



May 11, 2023

VIA Email:

To: [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov)

Commissioner Hilary Franz  
Board of Natural Resources  
MS 47000  
Olympic, WA 98504  
[cpl@dnr.wa.gov](mailto:cpl@dnr.wa.gov)  
[bnr@dnr.wa.gov](mailto:bnr@dnr.wa.gov)

Mona Griswold  
DNR Olympic Region Manager  
411 Tillicum Lane  
Forks, WA 98331  
[Mona.Griswold@dnr.wa.gov](mailto:Mona.Griswold@dnr.wa.gov)  
[Olympic.region@dnr.wa.gov](mailto:Olympic.region@dnr.wa.gov)

Dear Commissioner Franz, Members of the Board of Natural Resources, and Ms. Griswold:

Re: Letter in Opposition to and Comments on Power Plant (FPA # 2617830/SEPA # 23-042701) timber sale in the Elwha River Watershed

We submit the following comments in opposition to, and regarding the SEPA for, the Power Plant timber sale in the Elwha River Watershed.

The Earth Law Center, is a non-profit organization that advocates for new laws and policies to promote resilience, reciprocity, and holistic ecosystem restoration for the well-being of all life on this planet.

The Center for Whale Research (CWR) is dedicated to the study and conservation of the Southern Resident killer whale (orca) population in the Pacific Northwest. In October 2020, the Center for Whale Research took a leap into conservation to preserve salmon habitat by purchasing a ranch (named Balcomb Big Salmon Ranch after world renowned orca researcher Ken Balcomb) bordering both sides of the Elwha River, in a stretch of the mainstream river where most of the remnant native Chinook salmon now spawn. In doing so, it recognized that the Chinook salmon abundance from the Elwha River ecosystem can provide a healthy food source for the critically endangered Southern Resident Orca Whales and a sustainable, nearshore artisanal fishery.

The Center, therefore, has a substantial interest in enhancing salmon habitat by protecting watershed health of which healthy forests are integral. The recent [Seattle Times article](#) on First Nations' proposal to create "Salmon parks" provides an in depth look at the interconnectivity between forest and salmon health.

### **Extractive Logging in Elwha River Watershed Forests is Incompatible with Elwha River Restoration**

The Federal Government has spent over \$327 million on restoration of the Elwha Watershed post-dam removal. We urge the State to work with the larger scale restoration effort rather than at cross-purposes by destroying critical forest habitat. The Washington Supreme Court has made clear that DNR has wide discretion to determine how best to manage, make productive, and generate revenue from the approximately 2 million acres of forests it currently manages. An integrated approach that accounts for the health and well-being of all species is compatible with the State Environmental Policy Act (SEPA) which identifies the following purposes: "(1) To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation." RCW § 43.21C.010.

The City of Port Angeles and many community members have expressed concerns about logging, particularly of older, structurally complex forests, in the Elwha River Watershed, sparked by the State's decision to log a forest by the sale name "Aldwell". On March 5, 2023, many people gathered to support the City's request for a pause on logging in the Elwha Watershed as covered by the Peninsula Daily News in "[Protesters Rally Against Aldwell Logging](#)", by public news service "[Post-dam Elwha Thriving, but Logging Threatens Gains](#)", and other media outlets.

### **Adverse Impacts to Hydrology**

A science synthesis produced by the US Forest Service Pacific Northwest Research Station provides perhaps the most comprehensive compendium of how industrial logging practices contribute to hydrologic impairments in the region ([Grant et al. 2008](#)). The synthesis surveys over 100 peer-reviewed scientific studies spanning the last five decades and

identifies a direct correlation between industrial logging and increases in peak flows. Peak flows—a term to describe the maximum rate of water discharge in rivers and streams during storms—are associated with landslides, mass wasting, channelization, streambed scour, and other forms of erosion and deposition that detrimentally affect fish. By causing water to move faster through the hydrologic system, industrial logging practices not only can contribute to the degradation of salmonid habitat, but also can endanger communities downstream by elevating the risks of floods and landslides. Increasing the “flashiness” of the hydrograph should be seen as a high priority to public agencies, especially in the aftermath of the unprecedented flood event of November 2021, which displaced hundreds of people, resulted in loss of life, and contributed to over \$50 million in damages.

Mass wasting and landslides have significant adverse impacts on nearby streams and their aquatic habitat. The project area includes numerous non-fish bearing streams that run year-round (Type Np) and several ephemeral, non-fish bearing streams (Type Ns), as well as numerous wetland areas. While state forest practices regulations require some protection for type Np non-fish streams, these minimal buffers may not adequately mitigate mass wasting or turbidity impacts to the watershed.

