



February 13, 2024

Jay Guthrie, Northwest Region Manager

Via: SEPA Center

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Re: Stilly Revisited timber sale – SEPA comments (File No. 24-013101)

Dear Mr. Guthrie,

Thank you for the opportunity to comment on the "Stilly Revisited" timber sale. The proposed timber sale is located above the banks of the North Fork Stillaguamish River just downstream of the 2014 Oso landslide. Not only would this timber sale fragment and destroy large parts of one of few remaining stands of old growth forest in the Puget Sound lowlands, it is located on slopes that are even steeper (and closer to the river) than those that failed in 2014, that sent a torrent of mud and debris into the river valley, destroying 49 homes, and killing 43 people (see Figure 1).

This timber sale is divided into six "units". An old growth assessment conducted by DNR found that much of this area has *never been logged*, and includes "scattered" old growth trees that pre-date 1850. Other areas were "high graded" in the early 1900s, which means that they were selectively logged, leaving that many of the smaller trees behind. DNR core samples reveal that the younger trees in units 2 and 5 of this timber sale, which include hemlock, cedar, and silver fir, are now between 130 to 165 years old.<sup>1</sup> The old growth assessment further revealed that "many of the trees" in units 2 and 5, both of which are scheduled to be clearcut, "have attained heights that rival or exceed the old growth remnants." DNR decided to target these stands for commercial logging after determining that the number of large old growth trees "are at densities of less than 7 trees per acre." This is despite the fact that many of the co-dominant cedar and hemlock in these units ranged between 130 to 145 years old. This is clearly old growth, by almost any definition, but DNR as a rule only protects old growth forests if 80% or more of the overhead canopy is occupied by trees that pre-date 1850. This arbitrary and misguided "rule" has never been codified, or adopted in any published DNR policy or planning document, and is clearly at

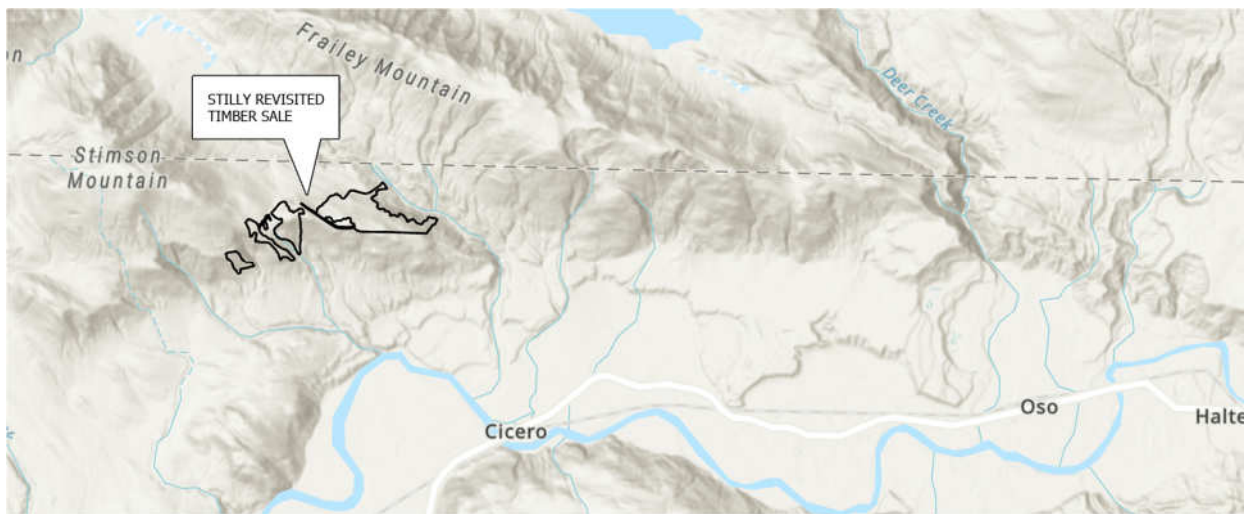
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<sup>1</sup> DNR West Side Old Growth Assessment Form for units 1-5 reported scattered pre-1850 origin old growth trees in units 2 and 5, and co-dominant cedar and hemlock ranging between 130-145 years old. Trees that were cored by DNR in units 3 and 4 were found to range in age from 137 to 166 years old.

odds with DNR's Habitat Conservation Plan, Policy for Sustainable Forests, and procedures for Managing Structurally Complex Forests to Meet Older Forest Targets, all of which are intended to protect and restore old growth forests.

