August 8th, 2018

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

Re: Template & Work Plan

Chairman Bernath and Members of the Board:

For the record I'm Ken Miller, co-representative of WFFA on TFW Policy. Today I have two sets of handouts, not necessarily for your reading but to help make 3 brief points:

1. I first want to thank the Board and Marc Engel for their suggestions at the November Board meeting to review prior template efforts in search of potential help while we are awaiting the Science review of our template proposal. The first "Element" handout shows some of the work product resulting from searching through prior Template efforts. We are working our way through these as meeting time is available. From my point of view the Policy discussions around these various Elements for potential use in our deliberations has been excellent with most parties participating in meaningful discussions.

2. You have required that TFW Policy provide our template recommendations to you at your May 2019 Board meeting. Policy currently intends to reach final conclusions by our March meeting so that everyone has time to review final recommendations. However, to help actually encourage making your May deadline, I urge you to include a Template progress update on the next two Board meeting agenda's. Marc & I could do it - alternatively it could be provided by the Adaptive Management Administrator, or the TFW Policy Co-Chairs. Without constant pressure from the FPB I fear we'll slide well past 4+ years of "review".

3. Finally, at the risk of being repetitive☺, and for the record, the 2nd handout includes copies of our prior 11 attempts to get this Board to consider an informational demonstration of the Template proposal during your Work Plan reviews, including later today. I've been persistent and generally of good humor ☺ but it's getting harder to smile about being ignored so long. ☹ Some may have misunderstood this to be an advocacy presentation which would not be appropriate until Policy work is done! It's simply an attempt to visually demonstrate the proposal you accepted so you will be better prepared when actual recommendations do come your way. It's also an easy way to de-mystify something many continue to think is overly complex. I can work with anyone and follow whatever the accepted protocols are for such a field tour! We could simultaneously offer SFLOs an opportunity to share their non-template concerns with the Board similar to what you provided for the Cultural Resource constituencies - and do it all in a half day. I beg you to finally have a discussion on this long standing request so I'll have something meaningful to share at our WFFA Board meeting this Friday – something other than a deafening silence (so far) that only reinforces their belief the "fix is in" and we are just being strung along in hopes we'll give up.

Respectfully,

Ken Miller

J. Glasgow
August 8, 2018
FP Board testimony

All three stakeholder PHB alternatives proposed to the Board in February were built upon the Board's PHB Science Panel's report recommendations; but WFPA's alternative is the only one with elements that directly contradict a key recommendation from the Board's Science Panel: PHB criteria for tributaries (laterals) start at the most downstream end of the tributary and changes or thresholds associated with PHB criteria are measured upstream from that location.

With this conclusion, stated in multiple places throughout the Board's report, the Science Panel recommends against using channel width comparisons between Type F streams and their tributaries as a PHB criterion. The Panel's recommendation is very logical and supported by the scientific literature – during different times of the year fish are likely to use tributary habitats that they can access, and a 20-30% reduction in channel width alone does not restrict fish access. Recall the purpose of the PHBs and the FHAM is to limit electrofishing to stream reaches where fish are unlikely to be present– reaches that are largely inaccessible to fish.

If a tributary is accessible to fish but no fish are found on the day of an electrofishing survey, it will be incorrectly identified as a Type N even though it is likely to be used by fish during some part of the year.

This issue was specifically discussed at the February Board meeting. The Board's meeting minutes show that Chair Bernath "said the science panel was very clear on how laterals should be treated. He said he would ask staff to move forward with the analysis consistent with the science panel's recommendation. Assuming a lateral stream is accessible from the mainstem, the bottom end of the lateral would be the starting point for beginning the stream assessment when looking for end of fish habitat. He mentioned this to avoid any conflict regarding that practice when the results come back to the Board in June." Yet here we are…

On July 19, Board staff Marc Engel wrote a memo reiterating that the Board's February motion - as it relates to the WFPA alternative - did not consider PHBs at tributary junctions. Mr. Engel specifically states the Board did not discuss the ramifications of moving forward with a PHB alternative component that is at odds with the Science Panel's recommendation. The Conservation Caucus agrees, and supports the February Board Motions as written. Given the timeframe we've all committed to, we can't accept yet another setback.

The Board convened the PHB Science Panel to meet RCW 76.09.370 best available science requirements. We trust the Department and the Board will continue to adhere to best available science and their Science Panel's conclusions.

7/31/18 draft

Westside SFLO Template Element Comparisons to Past Efforts/Rules

"Variable Width":

- Current Proposal: minimum or maximum restrictions are open for negotiation

- 2010 Conifer Restoration draft template:
    - State Caucus version: No harvest "average 50 feet wide no harvest buffer" . . . "Minimum buffer width is 30 feet. Portions of the buffer less than 50 foot wide buffer segment must not comprise more than 25% of the total buffer length".

