

May 12, 2021

Forest Practices Board  
1111 Washington St. SE  
PO Box 47012  
Olympia, WA 98504-7012

Members of the Board:

I apologize for not being able to attend your meeting today.

At your February meeting I raised a number of concerns. They all relate to the Small Landowners Long-term FPA (LTA) process. I used an active LTA permit (approved in 2018, #2706221) as an indicator species of LTAs.

I am again requesting that you, the Board, address these matters.

**I have received no response whatsoever regarding my request that you immediately revisit and alter the Long-term FPA process.**

I did receive an email from Joseph P. Shramek, Forest Practices Division Manager, informing me he had been directed by the Chair of the Board to respond to my comments.

However, he acknowledged only the portion of my comments that related to LTA #2706221, not those regarding the LTA process.

I am again requesting that you take action to:

- 1) Require public notice of all proposed modifications to an LTA via FPARS.
- 2) Allow a minimum 2-day comment period on 5 Day Notices, Amendments, and other alterations to LTAs.
- 3) Identify explicitly:
  - a) what constitutes "substantial" change to an LTA, and
  - b) an appeal process for such alterations to an LTA.
- 4) Make LTA 5 Day Notices and Amendments trigger notice within the FPARS system.

Currently they do not, so there is no way for a citizen to know what is happening other than to check the application online and see if its page count has changed. This holds true for the 15-year period this LTA is valid.

- 5) Allow LTA 5 Day Notices and Amendments to be appealed.  
If either is not compliant with the original LTA, there should be recourse for the public during the 15 years the LTA is valid.
- 6) Direct me to DNR staff who can address these (LTA process) problems in a timely way.

LTA #2706221, which I used as an example of the above issues, has been dealt with in a manner that only further exemplifies what is terribly wrong with the LTA permitting process.

**There is no appeal process for the LTA amendments and 5 Day Work Notices that violated the original LTA #2706221 because there is no appeal allowed.**

It would seem DNR staff recognized these "issues" with the LTA.  
In March (one month after my letter to the Board) the SE Regional Office counseled the applicant (City of Roslyn) to "withdraw" the LTA and apply for a new, standard FPA instead.

The LTA was withdrawn by the applicant on 5/14/21 (the day before a new FPA was approved, #2707076).

**There is no appeal process for the wrongful procedure used to terminate LTA #2706221.**

The LTA was not closed, although two DNR staffers<sup>1</sup> confirmed that every FPA, including LTAs, must be "closed" not "withdrawn" once its permitted forest activity has begun.

This is once forest activity begins the obligations within the permit must be met.

LTA #2706221 obligations not met include:

- road abandonment requirements
- restoration of landings with over-seeding
- treatment and dispersal of large woody debris
- grades returned to their natural form

In addition, all conditioning and any reference to the City of Roslyn's pertinent and applicable Land Management Plan<sup>2</sup> (required by the FPA) zoning, SEPA regulations, Critical Areas Ordinances are absent from the current FPA. (Please note that the lands covered by both the LTA and the FPA are entirely in a FEMA designated floodplain.)

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1 5/16/21 Zoom conference with Donelle Mahan (Assistant Division Manager Operations, Forest Practices Division) and Wyatt Leighton (Assistant [SE] Regional Manager for Wildfire and Forest Practices)

2 The City has a Land Stewardship Plan for the Roslyn Forest, which constitutes the lands within the LTA and the FPA.

The DNR staff has spent a significant amount of time on an issue I did not explicitly raise: the dysfunction and inconsistency of the FPARS system.

After the LTA had been withdrawn and the new FPA had been approved, I spoke with two DNR staffers via Zoom.<sup>3</sup> At the end of this conversation, Ms. Mahan informed me she would begin a statewide review of some of the issues we discussed, but that nothing would be complete before this meeting of the Board.

Some of the issues with FPARS identified:

- 1) differing practices (by Region) of what is posted to FPARS. For example Ms. Mahan and Mr. Leighton did not have the same understanding.
- 2) Lack of clarity as to "stakeholders" within the FPARS system. TFW agency and tribal representatives receive more and different FPARS information than the public, including ID Team reports and other technical information pertaining to an FPA or LTA. (This is in addition to sensitive information such as the location of cultural suites or endangered species.)
- 3) I am still working with another DNR staffer to clarify why an email address (mine) is rejected by DNR, without any notification. (I can received DNR emails.)

