



Washington
FARM FORESTRY
A S S O C I A T I O N

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February 12, 2020

Washington Forest Practice Board
P.O. Box 47012
Olympia, WA 98504-7012

Re: Update on WFFA Template Proposal

Chairman Bernath and Members of the Board:

As a reminder this is the 5th anniversary (2015) of your accepting our proposal for review by the Adaptive Management Program, and your request for recommendations by 2016. During the last 5 years we've (all) patiently had numerous meetings that mostly focused on process issues but also:

- Researched/reviewed key template elements from prior attempts
- Agreed on science questions for outside contractor review – where all submitted or had options to submit follow-up questions/concerns for the contractor and for ISPR.
- Although some have concerns about the science review process and some of the caveats within the analysis, the bottom lines are:
 - The science review process was collaborative, transparent, & with input from many/most CMER representatives.
 - The science reviews by Cramer Fish and the ISPR process at U of W essentially confirmed the “relative effectiveness” assertions WFFA included in our original proposal.
 - The scientists concluded our site-specific/stream width based proposals were either more effective than rule (Np), or as effective as rule (Fish) when you give any benefit of statistical doubt to SFLOs (required by Legislative deference for our smaller, relatively lower impact harvests).
- We did have some very collaborative discussions on some of the minor prescriptions – the groundwork is laid for real progress when we ultimately know the acceptable RMZ widths.

However, in these past 5 years we have not had any meaningful collaboration, or even meaningful discussion on the any of the 4 primary stream width based prescriptions! ☹ Last October we were heading towards the unpopular Dispute Resolution process (5-6 months) when there was agreement to form a smaller group of experienced professionals to focus on 3 of our 4 primary RMZ width proposals with an eye towards getting to “YES” on each RMZ width by identifying site-specific conditions, if any, that might need to exist for each of these 3 RMZ width proposals. The Adaptive Management Program processes took 4 months to formalize this agreement in a Charter approved just last week. Hopefully they will start immediately to bring recommendations to TFW Policy no later than May (2020!!!).

I have full confidence in the competence of the folks who volunteered (or were volunteered) to give Policy some insight using their best professional judgement in hopes their recommendations get us to yes, with acceptable restrictions on 50', 75' Fish, and 25' Np buffers. If so, it will be relatively easy lifting (my opinion) to marry the State Caucus work on the minor prescriptions to further ensure smaller RMZs on SFLO harvest units and still enhance our collective efforts to meet desired future conditions (DFC). If your caucus is represented on this smaller workgroup please encourage them to work towards win-win recommendations that balance the actual needs of riparian zones & fish, with the legislative intent for deference to SFLOs for their smaller (and dispersed) harvests.

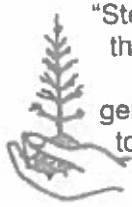
If this effort fails to help TFW Policy reach consensus on something to bring to you in August (2020!!) the Dispute Resolution process will be our only option to meet your 2016 deadline, albeit a few years later. If non-consensus recommendations do come to you that can't happen until November at the earliest within the Adaptive Management Program processes. If non-consensus, I believe you will be asked to decide the appropriate balance between science & legislative intent VS. regulatory inertia that seems to prevail, at least on this long standing issue.

We certainly understand this proposal is a huge uncomfortable paradigm shift for many but we believe our proposal does no harm and is justified by an objective look at the science conclusions regarding "relative effectiveness"; along with regulatory deferences that may be unclear to some but at a minimum mean something if only the benefit of reasonable doubt. We very much want to bring you a consensus recommendation that we can live with that also passes your smell test so family forest owners will no longer feel disrespected and unappreciated.

Respectfully,



Ken Miller



"Stewards of
the land...
for
generations
to come."

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Feb 12, 2020

Washington State Forest Practice Board
P.O. Box 47012
Olympia, WA 98504-7012

Re: WFFA Template Proposal

Chairman Bernath and Members of the Board:

Follow are some copies of input you've received on our WFFA Template Proposal since your last Board meeting - for your convenience and so Patricia can easily include in the record for today's meeting.

It's my hope that you appreciate this feedback from a wide variety of folks that have a common love of the forestland in their care. Today is the 5th anniversary of your accepting our westside proposal for review by the Adaptive Management program - and for some of these authors the 21st year of doing what they can to realize the promises of Forests and Fish in 1999 - but not feeling the reciprocal love.

It's also my hope you can feel emotions contained in these heartfelt messages such as: shared blessings & aspirations; generational struggles; time and financial sacrifice; and after so many years of regulatory inertia, growing feelings of betrayal; impatience; resignation; and even anger about how our community feels they have been disrespected by a process that doesn't seem to appreciate what we collectively provide in the way of public benefits.

Critters, birds, and fish will surely suffer if we don't find a way to change our paradigm so it's actually cool to be a family forestland owner.

