"Stewards of the land... for generations to come."

Washington FARM FORESTRY ASSOCIATION

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May 14, 2025 Re: SFLO thoughts about Type Np and more.

Washington State Forest Practice Board

Chairman Young and members of the Forest Practices Board:

For the record I'm Ken Miller, co-representing Washington Farm Forestry Association with Dave Roberts on behalf of the small forest land owners (SFLOs) on the TFW Policy Committee. Much of this written testimony is intended to simply share what folks in my community are thinking and saying about Type Np and Adaptive Management in general. I believe it's in each of your interests to better understand your largest regulated community.

As a reminder my association lost much of our membership leading up to the 1999 Forests and Fish legislation because it was felt to be too much "take" for such little/if any environmental benefit. It was also believed that Forests and Fish would not provide the intended regulatory certainty, but instead simply be a stepping stone to ever more regulatory taking. They didn't believe the affirmations most of your caucus representatives made in the 1987 TFW Agreement to the effect that SFLOs didn't really impact functions because of our smaller and disconnected harvests.

Our WFFA leadership supported Forests and Fish because we believed in the promises of science, collaboration, shared risk, and that we mattered to each of you. We also believed in carrying on our own individual legacies of good stewardship; of doing what is right for the forests in our care. . . . with a special interest in helping salmon. Forests and Fish would not have passed if WFFA had objected!

Since then, there have been some advances in science, most of which confirmed that Forests and Fish provided ample if not overly generous functional protections. Industry certainly stepped forward with $millions invested in roads, fish passage improvements, and lost timber in their quest for regulatory certainty they needed for sustainable forestry economies. SFLOs lost much of their cherished independence and foundational "property rights" for the "greater good". Despite our demonstrated good intentions and contributions in Forests and Fish, landowners now feel betrayed and mistrusted as we continue to struggle through what seem perpetual "gotcha" politics. Without feeling respected and appreciated, few of us have any hope our legacies of good stewardship will continue into the next generation. If we fail to entice the next generation, I believe your interests will suffer far more than our heirs.

There have been some good smallish examples of the power of collaboration in the Adaptive Management Program. It's also fair to say that much of the collaborative spirit your caucuses supported in 1987 has disappeared and it feels we are back to the old

“forest war” days. The TFW Policy failure to find the win-win’s during the “Desired Future Condition” debate was a relatively small regulatory increase that in hindsight was the beginning of the end of the 1987 TFW Agreement. The seemingly endless water typing debates, multiple processes, and $millions spent in AMP funds (from industry) just to better define the last fish/last possible habitat on very small streams is testament to our broken system. . . brings to mind one of my fathers’ old sayings about the futility of “trying to pick the fly sh_t out of the pepper”. 😊 Personally, I still believe in the promise of Forests and Fish, and particularly the 1987 TFW Agreement but I also believe that how the Board ultimately resolves the Type Np issue will determine the future the entire Adaptive Management Program.

Others will likely make stronger & more factual cases for why you should not go forward with Type Np rule making, at least not without including more credible cost/benefit options. Even if you accept the flawed Cost/Benefit analysis the huge $ costs vs the lack of any tangible benefits seems to demand a pause in this process.

I’ll provide additional subsequent testimony, but I found the draft Small Business Economic Impact Statement to be incomplete, inadequate, and very misleading:

- There is no mention of the clear disproportionate impact on SFLOs who will not likely be able to utilize the proposed thinning option in the outer 25’ which is dependent on knowing actual Np stream lengths often at least partially on different ownerships.
- $millions if not $billions of direct losses on over 20,000 SFLOs cannot be offset/dismissed with intangible benefits such as potential short term carbon benefits. . . . . this doesn’t come even close to passing the silly grin test with any of our constituents.
- False/misleading narrative about the 1999 F&F SBEIS legislative mitigations include:
    - Approximately 20 years of FREP payments have been made to about 500 SFLOs, compared to the 20,000+ projected to be affected by Type Np increases.
    - Who really believes the Legislature will increase FREP funding by 2-3-fold?
    - Funding for the DNR Small Landowner Office is historically a low priority and proven to not be a reliable source of mitigation.
    - Despite the promised FREP and DNR SFL Office Services mitigation that should be hardwired into DNR, WFFA is forced to spend significant portions of our limited resources lobbying the Legislature to actually fulfill some of the SBEIS mitigation commitments. How is it real mitigation if the impacted SFLOs are forced to help keep the mitigation promises? Double jeopardy!
    - Another previous F&F SBEIS mitigation for SFLOs was the commitment for **map-based stream typing** <u>still not on the horizon after 25 years</u>, resulting in most SFLOs being forced to rely on known over-protecting default physicals. DNRs SFL Office biologist efforts are appreciated, well

intended, but largely ineffective due to protocol surveys requiring access to other ownership not available to most SFLOs or DNRs biologist.
    - The most helpful legislative mitigation in F&F was the largely unfulfilled direction to the Forest Practice Board for alternative harvest prescriptions for SFLOs for our smaller, lower impact harvests. Despite AMP contracted & TFW Policy support, the science confirmations (Cramer Fish/Teply) of much smaller buffers providing equal functional effectiveness this Board rejected our 8-year slog through the AMP process to meet that long promised/sought Forests & Fish mitigation is still unfulfilled.
- Prior mitigation promises that were not kept**, but promised again** are not valid SBIES mitigations for tripling our Np buffers, or in effect doubling our total buffer set asides particularly without substantive benefits, nor demonstrated harm. I'm likely one of the very few SFLOs that still thinks the Board will ultimately comply with prior commitments from the Legislature and the Boards own rules. 😟

Those of us still holding out slim rays of hope for a truly collaborative process within the 4 goals of Forests and Fish struggle to get many of our peers to even comment to the Board because: they believe they have been lied to for years; the deck is stacked against common sense; and/or it's hopeless to participate because no regulatory authorities are actually listening. Imagine their feelings when they learn that I naively offered to double their Np buffers (SFLO portion of "minority" position) without their full by-in. . . doing so out of a naïve sense going along to get along. 😟

I know that the vast majority of SFLOs simply want to do the right thing for the forest. The Type Np proposal heading towards rule making isn't in the best long-term interest of the forest nor all that depend on healthy forests. Although most of my peers have lost all remaining hope for science, objectivity, & common sense **I know SFLOs still hope/expect:**

- ALL FPB members to consider the long-term values provided by SFLOs
- Tribes to value/appreciate our needs/goals on NON-Fish just as we have valued Tribal needs on FISH streams, particularly Salmon, along with our special and shared vision for future generations.
- Conservation Caucus folks to recognize that SFLOs share most Conservation Caucus goals: we simply can't abide the "no-touch" philosophy, so hoping you can see the greater good in our style of managed conservation.
- The State caucus to credibly and independently represent each of their separate constituents and avoid even the appearance of undemocratic block votes on contested issues.
- Ecology to be tough when appropriate but favor the greater environmental good when common sense and Forest & Fish goals trump a rule, particularly a confusing or contested rule without tangible benefits.

- WDFW to focus on habitat needs for the greatest variety of critters and the most total habitat knowing forested habitat is ideal for most and is a decreasing resource where human needs are always increasing.
- Dept of Ag to recognize this issue is also about “farms”, and the “farmers” providing valuable crops needed by our citizens. . . . . treat us with the same understanding and balance you do with other agricultural products/people.
- Commerce, of all the Forest Practices Board members, must have full appreciation of what is needed in the way of resources and people for a viable economy.
- Counties to continue valuing our community, viewscapes, & taxes.
- Labor, Loggers, and Industry to continue supporting our symbiotic relationships where we all lose if we don’t maintain viable infrastructure (I.e. Eastern WA).
- DNR to actually be the honest broker SFLOs expect to help find the greater good for all stakeholders.

The land values of small ownerships like ours are already unsustainable for economical forestry. All Forest Practice Board member organizations/constituents are dependent in part on what Eco-Services SFLOs provide for free, and continue providing not because we are getting rich, but because we value our legacies, hopefully for generations to come. I’m reminded by the line in Declaration of Independence that: “ . . . Governments are instituted among Men, deriving their just Powers from the Consent of the Governed”. Not a perfect fit, but certainly my sense of where Adaptive Management is failing.

You have an opportunity to help right the ship back towards the 1987 TFW Agreement, or not? Without greater social license from regulators my heirs will not continue what I’ve created and other SFLOs will likewise eventually move toward other choices that don’t provide all the free ecological services of viable forest economy.

Ken