

1 **FOREST PRACTICES BOARD**

2 May 11, 2005

3 Natural Resource Building, Room 172

4 Olympia, Washington

5  
6 **Members Present:**

- 7 Doug Sutherland, Chair of the Board
- 8 Alan Soicher, General Public Member
- 9 Bob Kelly, General Public Member
- 10 David Hagiwara, General Public Member
- 11 Doug Stinson, General Public Member/Small Forest Landowner
- 12 Eric Johnson, Lewis County Commissioner
- 13 John Mankowski, Designee for Director, Department of Fish and Wildlife
- 14 Lee Faulconer, Designee for Director, Department of Agriculture
- 15 Sherry Fox, General Public Member/Independent Logging Contractor
- 16 Sue Mauermann, Designee for Director, Community, Trade and Economic Development
- 17 Tom Laurie, Designee for Director, Department of Ecology

18  
19 **Absent:**

- 20 Toby Murray, General Public Member

21  
22 **Staff:**

- 23 Karrie Brandt, Board Coordinator
- 24 Lenny Young, Forest Practices Division Manager
- 25 Marc Engel, Acting Assistant Forest Practices Division Manager
- 26 Paddy O'Brien, Assistant Attorney General
- 27 Patricia Anderson, Rules Coordinator

28  
29 **CALL TO ORDER**

30 Doug Sutherland called the meeting to order at 9:00 a.m. Introductions were made of the Board,  
31 staff, and attendees. Karrie Brandt gave an emergency safety briefing.

32  
33 **APPROVAL OF MEETING MINUTES**

34 **MOTION:** Tom Laurie moved to approve the November 10, 2004, meeting minutes.  
35 **SECONDED:** Sherry Fox

36  
37 **Board Discussion**

38 Sherry Fox proposed changing page 16, line 11: "WDFW hosted a meeting with large and small  
39 landowners to talk about how the LLP pilot project..."

40  
41 Alan Soicher proposed changing page 13, lines 26 through 30: "Soicher reminded the Board that the  
42 timeframe for calculating erosion rates is one of the policy issues ~~that needs answered for the~~  
43 Section 2. Whether it is 200 or 400 years, ~~there~~ workgroup has identified the needs ~~to be a number~~

1 for definition in its memo: “Neither the FFR nor the WAC specifically define “near-term”, resulting  
2 in disagreements as to time frames for understanding the CMZ planning horizon or for estimating  
3 bank erosion over time.” ~~Which then leads to talking about “near term” and if left undefined people~~  
4 ~~will argue over how many years to do that in. It is the CMZ technical working group’s role to~~  
5 ~~identify the need for a number and then ask the Board for it.~~ Engel said that a definition of “near-  
6 term” would allow the...”

7  
8 Soicher also proposed changing page 8, lines 6 through 12: “Alan Soicher ~~stated that his~~  
9 ~~interpretation of~~ noted that the 2005 CMER Work Plan indicates that the Type N Experimental  
10 Buffer Treatment project suggests other non-amphibian issues exist such as will address resource  
11 objectives including shade and stream temperature, litter fall, and stream bank erosion, at a cost of  
12 over \$3.8 million. ~~He pointed out~~ noted that the project was Work Plan calls for study sites to be  
13 confined to the geologies basins with “basaltic geology” in the southwestern Washington part of the  
14 state, which are ~~He then noted that basalt, as a competent rock like sandstone, phyllite, and other~~  
15 ~~lithologies. Basalt does not make up type, is not representative of the majority of the rock types in~~  
16 ~~Washington, therefore, t~~ The study is will therefore be of limited and skews the results into finding  
17 that there is little value with respect to stream bank erosion associated with harvest on integrity in  
18 basins with other less competent rocks types. He questioned whether the project design could be  
19 revised to make the results more broadly applicable. McNaughton disclosed that CMER debated  
20 this topic, but the costs were astronomical to...”

21

22 **ACTION:** Motion passed unanimously.

23

24 **MOTION:** Sherry Fox moved to approve the February 2, 2005, meeting minutes.

25 **SECONDED:** Doug Stinson

26 **ACTION:** Motion passed unanimously.

27

28 **MOTION:** David Hagiwara moved to approve the February 16, 2005, meeting minutes.

29 **SECONDED:** Bob Kelly

30

31 **Board Discussion**

32 Soicher proposed changing page 12, lines 3 through 7: “Soicher said he was mostly comfortable  
33 with the “hybrid option” but ~~people~~ that practitioners will need to understand be informed that the  
34 EOFH points mean very little. The EOFH points need to be physically verified on the map are non-  
35 regulatory and that emergency rule criteria still apply. There has been a lot of unnecessary anxiety

1 due to artificial timelines, which continues to concern him since now the stakeholders ~~will be~~ are  
2 being asked to continue working over the next several months to re-identify develop yet another set  
3 of fish habitat features criteria.”

