March 20, 2014

Joelle Gore, Acting Chief
Coastal Programs Division (N/ORM3)
Office of Ocean and Coastal Resource Management
National Ocean Service, NOAA
1305 East-West Highway
Silver Spring, Maryland 20910 sent via email: joelle.gore@noaa.gov

RE: EPA/NOAA Proposed Disapproval of Oregon's Coastal Nonpoint Pollution Control Program under CZARA

Dear Ms. Gore:

Though we regret the impact of lost funding for state programs, we are nonetheless writing to support EPA and NOAA's proposed disapproval of Oregon's Coastal Nonpoint Pollution Control Program. Our observations of Oregon forest management, especially in the northern Coast Range, lead us to conclude that Oregon does not have a program in place to control nonpoint pollution sufficiently to meet the additional CZARA management measures required to attain and maintain water quality and protect designated uses. We are especially concerned about the measures for private forestlands.

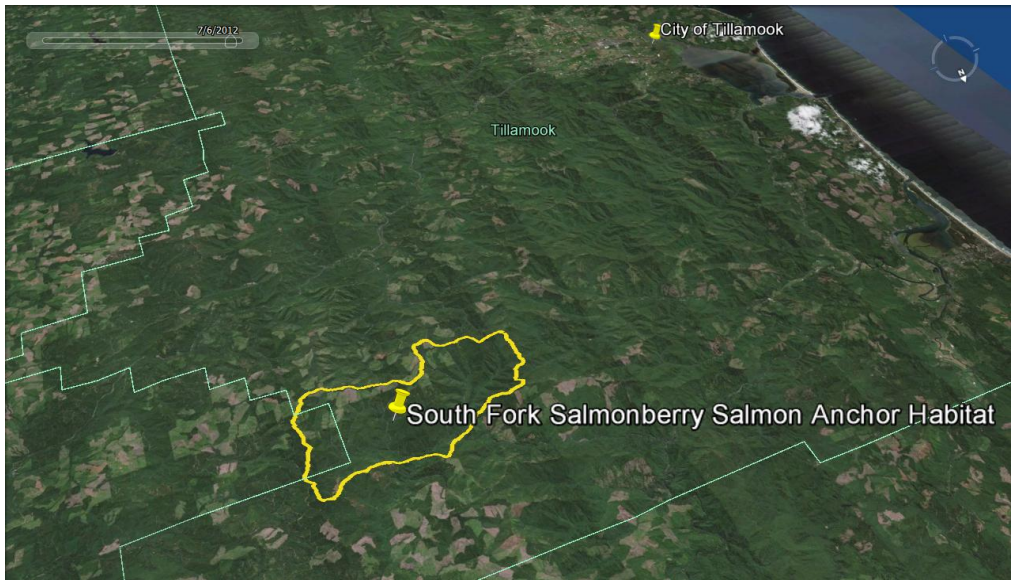
Our organizations represent thousands of Oregonians who benefit from a healthy coastal zone ecosystem, which supports such designated uses as native fish and other native aquatic species; access to public and private drinking water; opportunities for swimming, wading and boating; and simply enjoying the aesthetic benefits of healthy watersheds.

Our conclusion that Oregon does not have a program in place sufficient to protect these uses is prompted by the many observations of northern Coast Range forest roads that are contributing sediment to streams. We are also aware of many landslides, which often initiate at roads or start in clear cuts on steep ground. Data described below shows degradation of habitat in locations associated with specific observations. In addition, the results of the Oregon Department of Forestry's "RipStream" analysis have clearly shown that current Forest Practices Act buffers on small and medium forestland streams are inadequate to prevent their significant warming. While a process has been initiated by the Department of Forestry to address the results of Ripstream insofar as they pertain to some fish-bearing streams, it is now more than two years since the Board of Forestry made a finding of degradation, and revisions to the stream standards are still uncertain. Also uncertain is the geographic scope of the new practices, should they be completed.

