Scenic Waterway Study Segment

Oregon Parks and Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



Ownership & Land Management	
■ Federal	ODFW Boat Ramp
■ Private	OWRD Stream Gage
■ State	Approximate Park Boundary
Nehalem River Study Reach	Roads
ODF Campgrounds	Streams
	Port of Tillamook Bay Railroad

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



NAD 1983 2011 Oregon Statewide Lambert Ft Intl
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NMOB-03299 9/18/2017
E9/18/2017
P.never



Sent electronically to OPRD.Publiccomment@oregon.gov

November 4, 2019

Oregon Parks and Recreation Department
Scenic Waterways Program
Attn: Katie Gauthier
725 Summer St. NE Suite C
Salem, Oregon 97301

RE: Nehalem Scenic Waterway Rulemaking

Trout Unlimited (TU) and Wild Salmon Center (WSC) appreciate the opportunity to provide feedback to the Oregon Parks and Recreation Department (OPRD) regarding the Nehalem Scenic Waterway Rulemaking. TU is a non-profit organization with a mission to conserve, protect and restore North America's coldwater fisheries and their watersheds. With more than 300,000 members and supporters nationwide, TU works to restore wild trout, salmon, and steelhead and their watersheds throughout the U.S. TU has over 3,000 members in Oregon that fish, recreate and engage in habitat restoration projects in rivers and streams throughout the State and over 100 TU members live along Oregon's North Coast. WSC is a non-profit organization with a mission to protect and conserve wild salmon and steelhead rivers and ecosystems across the North Pacific. Both TU and WSC participated as members of the Nehalem State Scenic Waterway Advisory Committee. Additionally, TU participated as a member of the Nehalem Scenic Waterway Rules Advisory Committee (RAC).

TU and WSC strongly support the efforts taken to date by OPRD, Oregon Parks and Recreation Commission and the Governor's office to officially designate the Nehalem River as a State Scenic Waterway. However, equally important to the designation itself, is ensuring that the related rules adequately protect the outstanding values of the designated reach. Specifically, the rules must be sufficient to "protect and enhance the values which caused such scenic waterway to be included in the system." Oregon Revised Statute (ORS) section 390.845. In the case of the Nehalem, such values include outstanding fishery resources, recreational values and aesthetic/scenic features. The designated stretch of the Nehalem River supports many different native anadromous fish species including one of the healthiest runs of wild winter steelhead in Oregon, spring and fall chinook, coho salmon and sea-run cutthroat trout. Consequently, this area presents fantastic angling opportunities and attracts visitors from inside and outside the State to experience them. Many other recreational activities are supported by the Study Reach including hiking, kayaking, rafting and camping. These

activities are buoyed by the area's beautiful scenery, several popular campgrounds, the adjacent Cougar Valley State Park and boating access via the Beaver Slide Boat Ramp.

The proposed rule contains several provisions that will help protect the Nehalem's outstanding values, however there are important provisions that are insufficiently robust to ensure that the statutory standard is met. In particular, we appreciate the inclusion of the RAC's agreed-upon language for "substantial" vegetative screening for new development and proposed improvements, the requirement for native evergreen vegetation to be maintained, and the requirement for mandatory consultation with Oregon Department of Fish and Wildlife (ODFW) to identify additional fish and wildlife considerations. However, we recommend modified rule language for timber harvest activities as detailed below. TU and WSC's rule recommendations are intended to ensure that the Nehalem River's outstanding values are protected by promoting healthy riparian areas with sufficient vegetation and cover to provide adequate cold-water fish habitat, reduce erosion, protect water quality and otherwise maintain the area's biodiversity. The specific language referenced below has been utilized in previously developed state scenic management plans and rules.

