

Forest Products Industry Interim Report on the Status of Consideration of Forest Practice Act Rules, Regulations, and Best Management Practices for Biomass Harvest

November 8, 2011

Purpose Statement: To provide the Forest Practice Board's Biomass Workgroup with an aggregate of the Forest Products Industry perspective on the presentations and information the Workgroup has reviewed to date to be incorporated into the report to the Forest Practice Board in December 2011.

- 1) Enabling legislation (RCW Chapter 76.09.010) states that "a viable forest products industry is of prime importance to the state's economy; ... that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty."
 - a) Protection of public resources is "coincident with", not dominant over a viable forest products industry.
 - b) Enabling legislation further states "(2) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;" Public resources are defined as fish, water, wildlife and capital improvement of the state.
- 2) The Biomass Working Group has held field trips and studied scientific reports to determine how current rules affect biomass harvest, how current rules protect public resources, and whether public resources are at risk as a result of biomass harvest.
 - a) July 28, 2011 Field Trip to Olympic Peninsula, DNR and R.D. Merrill Company, received favorable comments and NO critical challenges to the commonly utilized practices. "As you know, there are no specific biomass removal/retention BMP's or rules at the present time. We'd like to think that all biomass operations look like the ones we saw on DNR and Merrill and Ring lands and that the sites we saw on our field trip last week were representative." Peter Goldman, email, August 3, 2011.
 - b) September 19, 2011 Field trip to Long Term Soil Productivity test site in Matlock, Forest productivity studies in the Pacific Northwest show no effect from biomass harvest on foliar nitrogen and available soil nitrogen (indicators of site productivity).
 - c) While forest soils store considerable carbon (stumps and roots, tree litter) the carbon necessary for tree growth is derived from the air, not the soil.
 - d) The field trips attended by the workgroup did not identify any cases where biomass removal performed under the existing forest practice rules resulted in adverse impacts to public resources.
- 3) Current Forest Practices Act Rules and Regulations specifically include biomass harvest as a forest practice (WAC 222-16-010). As such all biomass harvest is regulated to require:
 - a) An approved and active Forest Practice Application

- b) Compliance with all harvesting rules and best management practices (BMP's), including harvest method (slope restrictions), snags, down wood, post-harvest landing maintenance
 - c) Compliance with all stream protection rules and BMP's, including DFC requirements, equipment limitations, suitable soil-moisture conditions, skid trail location and maintenance
 - d) Compliance with all forest road construction and maintenance rules and BMP's, including hauling of forest products, minimization of road-related sediment, post-harvest/hauling road maintenance, road abandonment, and waste disposal
 - e) Compliance with all wetland protection rules and BMP's
 - f) Compliance with "Critical Habitat" protection for threatened and endangered species, including timing and location of harvest
 - g) Post-harvest site preparation and reforestation, including protection of soils, streams and wetlands
- 4) Forest biomass removal is already permitted by slash disposal practices, within the limitations of existing Forest Practices Rules and in some areas has been removed for many years following these rules even though it was only recently added by name.
- 5) While states in other parts of the country have developed some BMP's directly related to Biomass harvest, few, if any, of these states have existing comprehensive regulations that function under a permit system, like that utilized in Washington State. Forest Practice Rules and BMP's in Washington State sufficiently encompass the breadth of regulation and guidance found elsewhere.
- 6) The decision to harvest and remove forest biomass is a market-related decision, depending on the net costs and benefits of the harvest. This is no different than the decisions regarding harvest and removal of other forest products. Most current biomass recovery is limited to the by-products of timber harvest operations, i.e. slash. Slash has traditionally been burned on site via silvicultural burning permits.
- 7) The nature of the desired product for biomass utility (material free from dirt and rocks, consisting of dry wood and bark, without needles) ensures that sufficient material for ecological sustainability is retained on site.
- 8) New technologies for biomass production and transportation such as 'chippers' and modified trucks for hauling have greatly improved the efficiencies in the delivery of the final product, but have a very large investment of capital. Application of this technology has shown that recovery of logging slash biomass is beneficial and of some value to the timber landowner. It is a more desirable way to dispose of slash than burning with the inherent risk and impact on the air shed. Recovery of biomass is giving landowners a viable alternative to burning that gets the land back into production growing trees.
- 9) There is no indication that if under alternative economic scenarios the level of biomass utility or subsequent impact to public resources would vary greatly from that

observed under the currently marginal economic scenario. Forest products in the market will go to the highest value, best use. Increase in value of biomass for high value biofuels would move up the chain of products currently coming from the forests. Residual chips and pulp wood are more economically viable alternatives than trying to move down the chain to recover more logging residual than what is readily available as stacked slash.

- 10) Conclusion – The Forest Products Industry believes that the existing Forest Practices Act Rules, Regulations and BMP’s do an excellent job of encompassing biomass harvest related activities and that there is no evidence of risk to public resources resulting from biomass harvest. Slash recovery for a biomass product is beneficial to landowners and the public resources by avoiding the cost and risks of disposing of excess slash through burning or other methods. Biomass harvest is a market opportunity that benefits the viability of the forest products industry and is a good fit with the forest practice rules for managed productive forests.