



June 18, 2024

VIA EMAIL

William Wells, Olympic Region Manager
VIA: SEPA Center
sepacenter@dnr.wa.gov
bill.wells@dnr.wa.gov
olympic.region@dnr.wa.gov

Re: Comments on and Opposition to "Doc Holliday" Timber Sale (FPA #2618292, SEPA 24-060403)

Dear Mr. Wells:

We are writing to express our concerns about the "Doc Holliday" timber sale. A review of the State Environmental Policy Act (SEPA) checklist shows that DNR's Determination of Non-significance is unsupported by the law and facts. This forest contains some of the last remaining structurally complex forest in the area, close to Sadie Creek recreation area and Twin Rivers off of state scenic highway 112.¹ DNR acknowledges that this forest contains old growth trees, but nonetheless concludes that it does not deserve protection. (SEPA Checklist p. 19). The amount of streams and wetlands in the area is impressive, with 8 type-3 streams, 13 type 4-streams, and 19 type-5 streams. (SEPA Checklist p. 14). DNR states that it will meet standard minimum buffer requirements but does not analyze the impact of this proposed logging, and the cumulative impacts of this and other logging, on the broader watershed.

The sale proposes cutting trees in violation of DNR's own policies as well as state and federal law. DNR has been repeatedly presented with evidence that it is not on track to meet its requirement of designating additional structurally complex forests to equal 10 to 15 percent of the Straits HCP planning unit managed for older forest targets. In *Legacy Forest Defense Coalition v. DNR et al.*, on January 22, 2024, the Jefferson County Superior Court enjoined the Last Crocker Sorts timber sale on the grounds that Legacy Forest Defense Coalition

¹ See attached photos curtesy of Forest2Sea.

demonstrated that “the forest land plan has not been established for the Straits Planning Unit.” The Doc Holliday timber sale is similarly in the Straits Planning Unit and is important for DNR to meet its obligation to set aside older forests in this planning unit.

The SEPA Checklist says that “DNR **intends to** actively manage structurally complex forests to achieve older-forest structure . . . across 10 to 15 percent of each western Washington HCP planning unit in 70 to 100 years.” (SEPA Checklist p. 9, emphasis added). DNR’s intention, without being able to demonstrate that it is on target to meet this objective, fails to satisfy both the letter and the spirit of the law. DNR admits that “the Straits HCP Planning Unit does not currently contain 10 to 15 percent older forest considerations”, yet claims it is on target to meet its legal obligations by 2090. The May 2024 document titled “Landscape Assessment to Identify and Manage Structurally Complex Stands to Meet Older-Forest Targets in Western Washington” does not satisfy DNR’s legal obligations. We further incorporate by reference the comments and attachments thereto submitted by Legacy Forest Defense Coalition on June 18, 2024.

The reality is that DNR is quickly destroying the last remaining older forests that must be left standing for it to meet its legal obligations. Once gone, we cannot bring them back, so a later determination that DNR has, in fact, violated the law, does little to fully rectify the situation.

This is also an opportunity for DNR to help remedy some past management issues in this forest area. This forest used to contain a large colony of marbled murrelets. But in 1997, DNR cut through the area leaving two fragments – one to the east and one to the west. A few years ago, DNR cut the unit to the left of Unit 5 of the Doc Holiday proposed sale. In doing so, logging mistakenly occurred in active murrelet habitat, resulting in the loss of critical habitat, and causing some murrelets to abandon the nesting area. Doc Holiday is a known Marbled Murrelet nesting site, according to DNR's own data. (SEPA Checklist p. 20). Nowhere does the SEPA review account for the cumulative impacts of DNR’s logging in this area, particularly as it relates to the incident destroying murrelet habitat. Nor does DNR discuss alternatives to further logging in this area, or how protecting older forests in the Doc Holiday proposed sale would help mitigate the prior accidental loss of critical habitat.

The SEPA Checklist indicates that DNR has not done a site visit to look for threatened or endangered plant species. The SEPA Checklist simply says: “None found in corporate database”. (SEPA Checklist p. 19). Yet, the Checklist indicates the presence of Sitka Spruce, Western Hemlock, Grand Fir, and Western Redcedar in addition to Douglas-Fir. (SEPA Checklist p. 18). Some of these trees in combination with other plants that are also recognized as being present in this forest constitute rare plant communities requiring protection. This information therefore puts DNR on notice of the need to conduct a site visit to look for these rare plant communities. We ask that DNR do so.

