



WASHINGTON FOREST PROTECTION ASSOCIATION
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November 13, 2018

Washington Forest Practices Board
1111 Washington St SE
PO Box 47012
Olympia, WA 98504-7012
Forest.practicesboard@dnr.wa.gov

Re: Comments on Evaluation of physical features that define fish habitat in forested landscapes across Washington State, November 5, 2018

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 4 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.

Thank you for the opportunity to comment on the Potential Habitat Break (PHB) study design. While WFPA and member companies are generally supportive of moving forward with the study, we do have a few concerns which should be addressed before implementation.

Technical:

The study design should more clearly articulate technically appropriate analyses for deriving PHB criteria from empirical field data. The current proposed PHBs are essentially alternative hypotheses which are based on a combination of best available science and professional judgement. Thus, current PHB proposals are a starting point to focus what should be measured and evaluated. As you know, the Adaptive Management Program (AMP) is science-based, and accordingly requires unbiased and understandable scientific information (i.e., includes scientific risk and uncertainty) to inform the PHB decision process.

Process:

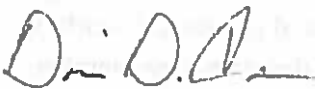
While the PHB study design has been reviewed by select stakeholders and the Independent Scientific Review Panel (ISPR), there has been no formal approval by the Cooperative Monitoring, Evaluation and Research Committee (CMER). Therefore, the study design has not been developed in manner completely consistent with the Adaptive Management process per WAC 222-12-045 and Board Manual 22. In the interest of aligning with the expected process and minimizing future disagreements, we recommend the study design, the ISPR comment/response matrices and an implementation plan, be forwarded to CMER for review. CMER, the Adaptive Management Program Administrator (AMPA), and study authors should work expeditiously to accomplish any clarifications necessary to successfully implement the study, ideally by the end of this calendar year. A progress update should be provided at the February 2019 Forest Practices Board meeting.

Costs:

It's unclear how the additional costs associated with the study will be covered as the AMP is currently over budget. The AMPA should provide CMER budget details as part of a project implementation plan, including ideas for cost saving measures on the PHB study design which does not compromise scientific rigor.

WFPA looks forward to continued work with the Board on these critical water typing issues. Please don't hesitate to contact us with questions.

Sincerely,



Darin D. Cramer
Senior Director of Forest and Environmental Policy

November 14, 2018

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

Re: PHB Validation Study Design

Good morning Chairman Bernath and Forest Practices Board members,
My name is Steve Barnowe-Meyer and, along with Ken Miller, I represent small forestland owners and the Washington Farm Forestry Association (WFFA) on the TFW Policy Committee.

I have previously provided public comment to the Board from Washington Farm Forestry Association pertaining to grave concerns we had with several prior recommendations from the PHB Science Panel. Although some of our concerns have subsequently been addressed, several critically important concerns still remain, including use of a “percent captured” statistic to analyze alternatives, failure to utilize all appropriately available data to quantify the performance of alternative recommendations, as well as concerns about appropriate analysis and treatment of tributary streams.

Today WFFA appreciates the opportunity provided by the Board to submit comments about whether or not the Board should accept the PHB Validation Study Design, as prepared by the current PHB Science Panel.

First, there are many facets of the study plan that are quite good, well thought out and are worthy of your acceptance. However, WFFA has several major concerns and suggestions for revision that I strongly recommend that the Board consider, prior to the Board’s acceptance of the proposed study design, as follows:

- Desired outcomes from the validation study and a detailed analytical plan need to be developed further than found in the current plan,
- WFFA strongly recommends the inclusion in the final approved study plan of all recommendations identified by Brian Fransen in his “Additional Perspectives and Supporting Science ...” document dated October 26th and provided to the Board,
- Lack of a detailed assessment of the anadromous zone proposals needs to be rectified, either by inclusion in the study plan or in a separate analysis developed by CMER, and
- For transparency, credibility and consistency with the FFR Adaptive Management process, CMER must be brought into the loop to review and work with the study design authors to accomplish any necessary clarifications and resolve any remaining technical issues prior to final Board approval of the study design

Finally, I strongly recommend that, as part of fleshing out the desired outcomes from the study plan and developing a more robust and detailed analytical plan, CMER and the study plan authors leverage the data collection and eventual findings from this study to inform the need for and development of credible revisions to the current default physical criteria within the current water typing rule. As I have noted several times previously to this Board, having highly credible, statistically valid and appropriate default physical criteria as one of the tools available for Type F water typing is an extremely high priority for small forestland owners.

