

Washington Forest Protection Association (Cindy Mitchell)

Thank you, my name is Cindy Mitchell, the Chief Financial Officer of the Washington Forest Protection Association. I've been through decades of rulemakings, timber fish wildlife in the 80s, northern spotted owl in the 90s, forest and fish in 2000s and now the NP rule and accompanying Tier II analysis. I'm here to tell you how Ecology's interpretation of the Tier II has shifted dramatically.

First, in 2003, Ecology stated in its formal response to comments quote 'the purpose of Tier 2 ensures that any degradation to water is better than standards is necessary and in the public interest not to stop all activities that would lower water quality' quote. The forest practices rules in 2001 are captured under the general water pollution control program in the antidegradation program and went through a Tier II analysis as a newer expanded action at the time.

Second, in a memo written by an Ecology and Water Quality Program Manager Melissa Gildersleeve on November 1st 2022 following an internal antidegradation meeting she's described the majority proposal quote 'designed to not allow incremental warming up to numeric criteria, we will rely on the data that shows 75 foot buffers work and allow sending in the outer 25 feet to make it more workable. We do not have science to support this but we will use it to determine overriding public interest' quote. It is not clear whether we will meet the 0.03 measurable allowance we will need to write up this information on why we did this.

Third, in 2025 Ecology is now treating 0.03 measurable change as a strict cap excluding alternatives preempting public opinion, preempting public input, and undermining the process in their own WAC 173-201-A320. This interpretation stems from a 2018 legal settlement with the Northwest Environmental Advocates, but when Ecology sought EPA approval for a norm warming limit, EPA rejected it, affirming that the goal is to protect the numeric criteria of 16 degrees. That standard is being met. You saw Chris Briggs 's presentation over 14 years of adaptive management research shows average post harvest stream temperature remain at 12.2 degrees in hard rock, 14.8 in soft rock. Further Ecology uses the photo of a pristine fish stream in the Olympic National Park to promote a rule that targets small-non fish bearing streams on private land. That is not just misleading, it erodes public trust.

It's time to follow a colleges own rules and EPA 's and stop manipulating the process. Thank you.

Sure won't have to be that long I'm super glad that Bonnie brought that up because.

Sure so my name is Cindy Mitchell, I'm with the Washington Forest Protection Association. I've been here for more than 30 years and I've seen rulemakings and I've seen balance processes, which is the goal of WFPA 's to have balance forest practices I'm super glad Bonnie wrote— brought up the idea of not harvesting the entire watershed. Because it's a misnomer to think that what was in the hard rock study replicates reality. In reality you have land owners that use the NP buffer and there's no fish, the buffers are up to 200 feet per fish stream so you can be assured that they're not the 75 foot NP buffer. But they use the boundary to harvest by one side of the stream so there's constantly trees growing all around the watershed. If there was a case that 85 or 100% of the watershed was ever harvested like that and it would be a very rare case, then 100 or 75 foot 100% buffer in other words, not, it would be it be continuous, would be part of the rule. So I'm glad you brought it up to clarify that what's in the research is not what's in reality. In fact when they look through 36,000 actual forest practices applications they could only find 17 that actually met the criteria. So as my colleague Darren Kramer said earlier the types of conditions that were in the study occur maybe you know 1.4% of the time and the safety factor is to put a continuous 75-foot buffer on the streams. Now we just up in Cedro Woolly and I understand those streams go underground and they're dry for a mile. So they're often underground and there's no water on the surface. So the idea that we can't have flexibility in the buffers to manage the upper watershed is just really nonsensical and we do want to manage our forests because if we don't then well we're looking at smoke in the sky right now from the Cushman fire, Hama Hama fire, we've got a fire down in the gorge and those are trees that that have too much brush in them.

So managing our forests is really important and the forest and fish law which was blessed by the US Fish and Wildlife service, NOAA, National Oceanic administrative atmospheric administration, Environmental Protection Agency at the time, and it's a 50 year plan and so aborting that 50 year plan for something that is so not lacks common sense is really that something to take a look at again. Thank you for the opportunity to testify one more time.