    - Landowner Caucus version: "A variable width average of 40 feet, with a minimum of 20' and a maximum of the appropriate Maximum Restoration Width shown in table 2" (60 – 150' depending on Site Class and Stream width)

- Eastern Washington riparian management zones for exempt 20-acre parcels: "Other harvest types – The riparian management zone width shall average 58 feet in width on each side of the stream with a minimum width of 35 feet and a maximum of 345 feet on each side of the stream.

- Wetland Management Zone allow variable widths:
    - If 100' average the maximum is 200' and the minimum is 50'
    - If 50' average the maximum is 100' and the minimum is 25'

- WAC 222-16—080 (1)(h)(v) Marbled Murrelet: ". . . . The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained."

- Other Variable width references?

RMZ Thinning

- Current Proposal:
  - 15'+ BFW RMZs thin to within 50' BFW by leaving 57 best TPA, balance no touch.
  - 5-15' BFW RMZs thin to within 25' BFW by leaving 100 best TPA, balance no touch.

- Overstocked Stand Template:
  - "Post-thinning average tree diameter must be equal to or greater than pre-thinning average tree diameter"
  - "Residual stand (inner zone only) must have a minimum of 100 well-distributed conifer trees per acre." (if less than 180 TPA need LWD placement strategy).
  - No Harvest zone is "minimum of 14' and a maximum of 30' from edge of bankfull width or channel migration zone." (measured "1/2 the average crown diameter of at least 10 dominant conifer trees closest to the edge of bankfull width or channel migration zone".)

- 2010 State Caucus "Thinning Strategy for RMZs, Western Washington":
  - Thinnable RMZ widths are the Fixed Width Template widths based on Site Class
  - "No harvest is permitted within the first 50' from the outer edge of BFW or any CMZ, whichever is greater."
  - Leave 57-221 Trees per acre in table based on "RD 50".

- 2010 SFLO Caucus "Low Impact Riparian Management For SFLOs in Eastern and Western Washington:
  - No "no harvest core zone"
  - Outcome Based Westside RMZ Thinning Table intended to increase average RMZ DBH by 11%
  - Leave 66 – 243 Trees per acre in table based on sliding RD scale (RD 45 on largest trees to RD 30 on smaller trees)

- Option 1 rule:
  - RD calculations on a few industrial FPAs prior to 2010 suggested Post Harvest RDs typically around RD 20.

Conifer Restoration/Hardwood Conversion

- Current Proposal:
  - 15'+ BFW RMZs can harvest all non-conifer to within 50' BFW, balance no touch
  - 5-15' BFW RMZs can harvest all non-conifer to within 25' BFW, balance no touch
  - Stream reach limit of 500' either/both sides, max 40% of stream reach if multiple segments separated by non-restoration areas of at least ____'.

- 2009/2010 State Caucus Proposal
  - No harvest "average 50 feet wide no harvest buffer"
  - 1,000' one sided Stream reach limit before required forested area if multiple segments
  - All Conifer retained inside 75' and limits on conifer harvest out to 150' depending on site class – very complex so not positive this correct
  - Adjacent non-restoration harvested forest areas upstream & downstream, <u>regardless of ownership</u>
  - Forested areas on opposite untreated side of stream, <u>regardless of ownership</u>.
  - Multiple complex options, intended to provide flexibility to those who didn't own all adjacent RMZ.
  - Seemingly overly complex Reforestation Survey requirements
  - 13 pages, some of which is hard to understand 8 years later.
  - Other?

- 2/13/2010 Landowner Counter Proposal:
  - "A variable width average of 40 feet, . . ." or optional 30' Fixed width no cut
  - 1,500' one sided Stream reach limit before required forested area if multiple segments based on prior approved Alternate Plans – Galleher study.
  - All Conifer retained inside 60' of BFW
  - Adjacent non-restoration harvested forest areas upstream & downstream, but only if owned by the applicant.
  - Forested areas on opposite untreated side of stream, only if owned by the applicant.
  - No options needed for flexibility due to non-ownership of adjacent RMZs – (being held responsible/penalized for neighbor's lack of adequate buffers likely a fatal flaw for SFLOs in belief it is counter to commitments of Forest and Fish?)

- Less bureaucratic Reforestation Survey requirements – perhaps now made even easier/less complex with GPS photos easily obtained.
- 10 pages, some of which is hard to understand 8 years later.
- Other?

- Forest and Fish RULE on Hardwood Conversions:
  - 50’ No cut buffer, leave tree shade requirements potentially out to 75’
  - Adjacency ownership requirements (disproportionate impact on SFLOs?)
  - Limit of 500’ of stream reach conversion.
  - Exceeding 500’ of stream reach requires “no-harvest areas” separating multiple conversion areas that are “at least half the length of the larger of the two conversion areas”.

Monitoring Plan

Background:

- Not always required/enforced on prior Alternate Plans
- Operations now more aggressively requiring Monitoring Strategy
- Galleher Study of 20 after harvest Hardwood Conversion Alternate plans didn't find any significant RMZ function issues but did find significant Reforestation issues.