Respectfully,



Ken Miller

Ken Miller

From: Ken Miller
Sent: Monday, November 18, 2019 11:51 AM
To: forest.practicesboard@dnr.wa.gov
Cc: Elaine Oneil; Steve Barnowe-Meyer
Subject: Follow-up on Buffer/Shade Effectiveness Study results and the WFFA Template Proposal
Attachments: Draft Template Simplified biotic option highlighted for FPB.docx

Chairman Bernath and members of the Board:

I wanted to give shout out to Board Members Davies and Nelson for noting the potential connection of these study results to our proposed template. The attached shows a highlighted & simplified version of one of our prescriptions intended to help capture some of the potential benefits to fish productivity shown in the Shade Effectiveness Study. I'm told the links between some level of sunlight and enhanced Fish Productivity is common knowledge in the science community based on numerous prior studies – hence our inclusion of a small but important prescription to help fish.

The attached does tend to oversimplify as the intent is really to replicate natural disturbances/gaps where overly dense 2nd growth stands depress overall fish productivity for long periods of time without intervention. Simple prescriptions and under what conditions these small openings/gaps are appropriate will hopefully be clarified in the Policy review process. In an even smaller way our single tree/group selection option could serve a similar benefit to fish. SFLOs do want to help fish, we just need help developing win-win simple methods – these small canopy gaps are doable by smalls and combined with some effectiveness monitoring can be long term positive for all.

Ken

Draft Template Simplified

First determine Bank Full Width and Stream Type (S/F or Np), then select the stream appropriate prescription A, B, C, or D below.

A. If “Fish” & BFW 15'+: flag line at 75' BFW and treat outside as “upland” and inside as “no-cut”.

More complex/aggressive options:

- Thin to 57 best TPA in the area between 50-75' of BFW - save biggest conifer every 28' of stream reach – no stream reach limit
- If hardwoods dominant and conifer site, can clear-cut all non-conifer to within 50' BFW (500' max segments or 40% limit if multiple segments).
- Subject to special DNR approval, may get ok to harvest few single tree/group selection anywhere within the 75' line.
- Redraw this 75' line to a variable width line that averages 75' (min/max? TBA)

B. If “Fish” & BFW 5' or more and less than 15': flag line at 50' BFW and treat outside as “upland” and inside as “no-cut”.

More complex/aggressive options:

- Thin to 100 best TPA in area between 25-50' BFW - save biggest conifer every 21' of stream reach
- If hardwoods dominant and conifer site, can clear-cut all non-conifer to within 25' BFW (500' max segments or 50% limit if multiple segments)
- If believe stream deficient in nutrients/too much shade and want to improve fish “productivity”, can thin (to best 57 TPA) to BFW in stream segments not to exceed 150', multiple segments separated by 150' forested areas, not more than 50% of stream reach if more than one segment.
- Subject to special DNR approval, may get ok to harvest few single tree/group selection anywhere within the 50' line.
- Redraw this 50' line to a variable width line that averages 50' (min/max? TBA)

C. If “Fish” & BFW less than 5': flag line at 25' BFW and treat outside as “upland” and inside as “no-cut”.

More complex/aggressive option:

- Subject to special DNR approval, may get ok to harvest few single tree/group selection anywhere within the 25' line.

D. If Non-Fish/Perennial Water (Np) for all BFWs: flag line at 25' BFW and treat outside as “upland” and inside as “no-cut”.

More complex/aggressive option:

- Remove larger trees (thin from above), **EXCEPT** cannot thin first 300' above TYPE F junction if BFW >5'.
- Clear-cut all timber to BFW along the intermittent dry portions of the Np channel and where there is no defined channel connecting to TYPE F

Ken Miller

From: patti playfair
Sent: Tuesday, November 26, 2019 7:58 PM
To: forest.practicesboard@dnr.wa.gov
Subject: An encouragement to FPB members re: Westside template proposal-WFFA
Attachments: Westside template letter to FPB nov 2019.docx

To the Forest Practices Board Members,

I realize you are all extremely busy folks and the next board meeting is a few months away, but I ask for your attention during this very busy season. My request fits perfectly into the season of giving thanks for all the natural bounty we are fortunate enough to enjoy and the blessings we enjoy of the love of family and friends.

With these thoughts in mind, I ask that you *please* take a few minutes to read my letter of endorsement of the Westside Template proposal for family forest landowners.

Thank you and I wish you the most joyful holiday season!

Patti Playfair
4th generation Family Forest Landowner
Rafters Seven Ranch

1st Past President of WFFA

11/26/2019

Dear Chairman Bernath and members of the Forest Practices Board,

I am writing to offer my support of the WFFA proposed Westside Template for Small Forestland Owners currently being reviewed by the Policy committee. I encourage you to support the meaningful, scientifically based progress that has been made on this effort since 2015 and, ultimately adopt this proposal.

For those of you not as familiar with me as Chairman Bernath is, I would like to share my story. My name is Patti Playfair. I am a 4th generation family forest landowner in eastern Washington and 1st Past President of WFFA.

