



May 21, 2019

Senate Natural Resources Committee
Chair, Senator Ed McBroom

Dear Senator McBroom and Committee Members:

Each year, the Michigan forest products industry generates \$20.3 billion worth of economic activity. Like many other industries throughout our state, we rely on the cooperation of individuals, government, and communities in order to be successful. It has come to our attention that the Keweenaw Bay Indian Community of Michigan requested the U.S. EPA approval to regulate water quality for all surface water bodies within the L'Anse Reservation. We advise this request be denied. Should the Keweenaw Bay Indian Community win approval to be treated as a state regarding water quality, there could be significant limitations on non-member landowners regarding forest management.

The attorney letter submitted by Dorsey and Whitney LLP on behalf of the KBIC strongly suggests there are significant issues regarding non-member activity, especially forestry and mining as being a threat to water quality. On pages 6 and 7 of the letter, Dorsey and Whitney LLP make the following claims:

- Deforestation from commercial logging and forestry roads cause erosion, increased run-off, and obstruction of water flow.
- Silviculture practices threaten Reservation water quality.
- Silviculture operations fill and dredge wetlands.
- Roads built by commercial silviculture have a particularly deleterious effect on water systems and dependent wildlife on the Reservation.

Issue 1: The KBIC argues deforestation and forestry roads cause erosion and increased run-off. Fortunately, there is no deforestation occurring in Michigan. According to reports by the USDA Forest Service, the estimate of forest land in Michigan has increased by 2 million acres since 1980. (See Graphic 1). Accompanying this increase, the total number of trees, volume, and biomass have also risen. The full report can be viewed here:

https://www.fs.fed.us/nrs/pubs/ru/ru_fs153.pdf.

Issue 2: The KBIC claims silviculture practices, including roads built by commercial silviculture, threaten water quality and dredge wetlands. The forestry industry closely follows the Department of Natural Resources and Department of Environmental Quality's Michigan Forestry Best Management Practices Manual. Properly planned, constructed, and maintained forest roads provide safe operations. As part of the manual, without the proper Part 303 permit, it is prohibited to:

- Deposit or permit the placing of fill material in a wetland
- Dredge, remove, or permit the removal of soil or minerals from a wetland
- Construct, operate, or maintain any use of development from a wetland
- Drain surface water from a wetland

When following Best Management Practices through these guidelines, we are protecting wetlands in forested areas in Michigan. The entire manual can be found here:

https://www.michigan.gov/documents/dnr/IC4011_SustainableSoilAndWaterQualityPracticesOnForestLand_268417_7.pdf.

A large component of the Tribe's argument for approval is that threats to water quality from commercial logging would have serious effects on the health and welfare of the KBIC. The reality is that the forestry industry within Michigan is sustainable and maintains strong best management practices. In 2015, Michigan Forest Products Council Foundation participated in the Michigan Best Management Practice Monitoring Study (Region 1 - Western Upper Peninsula). MFPCF issued the audit request with the intent to "develop and implement a monitoring system to analyze the application of BMPs for water quality and related forest ecosystems occurring on managed forest lands in the State of Michigan." The full study is found here: <https://drive.google.com/file/d/0B6QdTHyjsAOCY0p5eGswdzlQaEE/view>.

According to the audit, our BMPs regarding water quality met or exceeded expectations at a rate of 97%. (See Graphic 2). Thus, commercial logging, when implementing Michigan BMP guidelines, does not have a large negative impact on water quality and would not have serious health effects on the KBIC.

The Keweenaw Bay Indian Community's basis for wanting jurisdiction over surface water bodies is invalid for the reason that the forest industry is not the cause of the problems Dorsey and Whitney LLP claim exist. The industry follows BMP guidelines closely, as the landowner's livelihoods depend on sustainable forests and environmental quality.

Furthermore, we question the capabilities of the KBIC to administer and manage an effective water quality standards program, or the ability to create a sound plan which proposes how the tribe will acquire additional administrative and technical expertise. We also would like to point out that according to the EPA, the Clean Water Act was ambiguous and inconclusive in regards to the scope of tribal authority.

We respectfully ask the EPA to deny this request, as several reports, audits, and guidelines show the commercial logging industry does not have a profound effect on water quality in Michigan. Approving the Keweenaw Bay Indian Community's request would simply hurt the individuals and forestry industry throughout the area.

Graphic 1:



Forests of Michigan, 2017

This resource update provides an overview of forest resources in Michigan based on inventories conducted by the USDA Forest Service, Forest Inventory and Analysis (FIA) program of the Northern Research Station. Estimates are based on field data collected using the FIA annualized sample design and are updated yearly. The annual inventory started in 1999.