Please address the systematic flaws in the LTA program. It is too late to address what is happening on the ground from the "withdrawal" of LTA #2706221 and the current activities permitted by FPA #2707076.

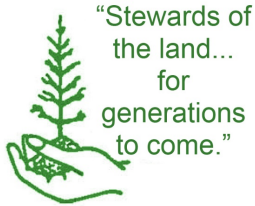
Working for a sustainable forest community and a sustainable forest economy,

Ellie Belew

[REDACTED]

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3 3/04/21 email from Wyatt Leighton (Assistant [SE] Regional Manager for Wildfire and Forest Practices)



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May 12, 2021  
Proposal

Re: Update on Status of SFLO Low Impact Template

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

Chairman Bernath and members of the Forest Practices Board:

My name is Ken Miller, co-representing SFLOs and Washington Farm Forestry Association along with Steve Barnowe-Meyer on the TFW Policy Committee. I'd like to give you a very brief update on our proposed low impact template. As a reminder you accepted our science and RCW supported proposal in Feb 2015 for review by the AMP and reporting back with recommendations in the fall of 2015.

We have just completed a mediated Stage 2 Dispute Resolution process on the core RMZ widths only with some good discussions but little/no progress towards consensus. Our hope was to get the RMZ width options settled where upon we believe the rest of smaller optional prescriptions would fall into place fairly easily based on other collaborative work around thinning and conifer restoration idea's to help better achieve Desired Future Condition.

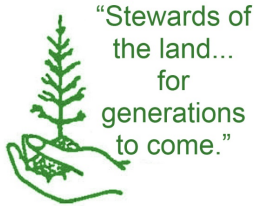
Unfortunately we've been so pre-occupied with process over the last 6+ years we still haven't been able to have meaningful collaboration on the two underpinnings of our proposal: RCW/WAC deference intended to mitigate 1999 findings of Disproportionate Impact of F&F on SFLOs; and although our science has gone through several outside reviews we are still awaiting yet another review from CMER regarding their take on the standard 6 questions requested by Policy last July. We continue to hope this CMER report will be forth coming but they are also struggling and now trying to work through their own Dispute Resolution process.

We can't expect Policy to provide recommendations (even if "Majority/Minority") until the science and RCW/WAC intents are reviewed in a last effort to find consensus within Policy. I've been wrong by a year or more on all prior guesses about when you should expect to hear from Policy – at this point in time everything depends on when CMER will complete their process – could be weeks, months, or over a year?? My gut tells me that Policy will not be able to bring your requested recommendations until your November 2021 meeting - at the earliest.

Thanks for your patience – I'd be happy to answer any questions.

Respectfully,

Ken Miller  
Washington Farm Forestry Association



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May 12, 2021

Re: Eastside Modeling Evaluation Project

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

Chairman Bernath and members of the Forest Practices Board:

My name is Ken Miller, co-representing SFLOs and Washington Farm Forestry Association along with Steve Barnowe-Meyer on the TFW Policy Committee. I'll be the first to admit I don't understand this project fully but wish to speak on behalf of eastside SFLOs.

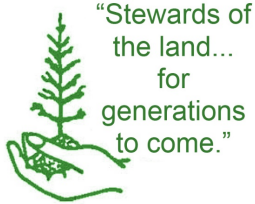
SFLOs would ultimately like to be part of the solution to eastside forest health issues particularly around how to best manage our entire Riparian "Management" Zone. I continue to hear from our eastside members their belief that to be good stewards of the land and stream resources they must have a simple option to deal with two critical eastside forest health issues: overstocked stands, and excesses of fire-prone species. Disease and fire don't pay any attention to arbitrary lines in the forest between upland and riparian. Managing one part of the forest, but not the other in effect creates fire wicks that ultimately destroy what we all value the most: RMZ protection and functionality with enhanced fire resistance.

SFLOs aren't suggesting we have all the answers to best protect/enhance our eastside RMZs but we do know that "no touch" is not the answer! The state has just passed significant legislation to better protect/manage our eastside forests. This project tested a variety of scenarios to begin the process to help find the optimum balance between real protection and long term RMZ functionality.

