



P.O. Box 1010
Chehalis, WA 98532
Phone (360) 388-7074
info@wafarmforestry.com
www.wafarmforestry.com

Madam Chair and Members of the Board

I'm Dr. Elaine Oneil, Executive Director of the Washington Farm Forestry Association representing small forest landowners across the state.

Reading the October 27, 2022, memo on water typing rule making boggles the mind. We have spent how many years and how much money to research and develop the components of a very complex water typing system and we are just now at the stage of clarifying the goals and targets for such a system? That is clearly putting cart before the horse. It seems that we are again contemplating throwing our science based decision making out the window in pursuit of rulemaking for purposes that aren't all that clear. If you accept Dr. Jenny Knoth's testimonial as an auditor that the forests are in good hands and the current system is working to create wonderful habitat, the question is - What is it gaining us? Rules for rules sake?

There is all this work still on the CMER workplan that hasn't been completed. There is all this conversation about AFF and other elements of the water typing system that hasn't been agreed upon. Most concerning for me is this idea that we are revisiting if a map-based modeled water typing system is one of the goals of the permanent water typing system rule – something that has been agreed to in the past. Small forest landowners are the people that will be most impacted by decisions on the anadromous fish floor and the ones that will carry the brunt of the expense and the lost revenue should a model map based water typing rule be dropped from future consideration. Kicking the can down the road as Attorney Ferrester suggests is not acceptable. We don't want to spend the next 20 years trying to get modeled map based approach through the system like we did with alternate plan templates that went down in flames on November 10th. We are vehemently opposed to dropping a LiDAR model based water typing rule that balances risk and meets the 95% threshold for certainty as noted by Attorney Ferrester.

Elaine Oneil, PhD

Executive Director
Washington Farm Forestry Association



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

November 27, 2022

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

Re: Special Meeting on Water Typing System Rule Making

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 (FPB) November 2022 special meeting.

Water Typing System Rule Making

Landowners have participated in good faith in an attempt to find common ground over the last several years, while at the same time repeatedly noting the key obstacles to finding agreement on water typing components. Several attempts have been made to close ranks, but we mostly continue to practice avoidance in settling the core issues. Essential principles of the water typing system described in Forests & Fish (F&F), associated FPB decisions, and relevant technical information which should inform decision making are ignored or explained away. Ongoing, unsubstantiated concerns about missing fish habitat during surveys and adverse impacts to fish are used as a basis to promote increasing regulatory burden absent any known benefit.

FPB consideration of water typing alternatives which have high uncertainty and/or error which also limit survey opportunity is inconsistent with the intent of F&F. It is also arguably inconsistent with RCW 76.09.370 (1), (6), (7). The water typing agreement in F&F, later incorporated into rule, and reaffirmed in multiple FPB decisions since 2001, requires accuracy and balance before surveys are minimized. The best management practices described in the efishing report, and the fish habitat assessment method (FHAM) delivered to the FPB in 2016 and 2017, respectively, are intended to minimize efishing during surveys. The AMP has produced technical information about the reliability of existing practices, variability in fish movement and approaches for evaluating performance of water typing alternatives. Landowners submitted similar information to the FPB in February 2021 demonstrating consistency between concurred F/N breaks and determining fish habitat as described in F&F.

It's very dissatisfying to see prior agreements, related FPB decisions and relevant technical information have little to no bearing on the current water typing deliberations. Further, meeting materials for the November 28th Special meeting indicate the FPB will consider “...*if a map-based modeled water typing system is one of the goals of the permanent water typing system...*” The FPB reaffirmed the commitment to a model-based map, particularly for small forest landowners, in 2015 and directed CMER to develop a validation study (or studies) for potential habitat breaks (PHBs), the default physical criteria (DPC) and a model-based map in 2019. For unexplained reasons, the FPB is apparently going to consider dropping the model-based map, yet the DPC which have little to no scientific basis are assumed to be carried forward in a future water typing rule. And field validation of any of the proposed water typing components (PHBs, DPC, model-based map, AFF) is years away, assuming funding is available for the next six plus years. Landowners struggle to find any logic with this overall approach. We do appreciate the staff request for “...*clarifying of the goals and target for the water typing system rule...*”, including the AFF, but also note this request has been made repeatedly over the last few years, including from the FPB's water typing committee in November 2019.

It is increasingly difficult to reconcile the growing gap between the F&F central principles of a robust, science-based, collaborative system with where we are today. It appears that emotion and politics have become the dominant influence in decision-making processes where problems/solutions can be whatever an individual caucus has the votes to get passed. This results in a lot of wasted time and energy and should have no place under F&F. Landowners will continue to prioritize finding agreements where we can and working on issues of common cause. However, we must also seriously reflect on the potential for the current dynamic to cause significant damage to one of the most successful conservation plans in the country and if/how we can avoid that from happening.

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

Sincerely,

Darin D. Cramer

Sr. Director of Forest & Environmental Policy