My great grandparents homesteaded at the headwaters of Sherwood Creek, outside of Chewelah and set up a saw mill to supply lumber to the growing region of NE Washington. In the intervening 100+ years since then, my family has added to our family ownership and I brag just a little bit to say it is *PARADISE!* Shhh..I ask you, please don't share my secret because I want to keep it just as beautiful and vibrant into the future, as it is today! It is truly a haven for trees, critters and humans alike...a dynamic place called a forest.

But here's the irony of my plea today: I am the second generation of the Playfair family still fighting for the recognition, respect and promised support for all "small" forest landowners who have been caught up in the *Forests and Fish* agreement. After 4 generations of stewardship, I would argue that we are actually the good guys (and gals, because my Grandma Lexie worked as one of the sawyers on the end of a "misery whip" while my grandfather was on the other end.)

Like my father Bob before me, I am dedicated to teaching the public, including members of the FPB, about the enormous benefits that family owned forests provide to all of Washington. We provide a home for all wildlife, the protection of every community's watershed and the most renewable building material on the planet, simply for the love of the land, a legacy to our families, but also drawing the necessary income to maintain it.

Unfortunately, the attitude under which *Forests and Fish* was negotiated and implemented is an enormous missed opportunity to Washington State! Instead of promoting Washington as the "most environmentally strict" forest practice rules in the country, *we should instead* promote Washington as the **Best Environmental Stewards** in the entire nation because of the collaborative agreements built into the law, as well as understanding that science is a pathway, not a prescription. We should embrace the adaptive management system that is the foundation of F&F, not stop adaptations to the rules because of "process fouls."

Our system was built with science as the core tenet, so I encourage each of you to consider the scientific findings presented, as they clearly support that much of the WFFA's Westside template proposal is equal in overall effectiveness to the existing rules.

Last June, Chairman Bernath, Commissioner Franz and representatives from all stakeholder groups **recommitted to the collaborative spirit of F&F**. Without the support of the FPB, AMP,

Jim and Trish Murphy

--

Forest Practice Board Members,

I am writing you because I am a 'small forestland owner' who has been waiting since 1999 (21 years) to see the Forest Practices Board, and the Legislature live up to all of the promises of the Forest and Fish Legislation passed in 1999.

I was honored to be chosen by the then Commissioner of Public Lands to be a small landowner representative on the first Small Landowner Office Advisory Committee. In that role I was one of 4 small landowner representatives tasked with pioneering the guidelines for the Forest Riparian Easement Program, identifying and developing various alternative plan templates, and identifying and implementing low impact harvest prescriptions for small forestland owners.

So, as you well know, the Forest Riparian Easement Program (FREP) has never been fully funded. The waiting list of small forestland owners, numbers in the 100's. Owners must still wait YEARS before their Riparian Zones are even inventoried! This despite the FPB recently 'addressing' this issue. Sadly the Legislature doesn't have any idea how much to budget for the FREP without the inventory and appraisal data from the applicants.

I am sure you are also aware that the Alternate Plan Templates promised by our publicly elected Legislators in the Forest and Fish Agreement have fallen short of the goals envisioned by all. Currently smalls only have two templates out of at least 6 or 7 that the Advisory Committee identified way back in 1999. One of the two, the fixed width buffer, was championed by then Commissioner Peter Goldmark with help from the Washington Forest Products Association. It did not allow any increased harvest. The only other Template is the Overstocked Stand template, which is helpful in allowing some limited harvesting in the riparian zone to better stand health.

NO other templates have been approved. I believe this is reprehensible, given that there is no reason more templates should not be made available to address the opportunities that our pioneer Advisory Committee was able to identify way back in 1999. Various templates have been put forward over the past 21 years, yet the Agency has not moved any of them forward. Small landowners are different than

industrial forestland owners in many ways. Templates were ONE way the 1999 Legislature envisioned mitigating the unintended consequences, the Broad Brush Regulations the Forest and Fish Agreement, imposed on ALL forest owners.

I hope that you are also aware that another method to help mitigate the disproportionate economic effects of the Forest and Fish Agreement was the option to have more harvesting leeway on a "Low Impact Harvest". The 1999 Legislature envisioned various types of 'small forest owner' harvests that would have 'relatively low impact on the resources', and therefore less regulatory burden on the landowner. These Low Impact Harvest prescriptions are currently being discussed and it would behoove the Forest Practices Board to move this tool forward post haste. At the very least it would show that the Board is actually TRYING to help keep the small forestland owner and her forests on the landscape for the long term. The Legislature clearly intended to provide regulatory deference to small forest landowners. We ALL know that healthy, long term forests are the best option humanity has of addressing climate change by sequestering carbon in our atmosphere.

Please be a part of our future growing trees sustainably. We can help maintain our forests for the long term if we only have a little understanding and help from you. Let's do it now, there are plenty of reasons we should not wait.

