



*Center for Responsible Forestry
P.O. Box 7504, Tacoma, WA 98417
Phone: (360) 544-6510
Email: info@c4rf.org*

September 3, 2021
Scott Sargent, DNR South Puget Sound Region Manager
Via: SEPA Center
P.O. Box 47015
Olympia, Washington 98504-7015
sepacenter@dnr.wa.gov

Re: Crush timber sale – SEPA comments (File No. 21-082002)

Dear Mr. Sargent,

Thank you for the opportunity to comment on the "Crush" timber sale. This timber sale would clearcut about 140 acres of botanically diverse, structurally complex, 80-year old, naturally regenerated forest, including dozens of Douglas fir legacy trees exceeding four feet in diameter, that are up to 200 feet tall, and probably at least 100 years old. The SEPA checklist suggests that Unit 1 of this timber sale was last logged in 1954. This date is incorrect. Aerial photos dating back to 1951 (below) clearly show that this stand was logged before 1950, probably around the same time as the other units in this sale.

Although the SEPA checklist states that trees with largest diameters were favored as leave trees, very few of the larger Douglas fir trees that we observed appear to be marked as leave trees or contained within leave tree areas. The SEPA checklist suggests that large trees left behind within riparian management zones will mitigate for the cumulative effects of timber harvest in the watershed, and provide a long-term source of large woody debris. However, some of the riparian management areas, as marked on the ground, are dominated almost entirely by alder, maple, and/or shrubs, and contain either no conifers or only a single row of conifers along the edge of the RMZ. In addition, some of the leave tree area boundary tags are not properly located, and would allow logging within the leave tree areas that are shown on the timber sale maps. The failure to properly mark leave tree areas, retain larger leave trees, or include larger conifers within riparian buffers is unfortunately part of a consistent pattern we have noticed, which appears to reflect a disregard for HCP implementation procedures, and lack of concern or understanding of the many benefits derived from retaining larger trees and older forest remnants within timber sales.

Clearcutting of older, naturally regenerated forests in general is clearly at odds with FSC standards¹, and the intent of the Habitat Conservation Plan (HCP) and the Policy for Sustainable

¹ See Forest Stewardship Council, 2015. FSC Principles and Criteria for Forest Stewardship, Principle 6.9, p. 15: "The Organization shall not convert natural forest to plantations" except when that conversion will "produce clear, substantial, additional, secure long-term conservation benefits in the management unit."

forests to conserve and promote the development of older forest characteristics within the South Puget Sound HCP planning unit. This and similar timber sales in the area also undermine DNR's ability to meet their established fully functional forest targets for the South Puget Sound HCP planning unit. DNR is obligated under the Policy for Sustainable Forests, the Department's procedures for Identifying and Managing Structurally Complex Forests (PR 14-004-046), and the Multispecies Conservation Strategy of the HCP to work toward maintaining or restoring "fully functional forests" on 10 to 15 percent of lands covered by the HCP. DNR commonly refers to the 10 to 15 percent target as the "older-forest target". In the Policy for Sustainable Forests FEIS, the Board's preferred alternative "emphasizes that the 10 to 15 percent older-forest targets will be accomplished" within 70 to 100 years.

PR 14-004-046 directs DNR to develop landscape level management strategies to achieve the 10 to 15 percent older-forest targets during the forest land planning process that will be conducted for each HCP planning unit. **Only after the 10 to 15 percent target is met** may structurally complex forest stands be considered for harvest activities.² The South Puget Forest Land Plan endorses this approach, by allowing harvest of older stands to be deferred "until new stands replace their contribution to the 10 to 15 percent target".³

DNR's incidental take permit requires that the Department work to maintain or restore between 12 to 22% of lands covered under the HCP within the South Puget Sound HCP planning unit, *and* 9 to 17% of lands outside of spotted owl management units, to fully functional conditions by 2096.⁴ According to the Intra-Service Biological Opinion, it is necessary for DNR to provide a specific percent of fully functional forest to "ensure that stand structural stages not provided by other conservation strategies of the HCP are present in the HCP area."

According to the HCP (Table IV.14), and Table 11 of DNR's incidental take permit, at least 150 years is required for a stand to reach the "fully functional" development stage. An analysis of the most recent combined origin forest resource information dataset suggests that **only one percent** of lands within the South Puget Sound planning unit currently meet this threshold.

It is commonly assumed, and has been stated previously by the South Puget Sound Region Office, that old growth stands and structurally complex forests located in special ecological management areas (EMAs) such as spotted owl and marbled murrelet habitat, NRCAs, and natural areas, and riparian management zones (RMZs), will provide the fully functional habitat necessary to satisfy the 10 to 15 percent older forest target. Data obtained from DNR indicate that there are a total of almost 16,000 acres in the South Puget Sound planning unit that are protected within one or more EMAs, and another 52,000 acres contained within RMZs. However, according to the Department's combined origin resource inventory data, only 10,500 acres are old enough to contribute to the 10 to 15 percent target within the South Puget Sound HCP planning unit by 2096. This represents only about 6% of DNR managed forestlands within the planning unit.

² See Policy for General Silvicultural Activity, p. 46, *in* Policy for Sustainable Forests (DNR, 2006).

³ See South Puget HCP Planning Unit Forest Land Plan Final EIS, Alternative B (Preferred Direction), DNR, January, 2010, p. 26.

