

STATE OF OUR FORESTS

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**An Evaluation of Public Lands
Commissioner Goldmark's Performance**

Based on his Strategic Plan and its Guiding Principles



**WASHINGTON
ENVIRONMENTAL
COUNCIL**

2016

INTRODUCTION

The Commissioner of Public Lands is the only elected statewide office that works almost exclusively with our natural resources, making it a very important position for Washington's environment. The person in this role has the opportunity to sustainably manage, regulate, and protect 2.1 million acres of state forests, 8 million acres of private forests, 2.6 million acres of aquatic lands, and 1.1 million acres of agricultural lands.

Non-profit organizations like Washington Environmental Council (WEC) have a responsibility to keep the public informed on how well elected officials are measuring up to their potential to protect the environment. WEC is a nonpartisan 501(c)(3) nonprofit organization that does not support or oppose any candidates or political parties. We educate the public about the actions their elected officials have taken on environmental issues and we work with elected officials of all party affiliations to protect our environment.

This evaluation is not comprehensive; it is intended to highlight the Commissioner's performance in areas WEC works, based on the principles outlined in his own agenda:

- Manage the state's resources sustainably;
- Make decisions in the public interest and with the public's knowledge;
- Make decisions based on sound science.

WEC has taken a look back over the last year to see how the Commissioner performed using his own criteria, as set forth in his two strategic plans, for success.



Jon, Cady, and Amy presented folded cranes to the Commissioner on behalf of the people who signed a petition to protect the murrelets.

Over the past year, WEC members spoke up on a number of issues under the Commissioner's purview. One issue of particular interest was the health of Washington's marbled murrelet population. A total of 5,725 people signed a petition asking for better protection for murrelets. Each signature was then represented by a folded origami murrelet, all of which were delivered by students from local colleges during a conservation strategy hearing to the Commissioner and Board of Natural Resources.

COMMISSIONER GOLDMARK'S PRINCIPLE #1

Manage the state's resources sustainably

OUR ISSUE: Forest Stewardship Council (FSC)

Forest management practices certified to Forest Stewardship Council (FSC) standards conserve biological diversity and its associated values – clean and abundant water, clean air, and wildlife habitat. Over the past year DNR made progress, but additional state lands have not yet been certified FSC. We're looking forward to building on this momentum in 2016.

Grade:  **MIXED**

- DNR recently entered into a contract with Sustainable Northwest to explore a Market Development Work Plan. Over the next year, this plan will identify areas of state lands that have the most potential for FSC certification, and identify large contractors, wood product companies, and mills with FSC material sourcing preferences.
- DNR completed an analysis comparing current management practices on state lands and how far away or close they are to FSC standards. Results showed areas that would need to be addressed such as pesticides, clearcut size, and cost to maintain the certificate. If DNR is committed to certifying more of its forests under FSC, these issues can be addressed.
- Unfortunately no additional state land was FSC certified this past year. Since Commissioner Goldmark took office eight years ago, FSC certification on state lands has only increased by 27,801 acres, out of a total of 2.1 million acres, or only about 1.3% of all DNR managed state lands.¹

¹ http://file.dnr.wa.gov/publications/frc_fsc_certificate2012-14.pdf

COMMISSIONER GOLDMARK'S PRINCIPLE #1

Manage the state's resources sustainably

OUR ISSUE: State Aquatic Lands

DNR manages 2.6 million acres of aquatic lands. These lands are navigable lakes, rivers, streams, and marine waters, such as Puget Sound. They host complex ecosystems and provide economic opportunities. Progress on protecting these areas through a proposed habitat conservation plan (HCP) stalled, but DNR did make progress in other areas identified below.

Grade:  **PASS**

- In 2014, a draft aquatic lands HCP was released for comment. DNR suspended work on the HCP in March 2015. Citing "concerns and confusion" and lack of stakeholder support, the plan was ultimately abandoned.² This leaves sensitive areas and species without the much-needed protection a strong HCP could have offered.
- DNR removed 62 abandoned/derelict vessels and 372 tons of creosote treated materials from Washington waters, eliminating impacts from oil and other contaminants and keeping our waterways safer as a result.
- Foss Maritime entered into a lease with the Port of Seattle for the use of Terminal 5 for the Shell arctic drilling fleet. DNR smartly inquired about Shell's plan for the Polar Pioneer to determine whether Shell's proposed use of the waterway blocked a navigable channel, contrary to the State Constitution.³