SFLOs are eager to learn and implement the best ways to protect the forests and streams in our care.

Sincerely,

Ken Miller  
Washington Farm Forestry Association



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May 12, 2021

Re: State Auditor Performance Audit Report Work Plan

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

Chairman Bernath and members of the Forest Practices Board:

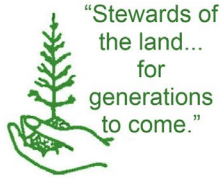
My name is Ken Miller, co-representing SFLOs and Washington Farm Forestry Association along with Steve Barnowe-Meyer on the TFW Policy Committee. It sounds like the Work Plan is reasonably thought out. I do offer the following general comments regarding the Adaptive Management Program and the State Auditor Performance Audit Report:

- Few SFLOs understand/appreciate AMP – but the WFFA Leadership does respect the potential benefits of a well-functioning AMP. Despite being exasperatingly slow it seems better than any other options on tough issues – and powerful when we all agree. I don't know that the process needs to change in any significant way but I do believe we've lost our way regarding equity and balance between the 4 legs of Forests and Fish – it's become like a very polite version of the Hatfield's and McCoy's but without the shooting.
- Folks only seem to support the science that agrees with their preconceived notions – science processes seem to have become mixed with Policy/forest politics.
- We do appreciate the changes that gave us a full seat at the AMP table (albeit we are still shorted on the participation grant funding). However, until the 1999 RCW regulatory deference requirements for “relatively low impact” prescriptions for SFLOs are fulfilled/realized we will continue to feel like second class citizens in an important process that we continue to support.
- Changes should only occur when substantial science supports the change, or significant functional problems/opportunities are found in the field. We are working around the fringes of science where answers aren't clear but many seem quick to make judgements on initial science results without due diligence and consideration of all 4 legs of Forests and Fish.
- We often deal with tough issues – somehow we need to gear up for and utilize the Dispute Resolution process more frequently/more effectively/more efficiently to bring issues to a head rather than waste time on avoidance do-loops that tend to simply extend decision making. Our template proposal just completed a 4-5 month D. R. process – but it took 12 months!

Conceptually it's a great process; functionally we all need to do better at understanding other points of view/needs; we need outside help like CPeace; and more frequent process audits from the State Auditor.

Respectfully,

Ken Miller  
Washington Farm Forestry Association



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## **Testimony by Elaine Oneil to the Washington State Forest Practices Board on May 12, 2021 for General Public Comment**

Chairman Bernath and members of the Forest Practices Board, I am Elaine Oneil, Executive Director of the Washington Farm Forestry Association. Today I want to share my thoughts on a number of related items that collectively fit nowhere, but yet everywhere within this system that we have created. I had the opportunity to sit in as a support person for the TFW Policy dispute resolution process for our westside riparian template. I want to share some of my observations. First off, personalities and positions aside, I believe that the CPEACE training showed dividends during the negotiation process. It was a pity that more of the rank and file in that negotiating room were not able to avail themselves of that training before we commenced. Perhaps future disputes – which are most certainly on the horizon – will have better outcomes after these sessions are complete.

That said – they won't have better outcomes if there is not agreement at the Principles level that there are four goals in forests and fish and that they have equal weight. I was reminded by one of my colleagues who was there at the time when Billy Franks Jr and Stu Bledsoe made their agreement to figure things out so long ago. The take home message they received at that time was – "this is hard, but you will have to find a way to find common ground". And no one got everything they wanted. That doesn't seem to be the mindset at the table today – it is much more of a fractured party line approach. So those of you that are principals, or work closely with your principals, I would urge you to take seriously this need to empower the people sitting at the table to make a deal – otherwise this whole system is likely to grind to a complete halt.

I also want to put a footnote on a topic you heard in February and will hear a bit more about today. The UW report on SFLO trends and status. It is true, the overall opinion of the 218,000 SFLO is that these rules don't affect them much. And why should they – most don't harvest and these rules don't affect you at all if you don't harvest. But for those that do harvest, the patterns of discontent are there and they are real. I'll remind you again that we submitted 12 letters in November 2020 and another 12 letters in February 2021 regarding the impacts of the rules on SFLO that represent those who do harvest and who are true stewards of the land – many state, regional, and national tree farmers of the year. UW did a great job consistent with the charge of SB5330 in a limited time window, but they recognize that more could be done to parse the data to get at the nuances of impacts for those most affected by the rules – which also happen to be those that own nearly 1/2 the forest land under SFLO control. Which is exactly what will be done in the future as the database gets used for questions we can't even envision today.

