

Draft Timber, Fish, & Wildlife Policy Committee Agenda
Thursday, December 2nd 2021 // 9:00 am – 5:00 pm
Remotely held using Zoom

Motions for December 2, 2021	
Motion	Move/Second (Vote)
<p>October 2021 Meeting Notes Steve Barnowe-Meyer moved to approve the notes, as amended – Approved</p>	<p>Seconded by: Court Stanley</p> <p>Up: Daren Cramer, Alec Brown, Court Stanley, Steve Barnowe-Meyer, Brandon Austin, Marc Engel, Tom O’Brien, Jim Peters.</p> <p>Abstain: D.R. Michel</p>
<p>November 2021 Meeting Notes Darin Cramer and Alec Brown provided edits to the minutes.</p> <p>Steve Barnowe-Meyer moved to approve the minutes, as revised. Approved</p>	<p>Seconded by: Darin Cramer</p> <p>Up: Court Stanley, Steve Barnowe-Meyer, Alec Brown, Marc Engel, Brandon Austin, Darin Cramer, Tom O’Brien, Jim Peters.</p> <p>Abstain: D.R. Michel</p>

Action Items for December 2, 2021	
Item	Action
<p>New Policy Dispute Clarification of the Relatively Low Impact PI Dispute</p>	<p>Small Forest Landowner caucus will consider revising their PI and resubmit at the January 2022 meeting.</p>
<p>New Policy Dispute Clarification of the Hard Rock Phase III Project Charter Dispute</p>	<p>Large Landowner caucus feels there is progress on this dispute and would like to wait until the January meeting before deciding any further action on this dispute.</p>
<p>New Policy Dispute Clarification of the Hard Rock Phase I Timeline Dispute</p>	<p>Dispute resolutions was invoked. Participants in the dispute resolution process are:</p> <ul style="list-style-type: none"> • Brandon Austin – Ecology • Darin Cramer – WFPA, backup – Doug Hooks • Court Stanley – Counties, backup – Kendra Smith • Marc Engel – DNR • Alec Brown – Conservation Caucus (WEC) • D.R. Michel and Ray Entz – Eastside Tribes • Tom O’Brien - DFW

- Steve Barnowe-Meyer – Small Forest Landowners, backup – Ken Miller
- Jim Peters – Westside Tribes, backup – Ash Roorbach

Meeting Notes:

Legislative Agendas from Caucuses

The following people reported on the 2022 legislative agendas for their caucuses:

- Jason Callahan, WFPA
- Brian Considine – DNR
- Darcy Nonemacher – WEC
- Steve Barnowe-Meyer – WFFA
- Jim Peters, NWIFC (Western Washington Tribes)
- Tom O’Brien – WDFW
- Brandon Austin – Ecology

Overview of Policy Dispute Process

Saboor Jawad gave an overview of the AMP dispute resolution process. There was a question regarding whether or not a caucus who chooses not to participate in the dispute process for a particular subject relinquishes their right to object to the outcome of the dispute. Saboor replied that a caucus can step aside by choosing not to participate in dispute resolution. A caucus’ decision to step aside needs to be clearly communicated and documented in the notes. This would imply that the caucus will accept the outcome of the dispute resolution process.

- **Update of status of Request for Quote and Qualifications (RFQQ)**

Saboor Jawad reported that DNR received one proposal for an on-call Policy mediation and facilitation contract. The review/scoring committee scored the proposal and has recommend hiring the consultant (Triangle Associates) if the answers to follow up questions he is sending them are answered satisfactorily, and there are no red flags raised during the reference checks. Once those are completed, DNR will move forward with issuing the contract, with the work order for the Type Np Basin Analysis PI dispute starting in January 2022.

Ongoing Policy Disputes

- **FPA Based Np Basin Analysis PI**

Saboor Jawad gave an update on the progress of the dispute. The dispute has been clarified and elevated to stage 2. This is the first work order for the contract that will be issued as a result of the RFQQ.

Overview of CMER Dispute Process

Saboor Jawad presented an overview of CMER dispute process.