Yours Truly,

Jim and Trish Murphy

Small Forestland Owners

Timber Services, Inc.
Harvest Green Working Forests

----- Forwarded message -----

From: Tom Westergreen <

Date: Tue, Jan 14, 2020 at 9:45 AM

Subject: Small forest Landowner Comments

To: Forest Practice Board <forest.practicesboard@dnr.wa.gov>

Dear Forest Practice Board Members,

Our family has managed forestland in Whatcom County since 1888. We deeply care about the land and forests, doing our best to maintain it as sustainable working forests. As a professional forester, I have witnessed many changes in the forest industry, from the first formal forest practice rules in 1974 to Timber, Fish and Wildlife Agreement and then the Forest and Fish Law, now over 20 years ago. So what has happen over the last 20 years? From my perspective, the Washington Forest Practice Board has overseen a diminishing forest industry with fewer markets for our logs, severe infrastructure loses, ownership changes and conversion of forest lands to other uses. Small forest owners, like our family, were greatly impacted by the Forest and Fish Law. When it was negotiated, promises were made to family forest owners in an effort to partially compensate for loses of potential revenue and provide encouragement to keep the land as forests. These promises have never been fully kept and little effort has been made by the Forests Practice Board to provide incentives that would encourage small forest owners to maintain their land as working forests.

Forest owners have improved fish habitat substantially, but fewer fish come back to use it. You fail to look a the big picture and the real fish return issues. Small landowner leaders, like Washington Farm Forestry Association, have brought forward numerous proposals to help smalls, only to be met by a broken Adaptive Management process that feels more like harassment of our values. Our small ownership's are scattered across the entire state. Site specific solutions for protecting public resources, while maintaining are viability and rights of ownership are critical to us. The latest effort by WFFA members to help smalls is the West-side Template Proposal, that offers smaller buffers on smaller streams where low impact harvests will be conducted. This tree farmer initiated, common sense proposal is backed by strong science and will provide incentive for landowners to maintain their forests. WFFA leadership brought this proposal before you in 2015 and continue to be stonewalled by the Adaptive Management process. Instead of promoting healthy working forest that maintain fish and wildlife habitat, absorb carbon and then store carbon in wood products, your inaction actually put our private forests at more risk for future generations. I ask you to become advocates for our working forests and support the WFFA West-side Template to help encourage more small landowners to maintain their family forests.

Thank you for you attention,

Tom Westergreen

Ken Miller

From: Ken Miller <ken.miller@dnr.wa.gov>
Sent: Tuesday, January 21, 2020 9:08 PM
To: PATRICIA.ANDERSON@dnr.wa.gov
Subject: WFFA proposal for regulatory relief - now 5 years in the Adaptive Management Program
Attachments: 21 Years Since F F Promised Regulatory Relief to Family Forest Owners.docx

Chairman Bernath and members of the Forest Practice Board:

Your February Board meeting will be the 5th Anniversary of your sending our peer reviewed, science based proposal to the Adaptive Management Program for review and recommendations.

There has been some process progress since the Nov 2019 Board meeting that will be reported by the Co-chairs on the 12th - that we appreciate. However, as of this date there has been no collaboration on any prescriptions since last October – hopefully we'll have something more positive to report on the 12th. I had hoped to conclude this process by your August 2020 meeting but that's no longer looking possible/likely. ☹

We are working with our Legislators to also keep them abreast of our progress on the Forests & Fish mitigation, including the regulatory commitments made to us in 1999. The attached includes some pictures representing tree growth over the 21 years since Forest and Fish commitments were made to SFLOs so folks can better relate to the time passed. The back page tries to summarize where we've been and where we are on required mitigations for disproportionate impacts – obviously the issues are far more complex than a single page.

I hope you will also notice how much tree's grow over this same period of time so you might better appreciate that whatever prescriptions we ultimately end up with for family forest owners the POTENTIAL low impacts are very temporary! We continue to believe our proposed prescriptions are win-win-win for all constituents and have repeatedly expressed willingness to look for compromises within the context of our science based proposals.

As we hopefully near the finish line we would very much like to meet with any Board member willing to meet with some of us to share more details/search for better pathways.

Ken Miller

21 Years Since Forests & Fish Promised SFLOs Regulatory Relief (What 21 years looks like in the life of a tree)



Year 1

Planted a seedling with my Grandson



Year 10

My adolescent Grandson & tree



Year 21

**The same tree - with Grandson
and now a Great Grandson**

**Do trees progress faster than our state
bureaucracies?**

**How many more generations will it take
State Agencies to comply with Legislation?**

Key Forests & Fish Legislation References:

Small Business Economic Impact Statement findings of Disproportionate Impacts on small family forest owners.