How much detail/process/complexity should be incorporated in the Westside Low Impact Template? Examples:

- As simple as (from approved APs):
  - "Our monitoring strategy relies on our 50 years experience . . . . The goal is to have the planted seedling free to grow, while still maintaining a diverse mix of native shrub species that will help provide enhancement of the stream functions. These areas will be monitored annually to make sure our goals are met. We would welcome appointments by the SFLO staff and TFW cooperators to monitor the practices we implement on our family tree farm."
  - "landowner agrees to extend FPA/alternate Plan permit length to 5 years to ensure plan meets objectives and FP rules, along with ensuring regenerated trees achieve free-to-grow status. Vegetation management activities will occur as need be to control competing vegetation in reforested areas. DNR may monitor property as need be with prior notice to landowner."

- As complex as from the State version of the 2009/2010 Conifer Restoration draft template:

  "Reforestation Restoring conifers to riparian areas can be very difficult and labor intensive. The landowner is responsible to ensure that the conifer restoration area is successfully reforested with conifer trees. Reforestation is successful when the area has at least 190 established, well distributed, and free to grow conifer trees per acre in the 5th year following planting. Reforestation may also be considered successful when there are at least 150 established, well distributed, and free to grow conifer trees per acre in the 5th year following planting and, in the department's opinion, the landowner put forth a concerted and prudent effort to achieve the goal of 190 trees per acre. Conifers must be well represented in the first several planting rows adjacent to the no harvest buffer.

  To improve the chances of reforestation success, landowners should:

  - Eradicate all red alder, big leaf maple, and vine maple trees before planting.

- Consider planting shade tolerant conifer species in the first two planting rows parallel to stream buffers if those planting rows are shaded.
- Reforest with the tree species best suited for the site.
- Plant 1+1 or Plug+1 seedlings in the first planting season following harvest. See Appendix A.
- Continue controlling competing vegetation until trees are free to grow. Free to grow means that the top of the tree is two whorls above the brush. See Appendix B.
- Protect seedlings from animal damage.

Reforestation Plan

A detailed reforestation plan is required as part of the alternate Plan. The reforestation plan must describe:

- The size and type of planting stock;
- When the trees will be planted;
- Where each species will be planted;
- The method for protecting seedlings from animal browsing;
- The method and schedule for brush control;
- The submittal month and year for reforestation surveys.

Reforestation Surveys

Reforestation survival and growth surveys are required following the 2nd and 4th growing seasons after planting and reported to DNR. Surveys are to be taken when brush and small hardwoods are fully leafed out. The surveys will include the following information:

- Number of living trees per acre.
- Amount of browse damage in percent of seedlings damaged.
- Average seedling height.
- Average brush height.
- What vegetation control measures are needed and when they will be performed.

DNR may require additional surveys.

Landowners who are not able to perform the survival and growth surveys may wish to hire a forestry consultant. You can find a list of forestry consultants on the Washington State University (GO COUGS!) Extension website. See Appendix C for additional information."

- Landowner recommended modifications to above Monitoring/Reforestation requirement/plan:
    - Retaining most of above with some minor editing
    - Inclusion or more user friendly intent language on Reforestation Survey protocols being developed by the SFLO Advisory Committee, i.e. statements like:
        - "A DNR forest practice forester may provide some general assistance"
        - DNR may require additional surveys "if it's clear the restoration the restoration effort is not on a successful course. In consultation with the SFLO Advisory Committee, DNR will develop a simple non-technical survey protocols/checklist intended for a landowner without training to meet the intent of these surveys to satisfactorily determine whether or not a DNR Forester consultation visit is appropriate. More professional/detailed surveys are encouraged, but not required. The objective of periodic surveys is successful restoration, not detailed statistical analysis."
        - Landowners who are not able to perform the survival and growth surveys "should contact their DNR Forest Practices Forester for suggestions and potential assistance or" may wish to hire a forestry consultant.

Non-Fish/Perennial Water (Np) (needs help with any pertinent rule options)

- 25’ RMZ full length

  Background

  For SFLOs the current rules are overly complex and to the extent we don’t typically own the entire reach we often can’t take advantage of the 50% no buffer options – disproportionate impact. SFLOs also tend to have an affinity for/desire to protect all year-round flowing waters. For SFLOs the win-win equivalency is to simply have 25’ RMZ on all Np waters. On average, this would/should result in nearly the same # of retained tree’s along the full Np length that occurs on industrial land where the 50% rule likely is utilized.

- Sub-bullet options
  - Thinning from above/overstory

    Background

    In our view, these streams are generally very small (less than 5’?) where brush and smaller tree’s essentially provide all the needed functions (perhaps more to follow from Science review?). If some/most of the overstory on these small streams not providing function (LWD placement needed?) SFLOs think these should be available for harvest subject of course to ID Team/DNR Forester site specific approval/modification

  - No RMZ on intermittent dry portions of Np channels and where there is no defined channel connecting to TYPE F.