Which leads me to my final topic of the day - the science and the scientific process – something I know about as a PhD scientist. Science needs data, and even with the relatively large budget we have, there is never enough data. So, the use of outside data should be encouraged and supported, not rejected as somehow unsuitable because it did not go through a CMER process during its development. That is happening with our template and it appears to be happening with other proposal initiations as well. We will never have enough money to collect all the needed data ourselves, so we must avail ourselves of other sources. And when data is available, and doesn't yet have an identified use, it should not be destroyed. That is what is currently being entertained,

or implemented, with the deletion of all FPARS data that is older than 2010 according to current discussions in CMER. I am assuming government record retention limits allow for this destruction, but I can guarantee that even if we don't know what we need it for today, when it comes to retrospective studies that look at temporal trends, we will want that data at some point in the future. And even if we don't know how to use it today, we will find a way to use it tomorrow, as data analysis systems change as fast as the technology develops. I know, because what I did for my PhD in 2006 was impossible in just the prior decade due to computing limits, and what I did in 2006 is light years behind what can be done today due to monumental changes in computing power. So from my perspective as a scientist, to destroy that data is simply unacceptable. If DNR doesn't want to archive it, then it should be stored in a publicly available archived form, including all the database, all related tables, and spatial information at some other state institution until such time that it is wanted for scientific purposes we haven't even begun to imagine yet – but we will. Thank you.





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**Testimony by Elaine Oneil to the Washington State Forest Practices Board on  
May 12, 2021 on CMER Master Project Schedule**

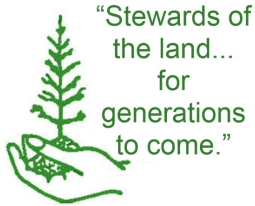
Chairman Bernath and members of the Forest Practices Board, I am Elaine Oneil, Executive Director of the Washington Farm Forestry Association. I am speaking today on the CMER Master Project Schedule and Budget Revision.

Last year at this time we were envisioning cutting \$1.9M from the budget due to expected COVID related economic fallout. That fallout did not happen, and we have a better economic forecast this year than we have had for many years. Also recall that during that budget cutting exercise we learned, and I reported to you as a board in public comment on this very topic, that and I quote from last year's testimony.

*the Conservation Caucus base grant is nearly 3x that of the small forest landowners, the counties, and the large landowners. As I stated to the policy group – I did not realize that there was an Orwellian Animal Farm scenario playing out right in front of us. While it would have been opportune for us to hold up the consensus until this inequity was addressed, we felt it was more important to handle the immediate funding crisis than fight for equity at this time. That means this gross inequity will remain for the remainder of this biennium. For the next biennium we will be asking for parity between all parties for the base grant as a condition of consensus.*

That funding equity did not occur within the base adaptive management budget as submitted by DNR, or even in additional budget provisos advanced by DNR once it became clear that the state budget situation had improved dramatically. Instead, late in session when it was clear that DNR would not advance a budget proviso to fix this inequity along with the many other provisos it did advance, the Washington State Association of Counties and WFFA worked very hard, and spent a lot of political capital, to get legislative support for a one-time budget proviso that will allow us to participate with full funding at the TFW Policy and CMER committees. We were successful in obtaining that funding – in other words we got lucky because this was a banner budget year, so for this biennium we have funding equity though not funding parity. While this year our vote on this budget was sideways, in future years it will be down if this equity issue is not addressed. While it's certainly not desirable, if we have to, we will take the concern we have about equity to the legislature in future years. That is clearly against TFW ground rules, but if the underlying principles of TFW which are based on equity and fairness and owning each other's issues are absent in the process as was apparent this year, then what choice do we have?