The SEPA Checklist under “environmental health” fails to disclose use of herbicides which have a known impact on human and environmental health. (SEPA Checklist p. 21-22).²

Finally, and relatedly, DNR has not considered the impacts of the proposed logging to soil health, including to soil communities, soil biodiversity, and the mycorrhizal fungi network. Scientific studies show the importance of considering soil health as part of sustainable forest management.³

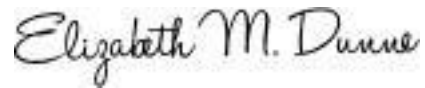
We look forward to your response to the above comments and ask that you please halt the “Doc Holliday” timber sale so that we can work together on solutions.

² See US Environmental Protection Agency discussion of herbicides, <https://www.epa.gov/caddis-vol2/herbicides>. Both the International Agency for Research on Cancer (the “IARC”) and the World Health Organization (the “WHO”) recognize glyphosate as a carcinogen [https://www.iarc.who.int/featured-news/media-centre-iarc-news-glyphosate/#:~:text=In%20March%202015%2C%20IARC%20classified,of%20%E2%80%9Cpure%E2%80%9D%20glyphosate; https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6918143/](https://www.iarc.who.int/featured-news/media-centre-iarc-news-glyphosate/#:~:text=In%20March%202015%2C%20IARC%20classified,of%20%E2%80%9Cpure%E2%80%9D%20glyphosate;https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6918143/); “The presence of glyphosate in the soil could change the balance of bacteria and fungi, in turn altering soil ecosystem functions and plant health. . .In laboratory studies, Argentinean researchers found that glyphosate-containing herbicides could also be toxic to earthworms, causing damage to cells and DNA at levels “close to the applied environmental concentrations” https://www.foeeurope.org/sites/default/files/press_releases/foee_5_environmental_impacts_glyphosate.pdf

³ See e.g., Forest Ecology and Management, *TAMM review: Continuous root forestry – Living roots sustain the belowground ecosystem and soil carbon in managed forests*, Cindy E. Prescott, Sue J. Grayston, available at <https://www.sciencedirect.com/science/article/pii/S0378112723000816> (“For forestry to be fit for purpose in the 21st century, it must aim to steward biodiverse and resilient ecosystems, rather than just maximize stem growth of crop trees. Evidence of the critical importance of living roots for sustaining the exceptionally diverse belowground biota that support the critical ecosystem processes provided by forest soils behooves us to consider this hidden half of forest biodiversity in forest management– especially decisions about harvesting systems.”); According to experts, soil compaction is associated with mechanized wood harvesting and similar industrial logging processes. This compaction can cause long-lasting damage to ecosystem function and productivity. In one study, this compaction increased soil bulk density by almost 10%, and reduced the soil’s porosity by up to 40% as a result. The physical variables studied did not recover to the normal level within a period of 3-6 years. (*Impact of Logging-Associated Compaction on Forest Soils: A Meta-Analysis*; Nazari et al.; 3 December 2021); In some case studies, researchers found that logging created the ideal “pre-conditions for the increase of soil erosion rates during high rainfall,” a phenomenon common in the Pacific Northwest. (*Sudarmadji*, 2001). Studies have also found that logging and harvesting practices cause a loss of nutrients (particularly Nitrogen) and organic matter content in the soil as well. (*Elliot et al.; 1999*) In addition, findings have demonstrated that such disturbance associated with industrial logging can influence the regrowth of vegetation and place limits on long-term forest productivity in the future as well. (*Harrington et al.; 13 June 2020*) Similarly, logging has been found to have impacts on fungi regrowth– critical to ecosystem health– for decades in the future. These “legacy effects” permanently hamper the area’s potential to host a number of species. (*Spencer et al.; March 2023*).

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Elizabeth M. Dunne".

Elizabeth Dunne
Director of Legal Advocacy
Earth Law Center
edunne@earthlaw.org
(808) 554-1409

cc:

bnr@dnr.wa.gov
hilary.franz@dnr.wa.gov
chris.reykdal@k12.wa.us
W.Powers-schilling@wsu.edu
ljanicki@co.skagit.wa.us
duane.emmons@dnr.wa.gov
todd.welker@dnr.wa.gov
jim.cahill@ofm.wa.gov
danbro@uw.edu

