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

Washington FARM FORESTRY ASSOCIATION

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

Below is a brief history of the genesis of the Forest Practices Board (FPB) rule proposal on Type Np (non-fish perennial) streams. Nearly 15 years ago, the Timber Fish and Wildlife Adaptive Management Program (TFW) began studying what happens to amphibians in headwater streams, i.e., upstream of streams with fish - or as defined in statute, Np streams. Part of the analysis included measuring stream temperature before and after harvest. Harvests were conducted using forest practices rules (some buffers), 100% buffers, and 0% buffers. Buffers are areas where trees are left along streams to aid in cooling. There weren't very many streams sampled, and the findings were all over the place. As in, sometimes the 0% buffers were colder and after harvest they warmed less than the 100% buffers. That finding is contrary to any kind of reasonable temperature hypothesis **if** they had been studying temperature effects. In science, that kind of finding just leads to more questions – as it should.

However, in about 2018, the Department of Ecology lost a lawsuit about water quality. Part of their settlement involved removing a temperature allowance limit of 2.8 degrees Celsius (2.8C) and using the temperature threshold of 0.3C as the allowance limit instead. From that settlement agreement until the May 14, 2025, Forest Practices Board hearing, the Department of Ecology maintained that 0.3C was a limit and any time human activity caused a temperature change exceeding 0.3C (0.54 Fahrenheit) then the human activity must be modified. As instrumentation used in these nature-based experiments often has a tolerance of +/- 0.5C, this is equivalent to allowing **no temperature change at any time for any reason**.

This altered water quality standard interpretation was inserted into the Np amphibian study as the Department of Ecology are participants in the TFW process. There were plenty of arguments along the way, but on June 6th, 2025 the **Department of Ecology**, the **Department of Natural Resources**, the **Department of Fish and Wildlife**, the **Western Washington Tribes**, and the **Washington Conservation Action** (WCA) representatives on the FPB all voted to proceed with the next step of rulemaking based on these findings and the 0.3C allowance limit.

While this rule is clearly detrimental to forestry interests, it also **sets a terrible precedent for agricultural interests** as noted by the Department of Agriculture representative on the FPB (timestamp 3:07:48). It could also be used as a precedent for any commercial activity that interacts with water because the rule is built on the premise that there can be no change to water quality, at no time, in no place from any human activities. In fact, the **Western Washington Tribes** representative on the Forest Practices Board indicated that the Agricultural Riparian Round Table work they are involved in would need to abide by a '**regulatory backstop**' that would be consistent with this rule interpretation (timestamp 3:13:55). That ought to concern agricultural interests tremendously, because if state agencies can implement such a draconian interpretation for forestry, they can do the same for agriculture.

The legislature can, and has, made funds available to a subset of landowners who were disproportionately affected by the 1999 Forests and Fish law. That is why small forest landowners who conduct an economically viable harvest adjacent to protected waters may qualify for Forest Riparian Easement Program (FREP) funding. If passed, this rule would also place the legislature on the hook for about $250 million (90% of $277 million) in addition to the existing FREP liabilities for protections on fish streams. Typical biennial funding allotments for FREP are in the $3-5M range.

The 1999 Forests and Fish law contains clear goals for improving salmon habitat, meeting water quality beneficial use standards, addressing endangered species concerns, and maintaining a viable forest industry. Inherent in the agreement was the idea of shared risk – that there would be equal probability of over and under protecting resources while moving forward on all these goals simultaneously. The proposed Np rule fails to meet these goals in multiple ways. First, there is no evidence that the Np rule would do anything to improve salmon habitat. Second, water quality standards for beneficial uses (cold water for salmon) is already maintained with the existing rule as there are buffers on all fish (F) streams, and immediately adjacent to the confluence of F and Np streams. Third, the research results provide no clear guidance on the potential impact of harvesting on amphibians as the results are ambiguous at best. However, the current Np rule proposal, if adopted, would be the most significant taking of private forestland since the 1999 Forests and Fish law. If passed, this rule will remove 200,000+ acres from the harvestable land base. It will remove nearly $2.3B in asset value from private forest landowners and 4.1 Billion Board Feet from the timber market. That volume is equivalent to nearly twice the 2024 harvest from all of Washington state! That reduction in timber volume will almost certainly result in the loss of some logging, milling, and marketing infrastructure. The estimated overall economic impact for western Washington's rural economy is about $6 billion for that 200,000 acre reduction in available timber.