    Background

    Numerous SFLOs complain about having to leave trees to protect perennial flowing water when they and all their friends and family can all see there is no water! No other way to say it from layman’s point of view other than this requirement simply doesn’t pass the SFLO “smell test”. ☺ They often use this example to hyperventilate about the insanity/ill-will of those of us in Olympia. ☺

Process for potential single tree/group selection

Background:

For small landowners a single tree or a few single trees can make a significant difference economically. The so-called "money trees" removal has been allowed in some full alternate plans because the DNR, likely in consultation with an ID team have determined those few particular trees could be could be removed w/o an impact on RMZ functions in their best professional judgement as required by the AP approval standards. Despite SFLO fears of ID teams, WFFA leadership feels inherent fear is unfounded (but real) as we believe most ID teams try to cut the SFLO a break where they can still meet the spirit and goals of AP guidance and approval standards.

- Goal **is not** to prescribe when or how this could/should happen in any sort of cookie cutter/template kind of way because every micro site/clump of tree's is likely different with different RMZ functional needs.
- Goal **is** to alert the landowner to the potential by providing language and a process that is consistent with the Alternate Plan guidance and approval standard.

  Assuming such an alert were on the template form AND the specific landowner had such a desire (and increased risk of an ID team!), their providing more info on the form (number of trees, size, species, pictures, other?) could help potential ID team members decide whether or not to accept DNRs invitation for an ID team - which is part of the process for full APs, as well as Templates.

- Other ideas?

Site specific potential checklist to aid screening by ID Team members to help focus on potential issues needing ID Team review. How should we modify this to checklist for inclusion with template applications to better facilitate potential ID Team members?

(from 2010 SFLO Low Impact Template proposal)

"Within this harvest unit, are you aware of, or do you have:

- Any significant bank erosion over the last few years?
- Any Type F (Fish) streams/segments that are seasonal or you are utilizing the 50' RMZ?
- Any streams that go underground and/or come out of the ground?
- Any RMZ's that appear to have more than 45 degree side slopes?
- Any trees within the stream adjacent no cut buffer that you are proposing to harvest?
- Any "regeneration/patch" RMZ harvests that are not being done in conjunction with an adjacent upland regeneration/even age harvest?
- Any "regeneration/patch" RMZ that has a different across-stream owner who has recently done a similar RMZ harvest?

A yes answer to any of these questions will not necessarily require a change in your harvest plans, but will aid the DNR Forester (& potential ID teams) review of this site-specific application to assure appropriate protections to overall RMZ functions."

Potential Cumulative Effects

How can/should we use the RTI Washington State Forestland Database to assess landscape level risk/potential cumulative effects?

(From 2010 SFLO Low Impact Template Proposal)

"Landscape Level Risk Evaluation

The analysis below comes from an understanding/interpretation of the following documents:

1. The 2007 Washington State Forestland Database that Mary forwarded earlier: http://www.ruraltech.org/projects/wrl/fldb/pdf/The_2007_Washington_State_Forestland_Database.pdf
2. A spreadsheet from the RTI website that focuses on actual stream miles by WRIA owned by SFLO's potentially able to utilize the draft template: http://www.ruraltech.org/projects/wrl/fldb/tables/05_SFLO_stream_miles_WRIA.html
3. Some new additional statistic's/histograms from the Washington State Forestland Database to add more landscape-exposure perspective in numerical and graphical format: http://www.ruraltech.org/projects/wrl/fldb/#tables

Our landscape–risk conclusion: Assuming the strategies/prescriptions in the draft template credibly protect all RMZ functions at the site level as required in the Alternate Plan Guidelines, **the landscape level risks are diminimus** - just as in full Alternate Plans.

Discussion: By definition, **SFLO's have inherently smaller ownerships and smaller harvest units**. The Histograms (#3 above) clearly show the limited RMZ exposure most SFLO's could have. The Forestland Database indicates that 91.47% of SFLO's (> 5 acre parcels) have 1250' or less of fish stream reach – the minimum needed in the draft template to even consider additional small patch cuts beyond 500'. The other 8.53% of SFLO's with larger ownerships aren't likely to harvest all their land at once, and even if some do, the small regeneration/patch harvests are limited to 40% of the stream reach. **Going through the full Alternate Plan process is simply not practical for the vast majority of SFLO's** – it's an option in theory only. The template format/process makes Alternate Plans accessible to far more folks as intended in our RCW's & WAC's, without the downsides of actual rule changes.

SFLO Stream reach harvest potential – what are landscape level stream reach distances of concern?

Crunching the numbers from the RTI table (#2 above) clearly points towards diminimus potential landscape level impacts. This conclusion assumes, as we do, that there are no significant site specific RMZ functionality issues in the template prescriptions. Following are some take away perspectives using the SFLO ownership by stream reach data; a calculator; and then some common sense (order of magnitude) assumptions to look at how much potential risk to the resource/stream reach exposure we are really looking at with this template.

1. **18% of the fish stream reaches are owned by SFLO's**. There are about 57,976 statewide miles of fish streams, of which only 10,536 are owned by SFLO's.
2. **0.36% of the fish stream reaches would/could be subject to adjacent harvest in an average year**. Assuming 50 year adjacent upland harvest rotations (probably conservative for smalls), then (18%/50

years = 0.36%). Certainly this could vary from year to year to take advantage of markets, albeit less responsiveness to markets than larger landowners.