The decision to specifically target this rare forest ecosystem for commercial logging obviously violates FSC standards;<sup>2</sup> defies the objectives of the State Trust Lands Habitat Conservation Plan; violates established Board policies and procedures; and undermines efforts to combat climate change. The continued, systematic elimination of most of the natural, lowland forests in this and other lowland watersheds of Western Washington constitutes perhaps the most urgent environmental crisis in our state, and is scientifically, financially, and economically indefensible.

**Figure 1.** Hillslopes are steeper than those that failed in Oso slide



The Board of Natural Resources and DNR recognized during the habitat conservation planning process in 1997 that large contiguous landscapes of mature and old growth forest habitat, upon which many species of concern depend, were absent across much of its forested land base. This is particularly true in the East Puget Sound Uplands ecoregion, a unique ecoregion located in the foothills of the Cascade Mountain Range, characterized by its mild climate, rolling moraines, large lakes, and glacial and sedimentary deposits. This ecoregion is described as a zone of transition between the Central Puget Lowlands and North Cascades Lowland Forests.<sup>3</sup> This ecoregion has been heavily logged, and is dominated almost entirely by tree plantations, agricultural fields, and urban and residential developments. Most of the few remaining natural, older forests within the ecoregion are located on lands managed by DNR.

<sup>2</sup> 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."

<sup>3</sup> See map of Ecoregions of Western Washington and Oregon.

To provide the habitat necessary to avoid further adverse impacts to sensitive species, DNR made repeated commitments to restore old growth forests across 10-15% of each HCP planning unit in Western Washington.<sup>4</sup> For example, 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 Multi-species Conservation Strategy of the HCP to work toward maintaining or restoring "fully functional" or "old growth-like" forests across 10-15% of lands covered by the HCP. DNR commonly refers to the 10-15% 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.

According to the HCP (Table IV.14), and Table 11 of the 1997 Biological Opinion, at least 150 years is required for a stand to reach the "fully functional" development stage. DNR's own analysis suggests that no more than three percent of state trust lands managed by DNR in Western Washington currently meet this threshold; and no more than 3.5% of forests within any of DNR's five west side planning units (excluding the OESF) may be classified as "older forests".<sup>5</sup>

The 1997 Biological Opinion for DNR's HCP anticipated that the Department would work to maintain or restore a minimum of 12% of lands covered under the HCP within each planning unit to fully functional conditions by 2096. According to the Intra-Service Biological Opinion, it is necessary for DNR to provide a minimum 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." The agency has abdicated those commitments by clearcut logging thousands of acres of structurally complex forest every year — a class of rare future old growth specifically identified for protection in DNR's Policy for Sustainable Forests.

DNR is required under the terms of its Policy for Sustainable Forests to manage structurally complex forests to meet older forest targets.<sup>6</sup> DNR has not aside the required percentage of structurally complex forests necessary to meet these targets. Data obtained from DNR's Public Disclosure Office indicates that DNR has set aside 34,547 acres of structurally complex forest in the North Puget Sound HCP planning unit for conservation, which represents **just 7.5% of the North Puget Sound HCP planning unit** that has protected, structurally complex forests that are excluded from commercial logging. Procedures for Identifying and Managing Structurally Complex Forests to Meet Older Forest Targets (PR 14-004-046) requires that:

*If less than 10 percent of the HCP planning unit contains structurally complex forests prioritized to meet older forest targets based on the assessment, designate in a department lands database additional suitable structurally complex forest stands or acreage to equal 10 to 15 percent of the HCP planning unit managed for older forest targets.*

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<sup>4</sup> DNR's Addendum to the FEIS for the 2007 (page 2) sustainable harvest calculation describes forests in the niche diversification and fully functional stages of stand development as "old-growth like" forests.

<sup>5</sup> See Table 5, Estep & Buffo. 2021. Identifying Stands to Meet Older Forest Targets in Western Washington.

<sup>6</sup> See Policy for Sustainable Forests, p. 46.

DNR has conducted an assessment and found that less than 10 percent of the HCP planning unit contains structurally complex forests prioritized to meet older forest targets, but has not designated additional structurally complex forests. Instead, DNR is clearcut logging the oldest and most biologically diverse forests that remain in this planning unit.