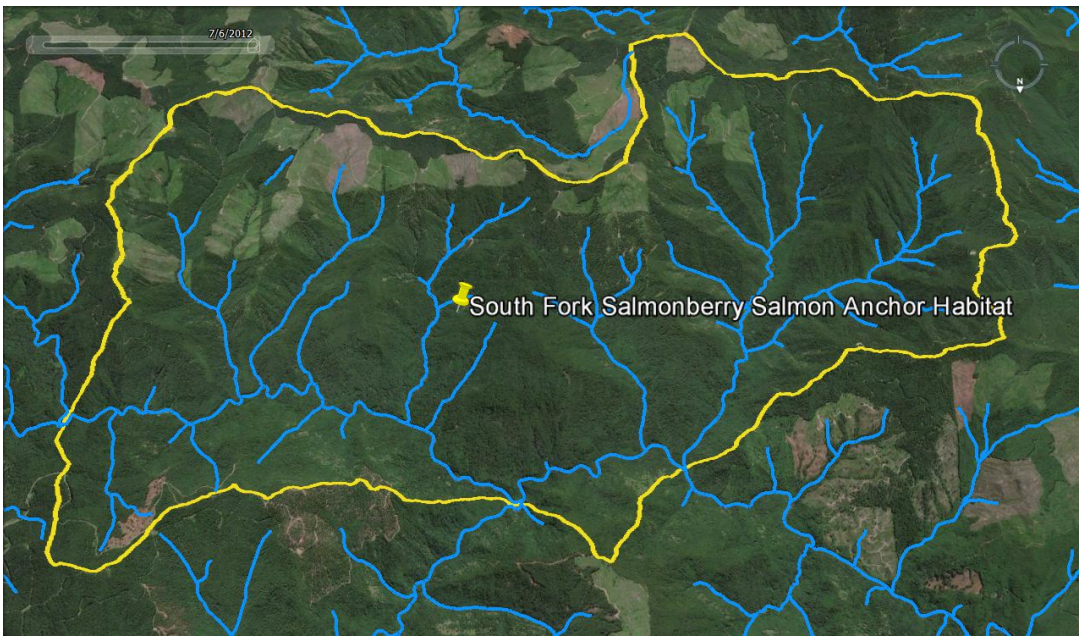
We believe that additional management measures are therefore needed for forestry, such as those described on pages 7-12 of your December 20, 2013 proposed finding. In particular, we think there is adequate evidence that the current Oregon system needs more measures to buffer streams (especially on small and medium fish streams, as well as on non-fish streams); needs more measures to prevent landslides caused by harvest on steep slopes; and needs more measures to protect against damage from roads, including so-called legacy roads. In addition, we believe Oregon needs a better system to ensure that improved measures are met voluntarily if the program intends to rely on voluntary measures, and to further ensure that improved measures are enforced by law if not met voluntarily. Improved effectiveness monitoring is also needed.

To illustrate our concerns, we call your attention to one specific area where Oregon's forest rules have been demonstrated as inadequate to protect the coastal zone ecosystem from anthropogenic disturbance, the Salmonberry River. The Salmonberry shows numerous locations where logging roads have failed and contributed to debris flows and sedimentation in streams. In addition, it appears that numerous clearcuts on steep ground were also the source of landslides.

The Salmonberry is a tributary of the Nehalem River, which meets the coast at Nehalem Bay, near the town of Wheeler. The wild steelhead run on the Salmonberry is well known, and the strong fish runs contributed to the selection of the South Fork of the Salmonberry as a Salmon Anchor Habitat in 2001 by the Oregon Department of Forestry.