Mitigations included:

- Small Landowner Office in DNR to provide technical services – **grossly understaffed & no help with stream typing, nor steep slope delineation.**
- Forest Riparian Easement Program to compensate 50% of loss – **grossly underfunded & 7 year backlog.**
- Family Forest Fish Passage Program – **progress, but hundreds on waiting list.**
- Regulatory deference to small family forest owners – **despite much effort, essentially non-existent. Achieving this Legislative intent would significantly reduce Capital Budget needs for FREP and reduce risks of land use conversion.**

Subsequent Disproportionate Impacts:

- **Thousands** of hours of volunteer effort now required over 21 years to achieve/maintain the mitigation approved by the 1999 Legislature.
- Washington Farm Forestry Assoc. is primarily about education – now we must spend inordinate resources in Olympia because we conditionally supported Forests and Fish in 1999 – in effect: **No good deed goes unpunished!**

Recent Regulatory Relief Efforts:

In February 2015 the Forest Practice Board accepted for review by the Adaptive Management Program our **science based, peer reviewed** proposal for smaller buffers for our smaller, lower impact harvests that are consistent with:

- RCW 76.13.100 (2) partial: *“the legislature further finds that small forest landowners should have the option of . . . alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources.”*
- RCW 76.13.110 (3) partial: *“alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions.”*

Our simple proposals are stream & harvest size appropriate – some prescriptions actually provide more stream functionality - others are equivalent, and at worst case “relatively low impact” compared to industrial prescriptions. **Win-Win-Win!**

For the last 21 years, and particularly since 2015, we’ve worked collaboratively, so far largely unsuccessfully with these WA State Agencies on the Forest Practices Board:

- Department of Natural Resources
- Department of Fish & Wildlife
- Department of Ecology
- Department of Agriculture
- Department of Commerce

What more can we do?

Ken Miller

From: Thomas Atkins
Sent: Saturday, February 01, 2020 4:03 PM
To: forest.practicesboard@dnr.wa.gov; kenbonniemiller; Dick and Marie Atkins
Subject: Small Forest land stream buffers
Attachments: westside templates.odt

Attached are my feelings on the proposed west-side stream templates.

Tom Atkins Co Manager Atkins Tree Farm LLC

Dear Forest Practice Board Members,

Atkins Tree Farm LLC has managed 875 acres in Grays Harbor for over 30 years. Our objective is always to be good stewards of the land while managing a working sustainable forest. Over the last 30 years there has been increased regulation limiting our ability to efficiently manage our land. With our smaller acreage small forest land owners were disproportionately affected with substantial losses in our allowable timber harvests. Promises were made to compensate us, but programs such as FREP provide only partial compensation and are underfunded currently 8 years in arrears.

The major reason for all of these restrictions is to improve fish habitat. Millions of dollars have been spent on bigger culverts and bridges. Additional millions remain in the woods as stumpage in buffers up to 100 feet from questionable fish streams. Despite all this money spent by the state and land owners, few fish have returned to utilize these RMZs.

The Washington Farm Forestry Association has presented the West-Side Template Proposal which would allow smaller buffers on smaller streams. This means more trees could be harvested with little or no impact on fisheries. More trees harvested equals less FREP dollars to be paid out which should minimize the delay or if the buffers were realistic even the need for a FREP program. WFFA has provided strong science proving that smaller buffers will produce the same results as the current ones while allowing more trees to be harvested. Adapting them as the new standards will give SFLOs a fair shake and encourage them maintain their land as a productive working forests for generations to come. This has been stonewalled for 5 years with your adaptive management process. Its time to listen to the proven science, adapt the buffers that the facts support and do the right thing for SFLOs, the state and the fish.

Tom Atkins Co Manager Atkins Tree Farms LLC

Ken Miller

From: CJ Hillery <...@dnr.wa.gov>
Sent: Monday, February 03, 2020 8:11 PM
To: Ken Miller
Subject: Fw: Forest and Fish Law changes and small forest landowner issues promised but not delivered

----- Forwarded Message -----

From: CJ Hillery <...@dnr.wa.gov>
To: "forest.practicesboard@dnr.wa.gov" <forest.practicesboard@dnr.wa.gov>
Sent: Thursday, January 23, 2020, 02:36:30 PM PST
Subject: Forest and Fish Law changes and small forest landowner issues promised but not delivered

My name is Jim Hillery. I arrived in Pacific County in January of 1964 as a recent graduate of the U of W College of Forestry with a BS in Forest Management. My first job title, was as the forest practice forester in the Menlo Office which is still in use by the DNR with little changes except the public is banned from any interaction with those who work out of that office. At that time we were served, yes we served, not hindered those who needed assistance in all issues that we had governmental oversight on. Our area of operations included all of Pacific County.

Yes times were simpler then but I believe that the forest industry as a whole did an admirable job of protecting the resources. We were able to clean up and reforest the devastation caused by the Columbus Day wind storm in 1962. It took a number of years but logging and reforestation was successfully completed. Over the years there were many changes in forest management practices which were aimed at protecting the environment. After 13 years I left the DNR and joined private industry as a forester where I remained until retirement.

