

# Western Innovator: Beware of buffers, tree farmer warns

By DON JENKINS Capital Press Jan 13, 2023



*Washington tree farmer Ken Miller of Olympia gestures while giving a tour of his farm in Thurston County. Miller was disappointed by a state board's rejection of a proposal to narrow riparian buffers for noncommercial timber harvests.*

Ken Miller's long-simmering frustration with how Washington regulates small-forest landowners boiled over Nov. 10 in an act of civil disobedience.

On that day, without explanation, the Forest Practices Board, which regulates logging on private land, rejected a proposal to narrow riparian buffers for non-commercial timber harvests.

The Washington Farm Forestry Association spent eight years building its case that well-managed 50- or 75-foot buffers, rather than 90- to 200-foot buffers, will protect fish and water.

The association went through a long process to get its proposal on the board's agenda. Miller, a leader in the farm forestry association, rallied landowners to send letters to the board.

The landowners wrote: We love our land and share your conservation values, but industrial-sized buffers hurt us and make us think about selling to developers.

When the big day finally came, two motions were on the table: 50-foot buffers along streams narrower than 15 feet, and 75-foot buffers along larger streams.

## **Proposals rejected**

Board chairwoman Alex Smith of the Department of Natural Resources dispensed with 50-foot buffers with a voice vote. From the audience, Miller called for a roll-call vote on 75-foot buffers.

“I wanted to know where all the board members stood,” he said.

The vote was 8-4 against. All five state agencies — DNR, Ecology, Commerce, Agriculture, and Fish and Wildlife — voted “no,” siding with the board’s tribal and environmental representatives.

No state official justified his or her vote. Smith, deputy supervisor for aquatic resources, referred phone calls to DNR spokeswoman Natalie Johnson.

The department wants to continue reviewing timber harvests case-by-case, Johnson said. “We want to err on the side of protecting resources.”

## **Promise not kept**

In Miller’s view, the votes were another case of the state failing to keep a promise made in the 1999 Forests and Fish bill.

The landmark legislation passed with bipartisan support and was meant to comply with the Endangered Species Act and Clean Water Act while preserving the logging industry.

Recognizing the disproportionate impact of mandatory buffers on small-forest landowners, the bill called for “alternate harvest restrictions” on small timber harvests.

The proposal presented to the board in November was a bid by small-forest landowners to finally redeem that promise. Miller said he was prepared to thank the board profusely.

He also was ready for defeat. After the vote, he sat at a table facing the board, repeatedly reading a statement and refusing to yield the microphone.

He made some self-deprecating remarks, joking he readied himself for a long protest by wearing absorbent disposable underwear. Nevertheless, he was acting in earnest.

“I respectfully decline to leave this table,” he said. “I apologize to the chair and everybody, but I don’t know any other way of getting meaningful attention. All of our options are bad.”

No regrets

The board adjourned and reconvened in another room to finish the meeting. Almost two months later, Miller said he has no regrets about the sit-in.

“We followed a process to the end of the line. I don’t know what else to do,” he said.

Agriculture, unlike forestry, does not have prescribed riparian buffers. Gov. Jay Inslee and state agencies last year unsuccessfully pushed a bill imposing mandatory buffers on farmland.

Miller advises farmers to not repeat the mistakes of small-forest landowners.

The mistake, he said, was accepting assurances that state regulators would follow through on what lawmakers intended. “Twenty years later, they’ve forgotten the obligations,” he said.

Immediately after the votes and before Miller took the microphone, Washington Farm Forestry Association executive director Elaine Oneil told the board that agriculture was watching.

“I can’t imagine that this is going to go down favorably in the rural hinterlands, that there’s so little flexibility,” she said.

## **Tree farmer**

Miller and his wife, Bonnie, bought a tree farm in Grays Harbor County in 1989. They bought a second one in 1993 in Thurston County, where they live.

Over three decades, expenses — such as planting trees and building roads — have exceeded logging proceeds on the larger farm in Thurston County, Miller said.

Floods, heat waves, deer, rodents and disease attack young trees struggling to take root in shallow soil. Some are thriving or just surviving and some are dying or already dead.

“Nobody in their right mind would buy this for timberland,” he said as he gave a visitor a tour of his tree farm.

## **Developers’ offers**

Developers have offered to buy the land, which borders a golf course and houses and could be broken into 5-acre lots.

Miller said he will keep planting trees, even if he doesn’t live long enough to turn a profit. The tree farm is a legacy and keeps him active.

Bonnie and Ken met in first grade in Oakville, Wash., and have been married for 58 years. They lived for 20 years in Tacoma, where he was in sales and marketing for a wood-products manufacturer.

“I look back and think what we’d be doing if we stayed in Tacoma,” Bonnie Miller said. “He’d be sitting in front of the TV, eating and getting fat.”