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Via email to

Alex Smith, Department of Natural Resources and Board Chair
Ben Serr, Department of Commerce
Cody Desautel, General public member
David Herrera, General public member
Frank Chandler, General public member and independent logging
Jeff Davis, Department of Fish and Wildlife
Kelly McLain, Department of Agriculture
Meghan Tuttle, General public member
Pene Speaks, General public member
Rich Doenges, Department of Ecology
Steve Barnowe-Meyer, General public member and small forest landowner
Vicki Raines, Elected county official
Wayne Thompson, Timber Products Union

Dear Forest Practices Board Members:

We are deeply appreciative of the time, empathy, and focus that you, as incredibly busy representatives on the Forest Practices Board, gave to the issue of the small forest landowner (SFLO) riparian template issue that will be before you at the special board meeting on November 10, 2022. We would like to take this moment to reflect and synthesize what we heard from all of you during our one-on-one meetings in hopes that there are common threads that will help you pass board motions that support the interests of all parties.

Landscape condition and potential cumulative impacts

There was much discussion around the scope of potential impacts, cumulative effects, and potential opportunities to condition the proposed template widths. Several of you were interested in finding ways to support the kinds of activities you saw on Ken Miller's family forestland as they provide critical fish and wildlife habitat within a managed forest system which is essential for long term ecosystem sustainability. The UW report on SFLO ([SB 5330 report](#)) that was released Jan 2021 and reports from the DNR small forest landowner office provides a treasure trove of data to help inform your deliberations on the impact that the scope and scale of SFLO harvest activities may have on template use and risks.

From the SB 5330 report and DNR small forest landowner office summaries we know:

1. There are ~1,400,000 forested acres owned by western WA SFLO of which ~930,000 in the 20+ acre category that would be eligible for the template.
2. Of those SFLO forests 20+ acres, ~ 612,000 (~66%) are in designated forest land status which represents 43% of all forested SFLO lands in western WA.

3. The total area in riparian buffers on western WA SFLO lands is 204,000 acres, or 14.4% of total SFLO acres but:
 - a. There is large variability in buffer impact by owner and location.
 - b. SW Washington and Coastal timber counties average percent buffered acres exceeds 20%, with Pacific and Wahkiakum counties at 27%.
 - c. Assuming an equal distribution of buffers in all parcels, the estimated buffer acres on parcels > 20 acres is 133,000 acres (88,000 on DFL > 20 acres).
4. Estimated stream miles on all western WA SFLO ~ 6000; estimated stream miles (Type F and Np) for DFL > 20 acres ~ 2550 (calculated from 5330 report).
5. Average western WA SFLO harvest is 16,557 acres per year (1.2% of total acres). (DNR statistics)
6. Average loss of W WA SFLO timber land to other uses is 5,875 acres/year (0.4% of 2019 total acres). (5330 report statistics)
7. Timber counties account for 38% of the harvest in the same locations where SFLO average > 20% of their land in riparian buffers, therefore the economic impacts are likely > 14.4% loss.
8. A tabular summary of the buffer alternatives is as follows:

Riparian Buffer Alts	Total buffer width	Buffer acres WWA SFLO (all acres)	% reduction in loss to SFLO	% LWD Reduc-tion*	% shade Reduc-tion*	Buffer acres WWA SFLO (20+ acres)**	Buffer acres WWA SFLO (20+ acres DFL)**	estimated SFLO foregone income (\$/yr)	estimated county foregone tax income (\$/yr)
FFR buffer average SI (140' x 2 = 280)	280	203,947	0%	0%	0%	133,419	87,667	- \$17,533,441	\$789,005
WFFA buffer large streams (75'x2= 150)	150	109,257	46%	0-2%	0-5%	71,475	46,965	- \$9,392,915	\$422,681
WFFA buffer small streams (50'x2= 100)	100	72,838	64%	2-6%	0-8%	47,650	31,310	- \$6,261,943	\$281,787

* Percent reductions from Cramer/Teply analysis conducted in AMP and reviewed by ISPR

** Calculated assuming equal allocation of buffers among parcel sizes and DFL/non-DFL land

9. Estimated lost revenue from current buffers for SFLO (\$17.5-20.8M/year) and for counties (\$800-940K/year); Accepting template buffers would improve revenue forecasts for SFLO by \$8-\$11M/year and for counties by \$370-\$510K/year. This represents a 46-64% reduction in

economic impact for an estimated 0-5% reduction in shade and a 0-8% reduction in LWD depending on buffer width. **In summary there are huge financial benefits for affected SFLOs and timber counties for little to no loss in shade or LWD when adopting these template buffer widths.**

10. These proposed buffers are responsive to Board Manual Section 21 Guidance for Alternate Plans which finds that Alternate Plans (and therefore by extension templates) are useful when the cumulative impacts of rules disproportionately affect a landowner's income production capability.

Conditioning Clauses

During board member visits there was some concern expressed that the science developed as part of this proposal initiation, and subsequent AMP processes including ISPR review, was insufficient. As we showed in our presentations to you, and as provided in our report, the science developed inside the AMP process and the science developed by WFFA for the proposal initiation point to similar estimates of relative effectiveness – even when using different methods to arrive at their conclusions. This triangulation to a similar result is why we remain confident that the science demonstrates our proposals are equal in overall effectiveness to rule, as presented in our minority report and required by the RCW and WAC.

