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STATEWIDE RIPARIAN PROTECTION AND RESTORATION POLICY

THE POLICY

The State of Oregon's Riparian Policy is to:

- Protect, promote, and, where necessary, restore, healthy riparian areas along Oregon's lakes, estuaries, streams and wetlands in sufficient quantity and quality to meet water quality standards, provide for quality fish and wildlife habitat and provide functional stream networks;
- Promote connectivity and consistency among programs and land uses to achieve systematic and shared responsibility for protection and restoration of riparian areas;
- Recognize, plan for and mitigate the effects that the implementation of this Riparian Policy will create (e.g. increased flooding, log jams, and increased lateral stream movement); and
- Use the full range of available tools, including but not limited to, incentives, education, technical assistance, investments and regulations, to implement this policy.

PURPOSE/APPLICATION

The overall purpose of this Riparian Policy is to establish a consistent objective for all State of Oregon agency programs that affect the management of riparian areas as well as to provide a framework for the Policy's application, based on past land use activities, commitments and desired future conditions.

- All State agencies will use this policy when developing policies, regulations, their own management plans and programs (including non-regulatory or incentive programs, educational materials, etc.) affecting riparian and aquatic habitat management.
- To the extent possible, given existing resources, all State agencies will use this policy to review existing (current) policies, regulations and programs for riparian and aquatic habitat management.
- When reviewing existing or developing new state agency policies, regulations or programs, the agency will document how the respective programs, decisions or actions are consistent with this policy. Where inconsistencies with the policy are identified, the agency will document and justify why the deviation is necessary. This information will be provided to the Governor's Office and will be made available for public review.
- State agencies will act consistently with this policy when interacting or providing recommendations to federal agencies, local or regional governments on issues related to riparian habitat.
- The state will recommend that local and regional governments implement this policy when developing policies, programs, and regulations to promote a consistent, statewide effort to recover salmon populations and meet state water quality goals.
- State agencies are expected to pursue both statutory authority and resources necessary to implement this policy.

BACKGROUND

State agency programs in Oregon that affect the use and management of riparian areas generally address individual parcels or specific land use activities. Oregon's goal in developing this policy is to improve the function of riparian and aquatic habitats across the state, on private, local, state, federal and tribal lands.

Riparian and aquatic habitats have in many cases been “simplified.” During land development and previous to any rules that required the retention of vegetation along streams, lakes, estuaries and wetlands, many land use activities removed riparian vegetation and/or modified stream channels. In many cases, the vegetation that re-grew was limited and different than the historic vegetation. With transportation development and flood control efforts, waterways were confined, channelized, diked and/or dredged, often with significant modification of riparian vegetation. Beginning in the late 1800s and up through the turn of the century, splash damming was an accepted practice that resulted in extensive scouring of long stretches of some stream channels. “Stream cleaning” occurred in the 1970s and early 1980s because it was believed large wood (LW) was a barrier to fish passage. During this period there was an effort to remove large accumulations of wood from selected streams. A significant amount of stream cleaning occurred immediately after large storm events such as the 1964 and 1977-78 floods.

Today, there is significant knowledge and understanding about riparian functions and how they influence water quality and fish habitat. Riparian areas are the transition zone from terrestrial to aquatic systems in any watershed and, as such, they provide a broad range of ecological functions and benefits critical to restoring watershed health and fish and wildlife habitat. In general, riparian functions diminish as distance from the stream edge increases. The large portion of riparian functions will be provided by vegetation within 100 feet or less of the stream edge. Geomorphologic understanding of riparian functions for stream reaches often requires field observation.

Oregon currently employs a range of regulatory and voluntary programs to protect and restore riparian areas. Riparian buffers are prescribed for forestlands under the current water protection rules in the Forest Practices Act. Riparian protection requirements on urban lands vary throughout the state, depending on city and county development regulations. Under SB1010, passed in 1993, the Oregon Department of Agriculture requires that landowners conduct activities in a manner that will adequately address water quality limiting factors. The Oregon Department of Environmental quality is developing water quality plans statewide that also address limiting factors and needed improvements.

Other public programs bring results that are beneficial in one respect but may compromise other public goals aimed at riparian protection and restoration. For example, removal of LW from a stream is sometimes required for public safety and public infrastructure considerations. When LW becomes backed up behind a bridge, it can cause upstream flooding as water backs up behind it. The structural integrity of the bridge can also be at risk when LW is held back during high water. There is a potential issue in how upstream activities may affect downstream landowners and infrastructure. Where LW and migrating organic dams move downstream, there can be a conflict between what might be good for fish versus what might have negative impacts upon landowners and the general public. For protection of dikes and streamside improvements, the Army Corps of Engineers sometimes requires removal of riparian vegetation.

The principles of ecosystem, economic and social sustainability need to be influential factors in the development of a riparian strategy. While a riparian policy is an important component of a landscape approach to improving and maintaining watershed health it does not address other processes or functions also important to restoring healthy watersheds.

Healthy riparian areas exist where vegetation, landform, large wood and other physical components and processes are adequate:

- To protect water quality;
- To filter sediment and other pollutants and capture bedload materials;
- To promote the development of root mass and large wood accumulations that develop channel form and habitat;

- To develop diversity in stream structure (e.g. ponding and channel characteristics) that provides the habitat and water depth, duration and temperature necessary for fish and wildlife production, and other uses;
- To support biodiversity.

Where a floodplain exists, riparian areas often provide additional benefits including:

- Aiding the development of floodplain structural diversity;
- Dissipating stream energy associated with high streamflow, thereby reducing erosion; and
- Enhancing ground water recharge and streamflow.