These economic impacts are not uniformly distributed. Four counties in SW Washington carry the brunt of the economic impact: Lewis (20.5%), Pacific (14.3%), Cowlitz (13.5%) and Grays Harbor (11.9%). Together these counties carry over 60% of the total timber volume and value loss attributable to the proposed Np rule. Estimated impacts to these counties is $3.8 Billion in lost economic activity. Table 1 shows the allocation by county for the timber volume, value and excise tax losses.

Table 1: Immediate timber asset forfeiture resulting from application of the Np rule on western Washington's Private Forest Landowners by County.

Data developed under the assumption that streams nearest the fish streams are Np and 60% of those streams are buffered consistent with the ratio of Np to Ns (non-fish seasonal) streams in DNR hyrology database						
For all Western Washington Private Forest Lands for parcels with forest cover of 5 acres or more.						
	Estimated immediate stumpage volume and value lost to the proposed Np buffer rule based on species specific log prices from DOR stumpage value tables Jan-June 2025 applied to forest inventory estimates generated from the UW NRSIG database.					**Excise Tax Impact calculated at 5%**
Impact ranking by lost asset value	**County**	**Change in harvestable volume (MBF)**	**Change in Harvestable Value**	**Percent Change per County**	**Percent of Total Lost Value**	*** (Totalc for current standing inventory)**
6	**Clallam**	(200,073)	-$80,516,382	-4.4%	4.4%	-$4,025,819
16	**Clark**	(82,987)	-$33,573,601	-3.6%	1.9%	-$1,678,680
3	**Cowlitz**	(539,961)	-$245,379,803	-6.8%	13.5%	-$12,268,990
4	**Grays Harbor**	(481,721)	-$216,034,134	-6.3%	11.9%	-$10,801,707
19	**Island**	(7,993)	-$4,040,159	-0.5%	0.2%	-$202,008
10	**Jefferson**	(123,932)	-$54,796,467	-3.8%	3.0%	-$2,739,823
9	**King**	(158,713)	-$66,651,683	-3.0%	3.7%	-$3,332,584
17	**Kitsap**	(31,967)	-$15,275,802	-1.6%	0.8%	-$763,790
1	**Lewis**	(808,685)	-$371,170,148	-7.2%	20.5%	-$18,558,507
14	**Mason**	(85,393)	-$40,861,803	-2.2%	2.3%	-$2,043,090
2	**Pacific**	(601,160)	-$259,652,702	-11.9%	14.3%	-$12,982,635
7	**Pierce**	(179,462)	-$76,547,688	-3.2%	4.2%	-$3,827,384
18	**San Juan**	(8,166)	-$4,118,707	-0.4%	0.2%	-$205,935
5	**Skagit**	(230,261)	-$98,440,721	-4.3%	5.4%	-$4,922,036
15	**Skamania**	(79,342)	-$35,361,668	-5.2%	1.9%	-$1,768,083
12	**Snohomish**	(111,069)	-$47,836,337	-2.1%	2.6%	-$2,391,817
13	**Thurston**	(96,012)	-$44,907,647	-3.2%	2.5%	-$2,245,382
8	**Wahkiakum**	(156,599)	-$68,362,217	-10.9%	3.8%	-$3,418,111
11	**Whatcom**	(119,240)	-$50,614,605	-3.5%	2.8%	-$2,530,730
	Total	(4,102,736)	-$1,814,142,273	-5.0%	100.0%	-$90,707,114

Including the lost opportunity cost of carbon value, the immediate asset value loss to western Washington private forest landowners is easily $2.275B in timber and carbon plus lost land value of $184M. This immediate asset value loss has been segregated into small forest landowner, industrial and other private in Table 2.

Table 2: Immediate timber and carbon asset forfeiture resulting from application of the Np rule by landowner type for western Washington's Private Forest Landowners.

	WWA SFLO (5-2500 acres)	WWA Industry	Conservation/Utility/ Real Estate and NIPF> 2500 ac	WWA All Private
total lost timber value	-$276,884,015	-$1,455,510,007	-$81,748,251	-$1,814,142,273
total lost carbon value	-$69,221,564	-$372,289,183	-$19,913,690	-$461,424,438
total lost timber and carbon value	-$346,105,579	-$1,827,799,191	-$101,661,941	-$2,275,566,711

Data in tables 1 and 2 were extracted from the analysis completed by the Natural Resource Spatial Infomatics Group, a research group in the Precision Forestry Cooperative at the School of Environmental and Forest Sciences, University of Washington. Their comparative analysis examined the differences in buffer length and width of the current Np Rule and the proposed Np Rule as presented in the June 6, 2025, rule package before the Washington State Forest Practices Board.

Data reported by:

Elaine Oneil, PhD
Executive Director
Washington Farm Forestry Association
Stewards of the Land, For Generations to Come