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1/26/2021

Re: HB 1216 Urban and Community Forestry

Chairman Chapman members of the Committee:

I'm Ken Miller, a small family forest owner representing myself and the Washington Farm Forestry Association testifying with concerns about HB 1216.

My family and I have personally planted over 50,000 trees over the last 30 years so clearly have no objections to planting and growing more trees in our urban and community settings – we actually have about 40 neighbors with adjoining property lines on our local farm adjacent to Millersylvania State Park – so we probably fit this bill's "community forest" definition in many ways.

My concerns about this bill are primarily around the requirement for DNR to provide technical assistance to city folks when they don't have funding to provide the technical assistance you required them to provide for small forest landowners (SFLOs) in the 1999 Forests and Fish (F&F) legislation. Technical assistance was required in F & F to mitigate for a small business economic impact statement (RCW 19.85.040) finding of "Disproportionate Impact" on SFLOs. If sufficient funding can't be found for required mitigation how can they be expected to provide technical assistance for a new program?

The ESSB 5330 (2019) study results released on Jan 11, 2021 indicate there are 218,000 SFLO's already in line for DNRs technical assistance! Despite good intentions, passage of this bill will surely have a further watering down effect on scarce technical assistance to SFLOs for: stream typing to ensure correct fish buffers; steep and unstable slope delineation to protect public & private resources downhill of our forest activities; stewardship plans to ensure best management; forest health prescriptions; and Alternate Plan prescriptions to provide parity with our industrial friends on highly technical rules across the 2.88 million acres that we steward for ourselves and future generations.

I'll submit a written version of these concerns, along with some family photos to ensure you can better internalize just how long (21 years) we've already waited in line for technical assistance from DNR - to help you weigh the wisdom of adding even more technical assistance mandates on an agency unable to fulfill your current mandates. Very sincerely,

Ken Miller

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# 21 Years Since Forests & Fish Promised SFLOs Regulatory Relief (What 21 years looks like in the life of a tree)



Ken Miller, 12116 Scott Creek Loop SW,  
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## Year 1

Planted a seedling with my Grandson



## Year 10

My adolescent Grandson & tree



## Year 21

The same tree - with Grandson  
and now a Great Grandson

**Do trees progress faster than our state  
bureaucracies?**

**How many more generations will it take  
State Agencies to comply with Legislation?**

## Key Forests & Fish Legislation References:

Small Business Economic Impact Statement **findings of Disproportionate Impacts** on small family forest owners.

Mitigations included:

- Small Landowner Office in DNR to provide technical services – **grossly understaffed & no help with stream typing, nor steep slope delineation.**
- Forest Riparian Easement Program to compensate 50% of loss – **grossly underfunded & 7 year backlog.**
- Family Forest Fish Passage Program – **progress, but hundreds on waiting list.**
- Regulatory deference to small family forest owners – **despite much effort, essentially non-existent. Achieving this Legislative intent would significantly reduce Capital Budget needs for FREP and reduce risks of land use conversion.**

## Subsequent Disproportionate Impacts:

- **Thousands** of hours of volunteer effort now required over 21 years to achieve/maintain the mitigation approved by the 1999 Legislature.
- Washington Farm Forestry Assoc. is primarily about education – now we must spend inordinate resources in Olympia because we conditionally supported Forests and Fish in 1999 – in effect: **No good deed goes unpunished!**

## Recent Regulatory Relief Efforts:

In February **2015** the Forest Practice Board accepted for review by the Adaptive Management Program our **science based, peer reviewed** proposal for smaller buffers for our smaller, lower impact harvests that are consistent with:

- RCW 76.13.100 (2) partial: *“the legislature further finds that small forest landowners should have the option of . . . alternate harvest restrictions **on smaller harvest units** that may have a **relatively low impact** on aquatic resources.”*
- RCW 76.13.110 (3) partial: *“alternate harvest restrictions shall meet riparian functions while **requiring less costly regulatory prescriptions.**”*

Our simple proposals are stream & harvest size appropriate – some prescriptions actually provide more stream functionality - others are equivalent, and at worst case **“relatively low impact”** compared to industrial prescriptions. **Win-Win-Win!**

For the last 21 years, and particularly since 2015, we’ve worked collaboratively, so far largely unsuccessfully with these WA State Agencies on the Forest Practices Board:

- **Department of Natural Resources**
- **Department of Fish & Wildlife**
- **Department of Ecology**
- **Department of Agriculture**
- **Department of Commerce**

## **What more can we do?**