

# Landowner Perceptions of Potential Changes to Riparian Rules Under the Forest Practices Act in Oregon

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## Acknowledgements

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In November 2015, the Oregon Board of Forestry proposed the development of a new rule to expand streamside buffers in western Oregon to better protect salmon, steelhead, and bull trout. The proposed rule would affect the management of forests near small or medium fish-bearing streams west of the crest of the Cascades but not in the Siskiyou region. As part of the rulemaking process, the Oregon Department of Forestry (ODF) engaged the University of Oregon's Ecosystem Workforce Program to conduct a survey to assess private forest landowner views on this issue. Survey results are intended to provide ODF with information about how potentially-affected forest landowners view proposed rule changes, current land use practices, and other landowner perspectives on forest management. This report provides an overview of survey results.

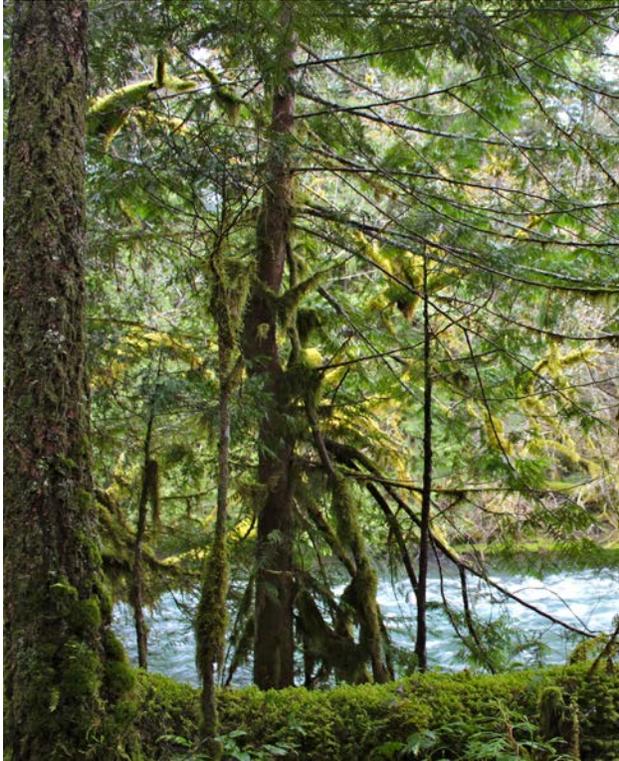
## Approach

The Oregon Board of Forestry's decision to expand streamside buffers is intended to improve Oregon Forest Practices Act compliance with current water quality standards. This decision initiated a rule-making process that required the establishment of a Riparian Rulemaking Advisory Committee, public outreach, and an effort to understand how the rule change will affect private forest landowners. To assess the views of private forest landowners who might be affected by the proposed rule to expand streamside buffers, we developed a survey that included questions about how landowners viewed proposed rule changes and other related landowner perspectives on forest management. At the time our survey was developed, ODF was reviewing several options for the rule change. We included three options in our survey that were similar but simplified

versions of the ODF proposed rule options (for further information on survey question language see Appendix A, page 12). The three options included in our survey were:

- Option 1: Landowners could not cut any trees within 60 feet of a small fish-bearing stream and within 80 feet of a medium fish-bearing stream.
- Option 2: Landowners could cut some trees within the streamside buffer, but would need to leave other trees within the buffer uncut. For landowners with small fish-bearing streams they would have to leave close to 50 percent of the trees within the streamside buffer uncut. For landowners with medium fish-bearing streams they would have to leave close to 60 percent of the trees within the buffer uncut.
- Option 3: On properties with a stream that generally runs east to west, landowners could choose to use Option 1 or Option 2 for the south side of the stream and leave a 40-foot streamside buffer where no trees are cut on the north side of the stream.

The survey was mailed to 1,379 landowners who owned 10 to 5,000 acres of forestlands in western Oregon with fish-bearing streams, using databases provided by ODF. The survey included a variety of questions about perspectives on the proposed rule change options, current forest landowner activities (e.g. tree removal, watershed restoration), land characteristics (e.g. acreage, presence of a stream), and respondent household characteristics (e.g. age, employment). Respondents had the choice of filling out a paper survey or taking the survey online. The survey response rate was 46 percent. Details about survey methods can be found in Appendix B, page 20.



## Key findings

### Views on the proposed changes to streamside buffers

The survey included a brief overview of the options for proposed changes to streamside buffers for small and medium fish-bearing streams within the study area. Respondents were asked about their views on each option and whether these options would affect timber management practices on their property. Respondents were most likely to find Option 1 too restrictive (see Figure 1, page 3). However, more than half of respondents thought that all three options would not likely affect timber management practices on their property (see Figure 2, page 3).

#### **Option 1: Landowners cannot cut any trees within 60 feet of a small fish-bearing stream and within 80 feet of a medium fish-bearing stream.**

- 62 percent of respondents thought this option was too restrictive, 31 percent thought it was just about right, and 7 percent thought it was not restrictive enough.

- 56 percent of respondents thought this option would not change or was not likely to change timber practices on their property. Meanwhile, 39 percent of respondents thought it was very likely or somewhat likely to change timber practices on their property and 5 percent did not know how this option would affect them.

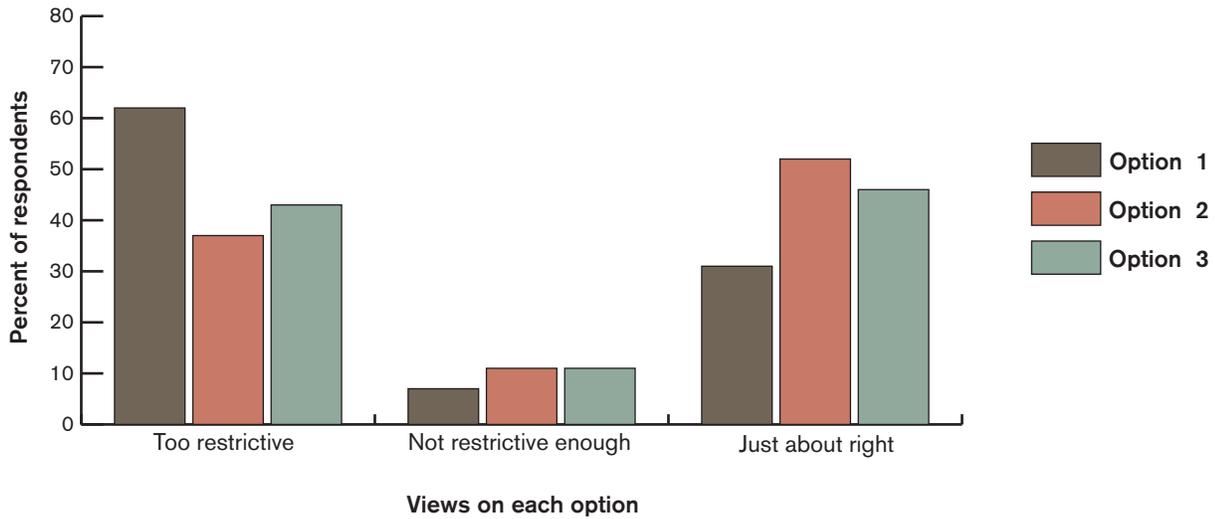
#### **Option 2: Landowners can cut some trees within the streamside buffer, but would need to leave other trees within the buffer uncut. Landowners with small fish-bearing streams would have to leave close to 50 percent of the trees within the streamside buffer uncut. Landowners with medium fish-bearing streams would have to leave close to 60 percent of the trees within the buffer uncut.**

- 37 percent of respondents thought this option was too restrictive, 52 percent thought it was just about right, and 11 percent thought it was not restrictive enough.
- 62 percent of respondents thought this option would not change or was not likely to change timber practices on their property. Meanwhile, 33 percent of respondents thought it was very likely or somewhat likely to change timber practices on their property and 5 percent did not know how this option would affect them.

