

BEFORE THE OREGON BOARD OF FORESTRY
Regarding the importance of state and private forestlands to the survival and recovery of Oregon Coastal coho and other native aquatic species

Thursday, July 23, 2008

Portland, Oregon

My name is Mary Scurlock. I am the Policy Director of Pacific Rivers Council, a regional nonprofit conservation organization with headquarters in Portland, Oregon. Our goal is to bring best available science to bear in advocating for the protection and restoration of rivers and their watersheds in Washington, Oregon, Northern California, Montana and Idaho. We are in the process of launching a new program that focuses special attention on some of our highest value river basins, places we are calling Legacy Rivers. These are the rivers where we'll be working the hardest to make sure their unique qualities are passed on to future generations. Some of these river basins have significant proportions of state or private forest lands under the Board's jurisdiction. One of these places is the Wilson River.

I chose to testify today for two related reasons: 1) the recent return of Oregon Coastal Coho to the federal Endangered Species list as a threatened salmon stock, and; 2) the renewed pressure being exerted on Oregon's state forests to produce revenues from timber harvest. My message to the Board is simple: if state forest management is going to be consistent with the survival and recovery of coho salmon, particularly on the North Coast, it should be contemplating management that increases the extent of mature forest condition, further restricts logging and roadbuilding near streams and on unstable slopes, and accelerates the remediation and removal of deteriorating and unneeded forest roads. The same concerns extend to private forestlands in key coho-bearing watersheds.

The listing of coastal coho has a long history. Conservation and fishing organizations, (including mine), originally petitioned to list the Oregon coast coho under the federal Endangered Species Act (ESA) in 1993. Since then, the coho's listing status has fluctuated, but as of May 12, 2008, the Oregon coast coho are listed as threatened under the Endangered Species Act (ESA). The National Marine Fisheries Service (NMFS) first listed coho in 1998 in response to a court decision involving the Oregon Plan. In 2001 a federal judge invalidated the listing based on flaws in the NMFS's hatchery policy, which applied in general to salmon stocks, not just to the coho. Although Oregon coast coho were technically removed from the list in 2004 as a result of the judge's decision, at the same time NMFS again proposed to list coho, a logical step given that its biological status had not appreciably changed. NMFS later withdrew this proposal in 2006 in reliance upon an assessment by the State of Oregon that concluded the coho were viable. PRC and other conservation groups filed a lawsuit challenging NMFS's decision to withdraw its listing proposal, and, in October 2007, a judge held that NMFS's decision not to list Oregon coho was arbitrary and capricious, contrary to the best available science, and a violation of the ESA. In particular, NMFS did not rely upon the best available science when it relied upon Oregon's viability assessment. In response to the court's decision, NMFS issued a final rule listing the Oregon coast coho, which went into effect May 12, 2008.

The role of state lands in the North Coast is all the more important for coho because current forest practices rules for private forests are inadequate to prevent continued and significant harm to salmon and aquatic habitats. Key problems include, but are not limited to inadequate limits on logging and roadbuilding on landslide-prone slopes and along small streams. Current rules fail to adequately limit cumulative watershed effects, including those leading to altered sediment regimes, the timing and magnitude of peak flows, large wood supplies and water temperature. These impacts are harmful to salmon, trout and other aquatic and riparian-dependent species.

We are not alone in our concerns about the adequacy of forest practices policies. In addition to the environmental community, independent scientists and professional societies, the federal regulatory agencies have continued to find that current state-promulgated forest policies fall short of fully protecting fish and water quality. In one recent example, the EPA and NMFS re-stated its finding that in order for Oregon's Coastal Zone Management program to be approved it must identify and apply additional management measures for stream impaired by forestry and forest roads in particular. (NOAA and EPA, "Preliminary Decisions on Information Submitted by Oregon to Meet Coastal Nonpoint Program Conditions of Approval, June 12, 2008", 12 pp).

In its June 12, 2008 decision, the EPA states: "Oregon still lacks adequate measures for protecting riparian areas of medium, small and non-fish bearing streams, high risk landslide areas, and for addressing the impacts of legacy roads. A broad body of science continues to demonstrate that the FPA rules do not adequately protect water quality. . . we recommend adoption of a road mapping and abandonment program." The agency goes on to call for increased harvest limitations on riparian and high landslide risk areas.

To sum up, we urge the Board to tread carefully in its consideration of more intensive harvest on state lands in order to avoid putting the state at further risk of failing to meet its obligations under the Clean Water Act and related coastal zone programs, as well as the Endangered Species Act.

We understand that the Board is faced with the challenge of resolving competing priorities, but we are also acutely aware that the State of Oregon has spent considerable public funds and human capital on watershed recovery over the last 20 years, and these investments deserve to be protected. There are multiple ways to fund county governments; we submit that the only way to produce clean water and healthy fisheries is from healthy watersheds. Pacific Rivers Council's expertise goes to the question of what it takes to protect and restore aquatic ecosystems, and we offer our assistance to the Board in evaluating the adequacy of current and proposed forest management policies to protect water quality and aquatic habitats.

Respectfully submitted,

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