

WASHINGTON FOREST PROTECTION ASSOCIATION

founded 1908



Report from the President — John Warjone, Port Blakely Tree Farms

The forest products industry has a lot to be proud of. The resiliency of the people who work for this industry is unparalleled. I cannot think of another industry that has endured for more than a century through economic ups and downs, incorporating the advances in science and technology and during a time in which public values and public policy have changed so dramatically. Washington's timber industry started in the mid-1800s, before cars or computers were even dreamed about. Now data is being managed on microchips and missions are going to Mars, yet the forest products industry is still producing the wood products and fiber the public



markets call for. Our product lifecycle of nearly a generation for each new forest requires us to have faith in the future, courage to face uncertainties and flexibility to change with the times. We also recognize that forest management is much more than growing trees. From the time a new seedling is put in the ground, until the time the timber is harvested — decades later — we are responsible for taking care of the forest environment. This includes the public resources on our private lands, such as fish and wildlife, clean water and air. We operate in a complex regulatory environment designed to protect the resources that the public values.

With the adoption of the *Forests & Fish* law, Washington has among the most restrictive set of environmental regulations in the United States. As we learn more through science about our interaction with and impact on aquatic habitat, our forest practices and regulations change — that's the beauty of the Adaptive Management process. As scientific knowledge advances through time, our system allows us to incorporate new information to evaluate and monitor the results of our practices on the ground — a model for other natural resource regulatory systems. Over the years, the forest products industry has become a sophisticated player in Washington's economy. Throughout economic ups and downs, the industry continues to provide a stable backbone for our state, family wage jobs and an economic base for rural areas. We're also a very colorful part of this state's history and culture, embodying the

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spirit of independence, hard work and traditional family values. We take the stewardship of our private lands and natural resources very seriously because operating responsibly will guarantee that Washington state will always have the benefit of a healthy forest products industry.



Executive Director, Bill Wilkerson

Good things are happening for the industry as a result of its proactive approach to resolving issues. This year marks the culmination of many long-term efforts that WFPA has worked on. Beginning early in the year, the Department of Ecology clarified the confusion in their rules confirming that Class I, II and III forest practices are indeed legally exempt from the provisions of SEPA. This issue originated in 1984 when Ecology listed statutorily exempt forest practices in their administrative rules. Ecology's willingness to correct this language is a testament to the cooperative working relationship with state government that industry has developed. In March, the Forest Practices Board *unanimously* rejected a petition to begin state rulemaking to address cumulative effects. The Board noted that the layering of nearly three decades of forest practices rulemaking, especially now with *Forests & Fish*, addresses cumulative effects and a new rulemaking process was not necessary. At the same time, Ecology adopted new Water Quality Standards — the first major overhaul in a decade. The new standards align with the *Forests & Fish Report*, which was envisioned when the *Report* was developed in 1999. A long-standing concern of the industry was development of a Cultural Resources management plan. After two years of concerted effort by the *Forests & Fish* partners, a guidance module was completed. The agreed upon plan went to the Forest Practices Board this summer for approval. Additionally, in a show of commitment and flexibility among the *Forests & Fish* policymakers, the unintended hardship on family forest landowners of Road Maintenance and Abandonment Plans was corrected by the Legislature this year. With the *Forests & Fish* rules firmly in place, Washington state now has a stable and predictable regulatory process for forest practices rule making. There are only three ways that forest practices rules can change, through the: 1) Adaptive Management process; 2) court system; or 3) Legislature.



New projects, partnerships and progress are the result of private forest landowner efforts. There is tremendous support from policy makers and regulators which results in recognition and accomplishment for WFPA members. In one of the tightest budget years in history, funding for *Forests & Fish* remained intact as we banded together with others committed to salmon recovery to form the Salmon Funding Coalition. WFPA also joined efforts with a coalition of business organizations to promote state budget discipline. The goal — balance the state budget without a general tax increase — was met. In a landmark legal decision, the State Supreme Court *unanimously* denied environmental groups request to declare the Washington Forest Practices inadequate. The original lawsuit was filed by environmental groups against the state in 1998, right after they left the *Forests & Fish* negotiations. This year, WFPA established a non-profit organization — *Pacific Education Institute* — which promotes using environmental education as the basis for teaching and integrating a variety of subject matters — a model that others states are watching. The newly created television commercial *Muddy Water* helped to improve public opinion and awareness of private forest landowner efforts to protect water quality on their lands. In a larger arena, Washington's forest practices were featured in a presentation at the World Forestry Congress in Quebec, Canada. The system of forest practices was highlighted, using the *Forests & Fish* law as a cornerstone for sustainable forest management. WFPA and its members have worked hard to develop sensible policies and to demonstrate that private forest landowners are responsible stewards. It's nice to know this work is being recognized by others.



