

The mission of the Olympic Forest Coalition is to protect and restore forest and aquatic ecosystems on the public lands of the Olympic Peninsula.



Olympic Forest Coalition

Fall 2010

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We thank all our members and donors for their financial support. If you have not contributed yet, we hope you will become inspired to do so.

We are including a self-addressed envelope for your convenience or, if you prefer, you can donate to OFCO online on our Web site www.olympicforest.org.

Help for the OESF: OFCO Challenges DNR to Do Right

by Marcy Golde

[For a glossary of acronyms and initialisms, see page 3.]

OFCO continues to advocate for responsible management of the OESF. In mid-July, OFCO presented a very detailed 111-page scientific and legal analysis of the DEIS released by DNR in early June, documenting its deficiencies and outlining remedies. Six major environmental groups partnered with OFCO in this effort and fully endorsed the result.

The comments can be viewed at www.olympicforest.org/209.pdf; they may take a minute to load. Appendices can be viewed from links on the [OFCO Web News](#) page.

And, it appears our combined voices at last are being heard. Public Land Commissioner Peter Goldmark has now stated his intention to provide significant changes.

Yet so far, DNR staffers have been continuing their work on the FEIS for release in June 2011 without incorporating the requisite changes (in Measurable Standards, Purpose, and Alternatives). Your voices are needed to turn this around. See the box on page 2 on how you can help. An FEIS does not include public review.

The critique has received high praise and its contributors—9 scientists and 2 lawyers—deserve great thanks for their hard work. Their careful review found many individual major flaws in the DNR plan and, most of all, a flawed basic concept: *that the new Riparian Procedure is better and should be adopted, because by using much more extensive, repeated thinnings in riparian areas, it will double the total harvest and revenue and still yield modest environmental gains at the end of 100 years.* By focusing their analysis exclusively on the riparian impacts, DNR totally omitted any discussion of how it would be experimental, or how the management plan would be organized. Nor did it address other impacts, such as on the Marbled Murrelet (a federally protected species with a major population and potential habitat in the OESF), nor on various fish species, as a result of erosion caused by increased riparian logging. In several instances the DEIS appears to directly violate the HCP and the Settlement Agreement as well as SEPA and the state and federal CWAs.

The most astonishing technical error was found by Professor David Montgomery through his analysis of the rates of background erosion. The rate projected by the DEIS was 2,000,000 tons per stream mile,

Continued on page 2



OESF.....Continued from page 1

while Professor Montgomery calculated 250 tons per stream mile per year as the best estimate of background erosion! Against this background rate, the projected increased sediment delivery of about 10,000 tons per stream mile per year, under both alternatives, appears to have the potential for very significant adverse impacts to streams.

Mark Hersh, biologist with Wild Fish Conservancy and formerly with EPA and the USFWS, described two more fatal flaws, this time in the water quality analysis. Wetlands, which cover 7 percent of the landscape, did not receive even a cursory analysis of probable or possible impacts. The other even larger problem was the lack of any analysis of projected impacts on small Type 5 streams, which make up 62 percent of the total stream length.

Shelley Spalding, an OFCO Board member and former USFWS Bull Trout expert, immediately recognized another fatal flaw. The DEIS failed even to mention Bull Trout, much less analyze the impacts to them of the proposed new riparian management strategy. Bull Trout are a Threatened Species under the federal ESA found in many streams in the OESF, including the Hoh, Queets and Elwha drainages. In reviewing the material on large woody debris, Shelley found that DNR had totally misrepresented the impacts of heavy thinning on riparian areas by misusing averaging to mask the range and frequency of impacts.

And there was more, much more.

OFCO continues to pressure the Commissioner and DNR to meet all of their commitments under the 1997 HCP, the 2006 Settlement Agreement and the CWA. And, most of all, we insist on a plan that will protect our water, fish and wildlife—especially habitat for federally listed Marbled Murrelets and Northern Spotted Owls—as well as provide a sustainable level of timber harvest for the various trust beneficiaries.

Our longtime members will no doubt recall that DNR, in 1997, signed a contract—in the form of an HCP—with the federal government, limiting the management of all DNR-managed forest lands west of the Cascade Mountains. In exchange for developing habitat over the long term for threatened species needing old forest habitat, DNR

was allowed to "take"—that is, kill—a limited number of these species in the near term.