² <http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-lands-habitat-conservation-plan>

³ <https://assets.documentcloud.org/documents/2086465/05222015-dnr-ltr-to-shell.pdf>

COMMISSIONER GOLDMARK'S PRINCIPLE #2

Make decisions in the public interest and with
the public's knowledge

OUR ISSUE: Steep and Unstable Slopes

Over the last year DNR committed to revise its Board Manual for logging on or near potentially steep and unstable slopes when logging on those slopes have the potential to harm the public. It's imperative that forest practices do not further de-stabilize potentially unstable slopes that could impact public resources or threaten public safety. The new Board Manual is an improvement over the last version in that it contains updated information, however more progress is needed.

Grade:  **MIXED**

- There are some key public protection measures DNR should have included in the updated Board Manual to better ensure protection of public safety. Several of these items are being proposed by DNR to move through the Forest Practices Adaptive Management Program. Based on past performance, this process moves very slowly as stakeholders can stall out making decisions for years. For these reasons, we think this program is the wrong place for decisions about public safety to be made.
- In the 2016 legislative session, the Conservation Caucus worked with legislators to introduce a bill that gave more authority to the Forest Practices Board to act quickly to update rules and protect public safety. The proposal would have allowed the Board to make decisions without automatically having to go through the often sluggish Adaptive Management Program. The bill did not pass, but will be back next session. Given DNR's role in implementing Forest Practice Rules, including those related to public safety, the agency should actively support the legislative proposal.⁴
- In 2015, residents of Kendall in Whatcom County raised concerns about an approved logging sale on state lands. The sale was located directly on top of two currently inactive deep seated landslides and above several homes and an elementary school. The proposed area included many signs of recent slope instability. DNR's decision to log this sale relied on several misguided assumptions, including that clear-cut logging cannot "reactivate" older landslides and a potential landslide could not hit the homes, school, or road. DNR approved the sale despite detailed comments pointing out these oversights. An appeal was filed, and eventually DNR withdrew the sale.

⁴ <http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Senate%20Bills/6280.pdf>

COMMISSIONER GOLDMARK'S PRINCIPLE #2

Make decisions in the public interest and with
the public's knowledge

OUR ISSUE: Compliance

The State's Forest Practice Rules are intended to ensure logging is conducted in a way that protects water quality, fish and wildlife, and the habitat they rely on. Compliance Monitoring (CM) is an essential part of these rules. Without comprehensive data collection methods, DNR can't properly address problems with non-compliance. Over the past year, DNR made progress towards a new compliance patrol program, but we raised concerns over data collection and reporting methods changes. More leadership on this issue is still needed.

Grade:  **INCOMPLETE**

- In 2015 DNR changed its CM reporting methods, making it difficult to directly compare new data with past data. It's now like apples and oranges. Complete reports with the new reporting methods will not be available until 2017. The interim report results from last year's samplings show notably higher compliance rates, but it's unclear if there's been improvement on the ground, or if compliance rates are higher because of different reporting methods. Until DNR releases the complete report, whether landowner compliance is improving or declining remains uncertain.⁵
- Two years of samples are needed to attain the desired level of statistical precision. With only half of the sample data represented, the findings in an interim report are limited. For instance, no new data has been made public regarding compliance from private landowners cutting near fish-bearing streams. This area has had notably low compliance in past years (61% - 66%), which WEC noted as a failure in 2015's State of Our Forests report.
- DNR started a new compliance emphasis patrol program. They worked to increase visits/reviews on forest practices applications in Riparian Management Zones and roads used to haul timber and gravel. Regions will now have documentation in place so when these visits are made, the results can be included in statewide totals.

⁵ http://file.dnr.wa.gov/publications/fp_cm_interim_report_2014.pdf

OUR ISSUE: Adaptive Management Program

Last year state funding to support the state's Adaptive Management Program (AMP) was in jeopardy. The AMP is a key program because it monitors and evaluates the effectiveness of the state's logging regulations and recommends adjustments needed to meet the program's objectives. Significant progress was made to restore funding for this program.