4

5 Tom Laurie mentioned that each statement made by Board members during a meeting could  
6 probably be clarified. He suggested clarifying those comments during the current meeting rather  
7 than amending the minutes.

8

9 David Hagiwara concurred with Laurie and said meeting minutes are an attempt to capture the  
10 essence of the conversation.

11

12 Doug Sutherland strongly recommended against verbatim transcripts. He said it is too costly and  
13 suggested that if Board members have corrections to communicate those to the Board Coordinator  
14 before the next regular Board meeting.

15

16 Soicher commented that the Board did not have sufficient time to review the minutes before the  
17 meeting.

18

19 **ACTION:**                    **Motion passed unanimously.**

20

## 21 **PUBLIC COMMENT**

### 22 Jack Kleinhoff – Small Forest Landowner Advisory Committee

23 Kleinhoff reviewed the May 6, 2005, letter from the Committee to the Board that responded to the  
24 Board’s request to know what kind of assistance small forest landowners are looking for to help  
25 them comply with the water typing requirements.

26

27 The Committee unanimously agreed that the following technical field assistance is needed:

- 28 1. Identifying physical criteria.
- 29 2. Identifying end of fish habitat (EOFH) assessments.
- 30 3. Conducting protocol electrofishing surveys.
- 31 4. Filling out water type modification forms and water type maps.
- 32 5. Identifying Perennial Initiation Points (PIP).

1 In addition, the Committee offered the following recommendations for the Board's consideration:

- 2 1. Resource agencies recognize the additional needs of small forest landowners, but need to be  
3 able to devote staff (with electrofishing equipment) to assist small forest landowners.
- 4 2. The Department of Natural Resources (DNR) foresters need to be available in each regional  
5 Forest Practices office to provide forest practices application (FPA) assistance.
- 6 3. The agencies should pursue resources to enable them to conduct protocol fish surveys for  
7 small forest landowners when needed.
- 8 4. The Washington State Department of Fish and Wildlife (WDFW) needs to achieve a greater  
9 level of consistency among Forests and Fish and area habitat biologists regarding habitat  
10 assessments.
- 11 5. Technical field assistance is needed to identify the non-fish seasonal and non-fish perennial  
12 break.
- 13 6. DNR needs to initiate contact with landowners prior to notification of incomplete FPA.

14

15 Dawn Pucci – Suquamish Tribe

16 Pucci commented that the Suquamish Tribe supports the proposed cultural resources rule package.  
17 She also offered a personal comment on the need for government-to-government discussions and  
18 suggested that the Board allocate a standing agenda item for the discussions the Tribes are looking  
19 for. This alternative would also satisfy the Open Public Meetings Act requirement for the Board.

20

21 John Mankowski asked Pucci if she means for the Board to have a standing agenda item at all  
22 Board meetings or only when the Tribes express a need. Pucci said at each meeting.

23

24 Josh Weiss – Washington Forest Protection Association (WFPA)

25 Weiss provided the Board with information about the Washington Biodiversity Council of which he  
26 is a member. The Council has been charged by Governor Locke to develop a 30-year strategy for  
27 sustaining biodiversity. To accomplish that, the Council is focusing on incentive based non-  
28 regulatory measures. They will be conducting two pilot projects across the State to test out  
29 biodiversity conservation projects and incentives. Weiss stated that the projects should produce  
30 some interesting incentive work that could be shared with the Board.

1 Alex Morgan, Seattle Audubon Society

2 Morgan told the Board that the rules for logging operations do not sufficiently protect Northern  
3 Spotted Owls and contribute to the rapidly declining populations. The Society has been delaying  
4 litigation with the State for permitting logging up to and including spotted owl nest trees due to the  
5 assurance by leaders of DNR and WDFW that spotted owl issues are a top priority. Industry has  
6 walked away from the negotiating table, there has been no substantive rule progress, the Special  
7 Board meeting to cover spotted owls has been repeatedly postponed, and the scientific reports being  
8 produced by DNR and WDFW are now being delayed. Morgan urged the Board to take immediate  
9 action to address the spotted owl issues.

10

11 Tom Laurie informed Morgan that if the Society has suggestions for how the Board should move  
12 forward, they would be welcomed. The Board depends on DNR and WDFW but could consider  
13 alternative pathways to establishing solutions.

14

15 Doug Stinson asked Morgan to describe what would improve the spotted owl habitat. Morgan  
16 explained that a landscape level approach is needed. It is important to look at more than just federal  
17 lands. The state needs to address spotted owls on the state and private lands.