Additionally, recent research has found clearcut-plantation silviculture (as advanced by the current proposal) reduces summer streamflows when compared to adjacent unlogged forests. Recently, researchers at Oregon State University published a study that drew conclusions about the role forest management plays in streamflow levels in summer months ([Segura et al. 2020](#)). Dr. Catalina Segura and her colleagues analyzed 60 years of data collected on paired stream basins in the Alsea Watershed, in Oregon’s Coast Range. Some basins were logged according to the rules laid out by Oregon’s current forestry regulations, while others were left standing and allowed to mature to over 100 years of age. The researchers found that streams in logged basins produced 50% less water during summer months than streams in unlogged basins. These streamflow deficits persisted for more than half of the year, being most pronounced in late summer. The researchers suggest that the high evapotranspiration rate of young Douglas-fir plantations is the primary cause of this deficit. In other words, younger trees use water less efficiently than older forests, which means young timber plantations draw more water out of the system and release it to the atmosphere, thereby contributing to less water flowing in streams and rivers.

Another related study conducted by Dr. Julia Jones and her colleague Timothy Perry studied data collected in eight paired basins over a six decade period to inquire into the streamflow consequences of industrial forest practices ([Perry & Jones 2016](#)). The researchers studied forestlands that were set aside over 70 years ago for the purpose of research located within the H.J. Andrews Experimental Forest (east of Eugene, Oregon) and the South Umpqua Experimental Forest (east of Roseburg, Oregon). Half of the basins studied were clearcut according to current legal standards, while the others were left standing.

The research produced a clear and powerful conclusion that young Douglas-fir plantations diminish summer streamflow by 50%, a finding corroborated by Segura et al. 2020. Perhaps more importantly, these streamflow deficits caused by industrial logging practices lasted for long periods of time. According to the six decades of data, low flows in clearcut-and-replanted basins persisted and intensified for over a half century after the initial harvest of the basin. This means that clearcutting today will produce diminished water levels well into the late-21st century. Notably, scientists predict that climate change will dramatically alter hydrologic systems and lead to a water shortage crisis in the Pacific Northwest during the latter half of this century ([Climate Impacts Group, University of Washington 2015](#)).

While the study did not research forests in Washington, the findings linking tree plantations to diminished summer streamflows are highly applicable to our state's productive westside forests ([Frissell 2017](#)). Similar research regarding the impact of industrial forest practices have also been documented recently in a *Bellingham Herald* article, "[Logging forests takes this toll on already strained Nooksack River, research suggests.](#)" These studies have important implications for forest management in Washington because they suggest that industrial forest practices—especially when conducted on a watershed-scale—can greatly diminish water quantity in the summer months, when farmers and salmon need it most.

DNR has admitted that it does not know what the impacts of industrial logging on watershed health are and have said only that they will respond to new science if/when it comes out. DNR must do research and studies to see if its forest practices will negatively impact summer stream flow. The precautionary principle must be applied.

### **Extractive Logging in the Elwha River Watershed Threatens the Well-being of its Non-Human Inhabitants**

As part of an ongoing federal lawsuit, the US Fish & Wildlife Service is preparing a new biological opinion for the Washington State Trust Lands Habitat Conservation Plan (HCP). The HCP is what allows DNR to operate under an incidental take permit (allowing it to harm and kill species) under the Endangered Species Act. Insofar as the HCP is designed to protect threatened and endangered species, application of the precautionary principle warrants a pause on all logging of habitat that may need to be conserved to protect these species, including the forest habitat with the sale names TCB23 and Power Plant.

Harvesting these forests also compromises DNR's obligation to set aside land to reach the older forest objectives under the existing HCP. DNR has failed to follow its own HCP implementation procedures for Identifying and Managing Structurally Complex Forests to Meet Older Forest Targets within each HCP planning unit. We urge the DNR to consider the arguments made by the plaintiff in *CRF v. DNR* (Division II Appellate Court Case No. 569647-II). There is evidence based on data obtained from DNR's Public Disclosure Office that DNR has only set aside 5,846 acres of structurally complex forests in the Straits HCP planning unit for conservation, which represents less than 5% of the Straits HCP planning

unit that has protected, structurally complex forests that are excluded from commercial timber harvest. This harvest would result in the loss of forest that should be set aside to meet older forest targets. DNR has failed to identify, map, designate, and protect structurally complex forests as required by law.

