

Threatened or Impaired Watersheds (T/I) Review: Science Information into Policy and Regulation

Purpose: The T/I rule review process established by the Board's Forest Practice Committee (FPC) includes reviewing current science, evaluating existing regulations, and developing potential amendments based on current science. With the completion of the SWC Literature Review, along with science information brought forward by agencies and stakeholders, current science information now needs to be considered as part of the T/I rule update.

Summarized below are 1) the staff recommendations of the major science themes developed from the SWC Literature Review, the Technical Expert Forum and stakeholder input that warrant consideration for the T/I rules, 2) guidance provided by the FPC for T/I regulatory amendments, and 3) a framework for incorporating this science into the T/I rules.

Staff recommendations of the major science themes:

1. Opportunity for site specific buffer design based on watershed assessment that addresses actual species habitat needs and monitoring.
2. Protection requirements for zero water and ephemeral streams.
3. Addressing protection for biological hotspots such as floodplains and channel confluences.
4. Buffer requirements for channel crossing where concentrated road runoff is present.
5. "Longitudinal variations" of buffers including revised stream classification system and watershed processes consideration.
6. "Latitudinal" buffer requirements, where standard BMP buffer design could vary between bioregions.

Details on FPC Guidance: The FPC needs to further define the decision space for which the science will inform. They need to identify the range of conditions or criteria that will cause them to change a rule before they see any science. If we know the decision space or conceptual framework that would allow the decision, scientists could then provide the science and technical structure that would support a rational decision process. Currently the FPC has stated the following policy goals:

1. Provide an adequate forestry regulatory program for protection of Endangered Species Act (ESA) anadromous salmonid species and Clean water Act section 303(d) listed waterbody requirements.
2. Potential rule amendments to better meet other agency's requirements .
3. In further meeting other agency requirements, opportunities for streamlining regulatory compliance should be developed.
4. Consider and include activities that maintain fully functioning habitat conditions and facilitate conservation of listed salmonid populations as part of the T/I rules to the extent within the Boards authority.
5. Determine the existing geographic scope of the T/I rules to determine the where the T/I rules currently apply. Considering alternate geographic scopes proposed by National Marine Fisheries Service and the state/regional water boards.
6. Separate goals and intent statements should be considered for protection of anadromous salmonids from those for 303(d) listed water bodies.
7. FPC recognizes that evaluation of the cumulative impact FPRS is wider than the T/I rules and will not be intensively covered in the review.

Other clarification on policy "sideboards" or criteria that would help inform the "science to reg" translation includes:

1. Desired level of meeting goal to maintain fully functioning habitat conditions and facilitate conservation of listed salmonid populations.
2. Desire to support a spatially variable riparian management (SVRM) approach.
3. Achieve protection of nontimber resources and maximizing timber production.

Framework for incorporating science into the T/I rules: