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November 12, 2020

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

Re: SFLO Proposal Initiation Update

Chairman Bernath and Members of the Board:

I am pleased to advise that while our Dispute Resolution process has yet to yield a consensus, all parties have been collaborative and we are finally having meaningful conversations about prescriptions rather than a myriad of AMP process stuff. I especially wish to call out Ray Entz (Eastside Tribes) & Court Stanley (Counties) for their creativity in search of workable compromises. Additionally the State Caucus has made significant progress on some potential management options within whatever SFLO RMZ widths are ultimately supported by this Board. For our part we've tried to respond to every alternative proposal with an eye towards getting to "yes" despite significant departures from the peer reviewed relative effectiveness science that is currently in a CMER process (intended to characterize this outside science as it relates to Adaptive Management Program processes). The mediated Stage 2 part of Dispute Resolution has been initiated and we remain hopeful that Policy can bring you a "consensus" recommendation by May 2021, if not your February meeting.

While it's not appropriate to share more details of our Dispute Resolution deliberations at this time it should be noted that the U of W will shortly be releasing their long anticipated updated parcel data base that will provide a wealth of landscape and potential cumulative impact information, including any trends since their 2007 report. Additionally they will be providing results of extensive surveys, and in-depth interviews regarding landowner perceptions about how they have fared relative to the disproportionate impact mitigation commitments (including regulatory) made to them in the 1999 Forests and Fish legislation.

At a much higher level (not directly tied to your work/responsibilities) I'm sharing below some recent photo's that likely do tie to the upcoming U of W legislative report, and indirectly to your work as it relates to our "social license". The stories behind these images do affect our ability to fulfill our WFFA motto of keeping forestland forested for *generations to come*.

Respectfully,

Ken Miller - SFLO Co-representative at TFW Policy



Westside: Canary grass field being converted to forestland on either side of a small/seasonal “fish” (mud minnow) stream (green strip in middle) – trees that would be inside regulatory “no touch” buffers.



Eastside: Looking for the fish in this ID Team “fish” stream (small dip in front of them).

These images are representative of the kind of stories that circulate in the rural forest/ag communities about “big fat dumb buffers” that reflect poorly on all of us – and likely contribute to scofflaw problems. How will the Ag community ever be enticed to provide better habitat especially when they see what appears to be regulatory overreach? If our resource protections feel more like unnecessary “take” what is going keep the next generation on the landscape in spite of far more lucrative options?



Last week's tour of award winning family forest harvesting of a typical SFLO small 15 acre patch of a 48 year old investment to sustain their retirement (and charitable giving) in rural Lewis County.



Same day, just over their hill on others adjacent SFLO timberland parcels - the asphalt trucks were putting in roads for two new housing developments!

It could be argued that forest regulations have little to do with conversions – and to some extent that is true from a pure financial standpoint. Most small family forest owners keep their forestlands for multiple reasons other than financial – they also sell them for multiple reasons other than financial: Neighbors that don't understand needs for periodic harvest; unintelligibly complex regulations; regulators/regulations that seemingly continue to take ever more land out of production - so “sell it before they take it” looks better every year; and a perceived lack of respect and appreciation by “city folks” that don't seem to understand the multiple benefits of forestry as a preferred land use. We believe we are the true savers of the salmon & environment but we simply aren't feeling the love – nor will many of our heirs w/o greater social license.

If a landowner with much more lucrative options doesn't feel respected/appreciated/loved why would they or the next generation even consider continuing such a lose-lose avocation?



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November 9, 2020

Washington Forest Practices Board
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Re: Compliance Monitoring, Water Typing, Adaptive Management Legislative Report

Dear Forest Practices Board Members:

Washington Forest Protection Association (WFPA) is a forestry trade association representing large and small forest landowners and managers of nearly four million acres of productive working forests, including timberland located in the coastal and inland regions of the state. Our members support rural and urban communities through the sustainable growth and harvest of timber and other forest products for U. S. and international markets. For more information about WFPA, please visit our website at www.wfpa.org. WFPA respectfully submits the following comments for the Forest Practices Board's November 2020 meeting.

2018-2019 Compliance Monitoring Report

The Compliance Monitoring Program (CMP) is a key component of the Forest Practices Program (FP Program) in that it provides an objective assessment of rule compliance and fulfills a requirement of continuing review of the forest practice rules [WAC 222-08-160(4)]. The CMP also supports the overall performance goals of the Adaptive Management Program (AMP) by addressing key question #1 of the Forest Practices Board (FPB) adopted schedule L-1: *Are the forest practices being conducted in compliance with the prescriptions contemplated in this report?* The information gained through the CMP provides critical feedback to the FP Program about where to focus training efforts and where improvements may be needed in Forest Practices Application/Notification (FPA/N) forms, instructions, application review, compliance/enforcement and where rule clarification or board manual revisions may be needed. Information from previous reports have resulted in FPA/N form changes, updates to training and board manual revisions.