### **The State's Review and Assessment of the Power Plant Sale is Wholly Inadequate**

The SEPA document does not make clear what type of harvest DNR plans to do. It is unclear whether this will be an industrial logging/clear cut type harvest or if the younger trees and understory will remain. The failure to make clear the plans for harvest renders the entire SEPA analysis inadequate. DNR cannot possibly adequately assess the impacts of a harvest, the type and scope of which it has not clearly defined. For instance, on p. 5, the pre-harvest stand description includes dates for only the older trees. Also, the document refers to it as an "even-aged" harvest, but the trees are not even aged. It is unclear whether this means that DNR is planning to cut all of the larger trees of the same age, but not other trees. The impact on the entire forest landscape has not been adequately described, much less studied.

There is no analysis of the harvest's impact on the naturally regenerating forest that exists under the approximately 100 year old trees. Science shows new, regenerating forests that follow disturbances are a key to saving wildlife. Power Plant is a unique and rare example of a naturally regenerated, successional forest ecosystem in the Elwha River Watershed and in very close proximity to the River itself.

The site has not been adequately reviewed for impacts to sites of cultural and historic significance. For instance, the documents say nothing about the old railroad grade that is found on the project site. Nor do the documents speak to the existence of culturally modified cedar trees. Based on local knowledge, there are also other significant artifacts in the area. A full study should be done to identify these.

The assessment completely fails to identify an NS (or Class 5) stream that runs through Unit 1. This stream meets all of the criteria for NS classification, including that it runs at least 6 months out of the year. A site visit would identify this. There is no indication that DNR has done an adequate, or perhaps even any, comprehensive site visit. At the minimum, there would need to be a buffer and equipment limitation around such a stream.

Colville creek is not on the map and the impacts to it have been neither studied nor mitigated.

It does not appear that DNR has properly indicated the location and placement of all culverts.

The project contemplates building .7 more acres of load, but does not mention any landings. This seems questionable given that landings are standard practice. Similarly, the documents do not indicate any intent to abandon the roads, or specify what will happen to

them. There is no analysis of the impacts of the ph of the gravel being used for the roads on the environment, including groundwater.

The SEPA and FPA are unclear, inconsistent, and conflicting as to how many trees will be left per acre. There is no information as to the damage that will occur to any trees that remain post-harvest.

The sale is in recognized and active marbled murrelet habitat which has not been adequately assessed. Same for the North Spotted owl, despite the fact that an occupied site has been previously found near Unit 3 and the Elwha River. There is no indication that a site visit was made to identify the presence of endangered or threatened plants or animals.

There is no analysis of how the application of chemical herbicides would impact the environment and humans, including bees, other insects, groundwater, etc. at this specific site.

There is no indication as to whether the Department of Ecology or Fish & Wildlife has been consulted on the wetland management plans. As such and in general, there is significant concern as to the impact on wetlands. The documents do not properly indicate all existing wetlands. There is a wetland in Unit 3 that is not discussed or shown on the map.

On p. 5, there is a reference to unit 5, WMZ, it is unclear which wetland is being referred to here.

On p. 5, the overall unit objectives stated are inconsistent with the harvest plans which will turn it into an even age forest. The document says the objectives will be accomplished through the leave tree retention strategy. Yet, the patches of leave trees are where there are no big trees to harvest.

Slope stability issues for Unit 3 have not been adequately addressed. There has been no study or assessment.

The document indicates that logging is allowed in the winter, but there is no assessment as to the particular impacts of winter logging. This is particularly troubling because of the number of wetlands and streams running through these forests as well as the close proximity to the Elwha River.

It appears that there are plans to thin a portion of a wetland buffer (p. 12), but there are no studies as to what impact these plans will have on the wetland. The document indicates that WA Fish & Wildlife has not been consulted. This work occurring within the wetland buffer raises significant ecological concerns.

On p. 14, the answer indicates there are no water resources downslope. This is incorrect, there are private wells downslope of Unit 1 and for Unit 3, the Elwha River is downslope and an important water resource to many, including the City of Port Angeles.

It is important to note that during the prior harvest the protection measures identified on p. 14 were not followed, with significant impacts to the environment.

Again, it appears that the checklist was filled out without a site visit. Indeed, on p. 17, the document indicates that no threatened or endangered plant species were found in the corporate database.

In general, a number of trees, plants and animals are present, but were not identified, these include willow, larix sp., bitter cherry, Grant fir, lodgepole pine, huckleberry, buttercup, skunk cabbage.

There is no analysis of how logging will impact the soil.

On p. 16, the answer to question 4(b) is wholly inadequate as it does not describe timber types.

There is no assessment of the safety hazards created by the pull off zone off of Hwy 112.