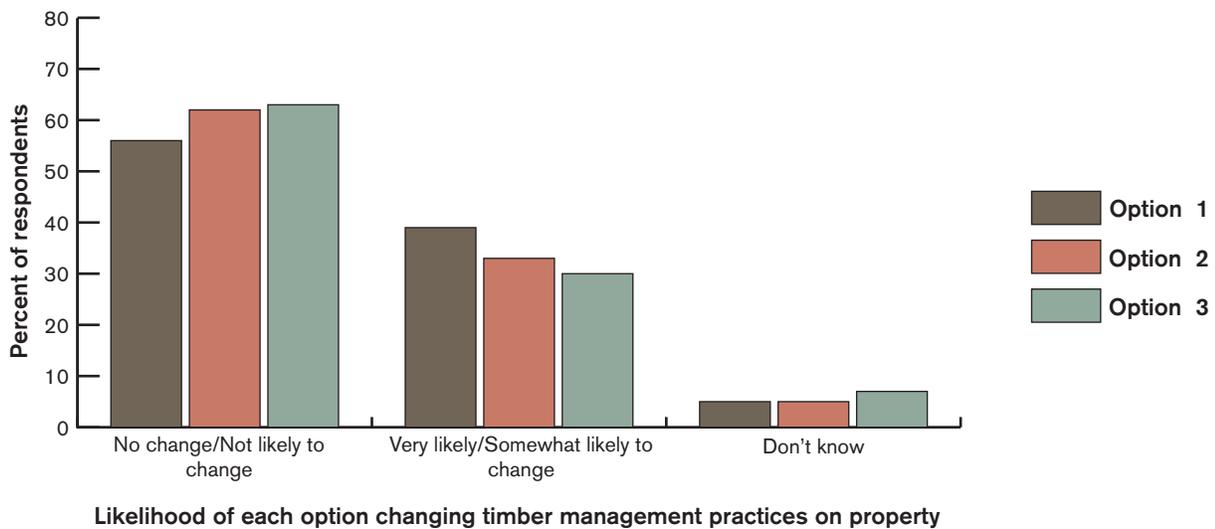
#### **Option 3: On properties with a stream that generally runs east to west, landowners can choose to use Option 1 or Option 2 for the south side of the stream and leave a 40-foot streamside buffer where no trees are cut on the north side of the stream.**

- 43 percent of respondents thought this option was too restrictive, 46 percent thought it was just about right, and 11 percent thought it was not restrictive enough.
- 63 percent of respondents thought this option would not change or was not likely to change timber practices on their property. Meanwhile, 30 percent of respondents thought it was very likely or somewhat likely to change timber practices on their property and 7 percent did not know how this option would affect them.

**Figure 1 Comparison of respondent views on each option**



**Figure 2 Perceptions of how each option will change timber management practices on property**

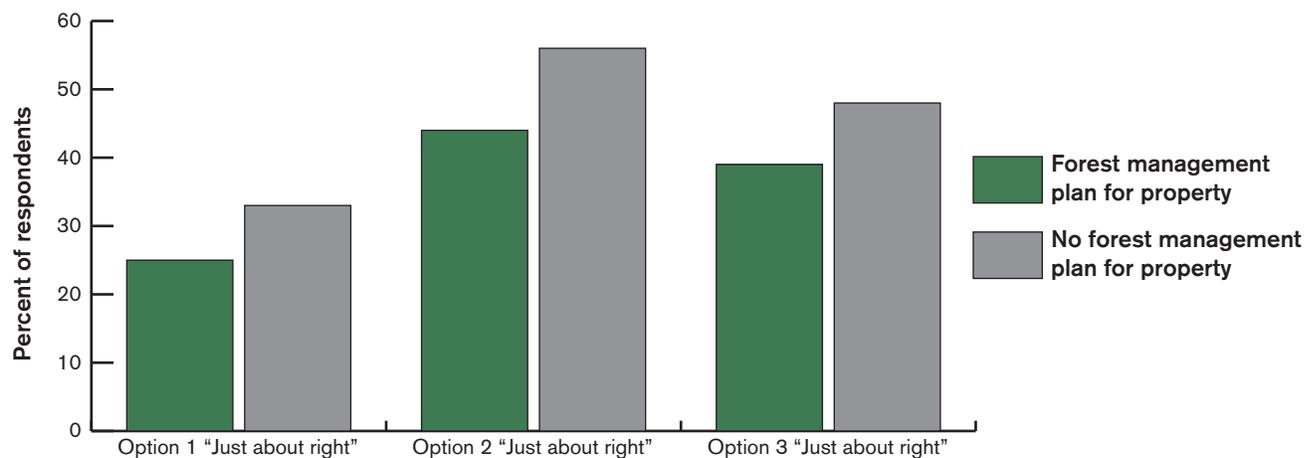


To better understand how landowners with diverse land use characteristics and differing opinions about the potential effects of the proposed rule viewed the three options, our analysis considered two further factors alongside the comparison of their views on the three options: whether respondents had a forest management plan for their property and the percent of their income that came from forest management activities on the property. In this report, we show the percentage of respondents that selected the “Just about right” response for each option because it provides a useful approach to understanding if landowners had a favorable view of the options. Landowners could have also selected “Too restrictive” or “Not restrictive enough.”

Approximately 32 percent of respondents had forest management plans. In general, those without management plans were more likely to view all three options as being “Just about right.” Both respondents that had forest management plans and those that did not preferred Option 2 over Options 1 and 3 (see Figure 3, below).

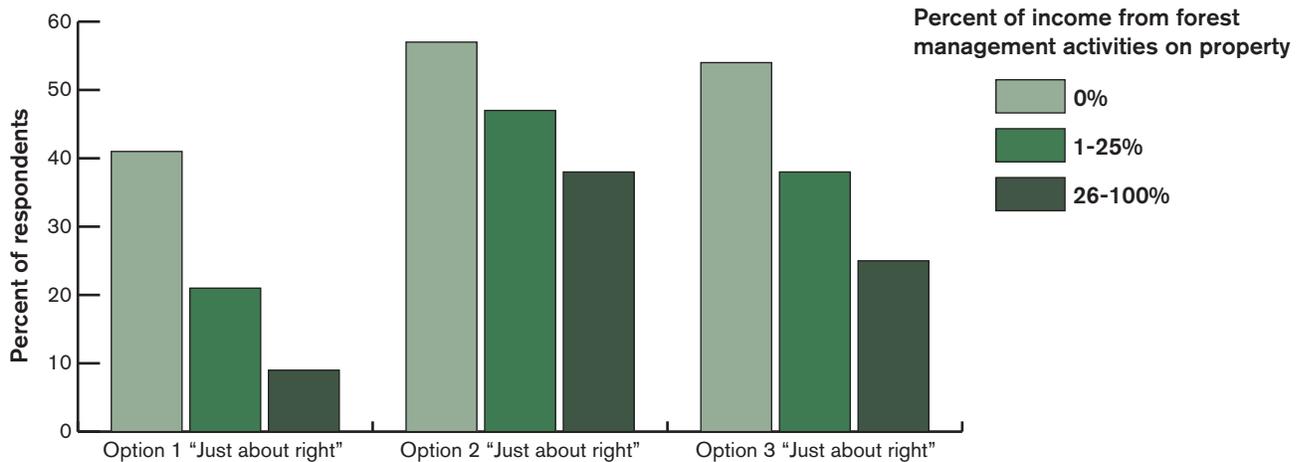
Similarly, we broke out responses based on the percentage of income that respondents received from their property (see Figure 4, page 5). It is important to note that 59 percent of survey respondents reported that they receive no income from forest management on their property, and that one-third reported that they receive 1-25 percent of their income from forest management on their property. This means that there were very few respondents who reported that they receive substantial income from timber on their property. Overall, landowners who reported that they receive no income from forest management activities on their property were most likely to find all of the options “Just about right.” As the amount of income from activities on the property increased, respondents were less likely to see Option 1 as “Just about right.” Support for Option 2 dropped off more slowly with increased income from the property than support for Option 1 did.