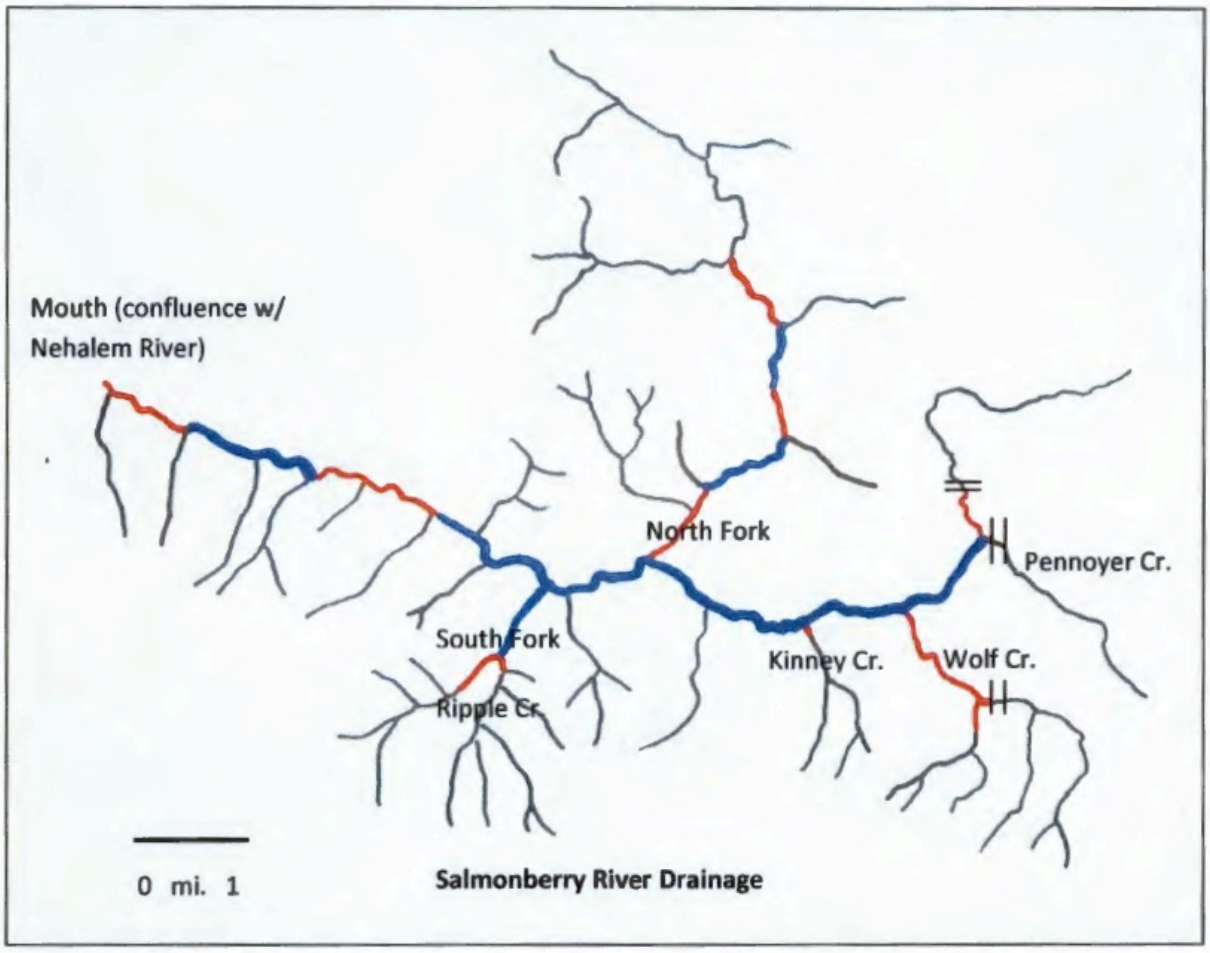


South Fork Salmonberry Salmon Anchor Habitat from north northeast



Salmonberry Anchor Habitat from North

The Salmonberry has well-documented spawning and rearing habitat for both steelhead trout and coho salmon.



Blue lines = spawning ground survey reaches
Red lines = reaches where winter steelhead redds/adults observed
Double bar= migration barrier (bedrock falls).
Juvenile coho have been observed in South Fork, Kinney Cr., Wolf Cr., and main stem