In October 2004, OFCO joined an environmental suit challenging the one-third increase in the level of timber harvest on these state forest lands, which we won in state court. In spring 2006, OFCO joined other environmental groups in signing a settlement with DNR. The late John Arum, our brilliant attorney, won the suit and led the settlement negotiations. (See memorial note, page 7.) Among the provisions lasting until 2014 were those impacting the 270,000 acres of the OESF. It provided full protection for all "Old Forest" over 100 years in age, with thinning only in Structural Habitat, the best of the stands 50–100 years old (at least until adoption of the OESF Plan), and an immediate start on a long-delayed management plan for the OESF which "will include all elements of the landscape planning process required by the HCP." (Settlement Agreement, I.B.4)

This required OESF Plan has proceeded very slowly, with the first scoping document issued in August 2007 (with revisions in 2008 and 2009) and the DEIS released on June 1, 2010—after so many years, a flawed effort indeed.

Enter (once again) OFCO, et al., with our 111-page analysis.

Please help us urge DNR to make responsible planning a reality in the OESF.

ACTION NOTE

Please write an e-mail to Land Commissioner [Peter Goldmark](#), urging him to do one of two things:

- Delay the OESF Landscape Plan and first complete the Marbled Murrelet Long-term Strategy;

OR

- Start over by writing a new DEIS for the OESF, which fully complies with the federal and state CWAs, SEPA, the DNR HCP, and the Settlement Agreement.

Thank you!



President's Column

OFCO in Action

by John Woolley

We are very busy helping to protect and restore the forests and aquatic ecosystems on public lands of the Olympic Peninsula.

Olympic Experimental Forest: DNR is plodding through a management plan for public trust lands in the western Olympic Peninsula. OFCO, which has spearheaded a major critique (see article, front page) believes that the current DEIS for managing this vast temperate rainforest reserve should be dropped and action should begin immediately on implementing Marbled Murrelet management consistent with the ESA. And then a new DEIS for the OESF can be written, to comply fully with federal and state law.

Calawah/Sitkum Watershed Collaboration: Forest Service efforts to commence quality water flow activities have been sidetracked by a local ATV group in Forks. A local recreational use plan by the Forest Service has been delayed for years. Motorized recreational opportunities are taking precedence over salmon—again. We're on it; stay tuned.

Appeal of DNR Four Island Timber Sale: OFCO has recently appealed a proposed sale along the Lyre River which completely ignores concerns for Marbled Murrelet habitat. [Update: OFCO agreed to the appeal's dismissal on Oct. 13, as DNR withdrew the forest practices application and DNS. Thanks go to OFCO attorneys Paul Kampmeier and Peter Goldman.]

Skokomish Watershed Action Team: OFCO has a volunteer program to assist the Olympic National Forest in road decommissioning and water flow management. The South Fork is currently trying to join the North Fork flow.

Sadie Creek Shooting Area: A grave setback for salmon and peace of mind on the Olympic

Discovery Trail. DNR is starting reconveyance of public trust land at the headwaters of Sadie/Susan Creeks to Clallam County for a public shooting range.

Mining at the entrance to Olympic National Park: The Elwha Quarry threat is still pending, as mine owners appeal Clallam County's Critical Habitat status. OFCO is continuing to support local residents and park quality (see article, page 6).

"Bio-Mess": A red herring for resolving any greenhouse gas issues. Biomass is dirtier than coal; health threats worsen the hotter they burn; supply of woody debris will likely be exhausted within a year! WHOOPS II?

Wild Olympics Campaign: Momentum is building for park expansion, Wilderness Areas, and Wild and Scenic Rivers. Sign the online petition at www.wildolympics.org/take_action to show your support.

Please help OFCO carry on our best efforts to do what you want us to do. We need and greatly appreciate your financial support; a return envelope is included in this newsletter for your convenience.

Glossary of Acronyms and Initialisms

- ATV – All-Terrain Vehicle
- CWA – Clean Water Act
- DEIS – Draft EIS
- DNR – Washington State Department of Natural Resources
- DNS – Determination of Non-Significance
- EIS – Environmental Impact Statement
- EPA – Environmental Protection Agency
- ESA – Endangered Species Act
- FEIS – Final EIS
- HCP – Habitat Conservation Plan
- OESF – Olympic Experimental State Forest
- OFCO – Olympic Forest Coalition
- SEPA – State Environmental Policy Act
- USFWS – U.S. Fish and Wildlife Service

Wood Biomass: Moving Ahead at the Speed of Light

by Bonnie Phillips

In OFCO's Summer 2010 newsletter I wrote an article on wood biomass and the significant threat that this rapidly expanding industry brings to Washington state. Now it is autumn, and permitting processes for new and expanded biomass plants are going full speed ahead. In order to get subsidies available through the federal stimulus bill, a plant must start building by December 31 of this year. The rush leaves many critical questions about biomass burning unexplored (or at least inadequately addressed).