The 1997 Biological Opinion for DNR's Habitat Conservation Plan ties the older forest target directly to the agency's Spotted Owl Conservation Strategy:

1. *Overall Spotted Owl Commitments*

- A. *Under the HCP, DNR **will meet** forest stand structure objectives on the West-side Planning Units and the OESF. These objectives presented at year 100 are currently provided in Appendix 3 of the FEIS, p. A3-81.*

**and:**

*Timber harvest... must be consistent with the goals and objectives of the HCP to develop and maintain these habitat types.*

**and:**

*Detailed procedures to implement the requirements for each element of the HCP monitoring program would be prepared by DNR in cooperation with the FWS and the NMFS. All monitoring procedures would be completed and reviewed before forest management activities consistent with a conservation strategy are undertaken.*

The Biological Opinion provides specific targets for forests within spotted owl habitat management areas and outside of spotted owl habitat management areas (Figure 2).

PR 14-004-046 are the procedures that were adopted by DNR to meet the fully functional stand structure objectives of the HCP. PR 14-004-046 directs DNR to develop landscape level management strategies to achieve the 10-15% older forest target during the forest land planning process that will be conducted for each HCP planning unit. PR 14-004-046 is the mechanism DNR developed to ensure compliance with the 10-15% older and fully functional forest objectives of the Policy for Sustainable Forests and its related State Trust Lands HCP. The Procedure lays out a step-by-step plan, which entails identifying existing structurally complex forest stands that will grow into older forests, designating those forests in a mapping database, and protecting them from logging until the planning area's forest goals are met. Only after the 10-15% target is met may structurally complex forest stands be considered for harvest activities. DNR completely ignored these procedures, and never identified, mapped, designated, or protected structurally complex forests as required.

DNR is planning the Stilly Revisited timber sale as an even-aged, commercial timber sale, that would involve clearcutting much of the existing forest. 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.*

The above referenced timber sale, as described in the SEPA checklist, will not enhance older forest conditions or contribute to the development of fully functional forests.

**Figure 2.** Detailed Stand Structure Objectives

Source: Intra-Service Concurrence Memorandum and Biological Opinion for the Washington State Department of Natural Resources' Habitat Conservation Plan

Stand Stage	OESF (%)	West-side <sup>2</sup> (%)			
		NRF Management Areas	Dispersal Management Areas	Areas with No Spotted Owl Role	Entire West-side
Open - 0 to 10 years old	5 to 15	1 to 2	5 to 6	6 to 7	5 to 6
Regeneration - 10 to 20 years old	5 to 15	4 to 5	7 to 8	10 to 12	9 to 11
Pole - 20 to 40 years old	5 to 15	9 to 13	13 to 16	20 to 23	17 to 21
Closed - 40 to 70 years old	5 to 15	16 to 22	25 to 30	28 to 33	26 to 31
Complex - 70 plus years old	60 to 70	59 to 71	39 to 49	25 to 35	31 to 42
<b>Fully Functional<sup>3</sup> - 150 to 200 plus years old</b>	<b>10 to 15</b>	<b>32 to 46</b>	<b>12 to 20</b>	<b>9 to 17</b>	<b>12 to 22</b>

There are many other wildlife species that depend on structurally complex habitat for survival. For example, the conservation of suitable breeding, foraging, and nesting habitat for the northern goshawk, Vaux's swift, pileated woodpecker, myotis bats, Pacific fisher, and olive-sided flycatcher, are dependent upon the "large contiguous landscapes of mature and old growth forest" that the 1997 HCP is "expected" to provide.<sup>7</sup> Other representative species that require structurally complex forest habitat include the brown creeper, northern pygmy owl, Townsend's warbler, red tree vole, northern flying squirrel, and black bear.<sup>8</sup> DNR's "cut it now" and "grow it later" approach to habitat conservation defies common sense, and jeopardizes the viability of species that are already at risk of becoming listed as threatened or endangered.

According to the old growth assessment conducted by DNR for the Stilly Revisited timber sale, legacy snags in units 2 and 5 are large in diameter (i.e. > 35"), heavily charred, and well decayed, and over 50 feet tall; and large diameter (i.e. > 50") charred western redcedar snags are found in

<sup>7</sup> See DNR. 1997. Final Habitat Conservation Plan, pp. III-78 – III-99.

