



## Water Typing & Protections during Forestry Operations in Oregon



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## Oregon Waters of the State Definition

**ORS 340-41-0002 (72):**

"Waters of the state" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.



## Oregon Waters of the State Definition

- Broad definition of “waters of the state”
- Includes all surface or groundwater
  - Exception for private waters unconnected to natural surface or groundwater (e.g. a lined rainwater reservoir)
  - Includes seeps & springs
- Regulations for waters of the state are not consistent across land uses, water types, & beneficial uses



## Oregon Water Pollution Control: Land Use

- Point Sources (NPDES): Dept. of Environmental Quality
- Nonpoint Sources:
  - Forestry: Oregon Dept. of Forestry
  - Agriculture: Oregon Dept. of Agriculture
  - Development: DEQ and counties/municipalities
- Specific requirements vary by land use
  - All must meet water quality standards
  - All involve DEQ coordination at least



## Non-Federal Forestry in Oregon

- Forestry regulations are based on type of stream, wetland, or lake
- Stream types based on flow & beneficial uses
  - Fish use, domestic use
  - Greater protection for salmon, steelhead, & bull trout (sensitive cold water fish)
- Wetlands & lakes based on size & beneficial use



## **An Aside about the Private Forest Accords**

- In 2020 9 initiative petitions about forestry & aquatic systems were on the ballot.
  - (3 industry, 6 conservation)
- Governor Brown convinced the conservation NGOs & timber industry to enter mediated talks.
- Oregon's Legislature passed the resulting agreement into law this year.
- Result is a major improvement in aquatic protection on non-federal forestland
  - Considerations for family forestlands



## Stream Protection Structure on Private Lands

- Ecology/Climate: West or East of the crest of the Cascade Mountains (wet side, dry side)
- Beneficial Uses:
  - Salmon, Steelhead, or Bull Trout (Type-SSBT)
  - Other game fish such as cutthroat trout (Type-F)
  - Domestic Use w/o fish (Type-D)
  - Non-fish, non-domestic (Type-N)
- Large, Medium, Small (>10cfs, 2-10cfs, <2cfs)
- For Small Type-N: Perennial or Seasonal



## Stream Protection Structure on Private Lands

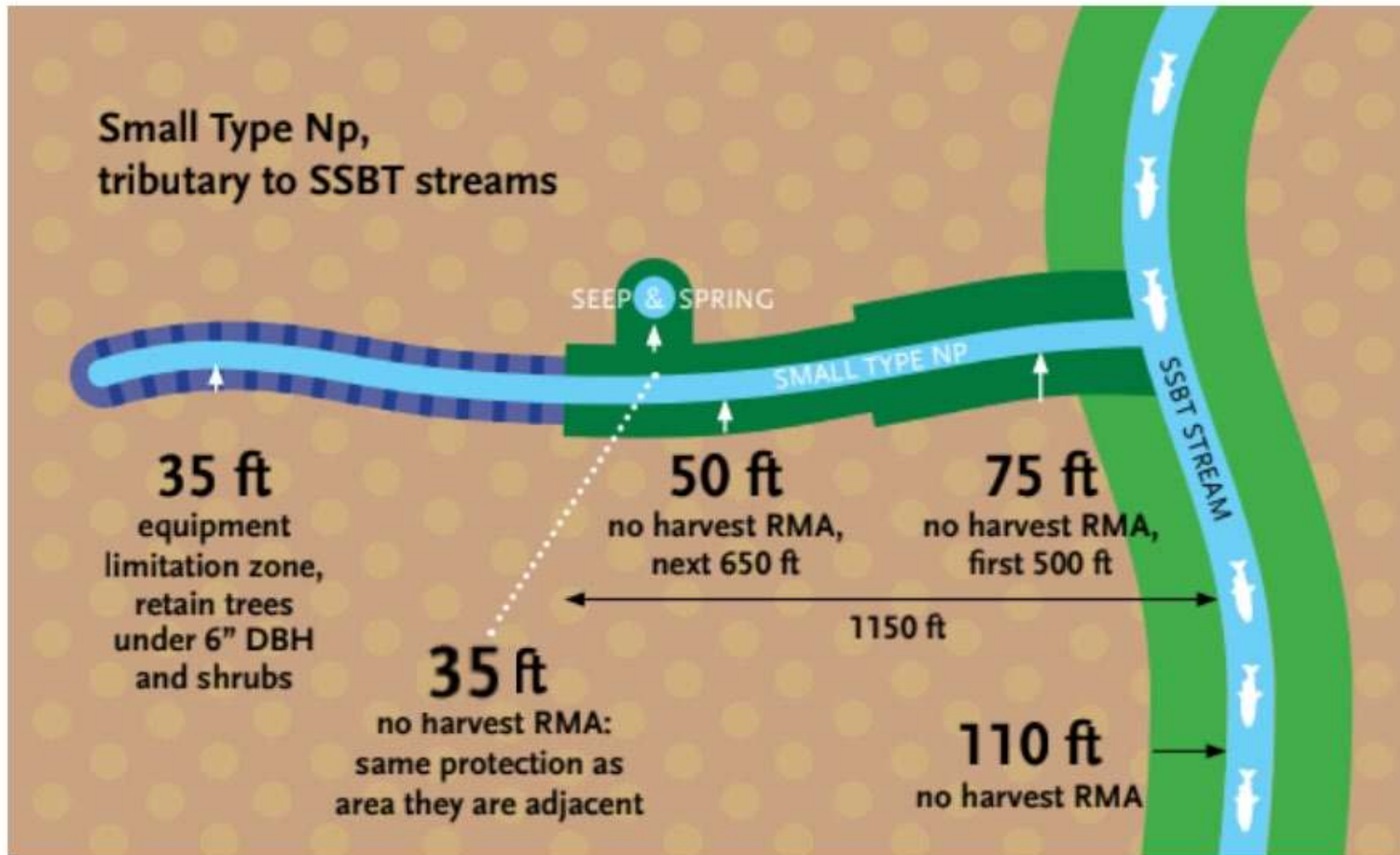
Stream protection scales with stream type