Every effort should be made **upfront** to make sure that the monies spent and data collected during this study help develop credible and appropriate revisions to current default physical criteria and help reduce disproportionate impact on small forest landowners that utilize the current default physical criteria.

Thank you for this opportunity to provide input to you about the PHB Validation Study Design.

Steve Barnowe-Meyer
Washington Farm Forestry Association

November 14, 2018

Washington State Forest Practice Board Re: 11/13/18 Field Tour Follow up
P.O. Box 47012
Olympia, WA 98504-7012

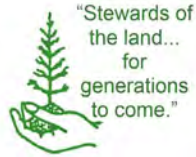
Chairman Bernath and Members of the Board:

For the record I'm Ken Miller, co-representative of WFFA on TFW Policy. As a follow up to yesterday's tour at our place some key points include:

1. Board Member Janicki's question about our prescriptions being a "template": Our proposal could have been a rule, we purposely chose the "template" route to provide greater comfort and less risk to the other stakeholders that might be concerned. We would prefer these prescriptions be a "rule".
2. The Blue tarp used was to demonstrate BFW – which is much larger than the actual streams.
3. Forest and Fish is about protecting functions in a shared risk paradigm that also protects Clean Water, Harvestable Salmon, Aquatic critters, & Economic Viability with deference to SFLOs disproportionately impacted by Forest and Fish.
4. Regardless of how effective our negotiated current rules are, the Alternate Plan Approval Standard is "effectiveness" relative to current rules:
 - a. Two separate Science Reviews have indicated our prescriptions are generally about 95% as effective as current rules, especially for the 50 & 75' RMZs – a little less so on the 25' RMZ.
 - b. The remaining 5% should be easily covered by our "smallness" and "relatively low impact" deference intended by the legislature.
 - c. A very thorough after harvest review (Galleher) of several very similar prescriptions found a couple of operational issues that are fixable, and very high grades for all the functions being protected despite long stream reaches and similar no-cuts.
5. This (holding up our Proposal) was a very big lift for us, and will be a big lift for you to think about functions, not just visual differences.
6. There are a lot of disincentives to SFLOs keeping forestland forested, beyond the emotions & public benefits I shared in the Poem.
7. There is a lot more at stake than just the prescriptions such as honoring: the commitments in Forest and Fish; Science based AMP; SBEIS determinations; ID Team conclusions about after harvest functions; & the Collaborative process.
8. We've had a really great collaborative discussion recently in Policy on ONE prescription – several more are needed over the next few weeks where folks can truly understand our proposal; we can hear their concerns; and then brainstorm ways to address the concerns.
9. Yesterday's visit and today's conversations help us start that collaborative process in earnest.
10. We are open to alternative pathways within the context of our proposal!
11. We must find a way to get to a meaningful "YES"!

Respectfully,

Ken Miller



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Testimony of Dr. Elaine Oneil to the Washington State Forest Practices Board on November 13, 2018 concerning the Scale and Scope of Small Forest Landowner Impacts to Fish, Water, and Habitat from Timber Harvest in western Washington.

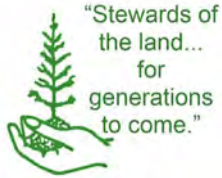
Chairman Bernath and members of the Forest Practices Board, I am Dr. Elaine Oneil, Executive Director of the Washington Farm Forestry Association. I appreciated the comments from the Board Members this morning on the Small Forest Landowner Western Washington template. I agree with Board member Davis that we would be well served to have some data on SFLO distribution, size class, intent to harvest, and harvest metrics to help the board members understand the potential impact of the WFFA westside riparian template proposal.