Now, on to the MPS projects themselves. Now, as a scientist I know that science costs money. A lot of money. Which is why I believe it is important to review the how science is conducted in CMER, to make sure it aligns with performance targets and address all four goals of forests and fish, to make sure we are asking the right questions, and that we have the right people at the table to ask those questions, not defacto policy makers. Right now what we produce are limited scope field studies with only a few sites per study coupled with some fancy statistics to give high uncertainty estimates of potential broader landscape impact. And it's potential because we have 20 years of experiments with no examination of effectiveness, temporal extent, and scalable landscape impacts. In effect this provides us a conglomeration of interesting, one-off "down in the weeds" studies that have no overarching framework that helps address the landscape scale questions that matter. At a minimum a review of the way CMER develops the science agenda would need to examine how projects are developed, how responsive they are to all four goals of forests and fish, how they incorporate outside science, and how to negotiate better deals with research institutions conducting the work. There are plenty of models out there in the scientific community that could help with the process. Some strategic planning around this idea would be helpful. I would lend support in developing such a strategy for moving forward and request that the board at least have a conversation about the need and potential for such a strategy in the months ahead.



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May 12, 2021

Re: State Auditor Performance Audit Report Work Plan

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

Chairman Bernath and members of the Forest Practices Board:

My name is Steve Barnowe-Meyer and, along with Ken Miller, I have represented small forest landowners and the Washington Farm Forestry Association (WFFA) on the TFW Policy Committee for over four-and-one-half years.

Thank you for this opportunity to provide input to you today about the staff suggestions, at the direction of the Forest Practices Board, for relative priorities and timelines to address the eleven (11) recommendations provided to the Board by the State Auditor's Office Performance Audit completed in January 2021.

The staff should be commended for their assessment of the SAO recommendations, the relative priorities staff assigned to those recommendations, the likely challenges that will be encountered, estimates of resources required, and projected timelines. More details and input from other AMP participants (beyond staff) will be critically important to making this proposed workplan operable but WFFA is generally supportive of the workplan and timelines prepared by staff.

The Adaptive Management Program is the essential and most effective means for the State of Washington to meet its four stated goals and objectives for water quality and fish habitat within the jurisdiction of the Forest Practices Program. And WFFA is committed to ensuring successful continuation of an effective AMP, through continuous improvement, accountability and transparency. That will only happen if all AMP caucuses and participants genuinely commit to the sustained time, focus and effort to prioritize work on the recommendations, securing appropriate Master Project Schedule funding from the Forest Practices Board and legislature, addressing each and every focus area and action item, and transforming our current conflict resolution processes.

Thank you once again for this opportunity to provide input to you today on the SAO Performance Audit Workplan.

Steve Barnowe-Meyer

Washington Farm Forestry Association



WASHINGTON FOREST PROTECTION ASSOCIATION  
724 Columbia St NW, Suite 250  
Olympia, WA 98501  
360-352-1500 Fax: 360-352-4621

May 11, 2021

Washington Forest Practices Board  
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**Re: Performance Audit Workplan, 2021-23 Master Project Schedule, CWA Assurances Milestone Update, Type Np Rulemaking Update, Water Typing Committee Update**

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](http://www.wfpa.org). WFPA respectfully submits the following comments for the Forest Practices Board's May 2021 meeting.

**Performance Audit Workplan**

Notwithstanding our February 8, 2021 letter and comments to the Forest Practices Board (FPB) regarding the performance audit recommendations, we are cautiously supportive of the proposed audit workplan and look forward to working with other Adaptive Management Program (AMP) participants to flesh out the details associated with each focus area and action item.

One note of caution, and worth FPB discussion, is the workload associated with these action items (and CPeace commitments) on top of an already very busy AMP, due in large part to current and proposed FPB rule making processes. Many of the audit report recommendations, and certainly putting the skills/tools imparted during CPeace into practice, can help us make improvements. However, doing so will take dedicated time and attention, they are not one and done propositions. Many of the audit report recommendations are not new and have been given attention in the past. Unfortunately, few were successful due to a lack of sustained focus and effort. If AMP participants are genuinely committed to taking on the recommendations and seeing them through, trade off decisions about work priorities will be necessary. We cannot complain about how the AMP works, or does not work, and be unwilling to put in the time and effort necessary to make improvements.