Specific Rule Recommendations

(1) Riparian Areas

As noted above, the primary purpose of the State Scenic designation is to protect and enhance the outstanding values of the designated reach. One of the outstanding values of the Nehalem River is its fish resources. The health of these fish populations is heavily reliant on healthy riparian corridors, which improve fish habitat by providing cover, shade, adequate stream temperatures, sediment reduction and bank protection. The proposed rule language defers to the Oregon Forest Practices Act which currently requires a 25-foot no-cut buffer for state forest lands and a 20-foot no-cut buffer for most private forest lands. TU and WSC recommend the following language which would better ensure that riparian areas are adequately protected.

A 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river.

(2) Forest Practices/Vegetation Management

TU and WSC are concerned that the current rule language related to forest practices and vegetation management is not adequate to protect and enhance fish and wildlife values. To remedy this, we recommend inclusion of the full language below as well as the proposed language additions that follow.

Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:

(A) activities are not visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river.

(B) Harvest and management methods with low visual impact are used;

(C) Stumps are kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest;

(D) The harvest or vegetation management protects and does not degrade the riparian buffer of any waterway; and

(E) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, “enhance” means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

TU and WSC recommend that reforestation activities be required to commence within one year of harvest activities. Importantly, we also recommend the establishment of a conservation management area with a width of one site-potential tree height. This area would be managed to protect biodiversity, forest health and watershed function. ODFW consultation and recommendations should be emphasized in this management area. Inclusion of this provision will help ensure that any timber harvest or vegetation management activities proposed in the management area will be considered carefully and will proceed in an ecologically sound manner.

(3) Opportunities for Enhancement

The proposed rules must do more than preserve the status quo. They must also include provisions that will “enhance” the outstanding values of the designated area. While inclusion of the recommend language above will help achieve this, OPRD should also identify opportunities for the designation to spur collaborative partnerships or leverage resources to accomplish improvements in the designated area. If not appropriate for rule language, at a minimum, the Final Management Plan should include language similar to that provided below.

Explore opportunities to form partnership to exploring improvements in water quality, riparian health, planting native species and invasive species management and/or monitoring efforts.

Conclusion

TU and WSC appreciate the opportunity to provide OPRD feedback on this important effort and look forward to continued engagement in the process. Please contact us with any questions.



Chandra Ferrari
Senior Policy Advisor/Staff Attorney
Trout Unlimited
cferrari@tu.org



Bob Van Dyk
Oregon and California Policy Director
Wild Salmon Center
bvandyk@wildsalmoncenter.org





4 November 2019

TO: Oregon Parks and Recreation Department, attn. Katie Gauthier
VIA: OPRD.publiccomment@oregon.gov

Subject: Nehalem Scenic Waterway Management Rules — comments

Please accept the following comments from Oregon Wild, WaterWatch of Oregon, and Native Fish Society concerning Nehalem Scenic Waterway Management Rules, adding OAR 736-040-0120, <https://www.oregon.gov/oprd/RULES/Pages/Rulemaking%20Notices.aspx>, draft rules: <https://www.oregon.gov/oprd/RULES/Documents/nehalem%20notice%20filing.pdf>. Oregon Wild represents 20,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. WaterWatch's mission is to protect and restore flows in our rivers to sustain the native fish, wildlife, and the people who depend on healthy rivers. Native Fish Society, guided by the best available science, advocates for the recovery of wild, native fish and promotes the stewardship of the habitats that sustain us all.

The Nehalem Scenic Waterway is a 17.5-mile river segment that runs through Clatsop and Tillamook Counties. It begins at Spruce Run campground and ends at the confluence of Cook Creek. The Scenic Waterway was designed by Gov. Brown on June 30, 2019. The waterway's designation recognizes the outstanding scenic, natural and recreational values of the river segment. ORS 390.845(2) requires Oregon Parks and Recreation Department to adopt rules governing the management of land adjacent to the newly designated waterway. Proposed rules will guide proposed development within ¼ mile of the bank in the designated section of river.

One of our main concerns is that the draft rules are too focused on scenic values instead of the broader goals for scenic waterways that call for protecting and enhancing the "outstanding scenic, natural and recreational values." Protecting "natural" values in particular requires careful scrutiny of proposed activities that manipulate native vegetation.

