

1 **FOREST PRACTICES BOARD**
2 **SPECIAL BOARD MEETING**

3 July 8, 2014

4 John A. Cherberg Building, Hearing Room 2
5 Olympia, Washington
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources
9 Bill Little, Timber Products Union Representative
10 Bob Guenther, General Public Member/Small Forest Landowner
11 Brent Davies, General Public Member (participated via telephone)
12 Carmen Smith, General Public Member/Independent Logging Contractor
13 Court Stanley, General Public Member
14 Dave Somers, Snohomish County Commissioner (participated via telephone)
15 David Herrera, General Public Member
16 Guy Norman, Designee for Director, Department of Fish and Wildlife
17 Kirk Cook, Designee for Director, Department of Agriculture (9 a.m. – 11 a.m.)
18 Paula Swedeen, General Public Member
19 Tom Laurie, Designee for Director, Department of Ecology
20

21 **Members Absent**

22 Heather Ballash, Designee for Director, Department of Commerce
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **CALL TO ORDER**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m.
32

33 **PUBLIC COMMENT ON PETITION FOR RULE MAKING ON IMPROVED PUBLIC**
34 **SAFETY NEAR UNSTABLE SLOPES**

35 Karen Terwilleger, WFPA, stated that the actions taken at the last Board meeting are responsive to
36 the petition and urged the Board to stay the course on those activities and move forward.
37

38 **PETITION FOR RULE MAKING ON UNSTABLE SLOPES**

39 Chris Hanlon-Meyer, DNR, provided a progress report on action taken at the last Board meeting to
40 address unstable slopes. Update included:

- 41 • CR-101 Proposal for Inquiry has been filed and rule development has begun
42 • DNR has assembled an expert panel to begin work on Board Manual Section 16, *Guidelines for*
43 *Evaluating Potentially Unstable Slopes and Landforms*
44 • TFW Policy Committee formed technical subgroup to evaluate gaps in the science and
45 information regarding GDSLs and GWRAs and an evaluation of mitigation measures under
46 current rule
47

48 The Board considered whether the petition for rule making to develop rules to improve public safety

1 and local and state coordination efforts for those living near unstable slopes is being addressed with
2 current efforts underway.

3
4 Paula Swedeen asked if current activities address the request for better notification. Hanlon-Meyer
5 responded that is out of the scope of Forest Practices. Aaron Everett referenced Board conversation at
6 the May meeting where they indicated that more discussion with governmental entities would need to
7 occur and that this would be on-going.

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9 **MOTION:** Carmen Smith moved the Forest Practices Board deny the petition for rule making on
10 unstable slopes based on previous actions made at the May 2014 Board meeting.

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12 **SECONDED:** Bob Guenther

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14 **ACTION:** Motion passed unanimously.

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16 **PUBLIC COMMENT ON PETITION FOR RULE MAKING ON AERIAL CHEMICAL**
17 **SPRAYING**

18 Mark Smith requested the Board to review the rules related to the use of herbicide spray.

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20 Bruce Barnes provided photos of elk with hoof rot disease and deformed antlers. He urged the Board
21 to take a serious look at the rules and how the chemicals are being used and mixed.

22
23 Jon Gosch shared his perspective on how pesticides affect humans, elk and the soil. He encouraged a
24 review of the use of pesticides.

25
26 Heather Hansen, Washington Friends of Farms and Forests, stated that all pesticides are regulated by
27 the Environmental Protection Agency and the Department of Agriculture. She said that herbicides are
28 non-toxic to mammals and designed to work on metabolic pathways to plants.

29
30 Karen Terwilleger, Washignton Forests Protection Association, stated that they support the current
31 regulatory process and the studies conducted by Department of Fish and Wildlife to understand the
32 origin and treatment of Elk hoof rot disease.

33
34 **PETITION FOR RULE MAKING ON AERIAL CHEMICAL SPRAYING**

35 The Board considered the petition for rule making to amend rules to eliminate certain chemical use
36 and reduce the impacts of use to the health of humans, fish and wildlife by receiving the following
37 presentations.

38
39 Marc Ratcliff, DNR, provided an overview on forest practice rules governing chemical spraying.
40 Information included the purpose of the forest practices rules is to regulate the handling, storage, and
41 application of chemicals in a manner that the public health, lands, fish, wildlife, aquatic habitat,
42 wetland and riparian management zone vegetation will not be significantly damaged, and water
43 quality will not be endangered by contamination. He mentioned that DNR does not oversee the
44 regulations imposed on a specific pesticide product or the determination to remove such a product
45 from general use. He also stated that WAC 222-38-020(7) states pesticides shall only be applied in
46 accordance with:

- 47 • Limitations printed on the federal EPA container registration label, and/or established by
48 regulation of the Washington Department of Agriculture;

- Limitations established by the Federal Occupational Safety and Health Administration, or the state Department of Labor and Industries, as they relate to the safety and health of operators and the public; and
- DNR or the state Department of Agriculture may suspend further use of any equipment responsible for chemical leakage until corrected.

Robin Schoen-Nessa, Department of Agriculture, provided an overview on its rules governing the use of pesticide which includes that they are the lead agency that administers the law and rules related to pesticides. She said they regulate all uses, applications, distributions, labels and any misuses of pesticides. She also highlighted the management process and common household products that are considered pesticides.

Kristin Mansfield, Department of Fish and Wildlife, presented information on hoof rot disease known as “Wild Ungulate Hoof Disease”, specifically research that was conducted in recent years. She concluded that the research indicated that there is no significant underlying musculoskeletal or systemic disease and the disease is limited to the hooves.

The Board agreed that:

- Petitioner should consult with Departments of Fish and Wildlife and Agriculture;
- Research has not found a direct link to elk hoof disease and herbicide use;
- Petition is outside the Board’s authority;
- Research continue to find a solution;
- They appreciate the issue brought to their attention;

Everett asked staff to follow-up with Department of Agriculture on whether additional communication needs to occur between agencies on enforcement responsibilities and would like report back in November on how it is working.

MOTION: Bob Guenther moved the Forest Practices Board deny the petition for rule making on aerial chemical spraying because the Board’s authority does not include regulating the chemicals used on forestland. He further encouraged the petitioner to follow-up with the Department of Agriculture and the Department of Fish and Wildlife.

SECONDED: Bill Little

BOARD DISCUSSION:

Bob Guenther stated that he looks forward to hearing an update in November.

Guy Norman appreciates the citizen’s involvement in this issue and will continue to work with them as WDFW moves forward in finding a solution to the issue.

ACTION: Motion passed unanimously (11 support).

EXECUTIVE SESSION

None.

Meeting adjourned at 11:20 a.m.