**Figure 3 Respondents with forest management plans and selection of the “Just about right” response for each option**



**Forest management plans and selection of the “Just about right” response for each option**

**Figure 4 Respondent's income from forest management activities on property and selection of the "Just about right" response for each option**



**Income from forest management activities and selection of the "Just about right" response for each option**

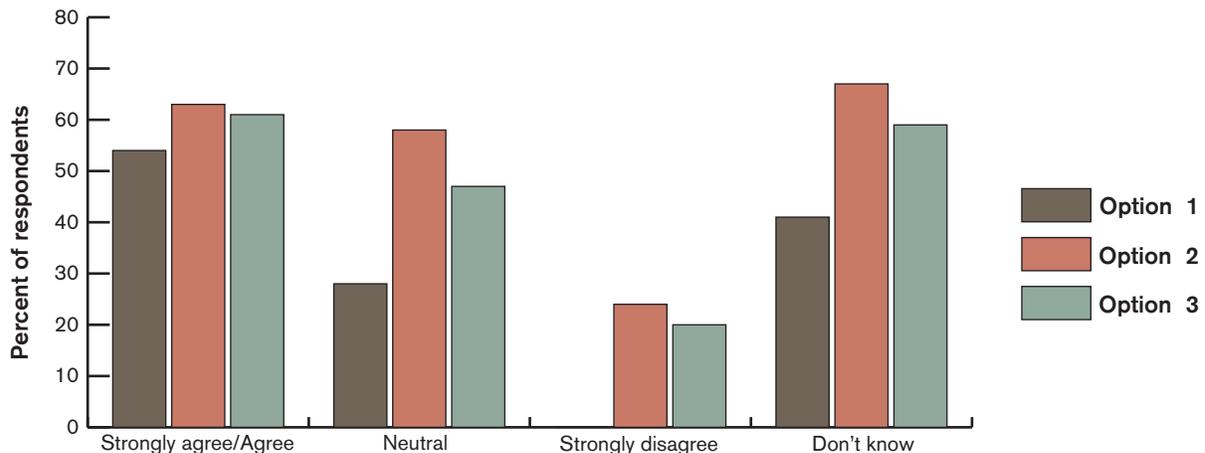
### Perceptions of the effects of the proposed rule change

Landowners were split on their opinions on whether the proposed rule change would benefit salmon, steelhead, and bull trout, whether it would reduce their profits, and if it was the right thing to do for the environment. However, over half of the respondents thought that the rule change added unnecessary red tape to forest management.

- 34 percent of respondents strongly agreed or agreed that the proposed rule change would benefit salmon, steelhead, and bull trout, 26 percent were neutral about this topic, and 26 percent strongly disagreed or disagreed, and 14 percent did not know.
- 29 percent of respondents strongly agreed or agreed that the proposed rule change was good for the environment, 24 percent were neutral about this topic, 36 percent strongly disagreed or disagreed, and 11 percent did not know.
- 32 percent of respondents strongly agreed or agreed that the proposed rule change would reduce their profits, 30 percent were neutral about this topic, 23 percent strongly disagreed or disagreed, and 15 percent did not know.
- 58 percent of respondents strongly agreed or agreed that the proposed rule change added unnecessary red tape to forest management, 16 percent were neutral about this topic, 17 percent strongly disagreed or disagreed, and 9 percent did not know.

We compared what landowners thought about whether the proposed rule would benefit salmon, steelhead, and bull trout to their overall support of the rule. Across all three options, landowners who strongly agreed or agreed that the proposed rule change would benefit fish were more likely to select "Just about right" than those landowners who disagreed with this statement (see Figure 5, page 6). Nearly all of respondents who disagreed or strongly disagreed that the proposed rule would benefit fish selected the "Too restrictive" response.

**Figure 5 Proposed rule change benefits to salmon, steelhead, and bull trout and selection of the “just about right” response for Options 1, 2, and 3**



Level of agreement or disagreement that each option will benefit salmon, steelhead, and bull trout

### Property and land use characteristics and how they affected perceptions of the proposed rule

The majority of respondents had a stream on their property, did not have a forest management plan, and received little to no income from forest management activities on their property. Of the landowners who had a stream, a little over half indicated that their stream supports salmon, steelhead, or bull trout. Respondents were asked about the one or two main uses of their land, and over half considered their property a primary residence. Meanwhile, the other two top choices included income generation, and passing the land on to their children or other heirs.

- 94 percent of respondents had a stream on their property.
- 55 percent of respondents indicated that their stream supported salmon, steelhead, or bull trout.

- 62 percent of respondents did not have a forest management plan for their property, 32 percent had one, and 6 percent selected the “I don’t know” category.
- 59 percent of respondents reported that they received no income from forest management activities on their property, 33 percent reported 1-25 percent, and 8 percent reported 26-100 percent.
- The median acreage owned by respondents was 80 acres.

When asked about the top one or two main uses for their property (see Table 1, page 7), 55 percent of respondents claimed use as a primary residence, 4 percent as a second home, 46 percent for income generation, 12 percent for recreation, 14 percent for habitat protection, and 33 percent to pass on to their children or other heirs. Since respondents could answer more than one category, the results add up to more than 100 percent.

Examining how respondents with different reported land uses viewed the proposed rule options (see Table 2, below), we found that respondents who use their property as a primary residence viewed all three options more favorably (i.e. selected the “Just about right” category) than landowners who prioritize income generation or passing the land on to their children or other heirs. Similarly, looking at how respondents with different reported land uses felt about how the options would affect them, we

found that respondents who use their property for habitat protection and those who use their property as a primary residence were least likely to believe that the proposed rules would affect timber management practices on their property. Respondents who reported income generation and passing the land on to their children or other heirs as main uses were more likely to believe that the rule would affect them, but nearly half of these respondents still did not believe that they would be affected at all.