SOURCE: Association of Northwest Steelheaders OWEB Grant Application, 2013

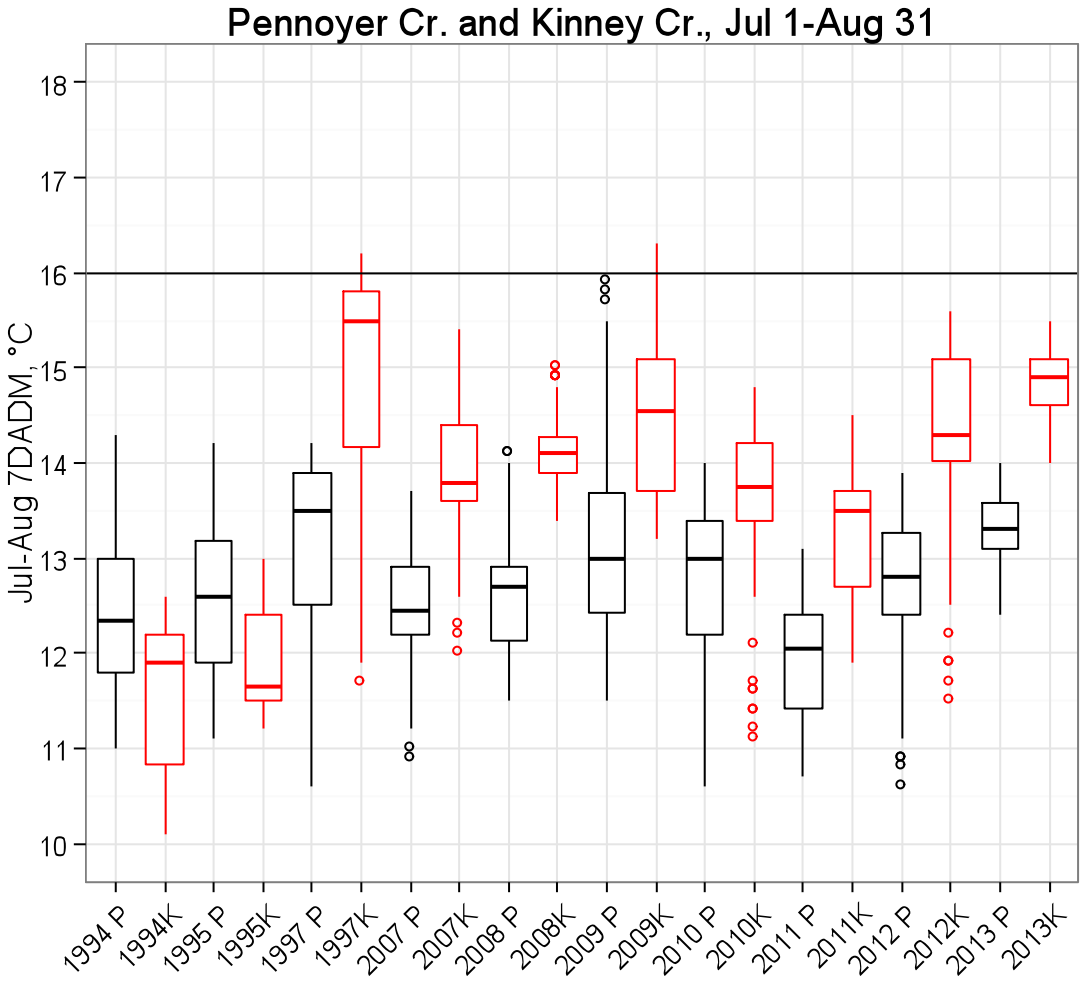
Unfortunately, the mainstem Salmonberry River, and its tributaries Bathtub, Kinney and Wolf Creeks, were dramatically altered in 2007 after a winter coastal storm. The storm brought high winds and heavy rains, so some storm damage was expected. On-the-ground surveys, however, and visual data available through Google Earth confirm that failures on forest roads and landslides initiating in recent harvests contributed extensively to damage to these coastal streams. There was considerable loss of riparian vegetation, simplification of channels, scouring to bedrock, and alluvial deposits that isolate habitat segments by causing streams to run underground. (Personal Observations of [redacted]

The road failures on Bathtub Creek apparently initiated a debris flow that ran unchecked for two miles, dropping 2000 feet in elevation, until hitting the mainstem Salmonberry. Evidence at the tributary junction pointed to the formation of a debris dam, which upon bursting likely contributed to the damage of the streambed, railroad, and the highway bridge at the mouth of the river.