Grade:  **PASS**

- In 2015, WEC worked with DNR and a diverse coalition to develop a legislative funding plan to address the critical budget gap. Together, we were able to secure \$5.9 million in general fund support.
- The funding appropriation will sustain the program through at least the 2015-2017 biennium, and the ongoing nature of the request will set up the program for success in future DNR operating budgets.
- Funding this program is a big step toward achieving the desired goals of the "Forests & Fish" law (ESHB 2091), a science-based forest practices regulatory system that is meant to protect 60,000 miles of streams running through 9.3 million acres of state and private forestland.⁶

⁶ http://www.forestsandfish.com/documents/1_Small%20Business%20Economic%20Impact%20Statement.pdf

OUR ISSUE: Marbled Murrelets

Marbled murrelets are small, shy seabirds that nest in old-growth forests and feed in salt water. Murrelets prefer large areas of coastal and near-coastal old-growth forest. DNR has struggled over the last decade to develop a conservation strategy for this important species, which also serves as a key ecosystem indicator. Over the last year the issue gained visibility and momentum, but a conservation strategy has yet to be adopted.

Grade:  **MIXED**

- To its credit, after years of citizen pressure, DNR has made some progress by including more conservation-oriented alternatives for the marbled murrelet Long-Term Conservation Strategy (LTCS). Six proposed alternatives were approved for consideration in 2015 and are now moving through the Board of Natural Resources' process for adoption of a final strategy, which is expected in 2017.⁷
- One of the six proposals is a science and conservation-based alternative and would be the relatively best scenario for murrelets of the six proposed. Unfortunately, all other alternatives fall short of any significant conservation efforts.⁸
- The Board of Natural Resources consistently had murrelet updates on their agendas for most of 2015. This attention was an improvement, as previously murrelets were rarely on the agenda.

⁷ <http://www.dnr.wa.gov/programs-and-services/forest-resources/habitat-conservation/marbled-murrelet/marbled-murrelet-long>

⁸ http://file.dnr.wa.gov/publications/em_bc_bnr_altsum.pdf

OUR ISSUE: Eastern Washington Old Forests

Modifications to DNR's policy guiding management of old forest conditions in eastern Washington are needed to ensure old forests are protected. In 2008 a group of scientists developed a set of management guidelines for the restoration and maintenance of older forest conditions in dry forest types. On the issue of legacy trees (trees left uncut when an area is logged), these scientists recommended at least 8 to 12 trees to achieve meaningful old forest functionality and sustainable future conditions. Conservation groups including WEC requested DNR adopt this change, but no progress has been made.

Grade: **✗ FAIL**

- A study requested by the legislature on eastern Washington forests determined only 5% of DNR lands are moderately or highly likely to have the older forest conditions that historically occurred on these landscapes, and that provide crucial ecological functions such as wildlife habitat, resilience to natural disturbance, and long term site productivity.⁹
- In early 2016, conversations around this topic reconvened. WEC will be continuing to push for at least 8 to 12 legacy trees, which we feel are important to increase the percentage noted above. At this time DNR has indicated the intent of the policy guiding the management of old forest conditions in eastern Washington is unclear and will be revisited.

⁹http://file.dnr.wa.gov/publications/lm_ess_eastside_oldgrowth_inventory.pdf



Port of Longview, the site of Millennium Bulk Logistics' proposed coal terminal.

A 44 million ton coal export facility on the banks of the Columbia River is being proposed in Longview, WA. DNR oversees the state-owned aquatic lands in the Columbia River adjacent to the proposed coal export terminal and must manage them to protect their long-term value and aquatic resources, which are threatened by the coal project. Under the law, project backer Millennium Bulk Logistics needs approval from DNR to build two new docks and operate a coal export terminal. DNR has authority to grant or deny a sublease. DNR has broad discretion to prohibit new construction that would harm state resources. We strongly urge Commissioner Goldmark to reject major coal infrastructure on the Columbia River, exercising his authority to protect the public interest and the integrity of our aquatic lands.

CONCLUSION

Since WEC issued its first report card in 2015, Commissioner Goldmark and the Department of Natural Resources have made some progress on identified priorities. However, on many key issues, while engagement has begun, it has not yet resulted in meaningful progress on the ground or in the books. One example – FSC certification of state lands – DNR has taken a welcome step forward, but no additional state lands were certified. This pattern is consistent on several identified priorities. We would also have liked to see stronger leadership positions from the Commissioner on the Board of Natural Resources and/or Forest Practices Board on conservation issues.