**2021-23 Master Project Schedule**

The landowner caucus voted sideways on the 2021-23 Master Project Schedule (MPS). We did this for two reasons: 1) we continue to be dissatisfied with the narrow scope of scientific investigation in

the AMP; and 2) Eastern Washington Tribes have concerns about some of the projects in the MPS and have asked for a policy discussion to try and resolve those concerns. We are supportive of this request.

The current collection of riparian related projects in the MPS are heavily focused towards prescription scale effectiveness research, due in large part to Clean Water Act (CWA) assurances milestones. There appears to be little interest in expanding the scope of science work to realign with the original framework commitment of research and monitoring at multiple scales (prescription, watershed, and landscape). This approach was deemed necessary more than 20 years ago to answer key question two and three in Schedule L-1, which was adopted by the FPB in 2001. Additionally, there has been no effort to test less costly alternative prescriptions, also referenced in Schedule L-1 (see February 8, 2021 WFPA letter to the FPB). At the same time, the FPB is pursuing rule changes, arguably in the absence of thorough scientific investigation. The landowner caucus will be looking for the AMP to take the above concerns seriously and begin appropriate policy discussions to resolve them or we too will be unable to support future budgets.

### **Clean Water Act Assurance Milestone Update**

We appreciate Ecology providing a Clean Water Act (CWA) Assurances milestone update to the FPB. Much has happened since the May 2019 update and December 2019 letter from former Director Maia Bellon, including: a worldwide COVID 19 pandemic; in the U.S. alone, millions sickened, nearly 600,000 deaths, millions unemployed, and a near shut down of government and many parts of the private sector economy for weeks. Government function went online within a few weeks of the pandemic outbreak but remains severely affected by an inability to do business in person. This has dramatically decreased transparency, communication/coordination, and effective collaboration. Despite these unprecedented events, the regulatory agencies have and continue to take a business-as-usual approach to their policy agendas, which is truly remarkable.

The milestone update continues the long-standing pattern of an overall negative tone and a focus on what has not been done with little to no mention of what has been done. There is also no acknowledgement that Ecology, as an AMP participant and FPB member, has been party to every decision which has contributed to where we are today. As explained in previous testimony provided by WFPA, approximately 80% of the milestones are complete or underway. This is a reasonable rate of progress given some of the challenges the AMP and Forest Practices Program have faced over the years. The milestone focus on prescription scale projects is contributing to inhibiting necessary scientific investigation at broader scales and testing of less costly alternative prescriptions.

The primary problem identified by Ecology, "...whether the rules are achieving water quality..." is vague and lends to subjective interpretations of success. The water quality standards are complicated, contain multiple components, and require rigorous, repeated measures across space and time to make reliable determinations of compliance. This is particularly true for a forestry non-point protection plan implemented across millions of acres. The AMP has not done much work on the scope and scale necessary to reliably determine compliance with all components of the water quality standards. Yet Ecology and other caucuses claim the verdict is in and rule changes for Np streams are necessary to maintain assurances. This is an odd combination of positions to take, claim not enough information exists to determine if "rules are achieving water quality" while impeding broader/deeper scientific investigation, and threatening withdrawal of assurances if rules are not changed. The lack of focus on

key biological conditions and processes important to listed anadromous fish is particularly troublesome.

We recommend Ecology to take a hard look at the depth/breadth of scientific evidence in hand, if a discretionary letter from a former director can override AMP commitments as well as the Forest Practices Act and Rules, and all the possible and likely consequences of assurances being withdrawn. Finally, we encourage Ecology to put some thought towards revising assurance milestones to better acknowledge the AMP process and timelines, align the science with the original vision for AMP research and monitoring, and meaningfully contribute to meeting all the F&F goals. WFPA would be happy to discuss any of these topics with Ecology and other AMP participants.

### **Type Np Rulemaking Update**

Type Np rule making has not been initiated; therefore, it is odd to be doing a rule making update at this FPB meeting. Also, per WAC 222-12-045(2)(d)(vi), TFW Policy is not constrained to only considering a rule making recommendation. TFW Policy will likely receive the Np workgroup report in June, the hard rock phase II report sometime later this summer, and soft rock phase I report this fall or winter. According to the AMP process, all these final reports have an associated decision-making timeline of 180 days absent formal dispute resolution. If dispute resolution is needed a minimum of five to six months is added to the 180 days. While TFW Policy will work diligently to complete its process and forward a recommendation(s) to the FPB as soon as possible, issuing a CR-102 by the end of 2021 is not possible. Therefore, Ecology will need to make a determination on the CWA Assurances extension regardless.