In the late 1970's my family bought 12 acres of recently logged land. We cleared and planted trees as a family project. We continue to enjoy taking our grandkids and great grandkids there to this day. A large portion of this blew down in the storms of 2007. It was one of the stops with the forest practices board and local legislators that were reviewing the storm damage and how to best direct recovery issues with local land owners. We logged the blowdown and replanted.

2009 we bought and adjoining 40 acres. Yes we wanted more forest land but the real motive was to prevent a proposed subdivision for 8 five acre tracts. Yes it has a small non salmon stream running through it. To log would require 150 foot set back on each side. We have no intentions of logging it that will be the next generation to make that decision. The timber is currently marketable and we have had many opportunities to sell.

As a longtime member of the WA Farm Forestry Association and my professional involvement we are well versed with the 20 plus years of inaction by the board and the state in the promises that were made with the passage of the new forest and fish laws. We strongly feel that the board is not willing to work with the folks who have proposed and presented the west-side template for small stream buffers. The stream on our property is a good example that fits many small land owners. The payment for the set aside acres in the RMZ payment by the DNR would be much smaller (but I will never live to see payment) but the count and state would receive additional funds.

Please do the right thing and honor your responsibilities.
Thank you the Hillery Family Tree Farm

February 7, 2020

Dear Forest Practices Board members,

I am a small forest landowner and am writing to encourage your positive consideration of a proposal before you from the Washington Farm Forestry Association for a template to help mitigate the disproportionate economic impacts on SFLO's from the 1999 Forest and Fish legislation.

While SFLO's grudgingly supported F and F, it was only because there were numerous future promises made by the legislation to small forest landowners. I was appointed by the governor as a landowner representative on the original Small Landowner Office Advisory Committee. We were tasked with creating numerous programs and strategies to help smalls from the F and F legislation admitted disproportionate economic impact.

The programs we helped create have been a disappointment. The Small Landowner Office has been, almost since its inception, grossly underfunded and therefore understaffed. The Forest Riparian Easement Program has also been grossly underfunded and now has a 7 year backlog of payments to small forest landowners. The Family Forest Fish Program has been funded somewhat better, but there are still hundreds of projects on the waiting list. Although numerous alternate plan templates were identified and envisioned by the original advisory committee, only two have ever been approved.

Considering the huge environmental and economic impact that small forest landowners have in our state, I am saddened by the seeming lack of respect and financial consideration we are given. I encourage the FPB to live up to the promises of Forest and Fish and provide the regulatory relief, while still protecting resources, that the proposed template would provide.

Sincerely,

Bob Brink

----- Forwarded Message -----

From

To: "forest practicesboard" <forest.practicesboard@dnr.wa.gov>

Sent: Sunday, February 9, 2020 6:02:13 PM

Subject: Testimony for February 12, 2020 Forest Practice Board Meeting

Washington State Forest Practice Board,

My letter attached blames "you" for the failures to honor commitments to family forest owners but I recognize it's not just a failure of the Forest Practice Board. The Legislature and State agencies are also responsible but I believe "you" need to be showing far more leadership over the last 21 years. I support the WFFA alternate prescription proposal before you.

Thomas R. Fox

Thomas R. Fox

Forest Practice Board Member,

2/9/2020

I have been a Small Forest Landowner in Washington State for over 45 years.

I have lived through the many changes of the Washington State Forest Practices rules, and I was very close to all the WFFA Small Forest Landowners that negotiated the Forest and Fish Agreement on behalf of All Small Forest Landowners of Washington State back in 1996-1999.

Do you All understand you are trampling on these Peoples Legacy's?

Do You All understand you are NOT living up to the agreement that you assured those Small Forest Landowners they would get? They took Major criticism from there constituency that they sold them out when agreeing to the Forest and Fish Agreement!

Yet they stood with You All to implement the Forest and Fish Agreement and now 21 years latter there all DEAD, and you are All totally and completely dropping the Ball and NOT living up to the Promises You All gave them.

I find it interesting that the Washington State Small Forest Landowners are following the Forest and Fish Agreement yet the other parties the State and Federal agencies are not honoring the promises and commitment's they made!

What happened to Forest Riparian Easement Program? O that's right only going to fund that Mitigation for the Taking of Small Forest Landowners trees that the Forest and Fish Agreement causes "If Funds Are Available". That was and remains to be one of the cheapest shots to SFLO, yet You All are OK with that? Really? Do You All not have any conscience or commitment to the deal that was made?

And then there the "Low Impact Harvest" restrictions that have Not been honored. The current FPB need's to seriously consider passing the alternative "Low Impact Harvest" WFFA proposal that is before you. The Scientifically Sound WFFA proposal is a step toward fulfilling the promises of over 21 years ago.

Please do the "Right Thing" and pass the WFFA proposal. You Owe it to Them!