Federal Assurances—State Certainty

Forests and Fish negotiations are over, permanent state rules are in place and Federal Assurances are being sought. The Governor directed the state Department of Natural Resources (DNR) to seek federal assurances for Washington State Forest Practices. DNR, on behalf of the State of Washington, is making application to obtain assurances from NOAA Fisheries and U.S. Fish and Wildlife Service that all forest practices activities in compliance with the state forest practices rules and administrative program will satisfy federal requirements under the Endangered Species Act for aquatic species. The State is seeking federal assurances for 50 years, which means that state forest practices rules will be relieved from any claim that forest practices conducted in accordance with the rules constitute a “take” of the protected salmon species. Without these assurances, landowners would be working with the federal agencies on a case-by-case basis to assure compliance with the Endangered Species Act. The DNR is also working with the U.S. Environmental Protection Agency and the state Department of Ecology to ensure that the forest practices program meets the goals of the state and federal Clean Water Acts (CWA).



Forester measuring width of riparian buffer zone set-aside.

Washington state forest practices are unique, in that the *Forests & Fish* rules are *habitat based*, or targeted to protect habitat functions for aquatic resources and water quality. Using the best available science, prescriptions were established to accomplish these outcomes in the *Forests & Fish Report* which are now part of permanent forest practices rules. The *Adaptive Management & Monitoring* processes will prove or disprove the effectiveness of these prescriptions. The measuring stick used to determine if Washington’s Forest Practices Rules are successful is something within our control — protection of habitat functions and water quality. This is opposed to measuring success based on the up and down cycles of fish populations which are influenced by a variety of other factors outside of our control. In 1996, 26 Pacific salmon stocks were listed as threatened or endangered under the Endangered Species Act, and 300 forested streams were identified on the CWA 303(d) list as polluted. Private forest landowners set a goal, which it met, to: *define forestry’s share of the salmon recovery effort and develop a state rule-based program with regulatory certainty.* We entered into a multi-stakeholder agreement to address most issues up front, established laws so there would be certainty that future rules changes occur through a scientific and predictable process, provided a state-based regulatory program to protect the biological requirements of fish and water quality standards concurrent with maintaining commercial forest management as a viable economic land use. **Now that is an accomplishment.**

1997	1999	2000	2001	2003	2005
FFR Negotiations Begin	FFR Report Finalized ESHB 2091 Signed Into Law	FFR Emergency Rules	FFR Permanent Rules	DNR Applies for Federal Assurances	Federal Assurances for Washington Forest Practices Rules

Washington’s forest practices — provides a scientific and predictable process.

WFPA Programs and Accomplishments

Legislative Successes:

- RMAP HB 1095
- Trapping SB 5179*
- Forest Health SJM 8002
- Forests & Fish budget SB 5401 and SB 5404
- DNR Request SB 5042, HB 1252, SB 5074
- Environmental Ed HB 1466
- Tax Related HB 1075, HB 2088, HB 2063

* Governor vetoed

One of the Governor's stated accomplishments during his term — the *Forests & Fish* agreement — protects salmon and clean water and gives the timber industry regulatory certainty. Despite the \$2 billion state budget deficit, and intense pressure to reduce expenditures, continued funding of the landmark *Forests & Fish* law reflects legislative and governor support, and made it easier to secure federal funds.

WFPA fared well throughout the session achieving all legislative objectives, and defending objectionable proposals, with one exception — failure to overturn the animal trapping ban. This will no doubt be revisited in 2004.



WFPA successfully defended forest landowner interests in the courtroom on all lawsuits that have been filed since *Forests & Fish* negotiations started in 1997. Those resolved have favored WFPA's position by either court decision, dismissal or cases having been dropped. The cases have often hinged on defending the agencies' rulemaking procedures while respecting that managing forestry issues are best done through open, public processes and not through the courtroom. The agencies, along with WFPA and the public, rely on multi-stakeholder processes, so most issues are addressed upfront thus making agency decision making easier to defend in court.

