



Timber Advisory Committee
Thursday, April 2, 2026, at 1:00 pm
338 W. First Street, Port Angeles, WA 98362
Via Zoom & In-Person

The Timber Advisory Committee meeting will be available to the public both in-person and remotely via Zoom. Instructions on how to attend by zoom can be found at

<https://portofpa.com/about-us/agenda-center/>

Regular Meeting Agenda

- I. Call to Order & Pledge of Allegiance**
- II. Public Comment Session**
- III. Approval of the Previous TAC Meeting Minutes**
 - A. Minutes from March 5, 2025, Regular Meeting
- IV. New Business**
 - A. Presentation by Cindy Mitchell with the Washington Forest Protection Association regarding the Np litigation/amicus
 - B. Clallam County Revenue Advisory Committee - RAC Update – Connie Beauvais
 - C. DNR & BNR Update – Matt Comisky
 - D. Port Operations Discussion
- V. Old Business**
 - A. Other Areas of Industry Concern that TAC should be aware of/discuss
- VI. Next Meeting – May 7, 2026, at 1:00 p.m.**
- VII. Adjourn**



PURPOSE OF TIMBER ADVISORY COMMITTEE (TAC)

The Timber Advisory Committee was formed by the Board of Commissioners of the Port of Port Angeles to advise the Port on timber issues, including rules and regulations affecting the timber harvests and opportunities for advanced wood products supply and manufacturing, on environmental issues, and as the Port Commission directs. All recommendations of the Timber Advisory Committee will be considered advisory, and any action upon such recommendations will be taken at the discretion of the Port Commission.

RULES FOR SPEAKING AT A COMMITTEE MEETING

- Members of the public wishing to address the Committee on general items may do so during the designated times on the agenda or when recognized by the Chair.
- Time allotted to each speaker is determined by the Chair and, in general, is limited to 3 minutes.
- Total time planned for each public comment period is 20 minutes, subject to change by the Chair.
- Each speaker shall first state his or her name and address for the official record.
- Speakers should not comment more than once per meeting unless their comments pertain to a new topic they have not previously spoken about.
- In the event of a contentious topic with multiple speakers, the Chair will attempt to provide equal time for both sides.

Np Riparian Buffer Rule Lawsuit — One-Page Brief

Jason Spadaro and Cindy Mitchell, WFPA | jspadaro@wfpa.org | cmitchell@wfpa.org

Basics of the Case — What Happened

- On November 12, the Forest Practices Board adopted a new buffer rule for non-fish (Type Np) streams.
- Buffers expanded from largely intermittent 50' buffers to continuous 65–75' no-harvest buffers.
- Over 200,000 acres of private forestland removed from productive use (\$1–1.8 billion value of trees).
- Rule driven by Ecology's requirement of "no measurable change" in temperature (+0.3°C), a misinterpretation of Tier II antidegradation policy ([WAC 173-201A-320\(3\)](#)).

Why WFPA / WFFA Are Petitioning Court (Precedent-Setting)

- No finding that existing Forests & Fish buffers were failing or impairing resource objectives.
- Board applied a new legal standard not required by law ("no measurable change").
- Science showing buffers were working was disregarded.
- Less-burdensome alternatives were excluded (including Minority proposal).
- Case will set precedent for future forest, agriculture, and land-use regulation.

Who Are the Defendants

- Forest Practices Board (FPB): adopted the buffer rule.
- Department of Ecology (DOE): imposed Tier II interpretation and directed outcome.
- Department of Natural Resources (DNR): responsible for rule implementation.

Who Has Intervened

- Environmental organizations supporting the expanded buffer rule plan to intervene (e.g., WCA and CNW).
- Additional parties may participate through intervention or amicus briefs.

Legal Lead — K&L Gates (WFPA / WFFA Counsel) andre.szalay@klgates.com

- K&L Gates is serving as lead counsel for WFPA and WFFA.
- They are coordinating litigation strategy and outside participation.
- Primary coordination occurs through WFPA and WFFA leadership.

Timeline — Amicus Briefs (Estimated)

- Amicus briefs should be ready by **June 1, 2026**.
- Court has set formal deadlines the hearing is August 21, 2026 – 10 days before Np rule takes effect.

How You Can Get Involved — Declarations and Amicus Briefs

- Individuals, organizations, and local governments can participate.
- Amicus briefs provide broader county, community, and downstream perspective (requires an attorney).
- Both support the court's analysis of real-world impacts.

Examples of Broader Impacts

- **Counties:** reduced timber harvest lowers county trust revenues; disproportionate impacts to rural and economically vulnerable counties; effects on roads, schools, hospitals, and local services.
- **Agriculture:** Tier II and nonpoint interpretations have impacts beyond forestry, shifting voluntary programs toward default buffers (215' west / 150' east); impacts to farmland, production, and food supply.
- **Builders / Developers / CAPR:** reduced buildable land, higher housing costs, longer permitting timelines, worsening housing affordability.
- **Energy & Utilities:** increased siting constraints, higher mitigation costs, delays to grid expansion, uncertainty.

Key Takeaway

- This case is about lawful process, science-based standards, and regulatory limits.
- Outcome will influence how Tier II and nonpoint rules are applied across sectors.
- Broad participation strengthens the record on real-world impacts.
- WFPA and WFFA are coordinating next steps and communications.