Thomas R. Fox

To: Washington State Forest Practices Board

Feb. 10, 2020

From: Steve Pedersen, Family Forestland Owner, Lewis and Cowlitz counties

WFFA "Low Impact Harvest" proposal

As a practicing private lands forester since 1970 in the state, I supported the 1992 forest practices rules proposals and implementation, as they seemed to provide necessary and needed protection for riparian zones. When the 1999-2001 Fish and Forests Regulations (notice the honest labeling, placing "fish" before "forests") were enacted, I considered it pendulum-swing overkill. However, many promises were made to the small forest landowners (SFLO's) of the state at that time to reduce the *disproportionate impact* the rules placed on them. That was part of the reason the WFFA joined with industry to sign on with the TFW agreement.

Reality sucks, so they say. The SFLOs have had to fight, kick, scratch, and beg for the few scraps that they have been able to eke out from the Board and agencies. After I spent four years on the first DNR SFLO board, two years afterwards on an "ad hoc" Forest Practices committee, and several years fighting for a science-based Hardwood Conversion Plan (now called Conifer Restoration, I believe), I sadly admitted defeat, as "they" had worn me down and out. However, many others have continued "the good fight" since then, and I am convinced the total dollar value of the literally countless hours of *volunteer* time and effort to date easily would run into the *many* hundreds of thousands of dollars. Add to that staff time paid from SFLOs pockets, dues, and donations, and we are talking real dollars here, folks. But it has been no match against the taxpayer-funded agencies and the deep-pockets of the extreme environmentalists and their supporters.

After the Forest Riparian Easement Program (FREP) "bait and switch", the "alternative templates" farce, the SFLO office dismemberment (although after a huge time and cost effort by SFLOs, which should not have been necessary at all, was finally reinstated), I admit to little confidence that the Board will actually begin to honor those promises that we so naively believed two decades ago. So feeling a little bit like Peanuts and Lucy with her football, the WFFA is making another run for honesty, using science and common sense, and hoping for at least a smidgen of redemption from the regulatory hell of the last 20 years.

Does the FPB actually have the courage to do the right thing (finally), or is this going to be another "feed them some crumbs and maybe they will just go away again", or worse yet just stiff-arm the schmucks ?

Your decision, Forest Practices Board.

Steve Pedersen
Certified Forester (retired)

February 11, 2020

To: Forest Practices Board
From: Harold Brunstad
Subject: Small Forest Landowners – Looking Back

Dear Forest Practices Board Members:

I am of the second generation of immigrants who came to Grays Harbor around 1900. Logging, sawmilling, shipbuilding and commercial fishing is what brought them here. Brought up in the Southwest Olympic Peninsula (Quinault), I felt very privileged to have grown up in a community amongst the adult offspring of homesteaders and, in a few cases, the original settlers who beat the odds of life expectancy eighty years back. I thought everyone should own eighty acres of land.

After finishing college and an eight-year tour in the Navy, I started a small logging company in 1969. I became involved with forest practices in 1975 during the rules development process to implement the Forest Practices Act, largely driven by my sensitivity to the notion that was being propagated at the time that the timber industry was responsible for the destruction of the anadromous fish runs, habitat, water quality and many other critters and conditions associated with the forest environment. In 1977, I purchased my first tree farm, becoming a small forestland owner.

In 1980, I was appointed to the Forest Practices Board representing the independent and contract loggers of the forest industry. I remained on the Board until 1996, shortly thereafter joining, along with the Washington Farm Forestry Association, in the negotiations resulting in the Forest and Fish Agreement. I had a front row seat to observe the increasingly economic impacts and demanding skills and technology needed by a small landowner to lay out a timber harvest go from using a compass and measuring tape to potentially needing the services of one or more of those skilled in the natural sciences. This, along with the expanded Riparian Management Zones and fish passage standards required under Forest and Fish resulting in a disproportional economic impact on small forest landowners, is the reason for establishing the Small Landowner Office and implementing the Forest Riparian Easement Program.

Here we are forty-five years into consistently improved forest practices and habitat for fish, and the salmonid populations continue to decline. Most certainly other wildlife and components of the riparian ecosystems have benefited from the stewardship and economic sacrifices of landowners but when we started on this journey forty-five years ago, the primary subject of concern was anadromous fish, salmon becoming the icon. The only real evidence that will convince landowners that their contributions are worth it is to see salmonids using this habitat on their land or someplace nearby, but this is not occurring.

It is time to step back and look for ways to address these impacts to encourage continued ownership and good stewardship of forest lands. The provision for Adaptive Management was not a new concept under Forest and Fish. However, its significance as a management tool went up a bunch of notches as evidenced by the comprehensive provisions included for the first time in the 2001 rules to implement it. It was not put there to function as a “carrot on a stick”; there was a broad-based concern of the impacts of the Forest and Fish proposal on all landowners.

The “cookie cutter” nature of the Riparian Management Zones based on site class seem appropriate for site suitable modifications utilizing the provisions for Adaptive Management in the rules. The Washington Farm Forestry has done this and submitted a proposal for a Westside Template for RMZ's – five years ago. A group

of individuals committed a commendable amount of time and resources to develop this proposal. The delay in a response is puzzling. It causes one to wonder if the process is too complex or politicized. A side benefit of the WFFA proposal is that it may take some of the stress off the perpetually underfunded Riparian Easement program

I respectfully request the Forest Practices Board to generate movement on this proposal.