**Table 1 Primary land uses and views on each option**

<b>Top one or two main uses</b>	<b>Percent of overall respondents*</b>	<b>Option 1: “Just about right”</b>	<b>Option 2: “Just about right”</b>	<b>Option 3: “Just about right”</b>
Primary Residence	55%	36%	52%	50%
Income Generation	46%	20%	49%	41%
Recreation (e.g. hunting, hiking)	12%	34%	57%	48%
Habitat Protection	14%	41%	47%	46%
Pass on to Children or Heirs	33%	25%	46%	37%
Overall % for "Just about right"		31%	52%	46%

\*Percent of overall respondents column adds up to more than 100 percent due to respondent ability to answer two top choices

**Table 2 Likelihood that Options 1, 2, or 3 will change timber management practices**

<b>Top one or two main uses</b>	<b>Percent of overall respondents*</b>	<b>Option 1: “No impact” or “not likely”</b>	<b>Option 2: “No impact” or “not likely”</b>	<b>Option 3: “No impact” or “not likely”</b>
Primary Residence	55%	62%	67%	71%
Income Generation	46%	43%	51%	52%
Recreation (e.g. hunting, hiking)	12%	57%	65%	65%
Habitat Protection	14%	74%	80%	86%
Pass on to Children or Heirs	33%	50%	54%	55%
Overall % for “No impact” or “Not likely”		56%	62%	63%

\*Percent of overall respondents column adds up to more than 100 percent due to respondent ability to answer two top choices



### Themes from open-ended questions

Respondents were given the opportunity to provide comments at the end of the survey. They also called our office with comments and wrote letters about their property. Less than one-third of respondents provided comments at the end of the survey. It is important to note that these comments are not representative of all survey respondent views and it is likely that only landowners who had strong views included comments. Several themes emerged from the comments, and include: wanting greater flexibility to work in streamside areas, issues with government regulations, opposition or support for streamside buffers, and specific property characteristics. Each theme is briefly described below and a few example comments are included. These comments are not representative of all the comments received and do not cover the overall views of survey respondents.

#### **Greater flexibility to work in streamside buffers to remove damaged trees**

A number of comments focused on the need for forest landowners to have greater flexibility to clean out streamside buffer areas and remove fallen or damaged trees. The removal of invasive species in buffer areas was also an issue that was mentioned. These comments concentrated on landowners wanting to be able to have the ability to conduct activities within the streamside buffer, but not necessarily for timber harvest.

- “There needs to be flexibility in the buffers to allow removal of invasive noxious weeds and removal of trees that shade Ag fields but do not provide stream shading.”
- “The constraint against cutting any trees within a buffer or any forested area makes no sense to me. My guiding maxim is take the worst and leave the best - and that involves perpetual “gardening” - removal of some trees for the perpetual improvement of the vigor of the forest.”

### Issues with government regulations

Some comments covered landowner dissatisfaction with government regulations. These comments ranged from a simple discussion on the existence of too many government regulations to broader concern about government infringement on private property rights.

- “There are too many federal and state agencies telling me what I can or cannot do with property I have owned for over 70 years. In my situation I own and pay taxes on the bottom of the river and all surrounding areas. The government should be paying the taxes on my property if they will not let me do with it as I please.”
- “I strongly think government is trying to take over private property rights. Landowners are in most cases great stewards of the land. We can manage our land better than the government.”

### Opposition and support of proposed changes to streamside buffers

There were a variety of views on the proposed changes to streamside buffers. Some comments supported the changes or thought that the changes did not go far enough while others opposed the changes. A number of comments included statements about the changes not being necessary.

- “Stream side buffers: We generally leave more trees than required along small and large fish streams on our property. I think added buffer is an unnecessary added expense and will not help fish habitat.”
- “The proposed changes do not go nearly far enough to protect water and wildlife. It is a watered down compromise which will continue to erode what little integrity exists in Oregon with respect to forest practices.”

### Specific property characteristics and restoration projects

Some comments described specific details about a landowner’s property, its location, local stream issues, or ongoing restoration projects. In these cases, the landowner wanted to provide additional information about their property or land use that was not included in the survey. These comments did

not mention support or opposition to the proposed rule changes.

- “I have been protecting the water and fish and trees around here since 1973. Helped raise salmon and steelhead through the step program.”
- “This place has been in my family since 1934. The whole area was virgin timber.”

### Familiarity with streamside buffer regulations and proposed changes

The majority of respondents were familiar with current streamside buffer regulations but were unfamiliar with the proposed changes.

- 66 percent of respondents were familiar with current streamside buffer regulations for small and medium fish-bearing streams, while 34 percent were unfamiliar.
- 37 percent were familiar with the proposed changes to increase streamside buffers on small and medium fish-bearing streams, while 63 percent of respondents were unfamiliar.

### Respondent socio-economic characteristics

The majority of respondents were older and male, and a little over half were retired. One-half of respondents had a four-year college degree or higher, and income levels were fairly split across the board.

- 75 percent of respondents were male and 25 percent were female.
- The median age of respondents was 68 years old.
- 50 percent of respondents had a 4-year college degree or higher, 32 percent had some college, and 18 percent had a high school degree or less.
- 54 percent of respondents were retired, 41 percent were employed, and 5 percent were in “other” categories.
- 36 percent of respondents had over \$100,000 in income for 2015, 34 percent had between \$50,000 and \$100,000, and 30 percent had less than \$50,000.



## Conclusion

The proposed rule change to the Forest Practices Act is likely to have limited or no impact on a subset of private forest landowners in western Oregon. Over one-half of the survey respondents said that the proposed rule change would not change or would not be likely to change timber practices on their property. Additional analysis does demonstrate that landowners viewed the proposed rule and its potential impact on their lands differently depending on the main uses that they reported for their property. For example, landowners who reported income generation as a main use for the property or over 25 percent of their income from forest management activities were more likely to be concerned with potential impacts of the proposed changes on forest management than landowners who reported habitat protection or primary residence as main uses for their property.

Three options were provided to respondents to meet the proposed rule change. Survey questions focused on landowner views of each option and the potential impact of each option on current forest management practices. Although landowners had a variety of views on each option, well over half thought that all three options would not change or would not be likely to change current forest management practices on their property. Of the three options, more respondents thought that Option 1 (not cutting any trees within 60 or 80 feet of a stream) was too restrictive. This coincides with some of the open-ended comments that suggested respondents prefer to have greater flexibility to go into streamside areas and clean out fallen or damaged trees. Respondents viewed Option 2 (retaining 50-60 percent of the trees within the streamside buffer) as the most balanced of the three options and this option does allow landowners to undertake tree removal within streamside areas. There were mixed views on Option 3 (for streams that generally run east to west and allows a smaller buffer on the north side of a stream), with close to half of respon-

dents viewing the option as being balanced and the other half viewing it as being too restrictive. After looking more closely at respondents who selected “Just about right” for all three options, it is apparent that respondents had a variety of perspectives and land use characteristics that may influence their views on the proposed rule changes. Landowners who reported habitat protection as a primary use for the property, who receive no or limited income from their property, and who believe that the proposed rule change will benefit salmon, steelhead, and bull trout were far more likely to have a favorable opinion on all three options. Landowners were fairly evenly split on whether they believed the proposed rule change would benefit salmon, steelhead, and bull trout; whether it would reduce their profits; and whether it was the right thing to do for the environment. More than half of respondents believed the rule change added unnecessary red tape to forest management.

It is important to note that the survey only asked about forest landowner views and did not provide background information describing all of the reasons for the changes in streamside buffers. Although two-thirds of respondents were familiar with current streamside buffer regulations, only one-third were familiar with the proposed rule changes. Consequently, many respondents did not have much knowledge about why the proposed rule changes were going forward and had not thought extensively on how these changes would impact them.