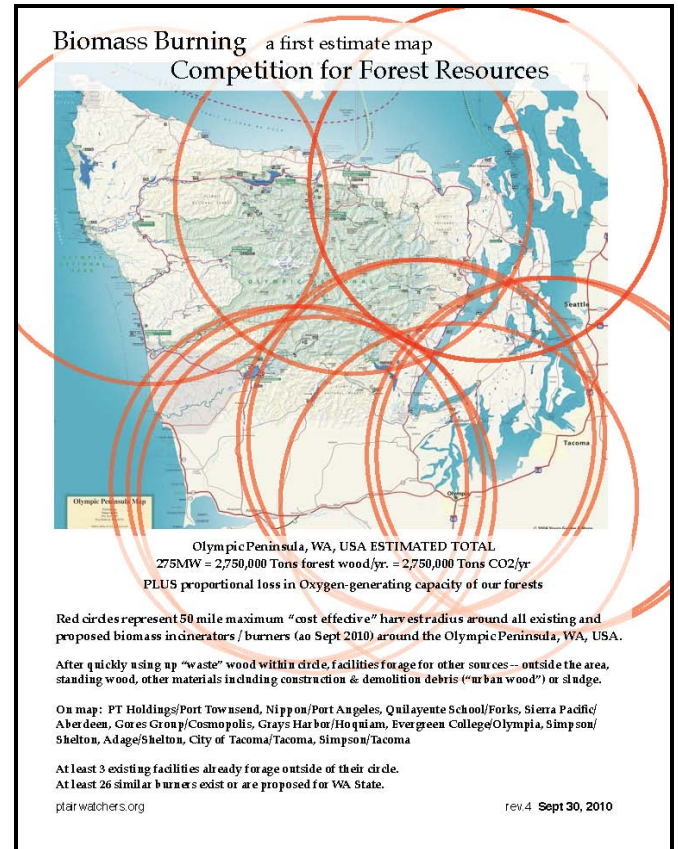
If there is one message they need to hear it is SLOW DOWN.

While uncertainties about this technology remain, there is consensus on several points among those concerned about the consequences of wood biomass burning. First, it is NOT carbon neutral (the state's polemics to the contrary notwithstanding). Collecting woody debris for burning from our forests is NOT sustainable at the scale proposed and the health risks are substantial. Because biomass burning creates smaller particulate matter than coal, opponents of biomass claim that it is dirtier than coal (and have sound evidence to prove it).

Several months ago, a new listserv was formed to allow discussions and questions about biomass projects on the Olympic Peninsula. Discussions have been lively and each group has the ability to share information with other groups. Karl Forsgaard from the Washington Forest Law Center is a member of that list and, in September, the Law Center organized a meeting in Seattle for the main leadership working on this issue. Dr. Bill Sammons, a pediatrician from Massachusetts, was a guest speaker, focusing on the issue of health risks. An invited spokesperson from DNR declined to attend.

The situation with DNR is complicated, as usual. This agency regulates forest practices for all forest ownership at a certain acreage size and also manages more than 2 million acres of public land.

Commissioner of Public Lands Peter Goldmark is a strong proponent of biomass harvesting on DNR lands and, in fact, made this one of his campaign commitments. This sounded good—until the potential problems became more apparent.



Visit www.olympicforest.org/215.pdf to see a larger version of this map from PT AirWatchers.

DNR has recently published a brochure asserting that biomass is carbon neutral; now, however, EPA and other entities have pointed out that this is incorrect. In early October I attended a DNR meeting set up to discuss adding forest biomass as one of the Forest Practices. Staff of DNR understand how controversial this is becoming, but it's unclear whether the Commissioner or the Forest Practices Board (regulating board) or the Board of Natural Resources (responsible for decisions on state-owned land) understands just what they are facing in months and years ahead.

At this time, forest activists are following plants proposed for Port Angeles, Port Townsend, the Simpson biomass expansion and new Adage

plant in Shelton, and the proposed plant at The Evergreen State College in Olympia. OFCO is increasingly concerned about this issue, and is among those demanding that permitting processes include the preparation of EISs; individual OFCO members are urged to do likewise. OFCO Board member Toby Thaler is the lead attorney in an appeal to the City of Port Angeles on the proposed Nippon plant there (see following article).