ODFW subsequently conducted a habitat survey of the mainstem Salmonberry in the summer of 2008. The survey documented a loss of pool habitat and increase of fast water habitat, and expressed concern that "deleterious long-term impacts…may result from an increased deposition of fine materials from the scoured banks, landslides and debris avalanches into the stream." (ODFW Aquatic Inventory Project Stream Report, Salmonberry River, Cover Letter, 2008 [Cover letter and full report attached])

A long-term volunteer monitoring project on the Salmonberry points to a loss of spawning habitat in the mainstem, consistent with the observations in the ODFW habitat survey. In the 5 years prior to the December 2007 flood, winter steelhead redd density in the mainstem averaged 25.6 redds/mile. In the 5 years following the flood, redd density dropped to 6.4 redds/mile. In contrast, the North Fork, a very productive tributary that suffered only minor damage in the 2007 flood, showed almost no change over that period (49.4 to 48.4 redds/mile) (Summary of spawning survey data available at ODFW Data Clearinghouse [https://nrimp.dfw.state.or.us/web%20stores/data%20libraries/files/ODFW/ODFW_941_1_Salmonberry%20STEP%20Spawning%20Survey%20Data.xls] Analysis of spawning data provided by Ian Fergusson) .

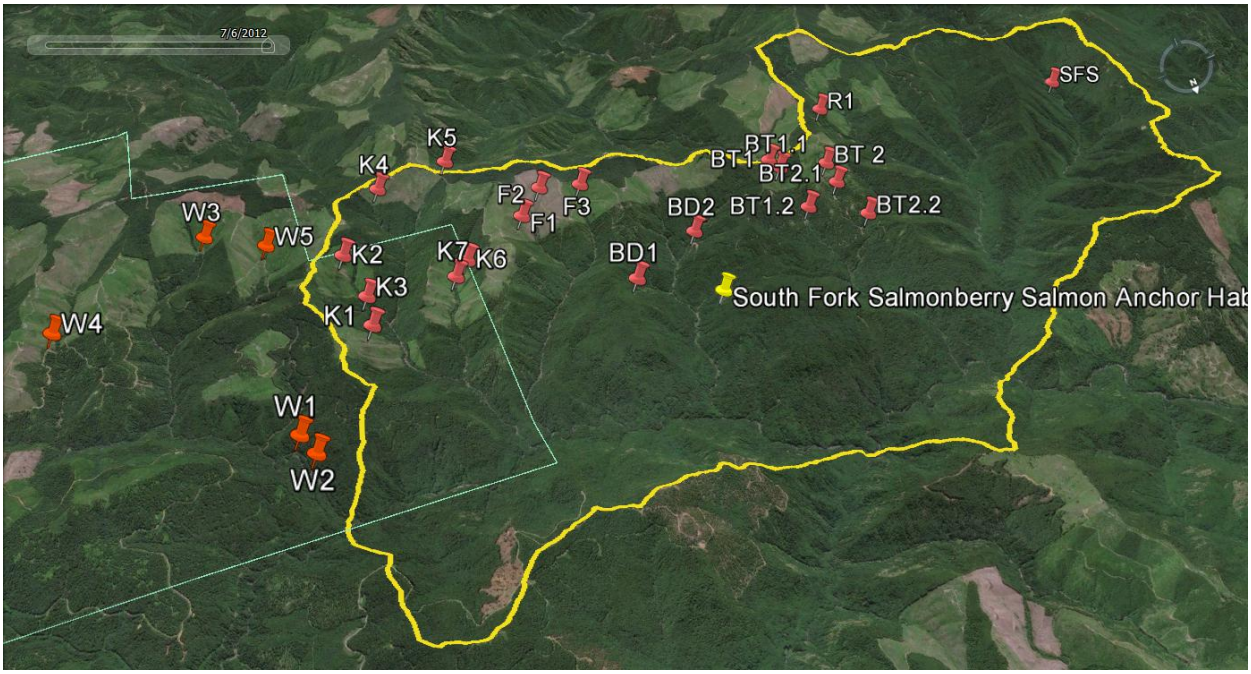
The monitoring project has also documented increased temperatures in Wolf and Kinney Creeks, ever since the February 1996 flood, which also scoured the same tributaries. The comparison is made with Pennoyer Creek, which was not appreciably affected by either flood. (Effects of Debris Torrents on Summer Water Temperatures: Salmonberry (Nehalem Basin) Oregon, July 2011 by Ian Fergusson. Attached and available on line at: https://nrimp.dfw.state.or.us/web%20stores/data%20libraries/files/ODFW/ODFW_943_2_Effects%20of%20Debris%20Torrents%20on%20Summer%20Water%20Temperatures,%20Salmonberry%20River.pdf The following chart updates that finding with data from additional years (data were not collected in 1996, or from 1998 through 2006). It shows seven-day average daily maximum during the summer for 1994, '95, '97, and 2007-2013. Kinney Creek (red) shifted from being cooler than Pennoyer Creek (black) in 1994 and 95, to being significantly warmer.