For the 2017 inventory, estimates for current variables such as area, volume, and biomass are based on 6,647 plot samples collected from 2011 to 2017. Change variables, such as net growth, removals, and mortality, are based on 6,050 samples collected in 2006 to 2011 and 2011 to 2017.

Estimates from earlier annual and periodic inventories are shown for comparison. See Bechtold and Patterson (2005) and visit the FIA Library at <https://www.fia.fs.fed.us/library/database-documentation/> for definitions and technical details.

Overview

Currently, Michigan is home to over 20 million acres of forest land (Table 1). Since the 1980 inventory, the estimate of forest land has increased by nearly 2 million acres (Fig. 1). Accompanying this increase, the total number of trees, volume, and biomass also have risen.

Average annual net growth, mortality, and removals have higher sampling errors, which creates uncertainty in associated trends. Despite this uncertainty, the latest inventory shows a notable increase in average annual mortality on forest land at 22.5 percent (Table 1). The statewide mortality increase is primarily driven by a 132-percent increase in ash (*Fraxinus americana*, *F. pennsylvanica*, and *F. nigra*) mortality.

Table 1.—Michigan forest statistics, 2017 and 2012. Volumes are for trees 5 inches and larger in diameter. Number of trees and biomass are for trees 1 inch and larger in diameter. Sampling errors and error bars shown in tables and figures in this report represent 68-percent confidence intervals.

	2017 Estimate	Sampling error (percent)	2012 Estimate	Sampling error (percent)	Change since 2012 (percent)
Forest Land					
Area (thousand acres)	20,340	0.6	20,296	0.6	0.2
Number of live trees (million trees)	14,160	1.4	14,085	1.4	0.5
Aboveground biomass of live trees (thousand oven-dry tons)	874,739	1.0	854,665	1.0	2.3
Net volume of live trees (million ft ³)	35,300	1.1	34,132	1.1	3.4
Annual net growth live trees (thousand ft ³ /yr)	707,664	2.9	743,299	2.7	-4.8
Annual mortality of live trees (thousand ft ³ /yr)	457,102	3.4	373,256	3.6	22.5
Annual harvest removals of live trees (thousand ft ³ /yr)	394,918	6.3	352,760	6.5	12.0
Annual other removals of live trees (thousand ft ³ /yr)	12,085	31.8	11,293	33.7	7.0
Timberland					
Area (thousand acres)	19,314	0.7	19,272	0.7	0.2
Number of live trees (million trees)	13,423	1.5	13,350	1.5	0.6
Aboveground biomass of live trees (thousand oven-dry tons)	827,432	1.1	808,336	1.1	2.4
Net volume of live trees (million ft ³)	33,360	1.2	32,251	1.2	3.4
Net volume of growing stock trees (million ft ³)	30,586	1.2	29,694	1.2	3.0
Annual net growth of growing stock trees (thousand ft ³ /yr)	624,724	2.8	662,031	2.5	-5.6
Annual mortality of growing stock trees (thousand ft ³ /yr)	354,841	3.9	284,141	4.0	24.9
Annual harvest removals of growing stock trees (thousand ft ³ /yr)	348,214	6.4	309,045	6.6	12.7
Annual other removals of growing stock trees (thousand ft ³ /yr)	10,307	32.9	13,118	26.8	-21.4



Forest Area

Michigan's current area of forest land is the highest estimate since the 1930s. Timberland accounts for 95 percent of this forest land or 19.3 million acres. Nearly 4 percent of forest land is reserved from timber production and 1 percent is other forest land identified as not being able to meet minimum productivity standards. Michigan's total area is 37.4 million acres (land and water, excluding Great Lakes).

The Upper Peninsula accounts for only 29 percent of Michigan's area but has 45 percent of the forests (Fig. 2). The southern Lower Peninsula is the largest region with 14.8 million acres but only accounts for 18 percent of forests in Michigan. The northern Lower Peninsula accounts for 37 percent of Michigan's forest land.

Maple/beech/birch is the predominant forest-type group (Fig. 3). Sixty-nine percent of it is privately owned and 44 percent of it occurs in the western Upper Peninsula.

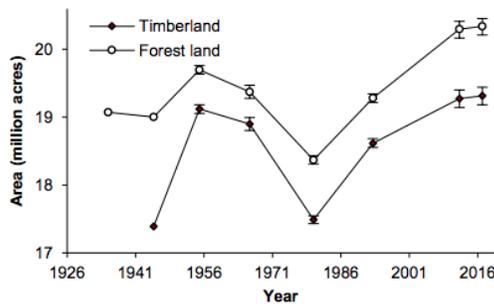


Figure 1.—Forest land and timberland by year, Michigan.