These are by no means the only biomass plants proposed for, or already operating on, the Olympic Peninsula. Gretchen Brewer of Port Townsend AirWatchers has developed a draft map showing all of the existing and proposed plants (see illustration.) OFCO's Web site, www.olympicforest.org, and PT AirWatchers' Web site, www.airwatchers.ning.com, will have more information on this topic as it develops. You may also [e-mail me](#).

OFCO Activist Leads Nippon Biomass Incinerator Project Appeal

On October 6, a coalition of seven environmental groups, including OFCO, appealed actions by the City of Port Angeles in the permitting process for the Nippon Corporation to construct a biomass incinerator, citing concerns about the impacts to air quality, forests and water as a result of withdrawals from the Elwha River.

Addressed to the Port Angeles City Council, the appeal challenges the City's issuance of an FEIS shoreline permit for the project.

OFCO Board member Toby Thaler is leading the legal effort. He expects to see a broad effort by the coalition in a potentially precedent-setting case.

The Nippon Corporation owns the existing mill on Ediz Hook. The Nippon mill uses a major share of a large Elwha River "water right" owned by the City of Port Angeles. As part of the Elwha dams removal deal, that water supply was "guaranteed" to the City.

Nippon now wants to construct a new biomass incinerator fueled by tons of wood from the Olympic forests. The City took on SEPA lead

agency status for the project—even though the main permit for the project is arguably the air quality authorization required from the Olympic Region Clean Air Agency.

The Nippon Biomass appeal has the potential to be a significant front in the battle over the impacts of biomass incinerators. Proponents wish to ignore these impacts as much as possible. For example, they have claimed that biomass incinerators are "carbon neutral" but the most accurate studies indicate that this is not the case. And EPA has agreed. Burning trees puts more carbon dioxide (the most common greenhouse gas (GHG)) into the air per megawatt of power generated than coal. While new trees eventually sequester that carbon back out of the air, it takes many decades for that to occur and, in the meantime, our civilization is at risk of huge impacts from the increase in GHGs in the interim. Incinerators are also known to generate large quantities of very harmful air pollutants.

Dose Road: Ongoing Saga of a Road to Nowhere

by Connie Gallant

In our Summer 2010 newsletter, we reported that the FEIS on this project was due out in August. Now our sources assure us it will be out sometime this fall. We'll let you know the moment we have further news. If it amounts to a green light for the project, OFCO stands ready to join with and lead other environmental groups in a legal challenge.

Meanwhile, I've been going over some history of this battle and I'd like to share it with you.

Several years ago when we submitted comments to the Olympic National Forest management about the Dosewallips Road's DEIS, I mentioned that it was neither economically feasible nor environmentally wise to rebuild the road, particularly in that it would mean the destruction of a grove of majestic old growth trees (the Polly Dyer Grove).

What I wrote then is perhaps even more applicable today, now that the dimensions of our

Continued on page 6

national and regional economic distress have become clearer.

"At a time when our country's economy is in serious trouble, and government agencies are struggling to stay alive with the meager funding the Bush administration has approved, it is extremely irresponsible to be planning on spending millions of dollars on what is, basically, a dead-end road. Exactly how much more money will have to be spent to repair and improve the remaining road beyond the washout to the Elkhorn Campground area? If this was a 'new' proposed road, would it even be considered under the current economic conditions? Would it even meet all the required permits? For all intended purposes, this is a new road being proposed.

"I believe that it is possible to enhance the economy of the area in question while simultaneously protecting the Polly Dyer Grove. Building a gravel-based parking lot with portable sanitary stations prior to the washout location would benefit tourists and local businesses without destroying any habitat. Using the same proposed path for a hiking and biking recreational trail—similar in beauty and aesthetics to Washington's Hoh Rain Forest—would eliminate the need to remove any trees, and it would benefit all of the businesses in the area from the influx of more tourists who come to walk, hike, bike, or horseback ride into the park. The cost for parking facilities, a staging area, and a hike/bike recreational trail would be 'peanuts' compared to the costs of building the bypass road or a bridge."

I might add, too, that CCC-type projects, like the recreational trail, typically consign a greater percentage of each tax dollar to labor—another good fit for a time and region hungry for jobs.

(Younger readers may not know about the CCC, or Civilian Conservation Corps, a pet project of President Franklin D. Roosevelt, and his wife, Eleanor, in the 1930s. It employed an estimated 3 million jobless young men in projects such as trail building and reforestation on public lands.)

While we've heard nothing to suggest that the motorized road proponents' determination (to proceed at any cost) has wavered, we can still hope that the Forest Service has realized that it's not feasible under any terms, and at last understands it can be categorized only as a Road to Nowhere.

