



March 21, 2014

Ms. Joelle Gore
Acting Chief, Coastal Programs Division (N/ORM3)
Office of Ocean & Coastal Resource Management, NOS, NOAA
1305 East-West Highway
Silver Spring, MD 20910

Email: joelle.gore@noaa.gov

RE: Scoping Comments of Associated Oregon Loggers, Inc. on Federal Notice of Intent to Find That Oregon Has Failed to Submit an Approvable Coastal Nonpoint Program

Dear Ms. Gore:

This letter is submitted in response to the Federal Register notice entitled “Coastal Nonpoint Pollution Control Program: Intent to Find that Oregon has Failed to Submit an Approvable Coastal Nonpoint Pollution Control Program” published December 20, 2013.

I am writing on behalf of Associated Oregon Loggers, Inc. (AOL), which represents 1,000 logging and allied forest member companies. These companies play a major role in managing private & public forests across Oregon— as contractors, purchasers and vendors of forest management services including: logging, roading, reforestation, forest health, construction, transportation, protection, and allied forest management businesses. Many AOL member companies also own forestlands throughout Oregon. As such, AOL represents substantial expertise in forest management. Your reconsideration of Oregon’s Coastal Nonpoint Pollution Control Program is of critical concern to our member companies’ work and sustainability. AOL members are directly impacted by the decisions that will be made surrounding this matter.

We respectfully request that the EPA and NOAA reconsider the Proposed Findings and unconditionally approve Oregon’s Coastal Nonpoint Pollution Control Program. AOL strongly disagrees with your assertion that additional watershed management measures are necessary for Oregon forestlands.

AOL believes that Oregon’s Forest Practices Act, and it’s implementing regulations, comply with the requirements of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), and that the Environmental Protection Agency (EPA) and the National Oceanic & Atmospheric Administration (NOAA) should reconsider their Proposed Findings and unconditionally approve Oregon’s Coastal Nonpoint Pollution Control Program.

AOL concurs with the written comment letter sent to you by Oregon Forest Industries Council (OFIC) and Oregon Small Woodlands Association (OSWA), dated March 20, 2014. We agree with the rationale expressed by OFIC and OSWA, and we share the conclusions written in that letter.

Oregon's forestry nonpoint program is robust and dynamic. The OFPA includes a specific mandate to the Board of Forestry to achieve and maintain water quality standards, and provides the Oregon Department of Forestry with enforcement authority. The Board, in turn, has promulgated extensive forest practice rules, and the Department of Forestry rigorously enforces those rules—with a staff of over 50 forestry and watershed professionals. Oregon's forest practices rules protect both water quality and beneficial uses. The EPA and NOAA have produced little meaningful evidence that Oregon's forest practices rules currently fail to meet these water quality and beneficial use objectives. To the contrary, there is a large body of science indicating that modern Oregon forest practices are either neutral to positive in terms of their effect on aquatic life.

Furthermore, Oregon's forest practice rules should only be modified with great care that avoids unintended consequences from unneeded restrictions. For example, one consequence of unnecessary restrictions would be limiting management options for restoration or habitat improvements, which pulled resources away from other more valuable/legitimate restoration needs. Oregon's forest sector has a 15-plus year history of superior voluntary riparian watershed enhancement accomplishments. Restrictions/actions proposed by the EPA and NOAA would stifle these valuable watershed improvements. Additionally, the excessive restrictions envisioned by EPA and NOAA would unintentionally smother the willing cooperative stewardship ethic common in the forest sector.

Professionals from the forest and aquatic resource communities now recognize that active riparian management is often necessary to improve achievement of conservation goals. Initial results from the first two of the three Oregon forest stream research studies (Watersheds Research Cooperative) indicate a positive fish response following timber harvesting under the current OR Forest Practices Act & Rules.

There may be opportunities to enhance and sustain gains in fish populations through active riparian treatments, including harvesting to increase discharge, thinning of riparian forests to levels that promote primary production in the stream or adjacent understory, and large wood placement in streams. These enhancements are best accomplished via voluntary forest landowner stewardship efforts. Resources diverted toward unnecessary EPA and NOAA-proposed restrictions would limit the ability of private landowners to invest in watershed restoration efforts, including enhancements to riparian areas and forest roads. Where active management provides financial gains to the forest landowner, there are greater opportunities to address water resource enhancement needs.

Theories about desirable characteristics for fish and salmon habitat continue to evolve in Oregon forested streams. Just a 30-40 years ago, forest stream cleaning of wood was promoted by biologists & hydrologists to enhance fish passage and avoid creating oxygen deficits—against the opposition of many forest operators and landowners. Then, the stream clean-out policy changed and large wood recruitment was instead promoted by biologists. A couple decades ago, large conifer retention along streams was especially desired near streams. There are current OR Forest Practices Act & Rules that today promote conifers in riparian areas. Then in recent years, the benefits of riparian hardwoods began to be touted, and now there are managed treatments to enhance a diversity of conifers *and* hardwoods in riparian areas. Any criticism of the existing OR Forest Practices Act & Rules must be tempered against a dynamic background of evolving science and management experience.

The Oregon Board of Forestry must continue to have the authority and latitude necessary to develop practical, understandable, and effective riparian and watershed rules tailored to Oregon's forest stewardship community. It is by this Board of Forestry latitude to conduct state-specific policymaking—suited to Oregon's forests-streams-landowners-operators-stewardship culture—that can best provide certainty to forest landowners, and can ideally foster increased future conservation investments made in watershed improvements. EPA and NOAA's intended rigid, regulatory norms—such as excessive one-size-fits-all singular distances—would stifle Oregon forest community's stewardship ethic, and thereby reduce/or end the valuable contemporary investments in watershed enhancement experienced on Oregon forestlands (since the 1998 advent of the Oregon Plan for Salmon & Watersheds).

We respectfully request that the EPA and NOAA reconsider the Proposed Findings and unconditionally approve Oregon's Coastal Nonpoint Pollution Control Program.

Thank you for the opportunity to comment about the future of Oregon's Coastal Nonpoint Pollution Control Program. If our comments create questions, please do not hesitate to contact me: [REDACTED]

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