Thank you.

Harold Brunstad



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February 11, 2020

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Re: Water Typing

Dear Forest Practices Board Members:

Washington Forest Protection Association (WFPA) is a forestry trade association representing large and small forest landowners and managers of nearly four million acres of productive working forests, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. WFPA respectfully submits the following comments on the Water Typing committee's recommendations.

Water Typing System Rule Committee Recommendations

WFPA generally supports the committee's January 10, 2020 recommendations to the Forest Practices Board (FPB).

The Anadromous Fish Floor (AFF) workgroup is proposing a consensus recommendation and budget request for how to proceed with this work. The AFF workgroup also reached agreement on the contractor most qualified to do the work efficiently and cost-effectively. The FPB and DNR should defer to this consensus recommendation since cooperation and consensus on water typing issues have been difficult to reach since the initiation of dispute resolution several years ago. Therefore, we recommend the FPB and DNR accept the recommendation and fully support the continuation of this cooperative effort.

There are still details to work through in the statement of work (SOW). While the workgroup has made significant progress since its formation, it still spends too much time discussing topics which have already been agreed to in the charter and workplan. Specifically, there continues to be some resistance to inclusion of the WFPA/WFFA/WSAC's proposed AFF alternative in the analysis, and this limits cooperative progress. We request that the caucuses who have assigned staff to the workgroup provide leadership and direction to those staff, so that the workgroup can maintain its progress toward a collaborative, science-based solution.

Since very few AFF workgroup members have a detailed understanding of how a spatial analysis is set up and carried out, we recommend a workshop be held for the AFF workgroup and FPB

committee before beginning the alternatives analysis. This will increase understanding of how the spatial analysis tools are constructed, as well as their analysis and output capabilities. We are committed to working cooperatively with DNR and other caucuses to ensure the analysis is set up and completed in a technically rigorous and transparent manner to ensure a sound, implementable, and legally defensible rule.

At the last committee meeting on January 8 there was discussion, and apparent agreement, about DNR convening an eastern Washington (EWA) workgroup to take on the task of assessing the utility of existing water typing survey data for EWA. As we've stated previously, there is abundant EWA data available from multiple CMER studies. EWA Tribes may also have relevant fish distribution data. The committee's January 10 recommendation does not identify DNR, or any entity, as the convening party for this effort. We suggest DNR is the appropriate convener, and request that the FPB direct DNR to provide staff with the necessary resources for this important project.

Water Typing Performance Target

WFPA notes there has been no substantive progress on the committee's November 5, 2019 recommendation to revisit and reaffirm the policy performance target for the water typing system. We have made this request repeatedly over the last several months, and it was recognized by the committee members as one of the biggest impediments to progress on water typing. While there seems to be agreement on the need for such a conversation, there is a lack of leadership to get it started. In the meantime, multiple groups are attempting to do technical work on different components of the water typing system, all in somewhat of a policy vacuum, or at least with different policy objectives in mind, in order to meet the FPB's artificial deadlines for rulemaking. WFPA is concerned that continued technical work, without clearly defined policy performance targets, will ultimately not be successful.

According to FPB meeting minutes, the last time the FPB provided direction on this topic was in August 2015. This direction was helpful at the time and generally consistent with past FPB actions on water typing and foundational principles contained within the Forest Practices HCP, Incidental Take Permit (ITP) decision documents, the Forests & Fish Report (FFR) and the Timber, Fish & Wildlife (TFW) Agreement. However, much has changed since 2015 and there has been drift from these principles, with some caucuses advocating for precautionary approaches based on non-specific and unsubstantiated concerns about lack of protection of fish habitat. A precautionary approach is counter to prior FPB actions, the accuracy/equity principles foundational to the water typing system, and RCW 76.09.370(6), (7) and WAC 222-12-045 which requires rule changes to be based on the scientifically based adaptive management process. As a reminder, there has been no formal adaptive management work completed to date which suggests fish habitat is not being protected.

Nonetheless, WFPA has been faithfully participating in the water typing rule making process to develop a more stable, consistent water typing system. However, we submit that any water typing system, or components thereof, need to retain the foundational criteria of accuracy and balance, sharing the same performance target, and should not be inconsistent with prior FPB direction, the FP HCP, and the FFR. And, it must have a strong scientific basis. Continuing to try to move technical work forward absent re-affirmation of the water typing policy performance targets risks additional delays and inefficient use of limited resources.

• Page 3 Washington Forest Protection Association

Thank you for the opportunity to comment. I can be reached at dcramer@wfpa.org or (360) 280-5425 should you have any questions.

Sincerely,



Darin D. Cramer
Sr. Director of Forest & Environmental Policy