3. **0.14 %/year is the average stream reach RMZ that could potentially have a small (partial) regeneration/patch harvest**. Assuming **all** SFLO's take **full** advantage of the draft template, it only allows a maximum of 40% stream reach patch cuts. That takes the average 0.36% stream reach patch cut harvest rate potential down to (0.36%x40%=) 0.14%.
4. **0.04 %/year stream reach risk (hypothetically)**. Further extending these assumptions is likely ridiculous but does help with perspective/significance/de minimus. However, hypothetically it seems that if we assumed all of the site specific regeneration harvests had a 30% chance of some temporary functional issue (a false assumption in our opinion) the hypothetical risk would be limited to (0.14% x .30% =) 0.04% of the stream reach/year. Even if folks wanted to assume 30% of the harvest sites had functional deficiencies the theoretical deficiencies aren't necessarily cumulative as downstream factors often self-correct upstream deficiencies.
5. **Zero stream reach risk at landscape level**. We believe these patch cuts as proposed have no added risk to RMZ functions because the prescriptions are believed to cover all the required functions (see Appendix A). We are confident that our LWD strategy could actually speed up the recovery of some RMZ functions rather than depending on the very expensive, slow, and unpredictable natural selection paradigm we are stuck in. We believe active, but low impact, management will enhance long term RMZ functions; forest health; and economic viability which will keep more forestland on the landscape to the benefit of all. We see more emerging scientific opinions that low impact management is likely to provide more optimal/historical RMZ benefits.
6. **Worst case WRIA scenario is still de minimus from a landscape point of view**. Even if the assumptions/calculations above are off by several factors it doesn't appear to significantly affect the risk/area of concern to public resources. Using the stream reach data from the WRIA with the highest % of SFLO ownership (#2 San Juan WRIA - 57% SFLO fish stream reach ownership) and the same assumptions above provides a worst case WRIA scenario. In reality, this WRIA is mostly TYPE S precluded from regeneration harvests by county rules – a more appropriate worst case WRIA would be Kitsap (at 46% SFLO stream ownership) but we've stayed with San Juan to **ensure a credible worst case WRIA scenario:**
    - **57% of the fish stream reach is owned by SFLO's** (134 miles of fish stream/76 miles of SFLO fish stream)
    - **1.14% of the fish stream reach would/could be subject to adjacent harvest in an average year.** (57%/50 year rotations)
    - **0.46 %/year is the average stream reach RMZ that could potentially have a small (partial) regeneration/patch harvest.** (1.14% x 40%)
    - **0.13 %**/year **stream reach risk (hypothetically**). (0.46% x 30%)
    - **Zero stream reach risk at landscape level.** (Based on our belief/intentions that the site specific prescriptions protect all functions as stated above).
7. **None of these risk factors are cumulative, beyond 10-20 years of green up**. (to the extent our LWD prescriptions are robust as advertised),

Nearly all the significant template harvest prescriptions come from existing rules, so by definition should be considered adequate resource protection under Forest and Fish. Numerous, far more aggressive regeneration hardwood conversion prescriptions have been approved by I.D. teams and subsequently found to meet all functions by follow up I.D. teams."

Also:

Can we/should we try to utilize the tracking/monitoring system in place for Exempt 20-acre potential cumulative impacts by stream reach??

- As time permits also research current information regarding LWD Placement in case this becomes part of the ultimate discussion as it did in the Overstocked Stand Template.

- Are there other Elements that might facilitate this Policy review process?

May 9, 2018

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

Re: Water Typing and PHB validation

Chairman Bernath and Members of the Board:

I'm Ken Miller, here to make two points this afternoon:

1. The WFFA draft template is still alive and moving:
    a. A new contractor has been hired to do an assessment of the science conclusions in our template.
    b. A first draft should be imminent
    c. A final draft is expected to be available in late summer to forward to ISPR to review the review of the review of our science. ☺ The ISPR review is expected to be completed prior to the end of this year - whereupon the buck will be fully in lap of TFW Policy to make recommendations to you no later than May of 2019.
    d. In the meantime we've had couple of short meetings that from my point of view were very meaningful because we started discussing merits of some of the metrics, and similarities with other rules/template efforts.
    e. Ideally we'll be ready for larger decisions/recommendations in Policy by the time the science assessment comes back from ISPR.