18

19 Sherry Fox asked if they are considering options other than a continued regulatory approach. She  
20 pointed out that the Board must take into consideration the importance the timber industry has on  
21 the economy. Morgan stated that the Society would be open to conversations, exploring new  
22 options, and working with landowners. The concern is a lack of action while being aware of the  
23 situation's urgency.

24

25 Nina Carter – Washington Audubon

26 Carter commented on the urgency of the spotted owl situation and paying attention to the wildlife  
27 review process. Part of the upland wildlife rule review process was to convene a scientific technical  
28 committee to look at the spotted owl rule and make recommendations on how it might be improved.  
29 After WDFW produced a report on that effort, no further progress was made. Washington Audubon  
30 urges the Board to rekindle the policy discussions and to manage the rule review process directly  
31 instead of WDFW. Carter pointed out that the spotted owl rule is just the first of many to be  
32 reviewed, so a more credible and timely process needs to be created that is open to all stakeholders  
33 to get through the rules with some creative solutions.

1 Norma Green – Washington Farm Forestry Association (WFFA)

2 Green said WFFA supports the cultural resources rule proposal and the Cultural Resources  
3 Protection and Management Plan (CRPMP) on the basis that the mutual expectations, assurances,  
4 and voluntary processes have the anticipated results. The CRPMP is a living document that will  
5 improve with time and experience.

6  
7 WFFA also supports the cultural resources module for Board Manual Section 11. Green reminded  
8 the Board that the module requires technical and economic support that both Tribes and small forest  
9 landowners need to be responsible for. WFFA hopes the CRPMP with its appendices will work well  
10 to bring all parties together to make the cooperative and voluntary processes work.

11

12 Peter Goldman – Washington Forest Law Center (WFLC)

13 Goldman noted that WFLC has been participating and working cooperatively with WDFW on the  
14 spotted owl study but pointed out that the process needs to move forward more quickly. The goal is  
15 to establish a broader landscape planning approach, while scientifically identifying and protecting  
16 the most important habitat for spotted owls. He also encouraged the Board to request that Forests  
17 and Fish Policy give the Board the guidance needed for the Channel Migration Zone (CMZ) Board  
18 Manual Section 2 at today's meeting. Goldman then reminded the Board that depending on the  
19 ruling from the January 18, 2005, cumulative effects arguments, the results would need to be  
20 factored into landscape planning. He concluded his comments with small forest landowner issues  
21 stating that WFLC is working with Cascade Land Conservancy to put together a package to help  
22 small forest landowners with the needed technical assistance, long term alternate plan flexibility,  
23 and incentives.

24

25 Kevin Godbout – Weyerhaeuser

26 Godbout pointed out that the Forests and Fish Report (FFR) made commitments to move toward a  
27 fish habitat based water typing system defined as the multi-perimeter Geographical Information  
28 Systems (GIS) logistic regression model. The Board should implement the model. However, if it is  
29 decided in the interim to develop indicators or a best professional judgment system based on  
30 biologist's opinion as to what habitat is, then the approach needs to be peer reviewed and  
31 scientifically credible by following the adaptive management process.

32

33 Godbout then noted that according to the federal 5-year status review, the primary factor for the

1 decline of the spotted owl is not habitat related but due more to the presence of Barred Owls, forest  
2 health issues, and factors such as the West Nile virus. Owl issues are regional, and while declines  
3 are occurring in Washington, populations are stable in Oregon and California. He stated that  
4 Washington has the most comprehensive state based protection rules in the region, and it is not  
5 necessary to develop any short-term rules. The Board needs to look at the reality of non-habitat  
6 factors and use the results of the federal 5-year status review as it addresses the issues.

7

8 Peter Heide – WFPA

9 Heide urged the Board to adopt the cultural resources rule proposal and approve the module for  
10 Board Manual Section 11. He reminded the Board that the cultural resources proposal is voluntary  
11 and WFPA would like to see some incentives to help make it work. WFPA would also like to see  
12 the Board take over the spotted owl review process. They agree with Goldman to move forward  
13 with landscape planning for spotted owl habitat as the circle management approach is ineffective.  
14 Heide subsequently mentioned that the Board and the Forest Practices rules influence less than 10%  
15 of the available spotted owl habitat in Washington.

16

17 Jeffrey Thomas – Puyallup Tribe

18 Thomas encouraged the Board to adopt the cultural resources rule proposal and approve the module  
19 for Board Manual Section 11. The module had a lot of professional input, guidance, and assistance  
20 in its development. It was based on an inter-tribal proposal initially presented to the Board in  
21 November 2001 and has been enhanced through multi-stakeholder input. The module has the  
22 appropriate background that the Board is looking for when supporting the Board Manual. Thomas  
23 said these new tools would benefit both tribal and non-tribal interests who have passion and  
24 appreciation for cultural resources.