The following recommendations for logging in the scenic corridor are generally consistent with other State Scenic Waterway management plans around the state. Logging activities, including thinning, or other vegetation management may be allowed provided that:

(A) activities are not visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river.

www.oregonwild.org

Eugene | 541.344.0675
PO Box 11648
Eugene, OR 97440

Portland | 503.283.6343
5825 N Greeley Ave
Portland, Oregon 97217

Bend | 541.382.2616
2445 NE Division St, Ste 303
Bend, OR 97701

Enterprise | 541.886.0212
P.O. Box 48
Enterprise, OR 97828

(B) Logging methods with low visual impact are used;

(C) Stumps are kept low, slash cleaned up promptly and remaining trees and brush protected from damage during logging;

(D) The logging or vegetation management protects and does not degrade the riparian buffer of any waterway; and

(E) The logging or vegetation management is designed to protect and enhance the “outstanding scenic, natural and recreational values” within a reasonable time (5–10 years). For the purposes of this paragraph, “enhance” means to benefit natural forest ecosystem function and vegetative health.

We are concerned that definition of “enhance” in the proposed rules is quite vague and leaves too much room for creative excuses for logging. “Optimizing stand density” and “promoting sustainable forest values” sound like buzz words for logging that may not harmonize with natural and scenic values. The rules should put more trust in natural processes to create and maintain healthy and diverse ecosystems. These natural processes include natural regeneration, photosynthesis, biomass accumulation, succession, self-thinning, mortality, and natural disturbance.

We recommend a minimum 340 foot no cut riparian buffer be established and that reforestation using multiple species be required within one year of logging.

The draft rules call for ODFW to “provide the department with any additional considerations necessary to protect fish and wildlife resources...” We support this and we urge that this consultation mechanism be extended to other agencies with subject-matter expertise, such as DEQ, DOGAMI, DLCD, and OWRD.

We support the requirement that vegetation used to screen new developments/ improvements use native species. A mix of evergreen and other native vegetation might provide a more natural appearing screen.

We urge that new developments/improvements not only be screened with vegetation, but also that new developments be set back from the river and be limited in scope and scale so as to protect and enhance the “outstanding scenic, natural and recreational values.”

The new rules strive to minimize the *scenic* impacts of roads and driveways, but the rules should do more to limit and/or avoid the significant impacts of roads in order to protect and enhance *natural* values. Well documented problems with roads and culverts include:

- Soil disturbance, erosion, compaction, loss of forest productivity
- Pollution: sedimentation, thermal loading
- Hydrologic modification: flow interception, accelerated run-off, peak flows
- Impaired floodplain function
- Barrier to movement of wood and spawning gravel
- Habitat removal
- Reduced recruitment of snags and down wood habitat
- Fragmentation: wildlife dispersal barrier
- Human disturbance, weed vector, hunting pressure, loss of snags, litter, marbled murrelet nest predation, human fire ignition, etc.

Recognizing and addressing these impacts is consistent with protecting and enhancing the “outstanding scenic, natural and recreational values.”

Oregon Forest Practices Act Does Not Adequately Protect Scenic River Values

The draft rules rely on the minimum requirements of the Oregon Forest Practices Act to meet the goals of protecting the Scenic Waterway. This reliance is unfounded. The Oregon Forest Practices Act has been found lacking in many regards, especially with respect to protecting streams. In particular, buffers are not wide enough. The OFPA allows stand manipulation in stream buffers that has the effect of reducing ecologically important wood recruitment over the long term. The rules for Scenic Waterways should go above and beyond the minimum requirements of the OFPA to meet the aspirational goals for protecting and enhancing “outstanding scenic, natural and recreational values” in Scenic Waterways.

Areas near streams and the vegetation that grows there, referred to as “riparian areas,” provide important ecological functions that are essential to meeting scenic waterway goals. These functions include: bank stability, slope stability, shade and temperature moderation, large wood structure, capture/storage/ release of nutrients and sediments, carbon storage, and habitat for a variety of fish and wildlife.

The OFPA and similarly intensive forest practices have been widely criticized by scientific experts for failing to protect water quality and habitat for salmonids. Particular problems include:

- failure to protect streamside trees and vegetation necessary to provide shade and long-term inputs of large wood structure,
- failure to protect small streams that flow into larger fish-bearing streams,
- failure to protect unstable slopes, and
- inadequate management of the adverse impacts of road systems.

See, for instance, Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon; <http://www.fsl.orst.edu/imst/reports/forestry.html>, and National Marine Fisheries Service 1998.

A Draft Proposal Concerning Oregon Forest Practices.

http://www.coastrange.org/documents/NMFS_FP_pdf.pdf. and 1993 FEMAT Chapter V.

The contrast between current federal forest management and OFPA in terms of stream protection is alarming. Under the OFPA, no-cut buffers on fish-bearing streams are 20 feet, with more logging allowed from 20-100 feet. Under Northwest Forest Plan, Aquatic Conservation Strategy (ACS), Riparian Reserves are intended to serve two important purposes: first, to maintain and restore aquatic ecosystems, and second, to provide a network of terrestrial habitat refugia and “stepping stones” so that terrestrial wildlife can persist outside of the reserves and move across the landscape. The ACS provides for no-harvest stream buffers based on biological and hydrological criteria. Buffers are typically 340 feet for fish-bearing streams, and 170 feet for non-fish bearing streams. Under the ACS, clearcutting is not allowed inside the stream buffers, but thinning dense young forests is allowed if broad ecological objectives are met. The Oregon Forest Practices Act does not even compare favorably with the forest practice rules of other states. Forest practices compared: <http://pacificrivers.org/science-research/resources-publications/preventing-salmonextinction-forest-practices-guidelines> And 2007: <http://ddr.nal.usda.gov/bitstream/10113/39841/1/IND43930109.pdf>

Scientific studies have confirmed that stream protections under the OFPA are insufficient to meet minimal Clean Water Act requirements for stream temperature. See Jeremiah D. Groom, Liz Dent, Lisa J. Madsen, Jennifer Fleuret 2011. Response of western Oregon (USA) stream temperatures to contemporary forest management. *Forest Ecology and Management* Volume 262, Issue 8, 15. October 2011, Pages 1618-1629.

http://oregon.gov/ODF/BOARD/docs/2011_November/BOFATTCH_20111103_04_02.pdf.

There is ample on-the-ground evidence that OFPA is not meeting goals. Buchanan (2005) found

The modern forest management paradigm in west-side forests of Washington and Oregon has changed little over the last half-century (DeBell and Curtis 1993). Forestry practices during this period have emphasized short rotations, clearcut harvesting, and replanting. ... The general lack of meaningful conservation value being provided for species associated with mature forest structures on non-federal lands is an impediment to Partners in Flight conservation planning in the Pacific Northwest and elsewhere.

Buchanan, J.B. 2005. Challenges of Avian Conservation on Non-Federal Forests in the Pacific Northwest. USDA Forest Service Gen. Tech. Rep. PSW-GTR-191. 2005.

http://www.fs.fed.us/psw/publications/documents/psw_gtr191/psw_gtr191_0419-0428_buchanan.pdf.

The Independent Multidisciplinary Science Team, established by the Oregon legislature to advise the state on the Oregon Plan for Salmon and Watersheds, found —

... 94 percent of the riparian areas [on non-federal forest lands] (a potential source of future large wood in streams) are themselves ranked as poor with regard to the presence of large conifers (ODF 1999). We conclude that Oregon streams and adjacent forests currently contain much lower levels of larger wood than they did historically, and under the current management practices, the potential for recruitment will not result in its replenishment.

Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.

http://www.krisweb.com/biblio/gen_ognro_imst_1999_1.pdf

The NW Forest Plan monitoring program found that non-federal lands managed under the OFPA suffer from degraded watershed conditions compared to watersheds with more federal land managed under the Aquatic Conservation Strategy —

[N]onfederal watersheds had the lowest [watershed] condition scores of the land use allocations. ... Watersheds that contained more than 50 percent nonfederal lands had the highest road densities of the watersheds. ... Sixty-two percent of the [non-federal] watersheds had less than 30 percent of the riparian area containing large conifers (fig. 36). ... More acres of timber were harvested on nonfederal watersheds than in any of the other land use categories (fig. 39). In general, watersheds that are predominantly nonfederal have the lowest [watershed] condition scores of all of the watersheds, notably worse than predominantly federal watersheds. ...

Gallo, K., et al. 2005. Northwest Forest Plan—the first 10 years (1994–2003): preliminary assessment of the condition of watersheds. Gen. Tech. Rep. PNW-GTR-647. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 133 p.

http://www.fs.fed.us/pnw/publications/pnw_gtr647/pnw-gtr647c.pdf

The Scenic Corridor Should be Managed for Mature Forests and Wood Recruitment.

The draft rules say “Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or State Forest Management Plan shall be designed to enhance the scenic view.” This should be rewritten to ensure that logging within riparian corridors protects not just scenic values, but also protects and enhances the “outstanding scenic, natural and recreational values.” Natural values includes allowing streamside forests to mature and recruit dead wood which is essential for proper ecosystem function, and adversely affected by past and on-going logging.

The Northwest Forest Plan explained the importance of protecting riparian vegetation.

Riparian areas are widely considered to be important wildlife habitat. Cool air temperatures due to the presence of cool and turbulent surface waters, typically dense vegetative canopy cover, and their location in the lowest portions of watersheds combine to maintain a distinct microclimate along stream channels and in the adjacent riparian area. Maintaining the integrity of the vegetation in these areas is particularly important for riparian-dependent species of amphibians, arthropods, mammals, birds, and bats.

...

Large quantities of down logs are an important component of many streams. Coarse woody debris influences the form and structure of a channel by affecting the profile of a stream, pool formation, and channel pattern and position. The rate at which sediment and organic matter are transported downstream is controlled in part by storage of this material behind coarse woody debris. Coarse woody debris also affects the formation and distribution of habitat, provides cover and complexity, and acts as a substrate for biological activity. Coarse woody debris in streams comes directly from the adjacent riparian area, from tributaries that may not be inhabited by fish, and from hillslopes.

1994 Northwest Forest Plan FSEIS page 3&4-61.

Similarly, the 1993 federal Forest Ecosystem Management Assessment Team said:

Large Wood

Large quantities of downed trees are a functionally important component of many streams (Swanson et al. 1976; Sedell and Luchessa, 1982; Sedell and Froggat, 1984; Harmon et al. 1986; Bisson et al. 1987; Maser et al. 1988; Naiman et al. 1992). Large woody debris influences channel morphology by affecting longitudinal profile, pool formation, channel pattern and position, and channel geometry (Bisson et al. 1987). Downstream transport rates of sediment and organic matter are controlled in part by storage of this material behind large wood (Betscha 1979). Large wood affects the formation and distribution of habitat units, provides cover and complexity, and acts as a substrate for biological activity (Swanson et al. 1982; Bisson et al. 1987). Wood enters streams inhabited by fish either directly from the adjacent riparian zone from tributaries that may not be inhabited by fish, or hillslopes (Naiman et al. 1992).

Large wood in streams has been reduced due to a variety of past and present timber harvesting practices and associated activities. Many riparian management areas on federal lands are inadequate as long term sources of wood.

...

Riparian Ecosystem Components

...