The 2018-19 Biennium Compliance Monitoring Report indicated some of the highest compliance ratings since the program was initiated in 2006. Compliance ratings for the standard sample which represents the priority rule groups within the AMP - riparian, wetlands, road construction, maintenance and abandonment, and haul routes - ranged from 92-100%. Unstable slopes were added to the sample in 2019 and results indicated a 98% compliance rating. It is also important to note that compliance for water typing was 95%. Additionally, the department conducted a trend analysis to assess compliance ratings over time. This indicated no declining trends and improving trends for four prescription groups.

The CMP seeks to identify opportunities for improvements in several ways: by measuring rule compliance (activities compliant with the rules, but not the FPA), FPA compliance (activities compliant with the FPA, but not the rules), or both, assigning severity ratings to deviations (low, moderate, high, and indeterminant), and by assessing reasons for the deviation (layout, operational, and/or administrative). This information is provided in section 5 of the report following the overall compliance rating for each group. WFWPA greatly appreciates this information and would like to work with DNR and other stakeholders to identify opportunities to further increase compliance.

WFWPA appreciates the efforts and contributions by all stakeholders and individuals that have contributed to the 2018-19 Biennium Compliance Monitoring Report. The CMP has incorporated changes over time that have greatly improved the ability to provide a much more accurate assessment of overall rule compliance as well as identify areas for further improvement. The high compliance ratings are a significant accomplishment and deserves recognition. It is a testament to the commitment of landowners, regulators, and TFW stakeholders to realize the goals of the Forest and Fish Law and forest practices rules. These ratings provide a high level of assurance that *forest practices are being conducted in compliance with the Forest Practices Rules.*

Water Typing

The WFWPA and our member companies have been active in collaborative efforts for more than 20 years to establish effective water typing rules and guidance consistent with best available science and the goals of Forests & Fish Report (FFR). Unfortunately, a permanent, durable solution all stakeholders can support still appears out of reach. WFWPA agrees the rules and guidance should better reflect the negotiated elements of FFR and our evolving understanding of fish habitat utilization; however, we must adhere to a disciplined process consistent with rule-making requirements in RCWs 76.09.370 and 34.05.328.

Recall there has been no science produced within the AMP and the rule-making process which evaluates performance of the current rule. There is also long-standing disagreement or at least differing interpretations of the policy performance target for the water typing system and how to measure it. Therefore, it is unclear how performance of potential habitat break (PHB) and anadromous fish floor (AFF) alternatives being considered by the FPB will be evaluated. The absence of a consistent baseline, little to no agreement on the policy performance target, no clarity on how performance of various alternatives will be assessed, and a tightening state budget puts the FPB in an intractable situation.

Despite the FPB's previous criteria for the water typing system [fp_minutes_20150811.pdf](#), the FPB's water typing committee recognized the need for additional clarification, which is why their November 2019 memo contained the following recommendation: *Clarifying the goals and targets for the water typing system rule. The target for the rule implementation needs to be consistent with fish habitat as it is defined in rule and the targets for implementation need to also align with the intent of the Forest Practices Habitat Conservation Plan, and be provided to TFW Policy and CMER.*

So far, the FPB appears to have punted on this recommendation, purportedly waiting for the next phase of the C-Peace process (recommendation #9) to assist. Given the tightening state budget will likely limit the department's ability to execute new contracts, we must try to solve our own problems absent outside help. Continuing to ignore or delay this necessary work while still trying to move the rule making forward is not a recipe for lasting success. There are also other options worth considering, such as focusing effort on where we have, or could achieve, agreement on components of the water typing system. Revisiting the decision to place rule making in front of the necessary science work is

also worth considering. Had that decision been different several years ago we would likely be well ahead of where we are today in settling on a permanent solution. The upcoming legislative session may provide opportunities to collaborate on other topics which could make a meaningful difference for listed fish, which is something we all want. Building up our capacity to solve our own problems is the primary aim of the C-Peace process, accomplishing some wins together can also help us achieve that objective.

October 2020 Adoptive Management Legislative Report

The legislative report provided to FPB members and TFW Policy participants on October 15th represents the department's response to direction from the Legislature in the 2019-2021 biennial operating budget, ESHB 1109. The 2019-2021 budget bill provided approximately \$3.75M in general fund-state funding for the AMP and directed a report on expenditures, accomplishments, the use of science in decision making, and funding needs for the coming biennium. Of note, the department is requesting just over \$7M in general fund-state funding for the AMP next biennium, nearly double that received this biennium.

Having been involved in the Master Project Schedule budget cutting exercise earlier this year, and the AMP budget discussions in the legislature over the last two sessions, we are keenly aware of the AMP funding challenges. We, along with all other TFW/FFR caucuses, have committed to assisting the department in any way we can during this upcoming budget session. We have repeatedly asked the department to make that easy for us by providing clear, concise, compelling, and timely information to use in discussions with budget writers and legislative staff. Unfortunately, I do not believe the AMP legislative report meets that grade. It is hard to follow, even for someone who is intimately familiar with the AMP and does not make a succinct and persuasive case for increased general fund-state funding. Avoiding additional budget cuts will be very difficult this upcoming session, let alone securing an increase. Stakeholders will need to be in lockstep and on our best game to have a small chance of succeeding, and that starts with the department being responsive to our requests.

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

Sincerely,

Darin D. Cramer

Sr. Director of Forest & Environmental Policy