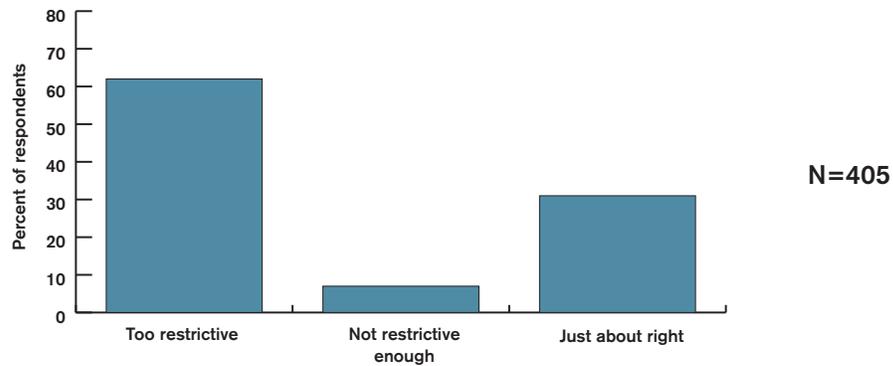
Survey respondents reported that they owned a median of 80 acres and close to two-thirds reported that they do not receive any income from forest management activities on their property. Respondent socio-economic characteristics are similar to other studies of rural Oregon residents in western Oregon. This population is older, and more likely to be retired than the Oregon population as a whole.

## Appendix A: Question by question summaries

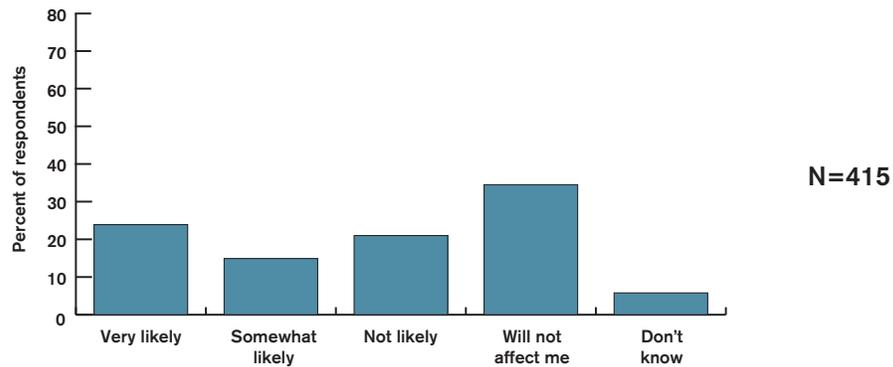
### Proposed changes to streamside buffers: views on three options

- Option 1: Landowners do not cut any trees within 60 feet of a small fish-bearing stream and within 80 feet of a medium fish-bearing stream.**

a) Do you think this option is too restrictive, not restrictive enough, or about right?

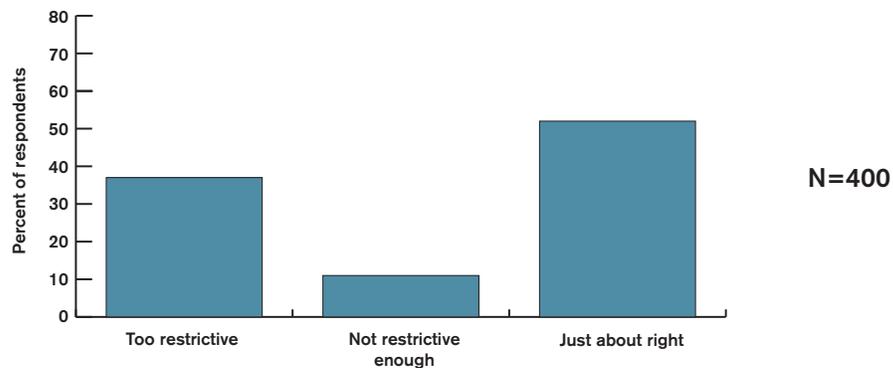


b) How likely will Option 1 change timber management practices on your property?

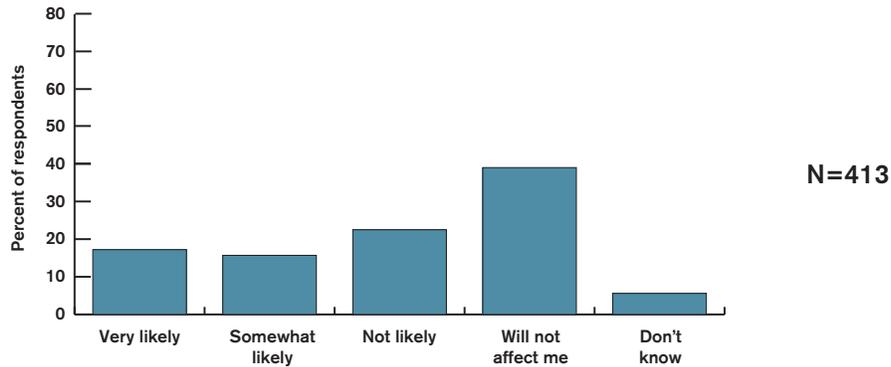


- Option 2: Landowners can cut some trees within the streamside buffer, but must leave other trees within the buffer uncut. For landowners with small fish-bearing streams they would have to leave close to 50 percent of the trees within the streamside buffer uncut. For landowners with medium fish-bearing streams they would have to leave close to 60 percent of the trees within the buffer uncut.**

a) Do you think this option is too restrictive, not restrictive enough, or about right?

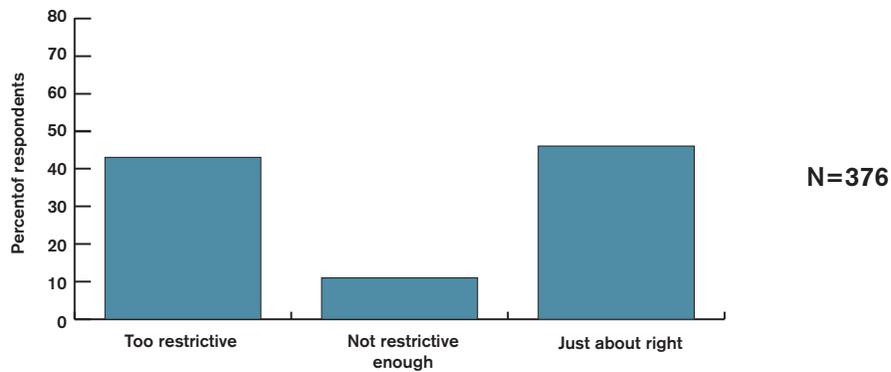


b) How likely will Option 1 change timber management practices on your property?

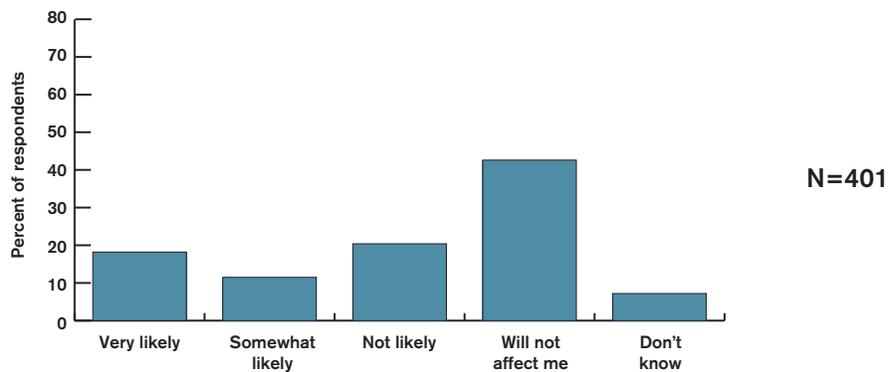


3. **Option 3: On properties with a stream that generally runs east to west, landowners can choose to use Option 1 or Option 2 for the south side of the stream and leave a 40-foot streamside buffer where no trees are cut on the north side of the stream.**

a) Do you think this option is too restrictive, not restrictive enough, or about right?

