



**OREGON FOREST &
INDUSTRIES COUNCIL**
SUSTAINABILITY. SCIENCE. INNOVATION. GROWTH.

May 7, 2021

Mr. Greg Apke
Statewide Fish Passage Program Leader
4034 Fairview Industrial Drive SE
Salem, Oregon 97302

SENT VIA EMAIL: ODFW.Passagerules@odfw.oregon.gov

RE: ODFW fish passage administrative rule revision solicitation of comments

Dear Greg Apke,

Thank you for the opportunity to provide comments regarding the fish passage program and the current administrative rule revision process. We represent a coalition of forestry professionals across Oregon.

The Oregon Forest & Industries Council (OFIC) is a statewide trade association representing forestland owners and forest products manufacturing firms in Oregon. Its members own more than 90 percent of Oregon's private, large-owner forestland base. OFIC's core mission is to advocate on behalf of its members to maintain a positive, stable business operating environment for Oregon's forest products community that fosters long-term investments in healthy forests; to ensure a reliable timber supply from Oregon's public and private forestlands; and to promote stewardship and sustainable management of forestlands that protect environmental values and maintain productive uses on all forestlands.

Associated Oregon Loggers (AOL) is the statewide trade association who has been the voice of small family forest businesses for over 50 years. AOL's members work daily to steward Oregon's forests. These honorable small businesses led by forestry professionals employ more than 22,000 Oregonians who provide sustainable forest management services for Oregon's public and private forestlands, while producing economic stability for their communities and living wage jobs for their employees and families.

Oregon Small Woodland Association (OSWA) is a membership trade organization with chapters across the state that represents Oregon's family forest owners. OSWA has more than 3500 members who represent a diversity of values and philosophies about private forest land management. OSWA provides Oregon's family forest owners a forum for investigating and solving problems, and for improving forest management, harvesting, and marketing. OSWA's membership fosters the wise use and protection of forests and encourages implementation of better forestry practices.

In accordance with the solicitation for comments we collectively offer the following;

1. Fish passage should only be required after a cost/ benefit analysis has been done to determine if a project is worth the cost in terms of the benefit to the species. This should be recognized in rule and allow flexibility so resources, private and public, can be appropriately routed to projects that

get the most “bang for the buck”. Blockages that exist at the extreme end of fish distribution may not warrant large investments.

Migratory fish need access to the habitats they use throughout their complex life histories. Current forest practices rules acknowledge this need and guide landowners in identifying and correcting existing passage barriers and ensuring new barriers are not created. Landowners also work with watershed councils to identify and restore fish passage at high priority sites in a worst-first fashion; between 1997 and 2017, nearly 2,000 stream crossings have been improved for fish passage on private forestlands. Stream network access for salmon in Oregon’s forests is better now than it has been in 50-years, and it continues to improve under existing forest practices rules and the Oregon Plan for Salmon and Watersheds.

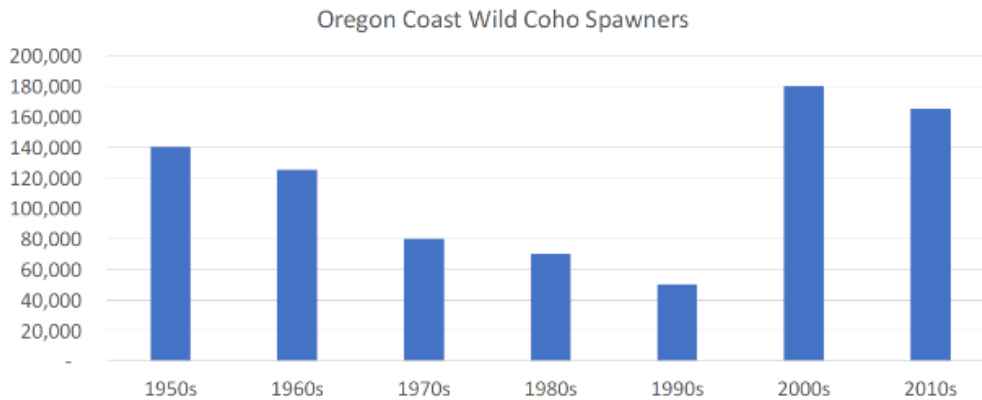
Having said that, restoring anadromous fish access at the far upper extent of potential habitat has not resulted in documented marked increases in fish populations and may not justify the cost of certain projects. The foundational assumption in these extreme cases often appears overly optimistic. Restoring quality habitat and clearing the path for access to that habitat is an important goal, however in many instances the potential for habitat is questionable or poor at best. Thus, the need for a rule identified process that would recognize the value of a cost/benefit analysis prior to a project being undertaken. This process should be acknowledged within the prioritization process listed in OAR 635-412-0015 as well as the allowable waivers and exemptions listed in 635-412-0025.