- Large no-cut buffers on fish streams (SSBT, F)
- Moderate no-cut buffers on lg & med Type-N
- Perennial sm. Type-N have no-cut buffers:
  - Within 1350ft of Type-SSBT
  - Within 600ft of Type-F
- Seeps, springs, wetlands, unstable areas added into no-cut buffers
- All streams have 35ft equipment limitation zones



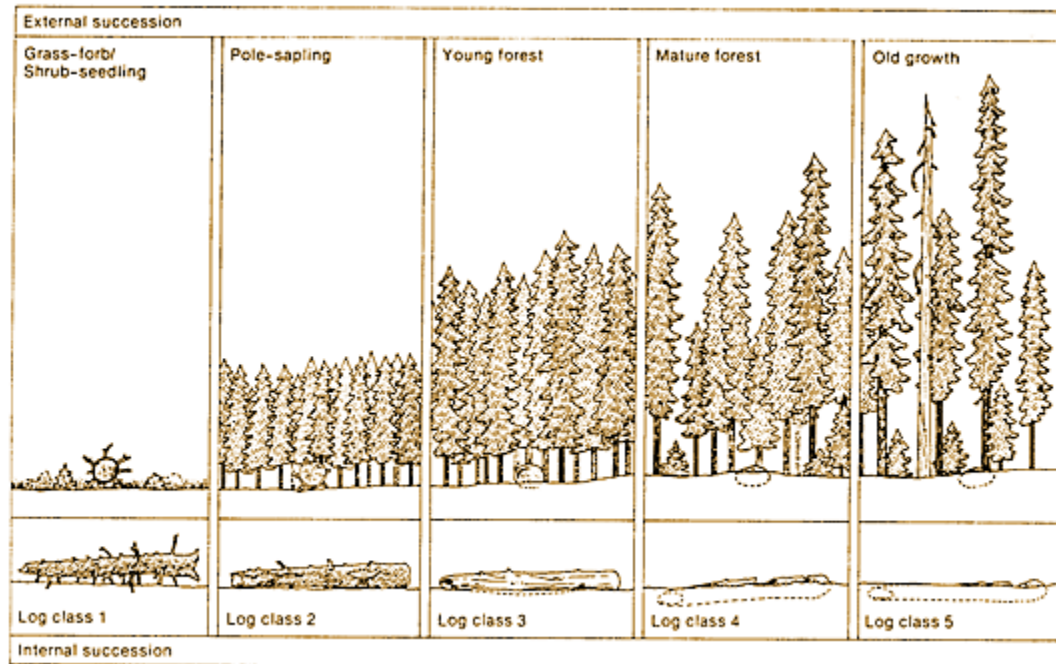


## Small N → Salmon/Steelhead/Bull Trout





## Questions?



## PRIVATE FOREST ACCORD VS STATUS QUO OFPA

### Riparian and Steep Slopes Protections

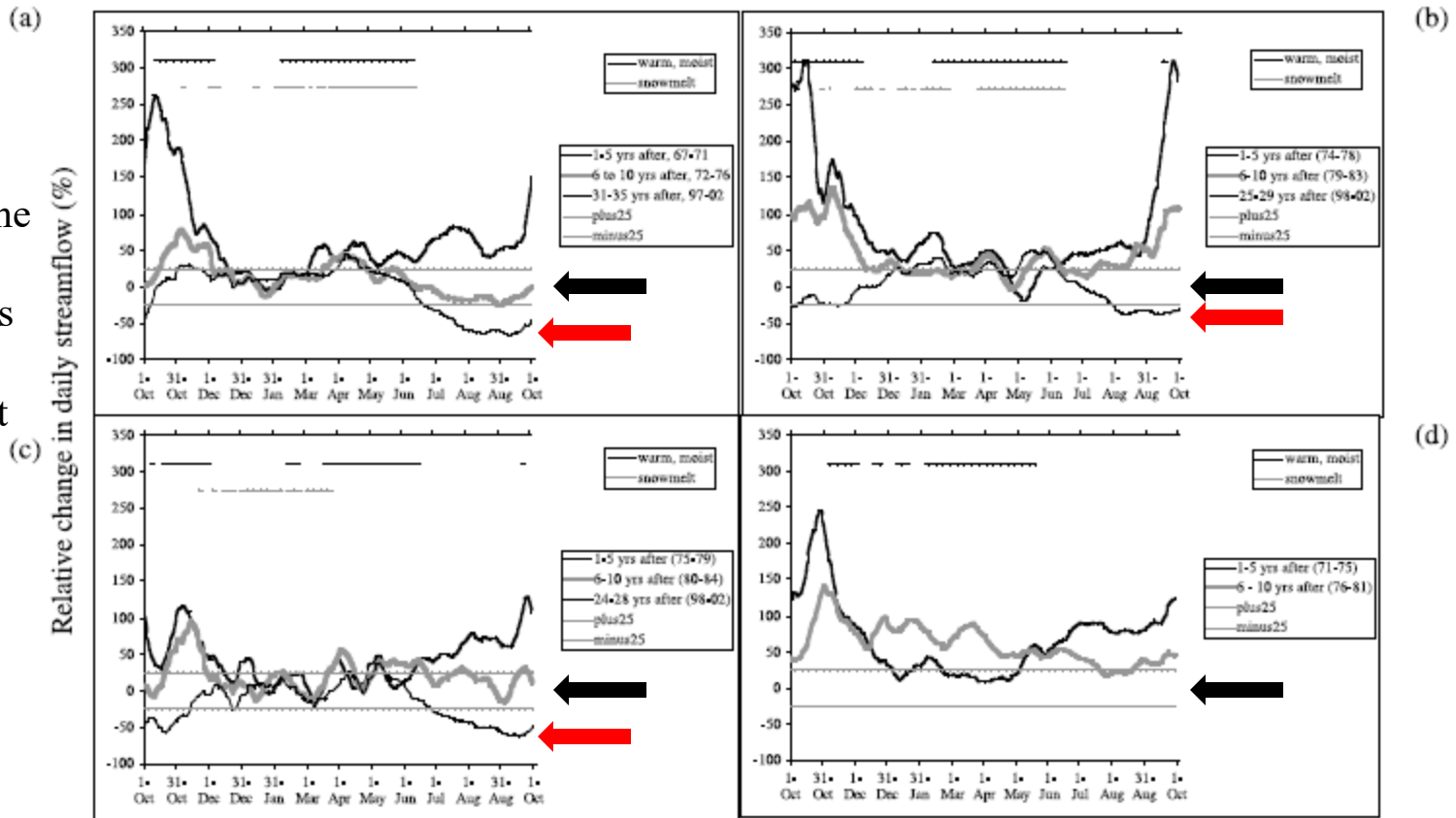


TOPIC	SUBTOPIC	STATUS QUO OFPA	PRIVATE FOREST ACCORD
RIPARIAN			Buffers on each side of stream
	Fish Large	100 ft 20 ft no cut	110' no cut
	Fish (Medium)	70 (F) -80 (SSBT) 20 ft no cut (as applied appx 45 ft no cut)	110' no cut
	Fish (Small)	50 (F) -60 (SSBT) ft 20 ft no cut (as applied appx. 25 ft no cut)	100' no cut
	Non Fish L/M Perennial	Large - 70 ft 20 ft no cut Medium - 50 ft 20 ft no cut	75' no cut
	Non Fish Small Perennial	0-10 ft (generally zero in coast range)	75' no cut first 500' and 50' no cut next 650' (for N feeding SSBT) 75' no cut for 600' (for N feeding non-SSBT F)
	Debris Torrent Traversal	Generally no protections	25' no cut for top 50% most likely to be traversed
	Seasonal Small	Generally no protections	35' Equipment Limitation Zone and small tree retention
SLOPES			
	Initiation Sites	No protections for fish streams	Screen to look at top 20% debris traversal basins and top 33% sediment volume initiation sites
	Streamside Steep Areas	No protections	For steep slopes (>70%) adjacent to fish streams and actively falling or unstable slopes immediately adjacent to a fish stream, 170' or slope break, whichever is less