The FPB would do well to recognize how challenging this process is likely to be. Caucuses have been positioning on this topic for quite some time, there's very little policy level agreement and divergent views on the strength of technical evidence. Technical information and proposals the landowners caucus deems important to the process are rejected, and there appears to be an attitude of the outcome being a forgone conclusion. Consequently, getting to consensus on a revision to western Washington Np rules will be no small task. The landowner caucus believes this topic has significant policy implications for the State of Washington and private forestland owners, TFW/F&F leadership needs to recognize and take ownership of these implications, while providing clear policy direction and sideboards to TFW Policy representatives. WFPA requests a leadership level discussion to set the stage for the deliberation in TFW Policy.

### **Water Typing Committee Update**

Due to problems encountered with their first effort, FPB staff are currently preparing for a second analysis of potential habitat break (PHB) and anadromous fish floor (AFF) alternatives to support the Cost/Benefit Analysis (CBA) and Small Business Economic Impact Statement (SBEIS) required by the Administrative Procedures Act (APA). We would like to avoid another failure of this important work by attempting to resolve issues we have identified prior to beginning the second analysis.

We continue to question DNR's selection of "screened" data to support the Eastern Washington PHB assessment. Due to inconsistency with the fish habitat assessment method (FHAM) and research findings on seasonal/annual variability of upper most fish, use of screened data as proposed will not produce an objective and reliable cost/benefit estimate for potential implementation of PHB alternatives being evaluated. We have similar concerns about the Western Washington PHB

assessment and use of data. Performance expectations for the water typing system still lack consensus, our January 26, 2021 memo to the FPB intended to provide a catalyst for discussion to help clarify performance expectations has been ignored. More broadly, our comments and recommendations submitted in response to DNR's first PHB analysis, CBA, and associated SBIES have not been addressed. Meetings promised more than two years ago to resolve many substantive issues have yet to occur. We suggest that to avoid another failure of this important and costly work, the FPB should direct FPB staff to initiate a process to help resolve these issues and develop stakeholder support for a revised methodology prior to re-initiating the PHB spatial analysis and follow-on CBA/SBEIS.

The Anadromous Fish Floor (AFF) workgroup continues to work with the contractor to evaluate westside AFF alternatives. Various FPB members have stated their opinions on performance expectations for the AFF, but the FPB has not taken formal action to clarify the expectations. We ask that the FPB promptly clarify performance expectations for the AFF to avoid delays in the analysis and recommendations from the AFF workgroup.

We have repeatedly objected to the timelines, costs, and sequencing of proposed CMER studies supporting Type F rulemaking. As currently proposed, supporting science for just a portion of the FPB-identified technical work will not be completed for nearly 10 years. Any assessment of the fish model as a rule alternative would not even begin until after the proposed work at CMER is completed. There are currently no plans to develop science to support the evaluation of an AFF in rule. No funds are currently allocated for any of this work, which is estimated to cost nearly \$4 million for the first phase alone. We find the costs, sequencing, and timelines for this work unacceptable given the push for near-term rule change. The FPB has received multiple updates on proposed research studies from ISAG but has not provided any meaningful review or guidance to the technical group. We suggest the FPB provide the necessary oversight for the CMER water typing studies or delegate that responsibility back to TFW Policy.

The Type F rule making process has and continues to provide multiple "lessons learned" opportunities. Unresolved foundational policy issues, questionable alignment with required AMP processes, and prioritizing political agendas over thorough scientific investigation and collaborative problem solving are all things we can correct and would do well to avoid as we enter Type N discussions. Ironically, all this is occurring within the context of initiating the next phase of the CPeace process, purported to help us constructively resolve conflict and achieve durable outcomes. Unfortunately, there is not a lot of evidence to suggest all parties are authentically committed, we are hopeful that will change in the coming weeks.

Thank you for the opportunity to comment, should you have any questions I can be reached at [dcramer@wfpa.org](mailto:dcramer@wfpa.org) or [REDACTED].

Sincerely,

*Darin D. Cramer*

Sr. Director of Forest & Environmental Policy