

## Ken Kanikeberg

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**From:** Bill Stauffacher <gocougs@billstauffacher.com>  
**Sent:** Tuesday, August 23, 2011 11:15 AM  
**To:** Ken Kanikeberg  
**Cc:** Bill Stauffacher  
**Subject:** Forest Roads  
**Attachments:** WaterQuality11-15[1].pdf; NEDCv Brown Cert Ptn (700210388\_3).docx; WSLC resolution.pdf; <http://www.nytimes.com/gwire/2011/08/18/18greenwire-environmentalists-rap-a-longtime-senate-ally-o-64870.html?pagewanted=1.webloc>

KK,

Thanks for your patience.

I appreciate the OSPI's willingness to ask the state Attorney General's office to file a brief in the case of NEDC v Brown. If the 9th Circuit Court of Appeals ruling stands, stormwater runoff from forest roads will be considered a point pollution source – resulting in a new point source environmental permitting requirement under the federal National Pollution Discharge Elimination Program (NPDES).

As you know, Washington's Forests and Fish Law established the most comprehensive regulatory framework for forestry in the United States. The Forests and Fish Law ensures that the state's public and private timber landowners adhere to the highest level of environmental practices.

If the 9th Circuit appeal decision holds, timber landowners will face a new comprehensive permitting obligation above and beyond the requirements established and strengthened by the Forest and Fish Law. For public beneficiaries of timberland sales, this new permitting obligation will create a significant and negative long-term impact on funding for public school construction.

Attached are the following documents:

- Western Governors' Association resolution to the federal government that includes language (page 2, item #6) seeking a solution that maintains non-point source treatment of forest roads' stormwater run off;
- The 9th Circuit ruling on NEDC v Brown;
- A resolution passed earlier this month by the Washington State Labor Council addressing this topic; and
- A recent news clip about U.S. Senator Ron Wyden (D-Oregon) and his involvement in this issue.

Please e-mail or call me if you have any questions.

Thanks - Bill

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(253) 209-4301 cell  
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7009 53rd Street West  
University Place, WA 98467

## Karen Conway

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**From:** Ken Kanikeberg  
**Sent:** Friday, August 26, 2011 12:43 PM  
**To:** 'Bill Stauffacher'  
**Cc:** Karen Conway  
**Subject:** RE: Forest Roads  
**Attachments:** August 26 for Bill Stauffacher.docx

Bill – not graceful but for your review. I have informed our AAG of our interest in this matter.

Help

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Bill Stauffacher  
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August 26, 2011

Honorable Rob McKenna

Attorney General, state of Washington

Attorney General McKenna, I am concerned by the recent 9<sup>th</sup> Circuit Court of Appeals decision in NED v Brown and its potential negative impact on our school systems trust lands. As the State Superintendent of Public Instruction I have a fiduciary responsibility with regard to the trust lands dedicated to support our common school construction program. I believe the ruling will increase permitting costs and slow the harvesting process thereby decreasing the ability of our trust lands to support common school construction.

It is my understanding that the Forest and Fish Law for Washington is the most comprehensive regulatory framework for forestry in this country. This law ensures that the state's public and private timber landowners adhere to the highest level of environmental practices. I am asking you to assist me in filing a brief in this matter.

Thank you for your assistance in this matter

Sincerely

Randy Dorn

State Superintendent of Public Instruction