The physical and biological functions of riparian areas have a direct influence on water quality and the suitability of aquatic habitats for fish and wildlife species. Riparian vegetation contributes substantially to functions and processes that are critical to the physical and biological structure of aquatic habitats, and to the overall health of waterways. While there is regional variability in the composition and characteristics of riparian vegetation, its effect on water quality and aquatic habitat is statewide.

Improving riparian vegetation and aquatic habitat in some areas may make streams more dynamic but also may impact existing development or development that may be planned in the future. For example, bridges may be at increased risk from the formation of logjams behind them. Similarly, more wood in stream systems may change the effects of peak flows by raising flood heights, contributing to increased lateral channel movement (particularly in small streams), or causing dam break floods. Riparian vegetation may fall on and damage structures built too close. In order to address these issues, the current land use planning processes may need to be enhanced to promote the conservation of healthy riparian areas and the restoration of others. The public infrastructure system may, over time, need to be revised to improve or restore riparian functions as new facilities are built or older ones are being repaired or reconstructed.

GUIDING PRINCIPLES

Science

- The best available science will be considered in developing methods to address the State of Oregon's Riparian Policy. The methods will be submitted to the Independent Multidisciplinary Science Team for their review.
- The best available science will be considered in implementing methods to meet this policy in the field. The methods will be carefully evaluated in the field to assure proper consideration of local conditions.
- Available science will be applied to a range of existing conditions, recognizing that much of Oregon's landscape has been altered over the past 150 years and that the dynamics of these changes vary from place to place.
- Land use and regional variability in policy development shall be recognized to the extent they are supported by available science.
- While the goal for desired regional or local conditions should be consistent across all land uses, the management techniques or actions designed to achieve these goals should be tailored to specific land use activities and land conditions.
- Aspects of the policy associated with restoration should recognize and allow for differences between minimally disturbed and highly altered landscapes.
- Where uncertainty exists in available scientific information, risks and benefits of alternative approaches will be weighed in an effort to provide greater near-term certainty that State goals for water quality, salmon recovery and other riparian-related natural resource priorities are met.

- Implementation will be done under the principles of adaptive management. An inventory of existing State agency programs that have the potential to implement this policy will be completed and analyzed (including but not limited to: all State land managing agencies; the Department of Environmental Quality; the Department of Land Conservation and Development; the Division of State Lands; the Department of Agriculture; the Oregon Department of Forestry and the Oregon Water Resources Department). Through adaptive management, implementation programs (regulations, incentive programs, etc.) will be refined over time. The adaptive management approach will be supported by monitoring and research components of the “Oregon Plan for Salmon and Watersheds.” Current monitoring and research efforts included in the Oregon Plan will be reviewed and possibly adapted to include studies and inventories related to this policy. Results will be reported periodically, including accomplishments, results and successes and failures.
- The State should continue to pursue a unified technical basis and foundation for restoration needs and expectations.

Tools

- Compliance with this State of Oregon Riparian Policy can be achieved through a variety of regulatory and non-regulatory strategies.
- Long term, sustainable landscape-based changes should be encouraged and accomplished through a variety of tools.
- Where additional data or expertise is needed on a programmatic basis for policy development at the State level or for necessary guidance in the field, such agency needs shall be properly considered in the State of Oregon budget process.

Protection and Restoration Strategies

- All State agencies will implement actions consistent with this policy on all lands owned, managed, or otherwise controlled by the state. State agencies will provide leadership in the protection and restoration of healthy riparian areas.
- Priority should be placed on those resource protection and restoration strategies that can most significantly and efficiently protect and restore water quality and fish habitat. Priorities should be set according to the identification of limiting factors on water quality or aquatic habitats/species and on a proper understanding of geologic processes.
- Public investments in riparian restoration should provide a significant public benefit and should be guaranteed relatively long-term protection.
- Active management of riparian areas is an appropriate tool that can be applied to ensure salmon recovery. A more passive restoration strategy relying entirely on natural processes may result in habitat improvement over the long term, but without immediate improvements in habitat, such as increasing large wood in streams, short-term fish populations could further decline to the point where long-term recovery is unlikely.

IMPLEMENTATION STRATEGIES/ACTIONS

Communication, Education and Outreach

- The State will provide education and outreach to generate sustained overall public support for riparian protection and restoration.

Partnerships with Others (including local government, federal agencies, tribes, landowners and interest groups)

- The State will promote partnership projects with others, particularly adjacent property owners and with groups able and willing to help support collaborative work on State lands.

Technical Assistance

- The State will provide technical assistance and information to landowners, land managers, watershed councils and local/regional governments in order to assist in policy compliance.

Incentives and Rewards

- The State will use rewards to reinforce past practices that provide for healthy riparian areas. Incentives will be used to influence future land management practices in an effort to restore degraded riparian areas to healthy conditions and protect properly functioning riparian areas.

Regulation and Enforcement

- The State will use regulation to prevent further riparian resource degradation. Enforcement will be used to ensure compliance with regulations.

Research and Assessment

- State agencies will cooperate to develop a consistent methodology for riparian inventory.
- The State will seek funds to conduct a statewide assessment of the status and trends of riparian resources.
- The IMST will be asked to review and identify critical research questions associated with the function and the management of riparian areas.

Monitoring, Accountability, Feedback (adaptive management)

- The State, through its overall monitoring program, will initially emphasize development of ability to inventory riparian resources through remote sensing techniques.