Riparian vegetation regulates the exchange of nutrients and material from upland forests to streams (Swanson et al. 1982; Gregory et al. 1991). Fully functional riparian

ecosystems have a suite of characteristics which are summarized below. Large conifers or a mixture of large conifers and hardwoods are found in riparian zones along all streams in the watershed, including those not inhabited by fish (Naiman et al. 1992). Riparian zone-stream interactions are a major determinant of large woody debris loading (House and Boehne 1987; Bisson et al. 1987; Sullivan et al. 1987). Stream temperatures and light levels that influence ecological processes are moderated by riparian vegetation (Agee 1988; Gregory et al. 1991). Streambanks are vegetated with shrubs and other low-growing woody vegetation. Root systems in streambanks of the active channel stabilize banks, allow development and maintenance of undercut banks, and protect banks during large storm flows (Sedell and Beschta 1991). Riparian vegetation contributes leaves, twigs, and other forms of fine litter that are an important component of the aquatic ecosystem food base (Vannote et al. 1980).

1993 FEMAT Report, pp V-13, V-25.

Retaining trees in stream corridors is critically needed to ensure long-term recruitment of instream wood habitat.

Large wood in streams—preferably whole trees with root wads and all—provides the randomness and dynamic environment that fish absolutely need to survive in the ever-changing waters they occupy. Wood breaks up the current and spreads water sideways across its natural floodplain, creating wonderful, dynamic and necessary diversity while also absorbing energy that could cause serious damage downstream otherwise, such as flooding or unnatural erosion. It sorts gravels during high flows, creating those beautiful spawning gravel beds laid out like blankets among bigger rock. It makes those current breaks downstream of log jams. It provides cooling shade and cover, and slow pools and edge habitat that baby fish need after emerging from those gorgeous gravels to ride out high flows, find food and hide from prying eyes. Decomposing wood and the nutrients it produces jumpstarts that the natural processes critical to insect, animal, amphibian and plant life.

Alan Moore, Why Fish Love ‘Large Woody Debris.’ Trout Unlimited. 2-4-2013.

<http://troutunlimitedblog.com/large-woody-debris-makes-for-fishy-rivers/>

There is currently a shortage of wood in coastal streams that will take decades to restore if we were doing everything right (but we’re not).

Current amounts of large woody debris in coastal streams of Oregon and Washington are a fraction of historical levels (Bilby and Ward 1991, Bisson et al. 1987, NRC 1992). ... Stream surveys by private timber companies and federal land management agencies in the Northwest reveal an overall loss of stream habitat quality (FEMAT 1993, Kaczynski and Palmisano 1993, Wissmar et al. 1994) that is strongly related to changes in riparian vegetation, especially harvest of merchantable riparian timber.

Everest, Fred H.; Reeves, Gordon H. 2006. Riparian and aquatic habitats of the Pacific Northwest and southeast Alaska: ecology, management history, and potential management strategies. Gen. Tech. Rep. PNW-GTR-692. Portland, OR: U.S. Department of Agriculture,

Forest Service, Pacific Northwest Research Station. 130 p.

http://www.fs.fed.us/pnw/pubs/pnw_gtr692.pdf. Similarly, Hudiburg et al (2009) found —

[M]ean live and dead biomass were usually higher on public lands, primarily because of the younger age class distribution on private lands ... Private land accounts for 35% of live biomass (and 44% of the forested area)... Mean stand age of publicly owned forests is 50–150 years older than privately owned forests and mean carbon stores are 30–50% higher.

Hudiburg, T. et al. 2009. Carbon dynamics of Oregon and Northern California forests and potential land-based carbon storage. *Ecological Applications*, 19(1), 2009, pp. 163–180.

<http://terraweb.forestry.oregonstate.edu/pubs2/Hudiburg2009EA.pdf>.

Looking at all this evidence together raises a concern that logging in the scenic river corridor, and especially in stream buffers, will reduce recruitment of valuable woody habitat. Some people suggest that riparian buffers can be enhanced with logging. However, new science brings into question the ecological value of commercial logging as a restoration tool in riparian reserves.

... our data suggest that mature, late-successional conifer dominated forests have well developed structural characteristics in terms of abundant large trees in the overstory, abundant large snags, and a well-developed understory of shade-tolerant trees. We modeled the growth of young conifer stands to assess whether a common restoration treatment [thinning to 150 trees per hectare] would accelerate development of structural characteristics typical of reference conditions. We found that left untreated, the stands followed a trajectory towards developing forest structure similar to the average reference condition. In contrast, the restoration treatment followed a developmental trajectory along the outside range of reference conditions.

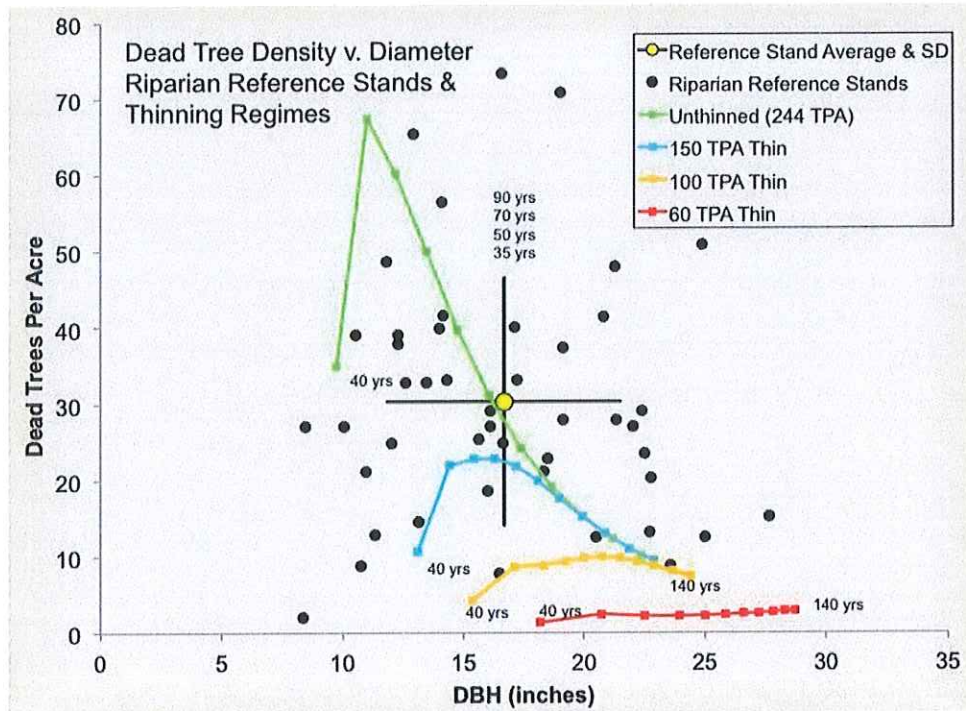
Pollock, M. M., T. J. Beechie, and H. Imaki. 2012. Using reference conditions in ecosystem restoration: an example for riparian conifer forests in the Pacific Northwest. *Ecosphere* 3(11):98.

<http://dx.doi.org/10.1890/ES12-00175.1> The following figure from this study shows that all types of thinning cause stand development to miss the reference stand trajectory for dead wood.

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To be clear, we do not take the position that there can be no logging in the scenic river corridor, but since aquatic systems are already severely degraded by logging, any further logging in riparian buffers (especially in a scenic river corridor) should be very carefully scrutinized to avoid further adverse ecological effects. Any claimed benefits of logging in riparian buffers should be clearly justified and supported by compelling scientific evidence.