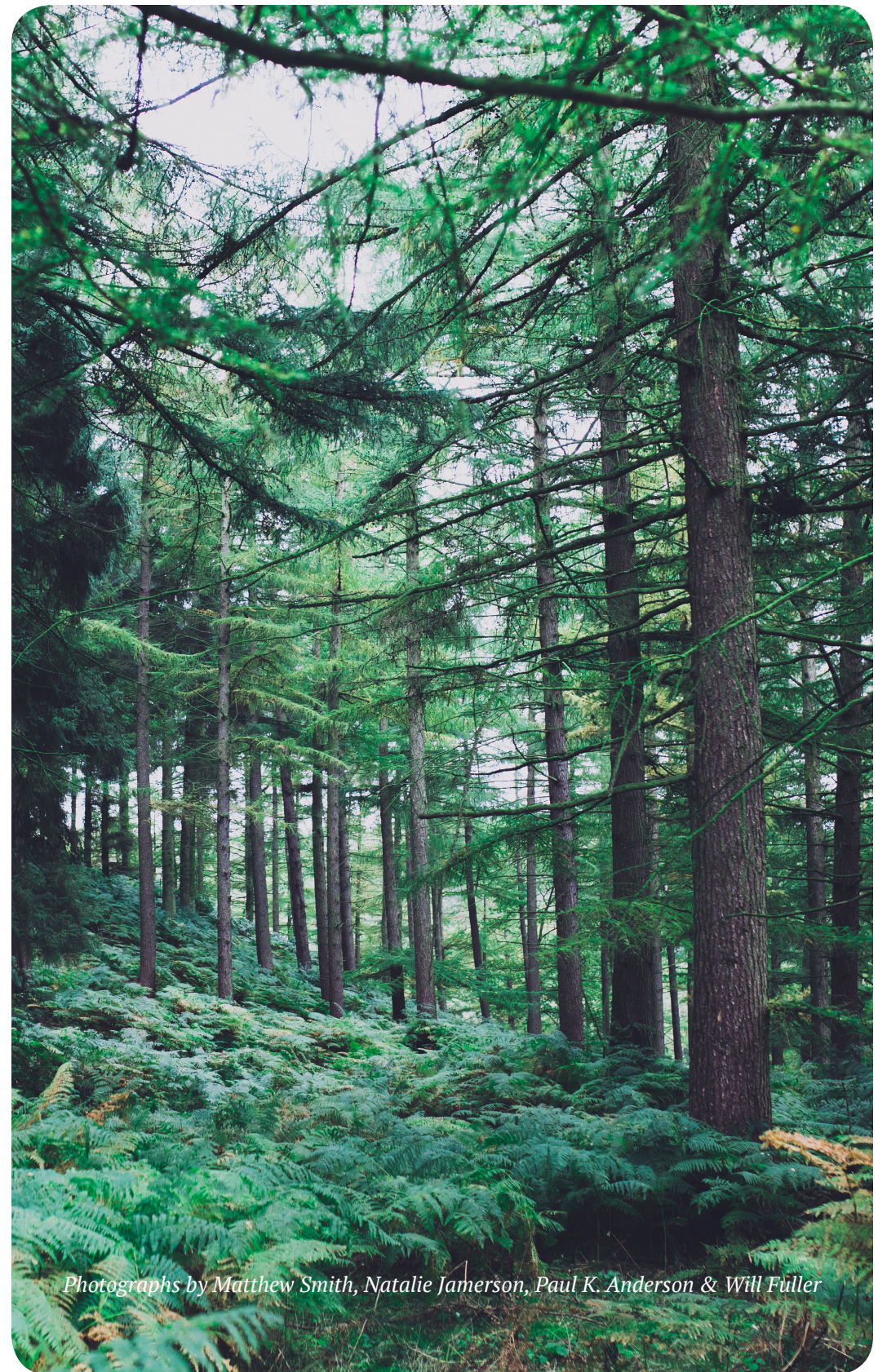
WEC acknowledges that progress on certain issues with high complexity may take more time. However, without on the ground outcomes, it is impossible to deliver any assessment other than: improved effort; outcome to be determined.

WEC looks forward to continuing these efforts with engaged DNR staff, who thus far have willingly come to the table, and is committed to continuing to work with the Commissioner towards improved, science-based management of our state's public lands – delivering decisions and results that are in the best interest of Washingtonians.



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Photographs by Matthew Smith, Natalie Jamerson, Paul K. Anderson & Will Fuller