25

26 **LEGISLATIVE ACTIVITY**

27 Lenny Young reported on the results of the 2005 Legislative session regarding forest practices. Four  
28 bills passed and were signed into law. Each of the bills has minor impacts to the Forest Practices  
29 program.

- 30 1. House Bill (HB) 1346, relating to the regulatory reform of the hydraulic project approval  
31 program, requires updating references in the rules to Title 77 Revised Code of Washington  
32 (RCW).
- 33 2. HB 1133, an act creating the public records act by recodifying and making technical changes

1 to existing law, requires updating references in the rules to Title 42 RCW.

2 3. HB 1706 and its companion Senate Bill (SB) 5056, relating to the establishment of the  
3 Department of Archaeology and Historic Preservation, requires updating references in the  
4 rules to the former Office of Archaeology and Historic Preservation (OAHP).

5 4. SB 5610, an act relating to salmon recovery and watershed health, requires the Forest  
6 Practices program to gather and summarize information for the Governor's biennial reports  
7 to the legislature and participate in any new monitoring coordination forum.  
8

9 John Mankowski asked Young to summarize the budget regarding Forests and Fish. Young said  
10 DNR received \$2.3 million in a decision package for fulfilling Forests and Fish commitments. An  
11 additional \$1.5 million was received for the Riparian Open Space Program, \$8 million was received  
12 for Forest Riparian Easement Program (FREP), and \$4.2 million was received for the Family Forest  
13 Fish Passage Program.  
14

15 Eric Johnson wanted to know how many easements remain and what was the previous budget for  
16 FREP. Young could not recall last biennium's figures but pointed out that the \$8 million received  
17 for the 2005-2007 biennium was significant. The allocation will allow the Program to eliminate the  
18 remaining backlog of easement applications and grant approximately three dozen more.  
19

## 20 **FORESTS AND FISH POLICY RECOMMENDATION ON CMZ**

21 Lenny Young reminded the Board that at their November 2004 meeting they remanded three  
22 unresolved issues raised during the development of the updated CMZ Board Manual to Forests and  
23 Fish Policy. He said the discussions were delayed due to workload and process, but that the process  
24 difficulties have been resolved and Forests and Fish Policy is scheduling a sub-group to bring  
25 recommendations to the Board in August.  
26

27 John Mankowski reminded Young of the commitment made at the November 2004 Board meeting  
28 that DNR would work with WDFW to devise a way to track implementation to see how many times  
29 CMZ FPAs came up in confined channels or the outer edge of a meander bend along a valley wall  
30 or high terrace of an unconfined meandering stream as listed in Appendix C, part C.1 of the FFR.  
31 Young said that the stats could possibly be presented in August along with the recommendations.  
32

33 Soicher said the Adaptive Management rule states that rules and guidance documents will go



1 through the adaptive management process. In this case the Board asked the CMZ Technical  
2 Working Group, not Adaptive Management, to come up with a product. Further issues were  
3 identified by the Working Group and were then referred to Forests and Fish Policy instead of  
4 Adaptive Management. He pointed out that the process is not clear. Young said he would make sure  
5 information is sent to the Board to help everyone understand what it means to go through Adaptive  
6 Management.

7

8 Soicher then asked if Board Manual Section 22 would describe which board manuals go to  
9 Adaptive Management, which ones go to Forests and Fish Policy, and what is at the discretion of  
10 the Board. Young said that Section 22 should provide that kind of clarity.

11

12 Sherry Fox agreed with Soicher and said she felt that the length of time that had elapsed was unfair  
13 to the process. If the recommendations cannot be delivered by August they should be remanded to  
14 the Adaptive Management process and not debated any further.

15

16 Young reminded the Board that the original charge to Geoff McNaughton, DNR, was to convene a  
17 group of practitioners for quick improvements based on practical experience and bring  
18 recommendations back to the Board. The three policy issues identified by the Board in November  
19 and subsequently given back to Forests and Fish Policy were not part of the original charge.

20

21 Soicher said the charter was specific in saying where consensus cannot be reached the alternatives  
22 would come back to the Board for consideration, and that did not happen. Young said there was  
23 never an intention for the practitioners to debate, resolve, or create options on policy issues but to  
24 simply inform the Board of any policy issues.