2. As a reminder ☺ I'm again asking that you schedule your 2018 Field tour at our tree farm where we can give you a visual presentation of the WFFA template proposal and give SFLOs an opportunity to share any of their concerns with you as you've done for tribal concerns and eastside forest health concerns. I'm confident we can meet your needs for professionalism while giving you insights to SFLOs that are not feasible in this setting. I'll stick around for the Work Plan discussion if you have clarifying questions. ☺

Respectfully,

Ken Miller

2/14/18

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

Re: 2018 Work Plan & Food for Thought

Chairman Bernath and Members of the Board:

I'm Ken Miller, here to make two points this morning:

1. Rather than another long not so persuasive plea to come to my tree farm for your uncommitted October Field tour I'm just asking: Please accept my invitation to host you in October. We can provide a visual of our draft template AND this could be an opportunity to hear from other SFLOs like the chair just described for the tribes last week and also a couple years ago in this setting. SFLOs just aren't feeling the same love! ☺ I'll stick around for the Work Plan discussion if you have clarifying questions. ☺

2. Call me Crazy but here's some FOOD FOR THOUGHT: In a prior life my career was a problem solver. You are struggling with two significant "Hatfield & McCoy" type problems taking a lot of time, energy, and money we don't have:

    a. Reinvigoration of the evaporating TFW cooperative Spirit
    b. Stream typing in the very small upper stream reaches not likely needing full buffers

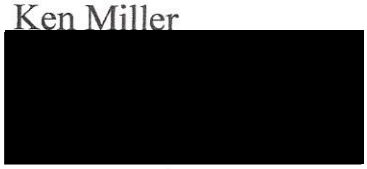
    On the surface both issues have a common solution w/o all the indeterminate complex science & endless debates about seemingly so little. In my opinion, if those wanting more tree's further upstream were willing to assure landowners no net loss of trees a win-win policy solution likely could happen!

    Imagine the resulting paradigm shift that could occur in the flagging TFW spirit.

    The Commissioner has a sign on her desk - isn't this the kind of "Epic Shit" the Hilary expects of us?

Thanks for listening,

Ken Miller



November 8, 2017

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

Re: 2018 Work Plan – SFLO site visit - westside?

Chairman Bernath and Members of the Board:

I'm Ken Miller, co-representative of SFLOs on TFW Policy. Looks like I'm the ice breaker today – I'll try not to be the glass breaker – but sure I'll sound like broken record. ☺

In 1999 there was a finding of disproportionate impact on SFLOs with the pending Forest & Fish legislation so they provided mitigation for some SFLOs with exempt 20-acre rules – the rest of us became eligible for the perennially underfunded FREP **and** a commitment for future alternate harvest restrictions on our "smaller, relatively low impact harvests" – a phrase yet to be defined.

In early 2015 Board member Laurie move; Board member Ballish seconded; and the Board unanimously accepted our template proposal for review by the AMP. Your motion included deliverables within about 1 year. We are coming up on 3 years!

For a variety of reasons it now looks like it will be more than another year, if then, before you have a recommendation from Policy. In many ways, perhaps this is yet another example of the dysfunction of the AMP process which is another of your agenda items.

We believe we have been exceedingly patient, and will continue being patiently impatient☺, persistent, and with some humor. ☺ We remain committed to the concept of true collaboration as intended by the founders of Forest and Fish.

While waiting for Policy we need your help. It's been years since you've paid special attention to SFLO concerns like you have rightly been doing for tribal concerns; endless fish typing issues, and perhaps now on eastside forest health issues.

I do understand FPB field trips are intended for issues expected to come to the board within a year of the tour. A Board Field trip to our tree farm would allow you to visualize a very simple proposal that seems far more complex than it really is, AND allow you to hear from SFLOs in a comfortable, less intimidating setting. Doing so might even help others (point to Policy folks in audience ☺) believe you are taking our proposal seriously and do expect deliverables. ☺

If you do move forward on this field trip in your 20**18** Work Plan you will give hope to those of us owning nearly half the private forestland who increasingly feel ignored and disrespected. Conversely not having this in your 2018 Work Plan might send the message that you have no expectation from Policy until after 2019 – I sure hope that's not the case.

I'm confident we can meet your needs for understanding in ways that don't burden staff and are appropriate in every way. Thanks for listening – I'd be happy to take any questions.

Respectfully,

Ken Miller
[redacted]

August 9, 2017

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

Re: 2017 Work Plan – SFLO site visit?

Chairman Bernath and Members of the Board:

I'm Ken Miller representing Washington Farm Forestry Association.

Your 2017 Work Plan still has an open slot for a "Field Tour"! ☺ As a reminder, SFLOs would greatly appreciate your using this opportunity to hear from them in a more comfortable & inviting setting; allow you to better visualize what "disproportionate impact" looks like on the ground & in the minds of real people; and at least visualize what SFLOs have proposed as potential mitigation required by the Regulatory Fairness Act.

This is particularly important now that you are thinking about embarking upon rule making processes on Water Typing that will likely confirm yet another disproportionate impact on SFLOs that must be mitigated (as I noted in this morning's testimony). Additionally, the Staff report from Donelle regarding Steep/Unstable Slopes correctly alludes to disconnects with the SFLO community – disconnects worthy of your greater understanding.