For several years the WFFA has been advocating at the legislature for funding to update the small forest landowner database (now landowner database) that was originally developed in 2007 by Luke Rogers at the Natural Resources Spatial Informatics Group (Precision Forestry Coop) at the University of Washington. Keep in mind that original database was developed to meet the requirements of the original forest and fish legislation. It is dated and needs to be updated. So far, WFFA have mostly been a lonely voice in the wilderness. Support from any of your agencies – which means getting it in your budget and allowing us to push for it at the legislative level would be a plus. Having the environmental community on board with us in that ask would be an even bigger plus. Pulling it from the AMP budget is also an alternative should funds become available. Luke Rogers did present a proposal at the TFW Policy (about a year ago) to garner support for funding at the legislative level, so the caucus members are aware of the potential for this work to answer a lot of their unanswered questions.

In the interim, I think there are lots of opportunities to provide some base data on scope and scale. At WFFA we have lots of data on small forest landowners drawn from both state and national sources, including the USFS Forest Inventory and Analysis (FIA) survey of small forest landowners, Resources Planning Act data and more. We would be happy to work with DNR, and others, to synthesize some of our data at the February meeting in support of the request by Board Member Swedeen to get this information out in front of you prior to the May meeting.

I also think it is appropriate to emphasize that small forest landowners with less than 20 acres - aka the cabin in the woods folks that just want their woodland retreat - already operate under a different set of rules than what the template is addressing. Having a forest greater than 20 acres doesn't mean that there is an intent to harvest, but it is likely to increase the odds, especially when the landowners 'age out' or 'pass away' and the land is distributed to heirs as noted by Board member Smith.

While I agree that development (land use change) is not the specific purview of the Forest Practices Board, I would like to emphasize that forest practices do not operate in a vacuum. It is critically important to keep the pressures from land use and conversion in mind when looking at how to support small forest landowners. It would be a wonderful outcome if we could develop a regulatory environment that would support Ken Miller's dream of having it be "Cool to be a Treefarmer". If that were so, the heirs might be more willing to come back and work the land. Just think of how having a 'Locavore' movement has changed the conversation around small agricultural holdings. There is no reason we couldn't have the same outcome with small forest holdings if we collectively supported developing the social license that is now enjoyed by small family farms, including a fair and equitable regulatory framework that supports all 4 FFR goals: harvestable fish, water quality, ESA listings, and economic viability.



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Testimony of Dr. Elaine Oneil to the Washington State Forest Practices Board on November 13, 2018 with comments on the Forest Practices Board Tour of the Westside Riparian Template Proposal

Chairman Bernath and members of the Forest Practices Board, I am Dr. Elaine Oneil, Executive Director of the Washington Farm Forestry Association. I would like to personally thank you for your willingness to tour Ken Miller's tree farm yesterday to obtain a visual perspective on the WFFA riparian template proposal. As Ken noted, there are really 3 site-specific conditions for fish streams that have been proposed and are under evaluation for the westside riparian template. The site-specific conditions are for streams > 15 feet wide, 5-10 feet wide, and less than 5 feet wide. Imagining how a 25' buffer on a less than 5' stream would suffice is difficult. So, I wanted to give you some more visuals to augment what Ken demonstrated yesterday.

Here is an example of a candidate stream. Based on physical defaults, this is a fish stream. It has no water in it from May-October. It is less than 5' wide. Yes, there is a channel under there - in these locations - but it goes underground in the flatter areas. The slope break is at about 25' from BFW at this location, but it varies a bit moving downstream. The deciduous canopy is falling apart. The red lines on the photos show the stream location and bankfull width.



Yes, there were conifers in there at one time. But probably not for 100 years or more, and even then, it would have been a mixed conifer site. Conifer restoration might be an option, but it won't result in conifer near the stream, and risk of failure is high.



That is because there is a healthy deer population on site, which means that any planted conifers would need continuous protection until they grow beyond the deer browsing height (>6' from the browsed trees in the area). Figuring the cost of conifer restoration, (seedlings, planting, browse protection, stakes, re-staking protection, brush control) concomitant with the quality of the existing timber, the likelihood of using a conifer restoration template is low. It could grow another good crop of alder with a few mixed conifer quite nicely. Without management it will continue its current trajectory towards a brush field with only incidental scattered tree cover.