Elwha Mine Case Update

by Toby Thaler

The tale of the Little River Quarry continues. OFCO has been supportive of the efforts of a group of neighbors of this proposed rock mine where the Elwha River comes out of the Olympic National Park and Forest. Organized as the Upper Elwha River Conservation Committee (UERCC), these neighbors, represented by OFCO Board member Toby Thaler, forced DNR to withdraw a forest practices permit for the mine early in 2008.

The property owners (Mike Shaw and Gerry Lane) then went to Clallam County to apply to get some of the critical areas designation of the site removed. This request appears to be the first step in an effort to remove Clallam County as the lead agency for SEPA purposes. Since Shaw and Lane first applied for mine permits in 1998, the county has been demanding a full EIS before the mine can proceed. If the county's critical areas designations can be removed, Shaw and Lane think they will be able to build the mine without an EIS.

Clallam County refused to change the "geologic hazard" status of the site. Shaw and Lane appealed and a hearing examiner agreed that the site does not have landslide hazard risks (!), but does fit the definition of an erosion hazard zone. At this point the legal process gets complicated. On appeal to them, the County Commission initially refused to rule on all of Shaw and Lane's claims. Shaw and Lane went to

superior court, which remanded the appeal to the commissioners for a decision. The commissioners then upheld the decision of the hearing examiner.

Shaw and Lane went to superior court again, called a Land Use Petition Act (LUPA) appeal. The county prosecuting attorney is the main defender, with UERCC tagging along in support of the county. The procedural inconsistency of two pending LUPA appeals is being appealed by the county and UERCC to the Court of Appeals, while the superior court waits for the record to be filed before briefing and argument by the three parties (mine owners, county, UERCC). It could be years before the legal appeals are resolved.

In the meantime, the mine will not be built. Shaw and Lane seem to be more intent on proving their right to mine than in getting out of a losing proposition; a public land trust is willing to purchase the property but Shaw and Lane won't talk to them.

Perhaps the project should change its name to "Bleak House Mine."

"These Boots Were Made for Walkin' " ... in the South Fork Skokomish Watershed

by Shelley Spalding

This summer OFCO and the Washington state chapter of Great Old Broads for Wilderness (the Polly Dyer/Cascadia Broadband) teamed up for walking surveys of non-system Forest Service roads in the South Fork Skokomish watershed. Although the SF Skokomish is currently a "focus watershed" for restoration and road decommissioning in the Olympic National Forest, there are many roads in the watershed that were decommissioned nearly 20 years ago, and little is known about their current condition and potential for risk to streams and rivers. By putting "boots on the ground," OFCO and the Great Old Broads are helping provide information to the Forest Service about these seldom-visited portions of the Skokomish watershed.

The OFCO Citizen Road Condition Project began with development of an inventory of the non-system roads in the SF Skokomish watershed.

Following this comprehensive inventory, OFCO developed a strategic approach to prioritize roads to be surveyed. Prioritization criteria included road proximity to a stream, number of stream crossings, and aquatic species at risk. We then worked with the Olympic National Forest hydrologist to narrow the list of priority roads to exclude those which recently have been either decommissioned or converted to a trail, or are in the planning stage for conversion to trail, restoration or decommissioning.

Throughout the summer, OFCO trained nearly a dozen volunteers from the Polly Dyer/Cascadia Broadband in data collection, GPS use, map and compass reading, and identification of features such as landslides and tension cracks that can contribute sediment to streams, thus posing risks to water quality and threatened or endangered fish. Later this year, as OFCO Citizen Road Condition Project coordinator, I will complete a report on information gathered by the project. It is hoped that this information will assist the Olympic National Forest in making decisions affecting the aquatic health of Olympic Peninsula rivers.

If you or your organization would like to team up with OFCO for next year's road surveys, [e-mail me](#) or call 360-427-7444. Although walking roads long ago abandoned or decommissioned can be quite challenging, it provides hikers an opportunity to contribute information that is essential for improving water quality in rivers and streams and the opportunity to visit remote and seldom-seen portions of a watershed.

John Arum: Rest in Peace

OFCO joins other conservation groups and friends in mourning the passing of John Arum, the brilliant environmental attorney who represented us both in winning the Sustainable Harvest litigation and Settlement negotiations for the OESF. His untimely death in a climbing accident this fall is a major loss to the causes of environmental protection and protection of tribal rights. OFCO sends deep condolences to the family, and profound thanks for his extraordinary, purposeful life.

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