25

## 26 **ADAPTIVE MANAGEMENT**

27 Geoff McNaughton submitted a written update. In it he stated that the Cooperative Monitoring,  
28 Evaluation and Research Committee (CMER) is in the process of preparing their 2006 work plan  
29 and budget and anticipate presenting it at the August Board meeting. The final reports for both the  
30 PIP and Desired Future Condition studies were delivered to Forests and Fish Policy. The study  
31 design for the CMER Forest Roads Sub-Basin Scale Effectiveness Monitoring Program has been  
32 forwarded to CMER for final approval. His report also commented that he and the CMER co-chairs  
33 are continuing to coordinate with the Governor's Monitoring Forum to investigate possible

1 cooperative opportunities with the Salmon Recovery Funding Board. McNaughton ended his report  
2 announcing that he will be presenting a display at the International Conference on Transfer of  
3 Forest Science Knowledge and Technology in Troutdale, Oregon. The display will present the new  
4 CMER/Policy Interaction Framework process as an example of how science and technology are  
5 being transferred to policy makers.

6  
7 John Mankowski asked Lenny Young to give an update on the CMER and Adaptive Management  
8 priority planning retreat. Young said that dates for mid to late June were being discussed for a two  
9 day retreat to look at next year's CMER work plan, implementation priorities of the proposed Forest  
10 Practices Habitat Conservation Plan (HCP), budget and available funding, and project time  
11 sequencing.

12  
13 Eric Johnson said a number of previous CMER projects have been languishing and wanted to know  
14 their status. Young informed the Board that while many of those projects have begun there  
15 continues to be a problem starting CMER projects due to limited resources. Funding project  
16 managers is now being considered to help start and oversee projects to get them done in a timely  
17 manner.

18  
19 Alan Soicher asked if there was an estimate of the total budget needed over the 50-year period to  
20 run a fully functional Adaptive Management program. Young said that question could be answered  
21 after the June CMER retreat.

22

## 23 **BOARD MANUAL**

24 Marc Engel reported that Board Manual Section 22, Guidelines for the Adaptive Management  
25 Program, has not been completed. A formal review process through Forests and Fish Policy will  
26 occur in May and June to be presented for approval at the August 2005 Board meeting.

27

28 Alan Soicher asked Engel to explain the challenges in developing the board manual section and  
29 asked whether those challenges would be addressed in the completed section. Engel said that  
30 Section 22 would provide overall guidance on how all of the Adaptive Management Program  
31 participants will communicate with each other, and a large part of the challenges are the policy  
32 issues that still need to be dealt with. Also, a commitment was given to the Board to allow for extra  
33 time to review the board manual section.

1 Soicher also wanted to know why Section 22 was not the highest priority board manual to start  
2 with. Sherry Fox responded that there needed to be an understanding of how CMER and the  
3 Scientific Advisory Groups were going to work before an Adaptive Management manual could be  
4 accurately completed.

5  
6 John Mankowski commented that the FFR made sure that the science was gathered, peer reviewed,  
7 and brought back to Forests and Fish Policy and the Board. The notion of doing an Adaptive  
8 Management board manual arose as the process was implemented and questions came up. It became  
9 clear that specific guidance was needed.

10

### 11 **ROAD MAINTENANCE AND ABANDONMENT PLAN RULEMAKING**

12 Patricia Anderson informed the Board that four comments were received on the scoping notes for  
13 the Environmental Impact Statement (EIS). DNR intends to have a draft rule proposal for the Board  
14 to consider at the August 2005 Board meeting and has begun both the State Environmental Policy  
15 Act process and the Request for Proposal process to secure a consultant to prepare the EIS. The  
16 selection process will occur in May and a draft EIS will be available October 2005.

17

### 18 **FEDERAL ASSURANCES**

19 Debora Brown Munguia, DNR, stated that significant progress has been made toward obtaining  
20 federal assurances for the State of Washington as directed by RCW 77.85.190. The Governor and  
21 Commissioner of Public Lands presented the state's application, in the form of an HCP, to both the  
22 United States (US) Fish and Wildlife Service and the National Oceanic and Atmospheric  
23 Administration National Marine Fisheries Service (the Services) on February 9, 2005. When the  
24 public comment period closes on May 12, 2005, the Services will evaluate the HCP, associated  
25 documents, and comments submitted by the public to determine whether the HCP meets the  
26 requirements of the Endangered Species Act and National Environmental Policy Act. Brown  
27 Munguia said she anticipates that the Services will make their decision on the state's HCP later this  
28 year.

29

30 Alan Soicher asked what role the federal scientists will have in ensuring proper implementation of  
31 the HCP and the Adaptive Management Program, and how much it will cost. Brown Munguia said  
32 the federal government has the ultimate authority to withdraw the incidental take permits if they  
33 determine the HCP is not being implemented correctly. The HCP asks the federal government to

1 recognize the Washington State Forest Practices Act and rules and to assist with HCP  
2 implementation. She then stated that because the HCP is for a period of 50 years, it is premature to  
3 state what the funding requirements will be.