⁴ See USFWS. 1997. Intra-Service concurrence memorandum and Biological Opinion for the Washington Department of Natural Resources Habitat Conservation Plan. U.S. Fish and Wildlife Service, Lacey, WA. January, 1997, pp. 14, 22, 23, and 66.

DNR's combined origin forest in inventory data, which is based to a large extent on the FRIS 2.0 DAP-based data, is known to under-estimate stand age in the South Puget Sound planning unit, and to under-represent the contribution of riparian areas to older forest targets. To calculate an upper estimate of the maximum potential contribution of the EMAs and RMZs to fully functional stand structure objectives, we merged the combined origin polygons with the old plot-based data and newer 2017 DAP-based raster dataset (FRIS 3.0), by first converting the raster dataset to polygons using a pattern recognition routine in ArcGIS, and then taking the maximum value of each of the three datasets for each raster cell. Results suggest that up to 21,800 acres of land within an EMA or RMZ, representing approximately 12% of the planning unit as a whole, may be capable of reaching the fully functional stage of development by 2096. The actual attainment value probably falls somewhere between 6% and 12%.

Based on these results, it appears **unlikely** that existing EMAs and RMZs are sufficient to meet either the 12 to 22% fully functional stand structure objective or the 10 to 15% older forest target for the South Puget Sound HCP planning unit. The FPA indicates that the units of this sale are to be treated as even-aged harvest units. However, PR 14-004-046 dictates that:

*Harvest activities in older forest and other structurally complex stands designated as suitable to meet older forest targets **must enhance the older forest condition.***

As described above, much of the forest proposed for harvest is already structurally complex. The timber sale as presented in the FPA and SEPA checklist will not enhance older forest conditions or contribute to the development of fully functional forests.

The Policy for Sustainable Forests and associated HCP implementation procedures constitute DNR's plan for implementing the HCP, and also serve as mitigation for timber harvest on lands covered by the HCP. Commercial harvest of the oldest and most biologically diverse native forests remaining in the South Puget Sound HCP planning unit violates Board of Natural Resources approved policies and procedures intended to preserve and promote biodiversity and the development of fully functional forests. Although DNR has not designated the lands included in the Crush timber sale as contributing to older-forest targets, the areas targeted for harvest obviously have the potential to contribute to the attainment of fully functional stand structure objectives in the South Puget Sound HCP Planning Unit.

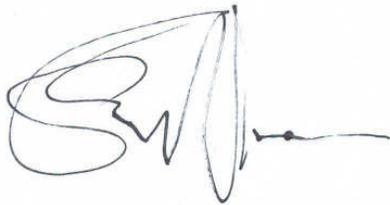
The clearcutting of forests most likely to contribute to fully functional stand structure objectives is part of a systematic pattern over the year and a half in which DNR has repeatedly ignored similar objections to other timber sales and allowed them to proceed to auction. This pattern suggests a willful disregard of DNR's obligations to meet stand structure objectives described in the Policy for Sustainable Forests, PR 14-004-046, the Department's incidental take permit, and the Multispecies Conservation Strategy of the HCP. An analysis conducted by Thomas Laxson, the results of which were presented by Mike Buffo to the BNR in June, represents a belated attempt by DNR to demonstrate that the Department is on track to meet its older-forest targets. However, the analysis is deeply flawed, and based on a series of false and misleading assumptions that are easy disproven.⁵ The letter that we submitted to the BNR on July 1, 2021 (attached), which was written before we had

⁵ See attached internal memo written by Allen Estep and Mike Buffo, dated May 11, 2021.

time to thoroughly review all of the information that we received from the Public Disclosure Office,⁶ describes a few of the false assumptions underlying Mr. Laxson's analysis.

DNR claims that riparian management zones and other leave tree areas contained within the timber sale mitigate for the cumulative effects of timber harvest in the area, but provides no evidence to substantiate this claim. Because the SEPA checklist includes no analysis of the direct, indirect, or cumulative impacts of this and other planned timber sales in the South Puget Sound HCP planning unit on DNR's ability to meet the 10 to 15 percent older forest target, or the 12 to 22% fully functional stand structure objective for the South Coast HCP planning unit, DNR has failed to comply with its substantive obligations under SEPA. In the absence of a plan to meet fully functional stand structure objectives in the South Puget Sound HCP planning unit, the forest practices application for the proposed project should be withdrawn. Instead of logging the oldest and most structurally complex forests that remain in the planning unit, we recommend that DNR focus on developing a management strategy to generate revenue for trust beneficiaries that conserves older forests, accelerates the development of fully functional forests, and is consistent with the requirements of DNR's Habitat Conservation Plan, the Intra-Service Biological Opinion for the HCP, PR 14-004-046, and the Policy for Sustainable Forests.

Respectfully,

A handwritten signature in black ink, appearing to read 'SK', with a horizontal line extending to the right from the end of the signature.

Stephen Kropp
Director

Attachments:

1. Photographs of Crush timber sale
2. Previous letters and responses from DNR Pacific Cascade and South Puget Sound Region offices concerning similar timber sales
3. June 2021 Chair Report on Older Forests Policy
4. Critical review of Halofsky-Buffo BNR Presentation
5. DNR Internal Memo entitled "Identifying Stands to Meet Older Forest Targets in Western Washington", May 11, 2021
6. Public records request, June 12, 2021

⁶ See attached public records request, dated June 12, 2021.

Unit 1 Aerial Photos