<sup>8</sup> See DNR. 2019. Alternatives for the Establishment of a Sustainable Harvest Level for Forested State Trust Lands in Western Washington, Final Environmental Impact Statement.

high densities in unit 6. The assessment also found that dwarf mistletoe witches, brooms, and swollen or bulbous limbs are ubiquitous in unit 6. It is well established that rotting snags and logs, and mistletoe brooms and witches found in older forests provide nesting platforms, tunnels, dens, and nesting cavities required by many organisms, from spotted owls to land snails and springtails. Dead and dying trees are used by a broad array of both vertebrates and invertebrates for foraging and nesting, and roosting. They also provide essential habitat for many species of mushrooms. A study of Douglas fir forests in western Oregon found that large logs in advanced stages of decay had the richest bryophyte flora of any forest substrate.<sup>9</sup> These features are very difficult to restore in managed forests. Despite our best efforts to retain these structures during harvest, much of this habitat is lost when these forests are logged. Natural forests, including those in the Stilly Revisited sale also contain significant components of non-commercial tree species such as silver fir, spruce, cottonwood, alder, and big leaf maple. Some wildlife species have been found to be either strongly associated or dependent on specific tree species.<sup>10</sup> When these species are logged and replaced with commercial nursery conifer seedlings, the species that depend on them may be lost as well.

Older, native forests can also contribute to the productivity of working forests or plantations. For example, small mammals including voles, shrews, and squirrels that find refuge in older forests may disseminate spores of mycorrhizal fungi to forests managed for timber production. Natural parasites and predators found in mature or structurally complex forests may also play an important role in preventing or limiting pest outbreaks in managed stands.

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 lowland forests remaining in Western Washington is inconsistent with Board of Natural Resources approved policies and procedures intended to preserve and promote biodiversity and the development of older or fully functional forests. Although DNR has not designated the lands included in this timber sale as contributing to older-forest targets, DNR's own analysis indicates that structurally complex forests that have been designated for this purpose represent less than 10% of all forestlands managed by DNR the North Puget Sound HCP planning unit, as noted above. The stands proposed for harvest obviously have the potential to contribute to the attainment of older and fully functional forest targets and should be managed for that purpose.

Furthermore, data obtained from DNR's Public Disclosure Office suggests that close to half of the 34,547 acres of land that DNR has designated as contributing to fully functional stand structure objectives in the North Puget Sound HCP planning unit are located within stream buffers. Although stream buffers serve important functions, a conservation strategy that relies so heavily on stream buffers to meet older-forest and fully functional stand structure objectives results in a fragmented landscape that is subject to edge effects, lacks interior forest habitat, lacks large conifers, and is often dominated by alder and other early successional or invasive species. We

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<sup>9</sup> See Rambo, T. R. 2001. Decaying logs and habitat heterogeneity: implications for bryophyte diversity in western Oregon forests. *Northwest Science* 75: 270-277.

<sup>10</sup> See Hagar, Joan C. 2007. Wildlife species associated with non-coniferous vegetation in Pacific Northwest conifer forests: A review," in *Forest Ecology and Management*, Vol. 246, pp. 108-122.


believe this approach is both unrealistic, and inconsistent with the intent of the Habitat Conservation Plan and the objectives of the Policy for Sustainable Forests.

There is still much we do not understand about the ecology of native Pacific Northwest forests and the organisms that are found there. According to Lindenmayer and Franklin (2002):

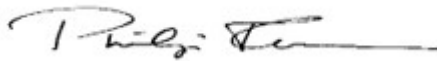
*"Effects of human disturbance on biodiversity are poorly known, and some impacts may be irreversible. Others such as synergistic and cumulative effects can be extremely difficult to quantify or predict.... [and] for some species will probably never be known... Ultimately, this makes large ecological reserves valuable as 'safety nets' relatively free from human disturbance."*

DNR's commitments to restore old growth forests in Western Washington, along with the threats posed by climate change, demand that the agency move away from the antiquated practice of targeting the oldest and most carbon-dense forests that remain for commercial harvest. Instead of logging these rare, older forests, 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, the Policy for Sustainable Forests, and the state's commitment to combat climate change.

Respectfully,



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