4  
5 Soicher asked the Board to consider sending a letter to the Services, US Environmental Protection  
6 Agency, US Department of Agriculture Forest Service, National Park Service, and US Geological  
7 Survey inviting and requesting their participation and leadership in the Adaptive Management  
8 Program to make it a real partnership as well as identifying the funding necessary for their  
9 participation.

10  
11 Sherry Fox reminded Soicher that since CMER was developed the Board has approved positions for  
12 the Services and they are participating.

13  
14 Soicher stated that the funding amounts need to be identified so the federal and state governments  
15 know exactly what is necessary to successfully implement the Adaptive Management Program over  
16 the next 50 years and avoid asking for federal money annually. Brown Munguia noted that the state  
17 contributes millions of dollars into the Adaptive Management Program and that the money received  
18 has not been spent as quickly as anticipated, so there is a reserve.

19  
20 Doug Sutherland clarified that the HCP is a contract for 50 years, not assurances, and the funding  
21 strategies will need to be addressed by future Congresses and Legislatures. There is an implicit  
22 commitment to be able to continue those kinds of obligations, and it is the Board's responsibility to  
23 make sure that the necessary level of funding will be an ongoing effort.

24  
25 Soicher said he would still like the Board to consider sending a letter to the Services requesting an  
26 estimate of what it would cost to properly implement the HCP over the next 50 years.

27

## 28 **WATER TYPING EASTERN WASHINGTON MAPS**

29 Dennis McDonald, DNR, submitted a report and timeline updating the Board on the water typing  
30 implementation. Water typing update sessions were held for the four western Washington DNR  
31 regions on implementing the new water type map. Also, the updated GIS hydrographic (hydro)  
32 layer and water type symbologies were put in place, and the revised FPA and water type  
33 modification forms and instructions are now available. DNR plans to attach the EOFH points to

1 GIS, implement the model values, and code the hydro layer with the new water types for eastern  
2 Washington by October 1, 2005. Later this fall, DNR will provide a preliminary preview of the new  
3 water type maps for eastern Washington with a goal to implement them  
4 March 1, 2006.

5  
6 Sherry Fox commented that the implementation plan indicates that Board Manual Section 13  
7 development will begin in June 2005. Marc Engel responded that Forests and Fish Policy needs to  
8 be consulted for guidance, so the June target date may be too early.

9  
10 Alan Soicher asked if the guidance issues involved revisiting the two foot bankfull width and 20%  
11 gradient for streams. Engel said no. The revision would be to provide further guidance on how to  
12 use the new water typing map.

13  
14 Eric Johnson wanted to know if there was an update on the CMER validation study regarding the  
15 water typing model. Young said due to the potential for drought impacts on the evaluation and a  
16 compressed field season, the assessment of the model's performance has been postponed until 2006.  
17 The assessment may not be available at the time the Board is scheduled to decide on full regulatory  
18 implementation of the model.

19  
20 Fox asked McDonald to consider the Small Forest Landowner Advisory Committee's  
21 recommendations and the issues of funding, staff, and electroshockers to assist small forest  
22 landowners especially during the transition to rule.

23  
24 John Mankowski asked if the problems with defining the last fish point versus habitat point could  
25 be clarified for a smoother eastern Washington model implementation process. McDonald said yes.  
26 The eastern Washington Seasonal Variability Study is moving forward and looks at what the  
27 differences or variances are between the last fish and last fish habitat. This season will also provide  
28 data to look at annual stream variability and its effects on the performance of the model.

29  
30 Mankowski said another recurring issue is how the water typing error rate is calculated. The FFR  
31 stated that the model needed to be 95% accurate. He asked if there was a better way of approaching  
32 it for eastern Washington. McDonald said no. Initial discussions to determine what 95% accuracy  
33 meant, produced four different perspectives and the scientists have presented a fifth interpretation.

1 Soicher asked if the validation study defines what the 95% accuracy means in the context of  
2 validation or identifying a scale at the stream, Watershed Administrative Unit, or Water Resource  
3 Inventory Area level. McDonald said the validation information will help determine how close the  
4 model is to the 95% performance rate, but the meaning of 95% remains unidentified.

5  
6 Soicher also asked if the validation study looked at last fish or at last fish habitat? McDonald said  
7 the study looks at both to determine how close and if there are differences between the two.

## 8 9 **HYDRO LAYER UPDATE PROCESS**

10 Gary Graves, DNR, provided the Board with information that addressed why DNR does not initiate  
11 water type changes to the hydro database from the information landowners provide on an FPA. He  
12 explained that an FPA does not display all of the relevant information that is necessary for DNR to  
13 clearly make water type changes to the hydro layer and work a successful concurrence process with  
14 other state agencies and Tribes. Most FPAs contain other types of information that when layered  
15 together make a water type change proposal difficult to discern from the other information on the  
16 FPA. The Water Type Modification Form allows various proponents of water type changes to share  
17 information succinctly. Also, by having landowners make the changes on the modification form  
18 instead of DNR interpreting the changes recorded from an FPA on to a water type change map, the  
19 concurrence process will have less of a chance to misinterpret the proposed water type change.

