

TED WHEELER
STATE TREASURER



PHONE 503-378-4329
FAX 503-373-7051

STATE OF OREGON
OREGON STATE TREASURY
159 STATE CAPITOL, 900 COURT ST NE
SALEM, OREGON 97301-4043

3/19/2013

House Committee on Energy and Environment
Representative Jules Bailey, Chair

RE: House Bill 3251

Chair Bailey, members of the committee, for the record my name is Michael Burdick, legislative coordinator for the State Treasurer.

Thank you for taking the time to hear House Bill 3251, which seeks to ban the use of motorized vehicles in streams and waterways within the Elliot State Forest.

At a meeting of the land board last year, reports of people driving recreational vehicles in and around rivers and streams in the forest came to the Treasurer's attention. Members of the public complained about seeing people engaged in this activity, and showed photos of what they had witnessed. As the Treasurer learned more about the issue, he found that the practice is detrimental to the forest, but is not prohibited by any statute or rule.

As you all probably know, the Elliot State Forest is an asset of the Common School Fund, and timber production from the forest provides ongoing revenue for K-12 schools in Oregon. The Land Board, of which the Treasurer is a member, is bound by Article VIII, Section 5 of the Oregon Constitution to "manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management." It is out of a desire to preserve the forest and obtain the greatest benefit from it that the Treasurer asks for your support for HB3251.

Income from the Elliot State Forest ultimately comes from the growth and sale of timber. Healthy rivers and streams play a critical role in the forest's productivity, because the wildlife in the rivers and streams distribute nutrients throughout the forest. Nutrient distribution in water systems usually follows the direction of water flow, but salmon, steelhead, or other fish species that migrate back into freshwater from the ocean as adults provide one of the few mechanisms that bring large quantities of nutrients, such as phosphorous and nitrogen, upstream.

Studies show that Nitrogen availability is a significant limiting factor for plant growth in most northern and temperate forests (Chabot and Mooney 1985, Kimmins 1997). A 2001 paper in the journal *Ecology* reported "Trees ... near spawning streams derive ~ 22-24% of their nitrogen from spawning salmon. As a consequence of this nutrient subsidy, growth rates are significant increased... near spawning streams... This fertilization process serves ... to enhance riparian production" (Helfield and Naiman, 2001).

According to a 2007 report by the United States Geological Survey, "the effects of off-highway-vehicle activities on water quality can include sedimentation, ... turbidity, ... and pollutants within affected watersheds. Sedimentation increases because compacted soils, disrupted soil crusts, and reduced vegetation ... can lead to increased ... runoff. Pollutants associated with ... OHV emissions and spills of petroleum products may be adsorbed to sediments, absorbed by plant material, or dissolved in runoff."

There is evidence that even a single stream crossing can have a negative impact on aquatic habitat: a 2005 study found the average annual sediment yield from one off-road-vehicle stream crossing would be 126.8 tons per hectare (Ayala et al. 2005).

Increased sedimentation and turbidity in waterways are known to have a profound effect on the health of salmon and other fish living there (Newcomb and MacDonald 1991, Cordone and Kelly, 1961).

Because of the adverse effects that driving in streams have on water quality and, in turn, the adverse effect on the productivity of the forest, the treasurer believes this practice is inconsistent with sound forest management, and therefore the activity should be prohibited. We would appreciate your aye vote on HB3521.

Thank you,

Michael Burdick
Legislative Coordinator
Oregon State Treasury

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