The lower mainstem Salmonberry temperatures exceed the applicable "core cold salmonid habitat" water quality standard for most of the summer (83 days in 2013, 65 days in 2012, for example, per analysis of temperature data by Ian Fergusson).

Sediment, mouth of Bathtub Creek, 2009.

The visual data from site visits by Ian Fergusson and Bob Van Dyk as well as inspection of Google Earth aerials also document the source of the storm damage in recent clearcuts and logging roads. The images set below are generally from 2012, according to Google Earth, approximately five years after the 2007 storm event.



South Fork Salmonberry Salmon Anchor and Wolf Creek. Red placemarks indicate location of significant erosion from site visits and Google Earth analysis by Bob Van Dyk and Ian Fergusson.

Road related landslides on Bathtub Creek, Salmonberry Watershed

Road washouts and old culverts on upper Wolf Creek, Salmonberry Watershed

Road-related landslide in Ripple Creek drainage, Salmonberry Watershed

Road-related landslide in Salmonberry Watershed

Kinney Creek landslides and narrow stream buffer.

Landslides starting in clearcuts, Kinney Creek drainage, South Fork Salmonberry Salmon Anchor.

Wolf Creek road failure, Salmonberry Watershed.

Upper Wolf Creek road failure, Salmonberry Watershed.

Kinney Creek landslide in clearcut, Salmonberry Watershed.

These aerial images show numerous areas where significant erosion has occurred, and in some cases continues to occur, in locations with logging roads and recent clearcutting. Clearly, Oregon forest laws proved inadequate to ensure that the logging roads would survive winter storms. Moreover, given the steep slopes and landslides in many recent clearcuts, we think these slides likely demonstrate the patterns found by Montgomery et. al. (2000) and Tucker et. al. (2010) that are noted on page 10 of the December 20 EPA/NOAA Proposed Finding. ODF has completed sophisticated analyses of potential landslide locations in relation to public safety on the Tillamook State Forest, and those analyses require operational restrictions on areas very similar to those on which these landslides occurred. Similar restrictions should be extended to steep slopes likely to affect streams.

We recognize that coastal river systems are subject to natural disturbances of varying degrees, and in fact aquatic systems can be rejuvenated by such events; however, the frequency of occurrence of these land disturbances, and their concentration within a given watershed, appear to have increased as a result of inadequately regulated logging activities. The net effects to this watershed have already been demonstrated to be detrimental to water and habitat quality and designated uses.

Before closing, we would like to briefly address the assertion by Oregon that its land use system is an important basis upon which the federal agencies can find the state has met the CZARA objectives. While we understand that Oregon's system has reduced sprawl as compared to Washington State's, there are nonetheless vast areas of private forest land in Oregon's coastal watersheds that face little if any pressure from development due to their remote location and difficulty of maintaining access. These acres need to be protected from activities associated with industrial forestry practices that degrade water quality and salmon habitat. Protecting these areas from development is also desirable, of course.

In closing, we do support EPA and NOAA's proposed disapproval of Oregon's Coastal Nonpoint Pollution Control Program. Feel free to contact us if you have any questions or concerns.

Sincerely,

[redacted]