20  
21 Tom Laurie encouraged Graves to think about additional ways to make the Water Type  
22 Modification Form more accessible and easy to use for small forest landowners. Graves pointed out  
23 that the modification form has recently been simplified and will continue to be modified to include  
24 verification of existing water types.

25  
26 Laurie then asked how often modification forms are submitted. Graves said that last year DNR  
27 received approximately 200 forms that identified or modified several hundred streams.

## 28 29 **RULE CLARIFICATIONS**

30 Gretchen Robinson, DNR, asked the Board to adopt the clarifications rule package. The purpose of  
31 the clarifications rule proposal is to amend existing forest practices rules to correct typographical  
32 errors, clarify language, and incorporate language of chapter 76.09 RCW. None of the proposed rule  
33 changes alter the intent or substance of any existing rule. Robinson also pointed out that since the

1 Board packets were distributed, staff identified additional changes in Washington Administrative  
2 Code (WAC) 222-30-023, and distributed the revisions on a document entitled Addendum to  
3 Clarifications Rule Proposal.

4  
5 **MOTION:** Eric Johnson moved that the Forest Practices Board adopt the proposed  
6 permanent rules for chapters 222-10, 12, 16, 20, 21, 22, 23, 24, 30, and 34  
7 WAC as presented today and direct staff to file the CR103 with the Office of  
8 the Code Reviser.  
9 **SECONDED:** John Mankowski  
10 **ACTION:** Motion passed unanimously.

11  
12 **CULTURAL RESOURCES RULEMAKING**  
13 Gretchen Robinson asked the Board to adopt the cultural resources rule proposal and approve the  
14 accompanying cultural resources module for incorporation into Board Manual Section 11,  
15 Watershed Analysis.

16  
17 **MOTION:** Bob Kelly moved that the Forest Practices Board adopt the proposed  
18 permanent rule to amend WACs 222-08-160 and 16-010 and chapters 222-12  
19 and 222-22 WAC and direct staff to file the CR103 with the Office of the  
20 Code Reviser.  
21 **SECONDED:** Sherry Fox

22  
23 **Board Discussion**  
24 Sue Mauermann suggested that the motion should be amended to recognize that OAHP will soon  
25 become the Department of Archaeology and Historic Preservation and any reference of it in the  
26 rules should be changed.

27  
28 Paddy O'Brien stated that if the Governor has signed the bill and the rules will not go into effect  
29 before the effective date of the statute then the Board could amend the motion.

30  
31 Doug Sutherland confirmed that the bill has been signed.

32  
33 **MOTION TO**  
34 **AMMEND:** Eric Johnson moved to amend the motion to revise any references to the  
35 Office of Archaeology and Historic Preservation to read Department of  
36 Archaeology and Historic Preservation.  
37 **SECONDED:** Sue Mauermann  
38 **ACTION:** Motion to amend passed unanimously.

1 Eric Johnson wanted to know why the J3 and J6 forms were not consolidated in the cultural  
2 resources module. Sherri Felix, DNR, replied that there can be two distinct processes within  
3 watershed analysis conducted by two separate teams. The J3 form is used during the assessment  
4 process and the J6 form is what the management team uses when looking at J3 forms and  
5 developing management strategies. The Timber, Fish and Wildlife (TFW) Cultural Resources  
6 Committee chose to follow the process already established for the current modules within watershed  
7 analysis.

8  
9 Alan Soicher asked what the mechanism was for assessing the effectiveness of voluntary  
10 approaches as discussed in proposed WAC 222-22-010(4). Felix said the annual review process will  
11 include a review of the module and how it is working in the CRPMP.

12

13 **ACTION:** Motion passed unanimously.

14

15 **MOTION:** Bob Kelly moved that the Forest Practices Board approve Board Manual  
16 Section 11 to include a cultural resources module and that staff finalize  
17 Section 11 for distribution.

18 **SECONDED:** Lee Faulconer

19 **ACTION:** Motion passed unanimously.

20

## 21 **UPLAND WILDLIFE PLANNING**

22 John Mankowski reported that WDFW recommends that the Board engage in the mechanics of the  
23 owl rule and science and that the Board hold a workshop on August 9, 2005, to get a comprehensive  
24 understanding of the spotted owl situation. Some of the information the Board will need to consider  
25 when determining how well the rule works includes the US Fish and Wildlife Service's 5-year  
26 status review, 10 years of implementing the Northwest Forest Plan, the spotted owl draft briefing  
27 report for Washington, and the habitat assessment on non-federal lands. Mankowski added that  
28 WDFW hopes to present information on demographics and on the results of the June Barred Owl  
29 workshop.