PEI Sponsor Partners:

- WFPA
- Dept. of Fish & Wildlife
- Dept. of Ecology
- Dept. of Education (OSPI)
- Dept. of Natural Resources
- Audubon
- School Districts
- Teacher Colleges
- Education Associations

*Teacher on Summer Assignment

The Pacific Education Institute was formed to support experiential education programs founded in "real world" contexts, such as the environment. Using the environment as the basis for teaching and integrating a variety of school subject areas has proven to increase scores and performance on the Washington Assessment of Student Learning tests and raise class attendance. This is a model that other states are very interested in.

Twelve teachers participated in the TOSA* program this year, an on-the-job training program for teachers who work with timber companies. Teachers develop curriculum lessons for their students based on the job experience. Feedback on the program was excellent.

Statewide Timber

Harvest is at the lowest level since 1945. More than 75% of the timber harvested in Washington comes from privately owned forests, and provides tax revenues to counties, libraries, local schools and fire districts.

WFPA monitors the fiscal impacts to timber landowners of property and timber taxes to ensure that a fair, but not disproportionate share of taxes are paid. This resulted in holding the line on taxes during the state's tough budget year while also eliminating the application of stormwater fees to forestland.

The Department of Revenue verified WFPA's claim that the 16% "salmon credit" for operating under the *Forests & Fish* rules does not *overcompensate* landowners. The study reported the statewide leave-tree value is eight times the value of the tax credit.

WFPA Programs and Accomplishments

Logging rules fine, state says

Request for more restrictions refused

BY JOHN DODGE
THE OLYMPIAN

Regulatory Success has been earned by Washington State private forest landowners. In an unprecedented 11-0 vote against the petition to start a rulemaking process to address cumulative effects, the Forest Practices Board disagreed with the environmental group claim that there is an emergency in Washington's forests, in need of new rules. Additionally, attempts to begin rulemaking on other issues were dealt with in a similar manner by the Board. The Board has addressed these issues through the *Forests & Fish* process, wildlife assessment, or general Board work plan. Petitions for new rules that have been denied include: soils, scenic beauty, channel migration zones, threatened wildlife, islands, chemicals and cumulative effects. This result is regulatory stability.



The **Washington Tree Farm Program** is proud to announce Bob and Lynette Falkner as the Outstanding National Tree Farmers in 2003. This is only the second time since the creation of the program in 1941 that tree farmers from our state have received this award.

Washington's Outstanding Tree Farmer of the Year is Jake Strauss. The **Animal Damage Control Program** is represented by 28 members in Washington with a land base of over 3 million acres. Work concentrates on black bear conifer and other animal damage during the spring months. The six year study on the efficacy of supplemental bear feeding programs to avoid black bear damage will be presented in the Journal of Wildlife Management later this year.

Communication Issues:

- Fire
- Water Quality Standards
- DOE-SEPA 305 Rule
- History of Forest Practices
- Spotted Owl
- Salmon
- Sustainable Forest Management

Public Opinion Support is earned, and WFPA continues to demonstrate through the media that private forest landowners take care of the values they care about. With *clean water* ranking as the number one environmental concern, WFPA created and aired a new television spot, delivering the message that private forest landowners are protecting water quality through the *Forests & Fish* law. This resulted in increased industry approval ratings from 48% to 62%.

WFPA develops a communications strategy and appropriate targeted response for each of its public policy issues. WFPA is also a resource to members and the media for industry specific information and collaborates with like-minded interests on timber issues.

Alternate Plans provide a mechanism by which disproportionate impacts of the new *Forests & Fish* rules may be mitigated. These site-specific plans may allow more management flexibility while providing protection for public resources.

Science and Adaptive Management are cornerstones for success of Washington's forest practices described in the new *Forests & Fish* rules. Work plan groups for buffers, roads, mass wasting, wetlands, channel migration zones and pesticides have been established. The effectiveness of forest practices will be measured and monitored to ensure that the outcome of protecting fish habitat functions and water quality standards are being met. As science advances through time, the new knowledge will validate and guide future forest practices rules and on-the-ground activities.

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Forest Policy — Court Stanley, Port Blakely Tree Farms

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