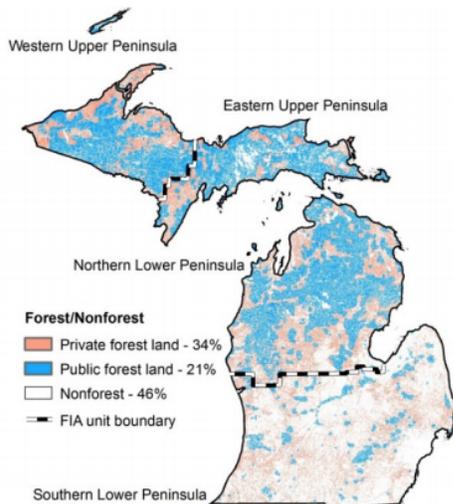


Figure 2.—FIA unit boundaries and area of forest or nonforest with forest identified by major ownership group, Michigan 2017.

Spruce/fir is the most abundant softwood forest-type group and the northern white-cedar forest type accounts for 52 percent of the group. Forty-seven percent of the spruce/fir group occurs in the eastern Upper Peninsula and 54 percent of it is privately owned.

Most of forest land is privately owned by families and individuals, corporations, and other private entities (43.7, 14.6, and 3.6 percent, respectively). The State of Michigan, USDA Forest Service, National Park Service, and other public groups own the remainder (20.8, 13.6, 1.1, and 2.6 percent, respectively).

Michigan's forests have been maturing as can be seen in the distribution of timberland by stand-size classes (Fig. 4). The acreage of large-diameter stands has been increasing, in contrast to the acreage in small-diameter stands. Small-diameter acreage leveled over the 2012 and 2017 inventories. The acreage of medium-diameter stands has been declining since the 1966 inventory.

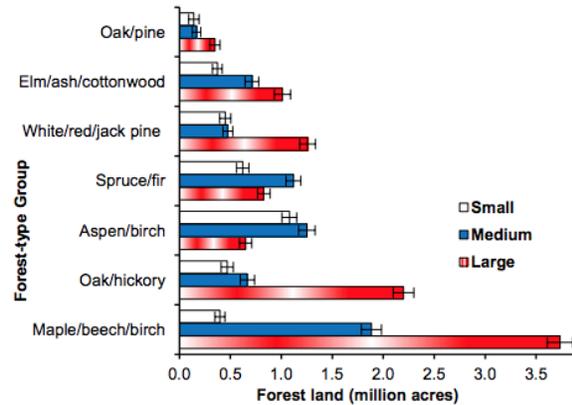


Figure 3.—Forest land by stand-size class (based on tree size) for top seven forest-type groups, Michigan 2017. Large trees are at least 11.0 and 9.0 inches in diameter for hardwoods and softwoods, respectively. Medium trees are at least 5.0 inches in diameter but smaller than large trees. Small trees are less than 5.0 inches in diameter.

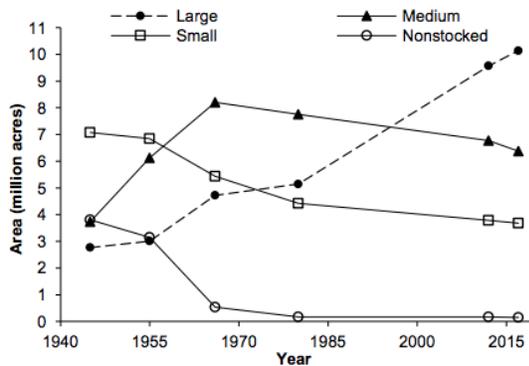


Figure 4.—Timberland by stand-size class and year, Michigan.

Graphic 2:

Table 14 – Timber Sale Supplemental Question Summary

Fall 2015 Supplemental Question Ratings	
Did they implement all appropriate BMPs to control erosion (S1)?	
Percent Yes	90.9 percent
Percent No	9.1 percent
Did the system of BMPs control erosion and sedimentation (S2)?	
Percent Yes	93.9 percent
Percent No	6.1 percent
Site's overall rating considering application of BMPs with impact to water quality (S7).	
Exceeds Expectations	15.2 percent
Meets Expectations	81.8 percent
Does Not Meet Expectations	3.0 percent
Site's overall impact on water quality (S7A).	
No impact	72.7 percent
Negligible	24.2 percent
Slight	2.0 percent
Moderate	1.0 percent
Severe	0.0 percent
Great example of a well-planned site (S8A)?	
Percent Yes	86.8 percent
Percent No	13.2 percent

** Totals may not sum due to rounding.*