30

31 Mankowski asked if it would be valuable to have another set of stakeholder discussions to provide  
32 the Board with a collaborative recommendation on the spotted owl rule or to have the individual  
33 caucuses come before the Board with their recommendation.

34

35 Alan Soicher asked if the peer review for the spotted owl habitat assessment was going through the



1 Adaptive Management program. Lenny Young responded that a similar peer review process would  
2 be used. Next week the draft assessment will be complete and sent to the TFW caucus leads and  
3 selected experts for comments due by the end of May. The blind review process will take place in  
4 June and July. And by August 1 the assessment will be presented to the TFW caucus representatives  
5 in preparation for the August 9 workshop.

6  
7 Soicher requested that a copy of the draft habitat assessment be distributed to the Board next week.

8  
9 David Hagiwara noted that during public comment the Board heard testimony from both  
10 Washington Audubon and WFPA who stated that the initial policy recommendation discussions for  
11 the spotted owl rule had been close to reaching consensus. He said it would be helpful to see  
12 information on what the group was able to agree and disagree on. Mankowski said WDFW would  
13 like to make a statement at the proposed August 9 workshop about the status of those issues in  
14 preparation for developing recommendations.

15  
16 Mankowski suggested reserving time on the August 10, 2005, Board meeting agenda to discuss the  
17 outcomes of the spotted owl workshop and the next steps.

18  
19 Eric Johnson said it would be beneficial if the information being presented at the workshop came to  
20 the Board as it becomes available.

21  
22 Johnson also commented that without more adequate resources the Board would not be able to  
23 move away from the species by species approach and get to the landscape level method in a timely  
24 manner.

25  
26 Soicher mentioned that the technical work on the wildlife issues could be contracted out.  
27 Stakeholders could give their recommendations and participate directly in front of the Board. He  
28 also expressed his frustration with the Board not being able to meet its responsibilities toward  
29 protecting public resources because of insufficient resources.

30  
31 Johnson suggested that WDFW look at the work plan in its current form and begin identifying  
32 potential funding resources. Then decide which items are appropriate to find CMER funding, which  
33 are appropriate for outside funding, and which need supplemental appropriations.

1 Sutherland pointed out that a supplemental budget request is used for unknown factors that surface  
2 after the current biennial budget process.

3  
4 Mankowski then asked the Board to confirm whether or not the wildlife work plan is the right work  
5 plan with the correct priorities.

6  
7 Soicher said the work plan and its elements are still realistic and appropriate but urged WDFW to  
8 look at what it will take to get a fully functional wildlife rule review program to avoid further  
9 delays.

10  
11 Sutherland asked the Board if there was a consensus to pursue the current wildlife work plan and  
12 strategy. The Board concurred.

13  
14 Sutherland suggested that in order to proceed with the wildlife work plan, WDFW should look at  
15 the work plan's timing, and he offered to have DNR also review the work plan to see what data  
16 collection would be necessary to make it work.

17  
18 Mankowski told the Board that WDFW would update the wildlife work plan timeline and develop a  
19 budget strategy. Sutherland asked Mankowski to have them available for the August 9 wildlife  
20 workshop.

21

## 22 **PLANNING FOR SEPTEMBER FIELD TOUR AND MEETING**

23 Lenny Young told the Board the retreat is scheduled for two days: one day in the field and one day  
24 for the Board to work on their annual work plan and discuss issues from the previous field day.

25  
26 Sherry Fox added that the purpose of the field day is to help the Board understand the different  
27 management strategies that small forest landowners have. On the workshop day, she envisions  
28 discussions on the various programs available for small forest landowners, the committees working  
29 for small forest landowners and their issues, conversion trends, and what the Board can expect from  
30 small forest landowners in 2006 in the way of regulatory and non-regulatory incentives proposals.

31  
32 Alan Soicher said he would like to see the Northwest Natural Resource Group and their Forest  
33 Stewardship Council certification program for small forest landowners be part of the incentives

1 piece for the workshop.

2

3 John Mankowski said he would like to see a discussion about what long-term forest plan  
4 improvements are, the existing barriers, and if that were a policy direction the Board would like to  
5 address.

6

7 Fox mentioned that she intends to ask the Small Forest Landowner Advisory Committee to  
8 participate in a panel discussion on family forest management plans.

9

10 Soicher also asked if conservation easements and estate planning would be part of the workshop.

11 Fox said that FREPs would be discussed.

12

13 In addition, Fox said an updated agenda would be provided to the Board at the August 10 Board  
14 meeting.

15

16 Meeting adjourned at 12:40 p.m.