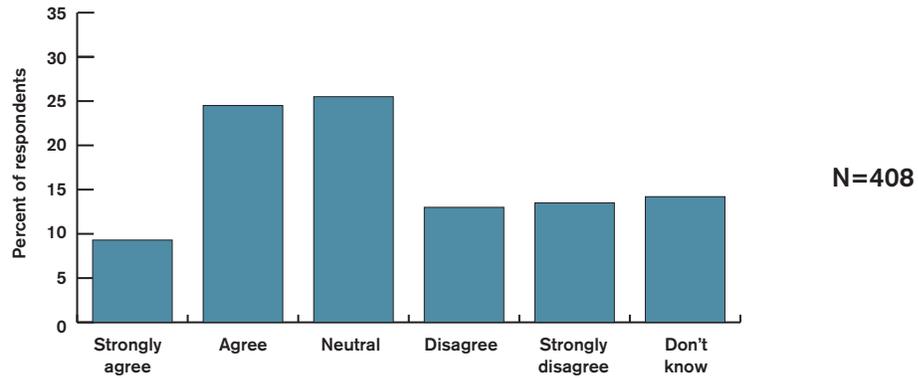


b) How likely will Option 1 change timber management practices on your property?

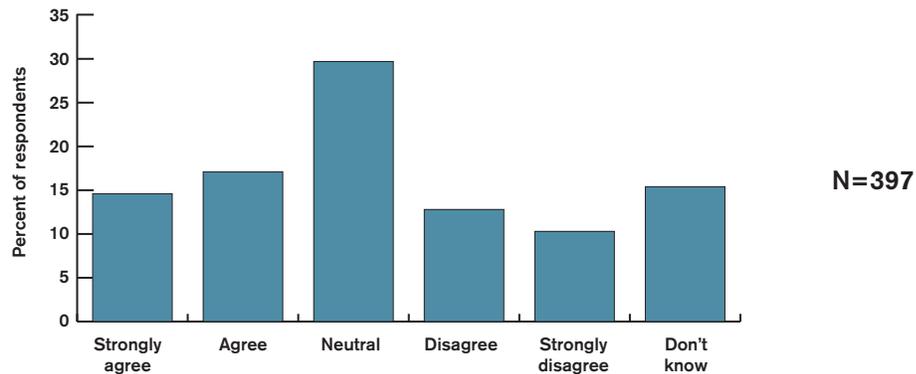


### Additional perceptions about the proposed rule change

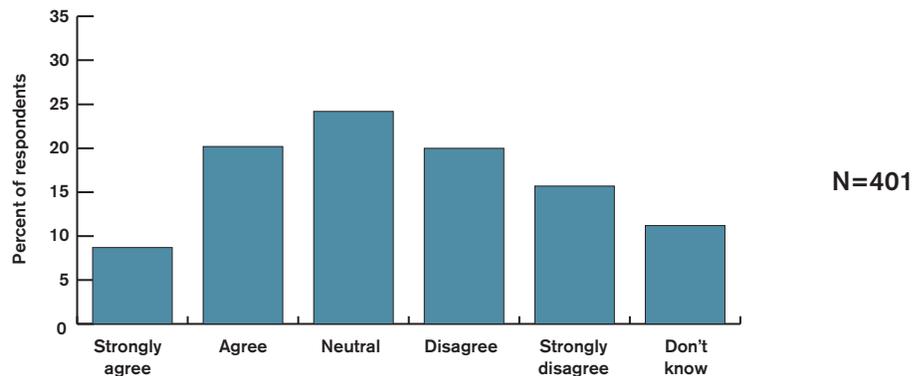
4. Thinking about the proposed rule change as a whole, how much do you agree or disagree with the following: The proposed rule change will benefit salmon, steelhead, and bull trout:



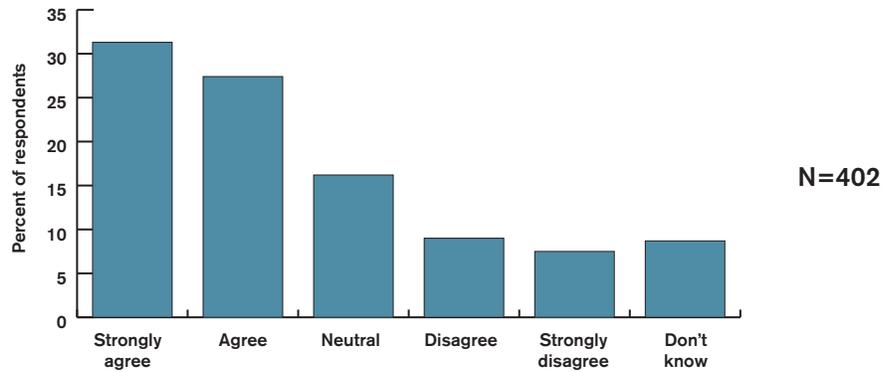
5. Thinking about the proposed rule change as a whole, how much do you agree or disagree with the following: The proposed rule change will reduce my profits:



6. Thinking about the proposed rule change as a whole, how much do you agree or disagree with the following: The proposed rule change is the right thing to do for the environment:

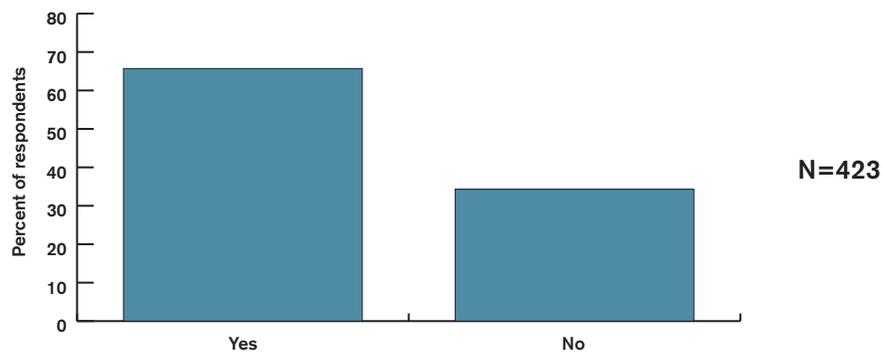


7. Thinking about the proposed rule change as a whole, how much do you agree or disagree with the following: The proposed rule change adds unnecessary red tape to forest management:

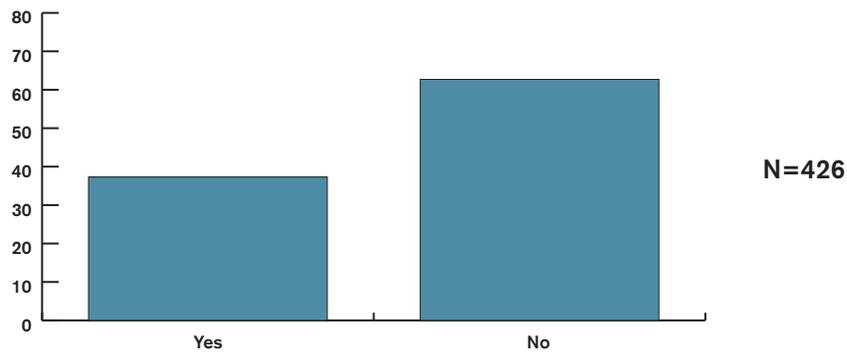


### Familiarity with streamside buffer regulations and proposed changes

8. Are you familiar with current streamside buffer rules for small and medium fish-bearing streams?

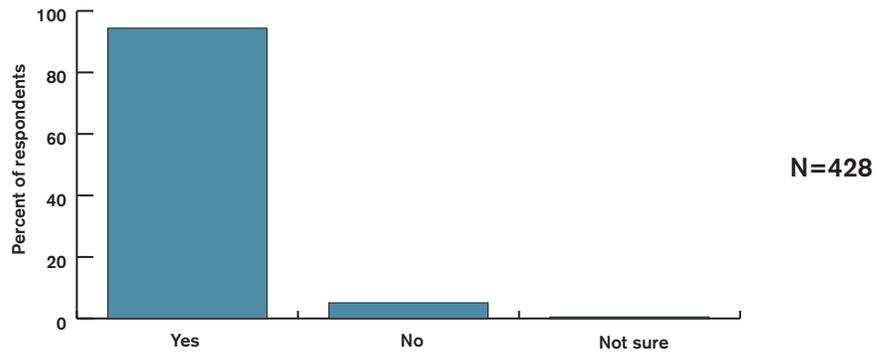


9. Are you aware of the proposed changes to increase streamside buffers on small and medium fish-bearing streams in western Oregon?

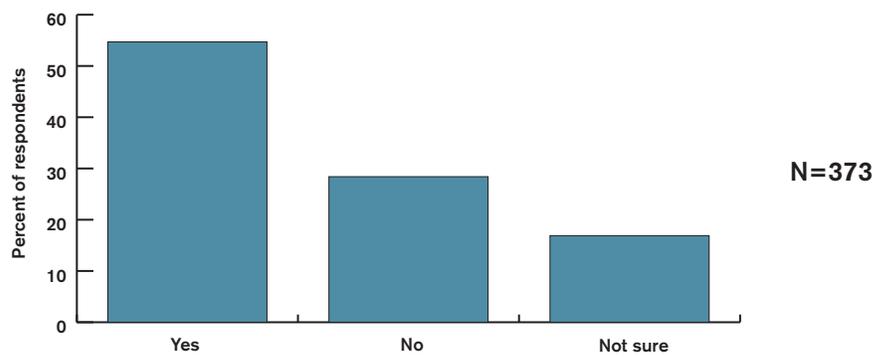


## Land use characteristics

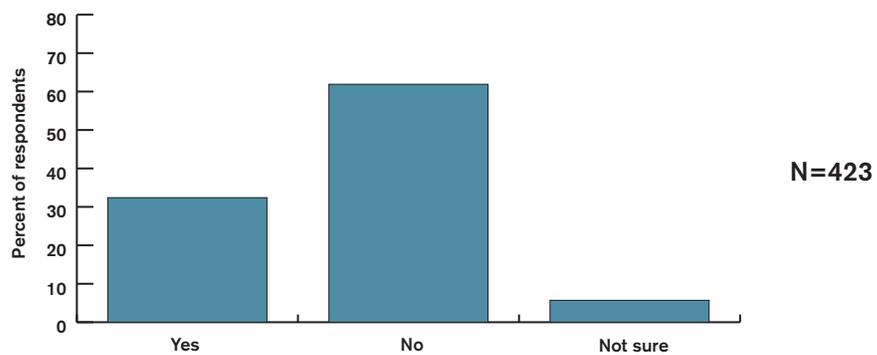
10. Does your property include a stream?



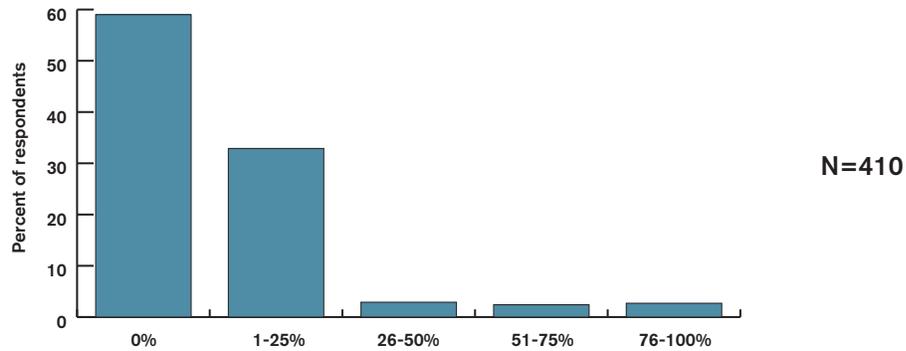
11. Does your stream support salmon, steelhead, or bull trout?



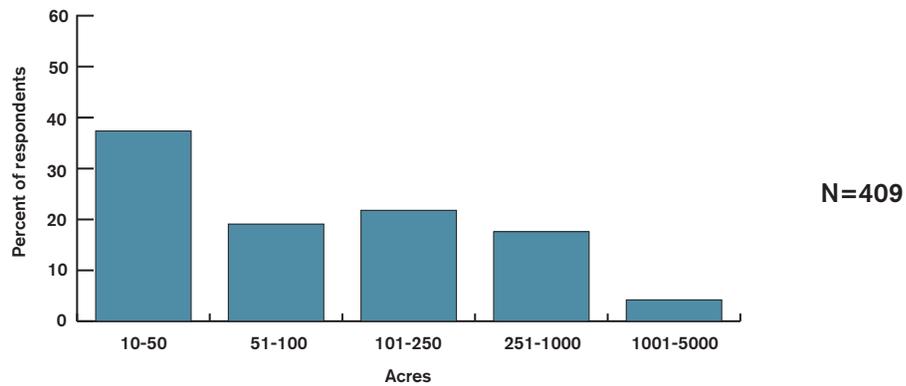
12. Do you have a forest management plan for your property?



13. What percent of your income is from forest management activities on this property?

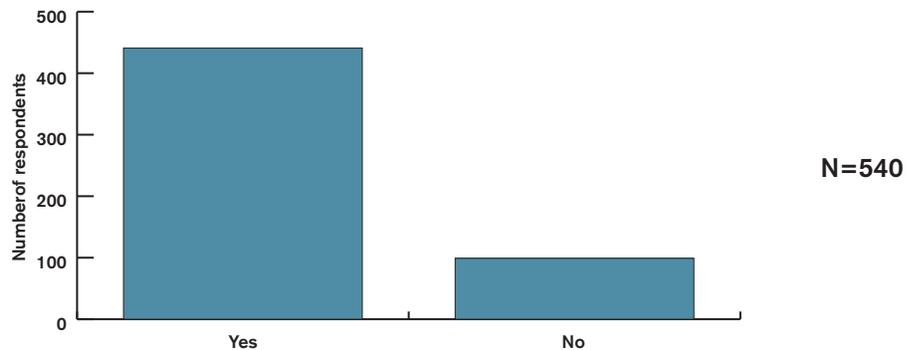


14. How many acres is this property? (The median acreage is 80 acres.)



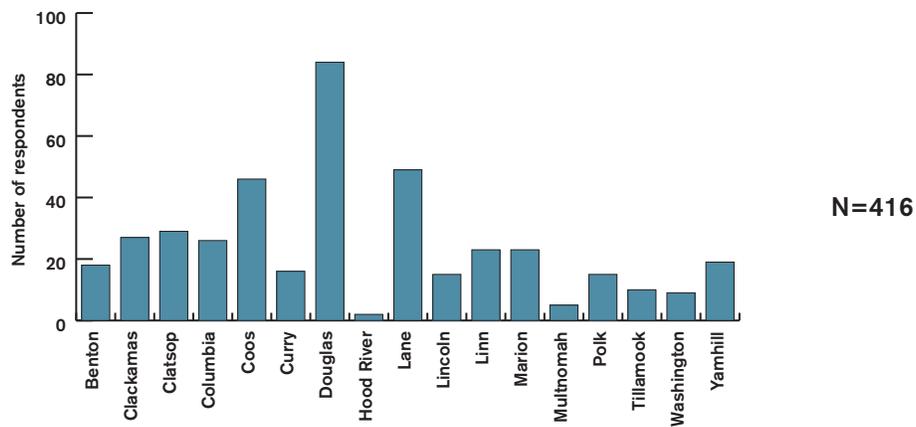
### Additional property and land use characteristics

15. Do you own at least 10 acres of forested property in the shaded area on this map?



- 81 percent of respondents agreed that they owned 10 or more acres of forested property in the study area (68 percent checked “yes” and 13 percent did not answer this question, but went on to fill out the remainder of the survey).
- 19 percent of respondents answered that they did not own 10 or more acres of forested property in the study area and did not fill out the remainder of the survey.