I've made multiple similar requests asking the FPB to find meaningful time in your schedule to hear from those of us with nearly half of the private forestland in Washington who increasingly feel ignored and disrespected. I will remain in the audience for your last agenda item of the day in hopes you discuss the merits of such a "Field Tour", just in case you have any clarifying questions. ☺

If you move forward on this, I'm confident we can meet your needs for understanding in ways that don't burden staff and are appropriate in every way.
Respectfully,

Ken Miller
[redacted]

May 10, 2017

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

Re: 2017 Work Plan – SFLO site visit?

Chairman Bernath and Members of the Board:

I'm Ken Miller representing Washington Farm Forestry Association.

I've heard people say the definition of insanity it trying the same thing over and over and expecting a different result. Guess that makes me insane ☺ for continuing to ask this Board to have a short field trip to our tree farm 20 minutes from here.

We are having a mini-forest field day Saturday June 3rd that could be modified to fit your needs. Regardless of the date, we'd be pleased to give you an opportunity to:

- Better understand "disproportionate impact" & why SFLOs matter,
- See what our template proposal actually looks like on the ground (w/o lobbying the merits of template)
- Allow our community a less intimidating opportunity to share their concerns as you've rightly done for the tribal community.
- Allow us to showcase some of the services provided by the SFL Office.

Bring your family – we'll make it a more enjoyable day than today will be. ☺

I'm confident we can meet your needs for understanding in ways that don't burden staff and are appropriate in every way. Just in case "insanity" actually pays off this time ☺, I will be available for questions during your 2017 Work Plan agenda discussion this afternoon. ☺

Respectfully,

Ken Miller

[redacted]

Forest Practice Board notes for testimony 2/8/17

2017 Work Plan

- Reminder to Board of our standing invitation to have a field trip to our farm 20 minutes from here to better visualize our SFLO template proposal
- Additionally, could potentially:
  - Have show & tell of Small Forest Landowner Office field support
  - Some wetland examples
  - Opportunity to hear from SFLOs similar to last years Cultural Resources agenda item
  - Opportunity to enjoy SFLO hospitality
- Happy to work with Staff to ensure it will be appropriate and beneficial to Board members
- Saturday June 3rd would be ideal

SFLO Template Review/update:

- Pick up where Marc leaves off
- Things are beginning to move – Yeah!!
- Presentation to Policy about the SFLO perspective on all the moving parts
- Reaching out to other stakeholders to spend some time listening to their perspectives
- Science review of our proposal is now in the works – hopefully by late June
- Expect more regular sub-committee meetings while awaiting science review
  - Ensure everyone understands all the prescriptions proposed – before we start to evaluate
  - Begin reviewing prior approved Alternate Plan metrics gathered by Tami Miketa
- Have Luke Rogers from U of W, Rural Technology Institute make presentation to full TFW Policy Committee this spring about the SFLO Parcel Data Base and potential relationship to "cumulative effects" discussions.
- Hopefully be actively seeking consensus by this fall (after science review in)

November 9th, 2016

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

Re: SFLO Template Updates & Site Visit?

Chairman Bernath and Members of the Board:

I'm Ken Miller. Along with Steve Barnowe-Meyer, we are representing Washington Farm Forestry Association in TFW Policy continuing the work of recently retired Dick Miller. My focus continues to be towards the Forest and Fish required alternate harvest prescriptions for SFLOs.

As staff may also indicate, we are happy to report:

- A science review process has been approved by TFW Policy.
- We anticipate continuing to working on portions of the draft within Policy while awaiting science review.
- In the "Collaborative Spirit", we will be sharing a thorough SFLO perspective at a future TFW Policy meeting in hopes of increasing other stakeholder understanding of the broader issues/opportunities, and will be meeting later with individual stakeholders to ensure we understand their major concerns.
- It's our hope that we will be able to bring recommendations back to you by _____??
- Additionally, we expect to bring the draft Eastside Template to you at the February Board meeting.

Once again☺, I'm inviting the Board to visit our tree farm here in Olympia as part of your 2017 Work Plan so you can at least get a visual impression of what is in the Westside Template proposal. Without involving yourselves in the AMP processes, it's important to thousands of SFLOs that you show an interest with a visit to a demonstration site as you have with other critical issues & important constituents.

Ken Miller

[redacted]

August 10, 2016

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

Re: Template Site visit & SFLO AC

Chairman Bernath and Members of the Board:

I'm Ken Miller, representing the Washington Farm Forestry Association, and a persistent advocate for alternate harvest prescriptions Forest and Fish required be available for SFLOs. Once again I'm inviting the Board to visit our tree farm here in Olympia so you can at least get a visual impression what is in the Westside Template proposal – a proposal that seemingly continues to languish in the Adaptive Management Program without a clear pathway back to you anytime soon. Without involving yourselves in the AMP processes, it's important to thousands of SFLOs that you show an interest with a visit to a demonstration site as you have with other critical issues & important constituents.

On a different note I'd like to remind the Board that SFLOs have volunteered to serve on the DNR SFLO Advisory Committee for many years – without even reimbursement for actual expenses. We report to/advise SFL Office of DNR, not the Board, but I'd like to remind the Board that **RCW 76.09.368 Intent** directs the Board to ". . . consult with the small forest landowner office advisory committee in developing . . . alternate approaches."