However, to address the low risk tolerance expressed by other caucuses we are open to conditioning our proposed motions on buffer widths if they would resolve the current impasse and result in a workable solution for all parties. Some examples of potential conditioning that were discussed during meetings with board members include:

1. Stream reach limit of 1,320'
2. Large vs small stream break at 10' instead of 15'
3. Not "variable" on 50' small fish stream buffers
4. LWD enhancement via placement, tipping, or directional falling subject to DNR Guidance
5. Designated Forest Land or Open Space Forest tax status
6. Potential cumulative affects tracking similar to that done for 20-acre exempt rules, except "rolling" based on normal "green up" times, or other fixed period of time?
7. Membership in any of the relevant Certification or family forest educational organizations.
8. Set status/review date by DNR such as 5 years after first FPA
9. Extended conversion moratorium for those using this template (i.e. beyond the 6 years currently required if the landowner plans to convert to non-timber land uses)

If any of these potential conditioning elements will assuage your concerns about the adoption of the proposed motions in our minority report, please contact us before November 10 so that proposed motions can be modified.

Small Forest Landowner Letters

Technical inputs contribute information that is helpful in the decision-making process, but there is more than science involved in developing public policy. By now you will have received upwards of (or more than) 200 letters from small forest landowners, current and past legislators, past Forest Practice Board members, natural resource specialists who work with small forest landowners, and others, that support the adoption of the proposal as submitted to you in our minority report. That we could galvanize that

kind of response speaks to the fact that small forest landowners care deeply about this issue and want long overdue action now.

But their request for action is not without regard for the multitude of benefits that accrue on managed family forestland. Reading even a smattering of those letters reveals that the kinds of effort and outcomes you saw at Ken Miller's family forestland are not the exception – they are the rule within the small forest landowner community. They take stewardship seriously. Most are highly committed to sustaining fish and wildlife, water, timber, family, and community. Many have spent years to decades developing a legacy that they plan to pass on to future generations – either directly to heirs - or indirectly through the kinds of choices they make when it is time to sell their land to the younger generation.

There are many letters from “old timers” that have lived through all these years personally witnessing and /or experiencing the actual effects of the legislation – often to their detriment. These letters provide not only a historical record and perspective but a strong argument for action. There's that old saying, “Actions delayed are action denied”. In those letters you heard from more than one 80-90 year old tree farmer who is tired of waiting, because even if it won't benefit them, it will benefit future generations of landowners.

The theme of longevity, commitment, and connection to land runs through these letters, but there is also more than a little frustration with the process and the rules themselves. When landowners, some of whom are brilliant in their fields - with patents and accolades galore - learn from a field forester about the complexity of the current rules, they rightly question the need for that complexity, especially given their observations of their own forested ecosystem. Their practical voices speak to the need for a much simplified process based on functional needs rather than negotiated outcomes.

The theme of conversion was strong. And it is not just a threat. Data show that 1.2% of SFLO lands are harvested under a DNR FPA per year, and 0.4% are converted out of long-term forestry (5330 report). Whether those conversions are in addition to, or a part of the harvest % is unknown, but converted acres are ~ 1/3 the number of harvested acres in an average year for western Washington. The letters indicate that many SFLOs are under intense pressure to convert or are nearing the time in their life when the transfer to the next generation may lead to conversion. At present Washington state provides few social or tangible incentives to maintain lands as resource lands and lots of disincentives for keeping forest land forested despite SFLO forests providing especially diverse habitats, clean cool water, carbon sequestration and other public &/or good neighbor benefits such as open space, recreation, hunting, and clean air.

Twenty three years ago WFFA leadership took a courageous step to meet the needs of all resource users. They placed their trust and confidence in the Forests and Fish process based on the promise that their regulatory needs would be addressed consistent with multiple legislative SFLO references. That courage was not without cost. WFFA lost one third of its members because of the decision to participate in this collaborative process. Unfortunately, some of our leaders went to their graves believing they were misled, or that they had failed their peers by their naïve trust that the process would lead to durable interest based outcomes that met the needs of all parties.

Each of us has a risk tolerance and a great deal of outside pressure to stick to a particular position that has been hollowed out of the grand vision that culminated in the Forests and Fish Agreement more than

20 years ago. That positional approach is failing the program and the resource. At WFFA we believe there is a better path, so we are asking you to be courageous like our predecessors were. We are asking you to come to the center using an interest based lens to approve the science based prescriptions on riparian buffer widths set forth during this eight year process, with or without conditioning them as needed to address your risk tolerance. Doing so would show those who dutifully served, acted in good faith, and placed their trust and confidence in the process and the FPB, that their efforts were not in vain. Doing so would also renew our commitment to the idea that good faith collaboration is a viable, as well as preferable, alternative to divisive politics or costly litigation.

Small forest landowners need your vote, the forested ecosystem needs the middle ground approach, the rural counties and communities need economic relief, and the people working diligently in this program need a courageous example of interest based decision making. Your "yes" vote would serve as a much needed example of what can be done when we do the hard work of hearing each other and meeting the needs of others as we meet our own.

Respectfully Yours



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