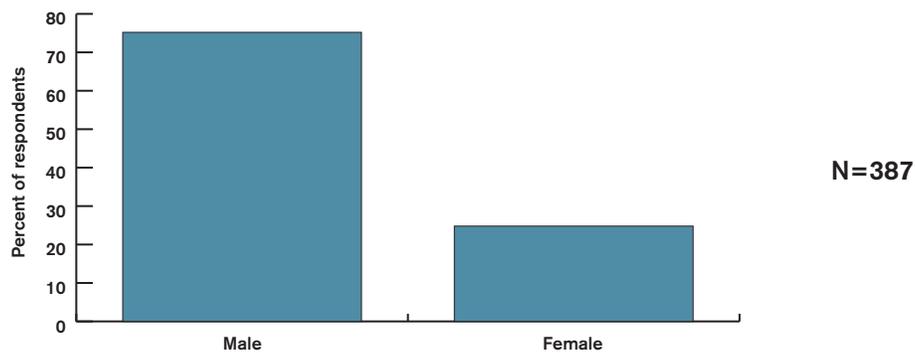
16. In which county is your forested property located?



- The largest number of respondents were from Douglas, Lane, and Coos counties. These counties included the largest number of forest landowners in the ODF database.

### Respondent socio-economic characteristics

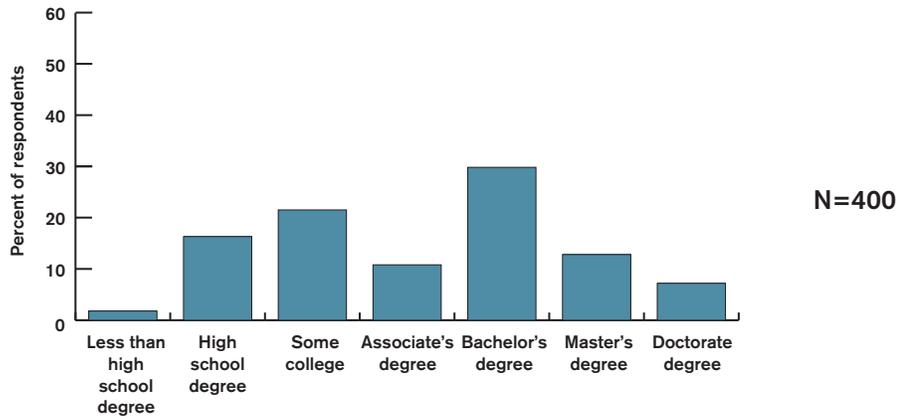
17. What is your sex?



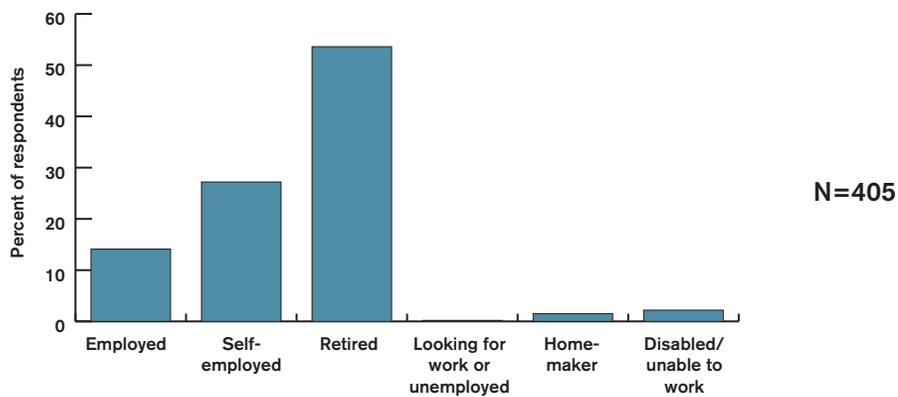
18. What is your age?

- The median age of respondents was 68 years old.
- The average age was 70.

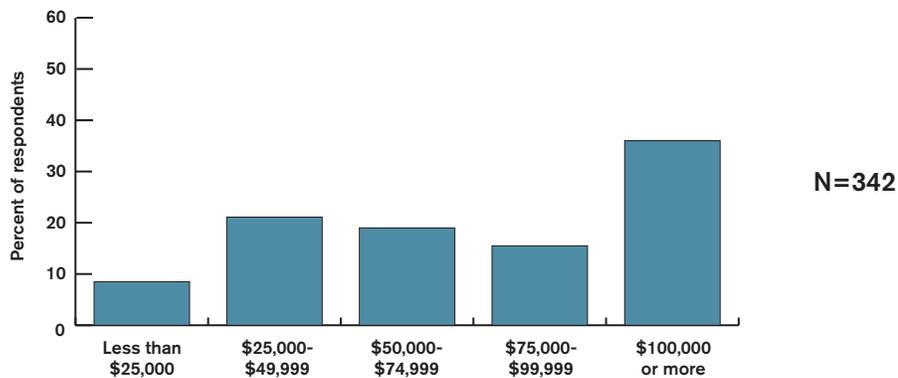
19. What is the highest level of school you have completed?



20. What category best describes your current situation?



21. Please estimate your total household income in 2015 before taxes.



## Appendix B: Methods

The Oregon Department of Forestry (ODF) contracted with the Ecosystem Workforce Program - Institute for a Sustainable Environment at the University of Oregon to conduct a survey of forest landowners that might be affected by the proposed changes in streamside buffers. The Landowner Perspectives on Forest Management and Streamside Buffers Survey was originally mailed in Spring 2016 to 1,200 randomly selected landowners within the study area who owned 10 to 5,000 acres and had a stream on their property or within 60-feet of their property. We used ODF's forest landowner database and the salmon, steelhead, and bull trout (SSBT) spatial layer they provided to us. Respondents had the choice of filling out the mailed survey or taking the survey online. Approximately 179 surveys were

returned due to bad addresses (e.g. landowners had moved and had no forwarding address, etc.) and other circumstances (e.g. deceased landowners). As a response to the high number of returned surveys, we sent surveys to an additional 179 landowners during Summer 2016. We had a total of 540 respondents. There were 28 bad addresses from the second mailing. Consequently, our survey response rate is 46 percent, after excluding non-deliverable responses. However, 19 percent of our respondents stated that they did not have 10 acres of forested property within the study area and did not fill out the remainder of the survey. This reduced our respondent numbers significantly and for some questions we only have 350-430 responses due to partial completion of the survey.