Please try to imagine what it's like to serve on such an "**advisory**" committee for 10 years or more and never be asked for advice by the Board - or rarely be asked for advice from DNR, even when changing forms/instructions where our advice could potentially help SFLO understanding of complex rules, hopefully resulting in greater compliance. How are we expected to find replacement volunteers, especially from the eastside without even travel expenses, when advice is rarely sought?

To end on a positive note I proudly acknowledge that WDFW has come to the committee a couple of times in recent years asking for advice on better ways to involve SFLOs in issues/opportunities with the Grey Squirrel and the Fisher. I hope our advice was of some value to Terry and others at WDFW. I know that being asked was appreciated by myself and other landowners on the committee – I felt respected by the request for help, and also felt a ray of hope for the collaborative spirit that was the foundation of Forest and Fish.

Thanks for giving some of your time to SFLOs who own nearly half of our private forestland.

Ken Miller

[redacted]

May 11, 2016

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

Re: SFLO Westside draft template

Chairman Bernath and Members of the Board:

I'm Ken Miller, representing the Washington Farm Forestry Association, and a persistent advocate for alternate harvest prescriptions Forest and Fish required be available for SFLOs. After over a year in the Adaptive Management Program I'm hoping Marc Engels subsequent report will be more encouraging than what we are hearing (or assuming).

What little we are hearing sounds very much like multiple prior efforts that were stymied in TFW Policy because (I believe) there was not a consensus about the 1999 legislative intent of "alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources" (and other supporting language). Or maybe the impasses have been as simply as: we got our deal and we aren't going to accept any additional risk on aquatic resources even if "low impact"? "Relatively low impact" was never specifically defined but as some have noted it certainly could be inferred to be anything similar to the Exempt 20-acre rules adopted in the same legislation – our current science based draft template coincidently also looks at the stream width as the most logical driver of RMZ width.

Our hope was that TFW Policy folks unable to support the legislative intent for SFLOs surely would be moved to action by low risk **science based** prescriptions. Best Available Science is supposed to be the cornerstone of the Adaptive Management Program – yet there appears to be no effort towards a review of the science included in our proposal? If TFW Policy folks can't support legislative intent; agree on the meaning of "relatively low impact"; nor support a robust review of the best available science, why do we even have the AMP? Aren't we putting the whole AMP & HCP at risk by not dealing with the 16 year old commitment to SFLOs?

In closing, I'm betting that few on this Board, and perhaps some in TFW Policy still don't have a clear picture of our proposal – it's science based, written by scientists so is necessarily written in complex language most of us perhaps aren't supposed to understand! ☺ I can't remember 3 minutes of testimony w/o reading ☺ but I could easily explain & visually demonstrate the template for you at our local tree farm. Wouldn't it be helpful for AMP folks to see what our proposal looks like on the ground – along with a visual of why the legislature included deference to SFLOs? Are SFLOs important enough for the Board to schedule a Field trip?

Ken Miller
[redacted]

November 10, 2015

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

Re: 2016 Work Plan

Chairman Bernath and Members of the Board:

I'm still Ken Miller ☺ and a persistent advocate for the alternate harvest prescriptions Forest and Fish required be available for SFLOs. You have accepted our Westside Template proposal for review by the Adaptive Management Program. I believe Elaine is going to give you an update on our plans for bringing an Eastside draft template to you next year for similar action.

You just had a field tour that helped you visualize some of the stream typing issues. We respectfully invite you to have a similar field visit to help you better visualize issues around the alternate harvest prescriptions for SFLOs that predate the stream typing issues.

Our tree farm adjacent to Millersylvania State Park is able to handle a similar sized indoor (barn) background discussion any time of the year. You won't have to do anything other than show up and accept traditional SFLO hospitality. We have flagged out a variety of easily viewed existing buffer examples, alongside our proposed westside template buffers. The hope is this field visit will help the Board members readily visualize our proposals compared to existing rules. As you did in last month's field trip I'm confident we can work with staff so we stick to the facts and avoid getting into any scientific debates on unresolved issues that we presume will be addressed within the Adaptive Management Program processes.

I believe it's very important to all stakeholders and the future of Forest and Fish that we keep moving forward on these old commitments. I remind some of our newer Board members that several WFFA leaders dragged very reluctant and angry SFLOs to the Forest and Fish table, ultimately helping negotiate its final passage, along with the subsequent HCP. Many landowners dropped their membership and felt betrayed by our leadership but our leaders prevailed because it was the right thing to do – something I still believe even after 15 years of effort.☹ Since these historic negotiations were finalized in Forest and Fish we've lost several of these leaders, and my mentors: Chan Noerenberg; Nels Hanson; Steve Stinson; & just recently Sherry Fox. ☹ They all passed wrongly believing <u>they</u> let the SFLOs down. ☹

Please do add to your 2016 Work Plan a field visit to the same tree farm where our Forest and Fish HCP was signed by the Governor and the Federal Services. Thank you,

Ken Miller