Sincerely,

Doug Heiken

Doug Heiken
dh@oregonwild.org

/ s /

Kimberley Priestley
 WaterWatch of Oregon

/ s /

Mark Sherwood
 Native Fish Society

From: ORPrdSupport@egov.com
Sent: Wednesday, October 02, 2019 8:03 AM
To: PUBLICCOMMENT * OPRD
Subject: Input Received: Nehalem River Scenic Waterway Management Rules
Attachments: Nehalem River Scenic Waterway Management Rules - Entries.csv

Nehalem River Scenic Waterway Management Rules

Submitted: 10/2/2019 8:02:34 AM

Comment

I had completed a substantial comment and it appears to only partially have been transmitted. Trying again---In short, thank you to OPRD for floating the river, cancelling the sale of a timber parcel to be clear-cut near Beaver Eddy, and for all you do to protect salmon habitat and river health. I live downstream in Wheeler, where the Nehalem becomes an estuary. I am thankful for the Governor and OPRD for their role in protecting our beautiful Nehalem River. I would like the rules regarding environmental and aesthetic impact to this section of river to be as robust and comprehensive as possible. Screening and leaving trees is a small price to pay for a healthy river we can be proud of. If I were to consider buying property in the future, I'd be far more likely to purchase within a scenic waterway than I would be to choose an unprotected section. Be brave in constructing rules that truly protect the Nehalem. Thank you, Carl Whiting, PhD Wheeler, OR

GAUTHIER Katie * OPRD

From: ORPrdSupport@egov.com
Sent: Wednesday, October 02, 2019 7:52 AM
To: PUBLICCOMMENT * OPRD
Subject: Input Received: Nehalem River Scenic Waterway Management Rules
Attachments: Nehalem River Scenic Waterway Management Rules - Entries.csv

Nehalem River Scenic Waterway Management Rules

Submitted: 10/2/2019 7:52:18 AM

Comment

I am extremely proud that a section of our beautiful Nehalem River has been designated a scenic river way. I would like the rules protecting this section of river to be as robust and comprehensive as possible. I live in Wheeler where the Nehalem becomes an estuary. Every day I look out on that stretch of water and am grateful for whatever protections it has received. The salmon are disappearing, and with them, a nitrogen supply that feeds trees in the vicinity of the river. Now is our last, best chance to help our troubled ecosystem through careful management of this very special aquatic environment. I heartily applaud OPRD for floating this section and then cancelling the sale of timber to be clear-cut in the area of Beaver Eddy. That was a critical step in truly protecting this area. Any screening or other actions necessary to protect the aesthetic value of the section are a very small price to pay for living along a scenic river way. In the future, I would more likely consider purchasing property within this zone than I would if it were not protected. Thank you to OPRD for your work on this, and against a backdrop of troubling environmental news around the world, I am pleased to see us taking this step here and now in our small corner of the globe. Carl Whiting, PhD Wheeler, OR

GAUTHIER Katie * OPRD

From: Jeff Hickman <jeff@fishtheswing.com>
Sent: Tuesday, October 01, 2019 2:33 PM
To: PUBLICCOMMENT * OPRD
Subject: Nehalem River Scenic Waterway

Hello,

I am a resident, home owner and employer in Nehalem, OR. I have made my living for the last 17 years guiding catch and release fly fishing for steelhead. In the Winter and Spring months, this is the section of the Nehalem river where we work.

Our customers come from all over the world and all parts of the US to come enjoy the scenic Nehalem River. In the last several years the increase of clearcuts and logging activities has negatively impacted my business. The canyon doesn't have the same wild feel that it used to have. Ugly clearcuts are within sight in nearly every direction and there is a steady flow of logging trucks, yarder alarms, etc. This has resulted in a reduced amount of bookings for us.

The other major factor harming my business is the increase in turbidity. Increased logging activities in the watershed cause the River to be too dirty to fish after rains. We are forced to cancel booked days and we lose income.

Not to mention how much damage is done to sensitive spawning and rearing habitats, and a sense of large woody debris resulting in fewer fish returning to the basin each year.

I would greatly like to see no logging activities or development along this 17.5 mile stretch of river. It seems to me that a State Scenic Waterway designation should make ALL logging activities and road building within sight of the river not be allowed. A mere 1/4 mile is not enough protection for a Scenic Waterway in my opinion.

Thanks for your time,
-Jeff Hickman
(971) 275-2269
Owner - Fish The Swing LLC

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-Jeff Hickman (971) 275-2269 www.fishthedean.com www.fishtheswing.com