2. The potential benefit stemming from restoring fish passage is for the overall population and health of state fish populations- a benefit to every Oregonian. Yet to date, most of the cost for removing these barriers has been borne entirely by individual forest landowners. A recent State report noted the following;

“over the past 20 years, the Oregon Plan has facilitated substantial landowner contributions to salmon restoration. In the Oregon Coast Range, landowners have completed 5,639 voluntary restoration projects at a cost of over \$162 million. Moreover, 84% of these projects received no incentive funding, and the costs of implementation were borne entirely by landowners.” (Abraham, et. al. 2017)

All of society has an interest in and benefits from the conservation of fish and wildlife species, and therefore society should bare a much larger percentage of the burden for their well-being. We propose a cost share program, recognized by rule, for all projects on private lands that appropriately balances the burden for this restoration work. This mutual investment will fittingly include a conversation regarding a cost/ benefit analysis for the project so that public funds are expended for those projects that result in real benefits to the species. Noting that within OAR 635-412-0015(5) non-owner funding of at least 60 percent must be obtained, we recommend that percentage be increased, and furthermore recommend that this concept be extended beyond those blockages contained on the priority list.

Underlying both requests above is the fact that we have seen positive and stable population trends for the Oregon coastal Coho for over two decades in Oregon. The Oregon Plan for Salmon and Watersheds has accomplished its objective of recovering the Oregon coast Coho as evidenced by numerous data points on file at ODFW.



Sources: 1950s-2000s (ODFW 2013, roughly interpreted from printed graph), 2010s (Sounhein, B., E. Brown, M. Lewis and M. Weeber. 2018. Western Oregon adult Coho Salmon, 2017 spawning survey data report. Monitoring Program Report Number OPSW-ODFW-2018-3, Oregon Department of Fish and Wildlife, Salem, Oregon).

Recent studies demonstrate that productive habitat is found on both private and public forest lands (Anlauf, et al. 2011). And habitat condition will continue to improve as restoration actions are implemented under the Oregon Plan. Moreover, we now know that the rebound in Coho populations observed from 2000-present are in line with historic population levels that were unquestionably considered healthy and viable (Cramer and Caldwell 2019).

Lastly, as a forestry community we would like to be on record opposing the construct of the Rule Advisory Committee (RAC) assigned to this process, notably the absence of a forest landowner or forest engineer. Our community represents an enormous amount of the work that has been done to date in restoring fish access and habitat throughout Oregon. Furthermore, as noted above, we have done it largely by our own accord and with our own resources. We recognize the importance of this work, and as land stewards we take seriously our responsibility to act in accordance with strong ethical principles. As a community we support the spirit of the Oregon Plan for Salmon and Watersheds and are very proud of the work we've accomplished to help bring to pass the goals of that plan. We ask once again that this RAC be expanded to allow formal and functional representation from our very important voices in this process- that is one of the primary purposes of a RAC and yet in this instance we are arbitrarily being denied that opportunity.

In closing, thank you again for the opportunity to offer these comments. Please do not hesitate to reach out with any questions.

Sincerely,

Seth A Barnes
 Director of Forest Policy, Oregon Forest & Industries Council

Amy Jahnke
 Director, Oregon Small Woodland Association

Amanda Astor
 Director of Policy, Associated Oregon Loggers

References

- Abraham, K., D. Olson, K. Fetcho, A. Hatch, W.T. Frueh, and M. Allen. 2017. Voluntary Efforts by Forest Landowners to Restore Salmon Habitat and Watersheds in the Oregon Coast Range. Oregon Department of Forestry and Oregon Watershed Enhancement Board. Salem, Oregon. 43 pp.
- Anlauf, K.J., Jensen, D.W., Burnett, K.M., Steel, E.A., Christiansen, K., Firman, J.C., Feist, B.E., and Larsen, D.P. 2011. Explaining spatial variability in stream habitats using both natural and management-influenced landscape predictors. *Aquat. Conserv. Mar. Freshw. Ecosyst.* 21: 704–714. doi:10.1002/aqc.1221.
- Cramer, S.P. and L. Caldwell. 2019. Bias and consequences in attempts to estimate historic salmon abundance. *Canadian Journal of Fisheries and Aquatic Sciences.* 10.1139/cjfas-2018-0467.