The SEPA for Power Plant is further inadequate in a number of ways, including:

- 1) failure to adequately consider impacts of extractive logging on the Elwha River Watershed and its inhabitants including salmon, marbled murrelet, northern spotted owl, bears and cougars. The SEPA recognizes the presence of the iconic and endangered species in these forests but takes insufficient or non-existent mitigation measures.
- 2) failure to adequately consider impacts of extractive logging on species that depend upon the health of the Elwha River Watershed, in particular, the Southern Resident Orcas.
- 3) failure to consider cumulative impacts of extractive logging in the Elwha River Watershed. The SEPA does not consider the cumulative impact of logging all of the Power Plant units, at the same time, or of logging these units at or near the same time as other sales, such as TCB23 and Parched. Nor is there any consideration of the cumulative impact in relation to the total logging that has occurred on all forest lands (both state and private) in the Elwha River Watershed.
- 4) failure to adequately consider impacts on climate change and climate resilience, including, but not limited to, the failure to assess greenhouse gas emissions from logging activities on a per project basis. We refer DNR to the arguments made by plaintiffs in *Center for Sustainable Economy et al. v. Washington Department of Natural Resources et al.* (Jefferson County Superior Court, Case No. 22-2-00015-16) and Judge Harper's Order in that case. The additional and generic language DNR now includes in its review documents still fails to undertake an appropriate and

site-specific greenhouse gas emissions and climate change analysis.<sup>1</sup> Please see attached Declaration and CV of Dominick DellaSalla. Further, Executive Order 18-01, signed by Governor Jay Inslee in 2018, requires all State agencies to consider how their actions contribute to climate change, and to take steps to reduce greenhouse gas emissions. The proposed timber sales do the opposite. Research strongly suggests that older trees like those found in Power Plant store and absorb more carbon per acre than any other forests in the world, and play an important role in the fight to combat climate change. The continued clearing of mature forests in the Elwha River Watershed will release more carbon into the atmosphere, and reduce the capacity of the forests to sequester carbon. Because DNR has failed to consider the cumulative impacts of this and other similar timber sales on climate change, or develop a plan to mitigate such impacts, the proposed timber harvests violate Executive Order 18-01.

- 5) failure to adequately address slope stability concerns. The Power Plant FPA acknowledges the presence of unstable slopes but fails to adequately address the consequences of logging in such areas.
- 6) failure to take adequate precautionary measures with regard to stream impacts despite the close proximity to the Elwha River and streams feeding into the Elwha. Standard setback and buffer zones are inadequate, particularly given the unique situation presented by Elwha River restoration.
- 7) failure to consider the impacts the proposed logging will have on connected habitat. Power Plant is part of a larger and significant wildlife corridor that runs along the Elwha River. Several Power Plant units border National Park Service (NPS) land and are in very close proximity to the Elwha River itself. This again indicates that DNR is not adequately considering the impact of its activities on the greater efforts to restore the Elwha River Watershed post-dam removal and appropriately looking at the ecosystem's health as a whole.
- 8) failure to consider alternatives to extractive logging. There is no evidence that DNR has considered alternatives to extractive type logging planned for Power Plant (i.e., removal of all older, larger trees, as well as destruction of naturally regenerating forest). This is particularly concerning because the forests covered by this sale are not monocrop plantations.
- 9) failure to consider impacts to the City of Port Angeles' drinking water whose sole source is the Elwha River.

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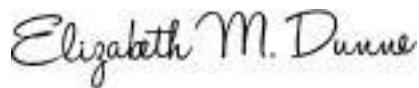
<sup>1</sup> We refer to and incorporate the science, studies, and arguments of general applicability regarding the generic language DNR is adding to environmental checklists to purportedly meet its obligation to consider climate impacts made by Center for Sustainable Economy and Save the Olympic Peninsula in their comments dated December 22, 2022 regarding North Cavanaugh (File # 22-121301), Overlook (File #22- 121302), South Robbins (File #22-121501), T3 C-1400 (File #22-122001), T3 C-2800 (File #22- 122101), Uptick (File #22-122201) and Wilson (File #22-122301) timber sale proposals.



10) failure to consider impacts on recreation, in particular as to the Olympic Adventure Trail, the Colville MBT, trails that access the former lower Elwha dam site, and popular climbing areas. Use and enjoyment of these areas will be significantly impacted during logging operations and post-logging due to loss of aesthetic beauty and opportunity for wildlife viewing. The documents make no consideration of such impacts.

We respectfully request that DNR consider these comments, cancel the Power Plant timber sales, and work with all stakeholders to protect and restore the Elwha River Watershed.

Respectfully,



Elizabeth Dunne, Esq.  
Director of Legal Advocacy  
Earth Law Center



Howard Garrett  
Chairman of the Board  
Center for Whale Research

cc: Clallam County Commissioners