## Risks to Drinking Water & Aquatic Life: Flow Changes

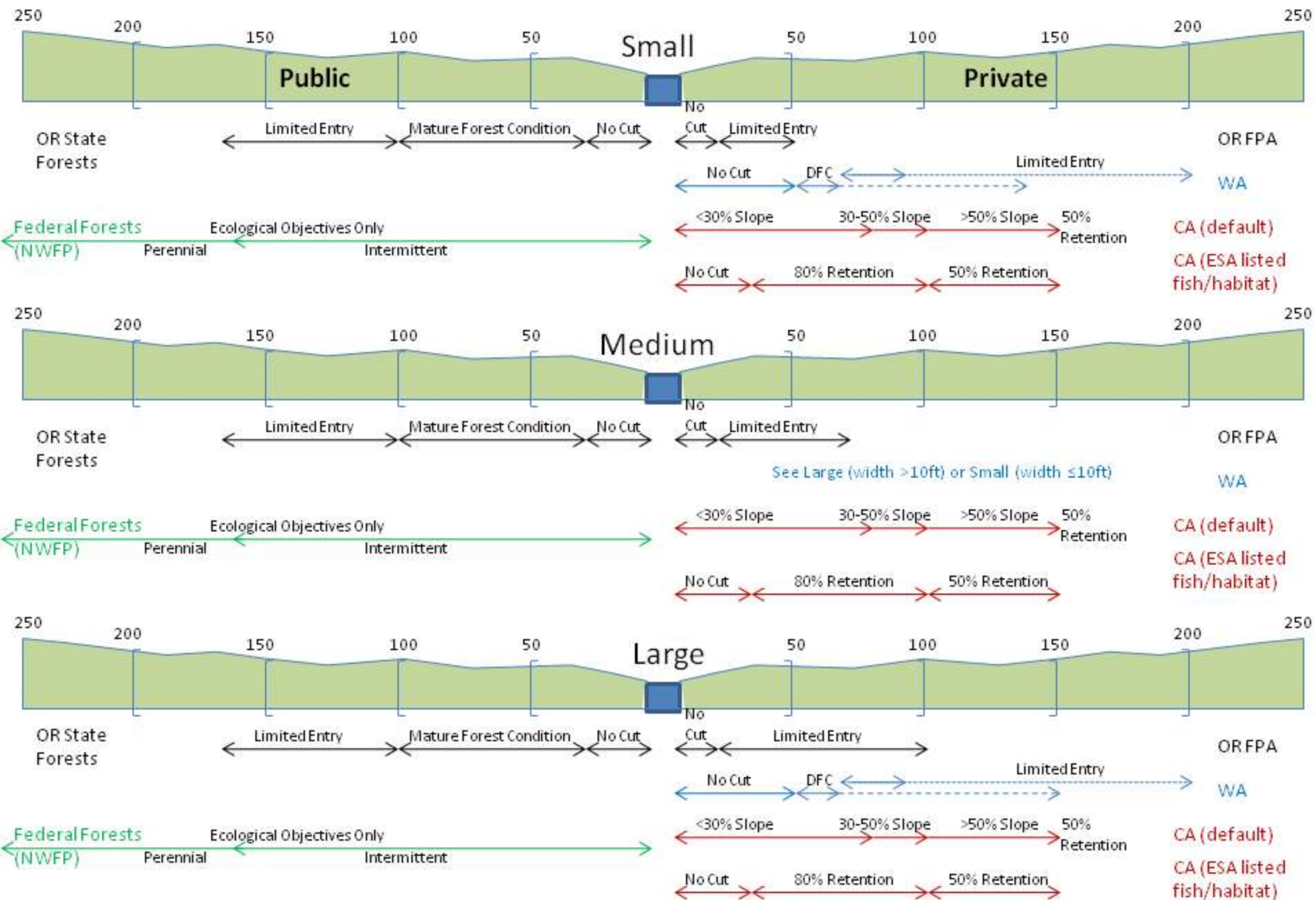
← Baseline  
← 25+ yrs post-harvest



Units =Feet

# Western Oregon Fish-Bearing Streams

DFC=Desired Future Condition



Units = Feet

# Western Oregon Non Fish-Bearing Streams