Discussion revolved around the limits of only relying on CMER science, and not bringing in outside science. Saboor indicated that the Board Manual provides a way to bring in outside science into the program. This happens when Policy or Board asks CMER to review outside science or answer a specific question. The guidance, however, limits the dispute resolution process to items that originate from within the AMP and failure to reach agreement on these items also stops an AMP project or a Policy recommendation from moving forward to the next step. Single caucus sponsored completed outside science remains a contentious area. CMER's request for changes aren't often possible to incorporate in completed outside science items. It's also not clear whether program funds can be used on completed outside science.

Darin Cramer: We ought not get stuck in the mindset that science conducted by others needs to go through the CMER process or have to result in a formal AMP action. Most science simply builds knowledge/reduces uncertainty, we should encourage that to happen here as much as we can. Outside science routinely gets considered as part of CMER project development, but our internal process and interpretation thereof creates disincentive for others to conduct forestry/aquatic interaction research which can add to our understanding. Standards in order to consider outside science are necessary, but we shouldn't create so many barriers to even get started.

- **Ongoing CMER Dispute Update**

Saboor Jawad gave an update on ongoing CMER disputes. Dispute over Hard Rock Phase II six questions in CMER has been resolved. The dispute over Soft Rock Six Questions document is in the informal stage and very near resolution. CMER will consider approving the Soft Rock Six Questions document in their December meeting. The dispute over the Smart Buffer Study Design is in stage 2. The AMPA and CMER co-chairs are characterizing the nature of dispute and will report back to CMER in December on next applicable steps.

New Policy Dispute

Clarification of the Relatively Low Impact PI Dispute. Ken Miller provided clarification of the dispute for SFL - PI defining criteria for small forest landowner low impact alternate plans.

Marc Engel said that the dispute is not whether to accept the PI, it is over the non-consensus vote on the need to add a definition for criteria to determine if an AP is a relatively low impact proposal; and, if the definition developed by the Small Forest Landowner Advisory Committee (SFLOAC) should serve as the definition. The Small Forest Land Owner Caucus invokes dispute resolution on lack of consensus for TFW Policy to accept for review and recommendations to the Forest Practice Board the Proposal Initiation requesting inclusion of a specified definition of "relatively low impact" criteria in board manual 21 to assist the department in determining whether a Small Forest Landowner alternative plan qualifies as a low impact alternate plan.

There was a breakout session for caucus' to meet to determine their next steps. After the breakout session, Policy heard that the Small Forest Landowner are considering revising the PI and continuing the discussion on clarifying the nature of dispute with DNR and will re-submit to Policy in January 2022.

New Policy Dispute

The Conservation Caucus presented the following description of the HR Phase 1 action development timeline dispute:

TFW Policy received the workgroup report titled "Review of current and proposed riparian management zone prescriptions in meeting westside Washington State antidegradation temperature criterion: FINAL

REPORT” on June 3, 2021. The Forest Practices Board Manual guidelines for Policy drafting a Policy response to the Board allows for 150 days post receipt of a report “to reach a consensus decision on an alternative to recommend to the Board.” It has been more than 150 days since receipt of the report and a consensus decision has not been made. Not only has a consensus decision not been made, but there has been no meaningful progress towards a consensus decision. Therefore, the Conservation Caucus calls for dispute resolution.

The Conservation Caucus sees the following as a successful resolution of this dispute: TFW Policy will, per the Forest Practices Board Manual guidance, develop one consensus alternative recommendation for Type Np streams in Western Washington and submit a formal rulemaking petition to the Forest Practices Board.

After the dispute was clarified policy members agreed to participate in the dispute from all caucuses present.

New Policy Dispute

The project charter for the Hard Rock Phase III study was brought to Policy for consideration in November 2021. The EWA Tribal caucus voted no on acceptance of the charter to begin the study. Considering Policy had already decided 16 months prior to pursue the Hard Rock Phase III study and being unclear on the effect of a non-consensus vote on the charter, WFWA triggered dispute resolution.

Darin Cramer need additional time to develop description of the dispute and agreed to work with Ray Entz on a description for the January 2022 Policy meeting.

SFLO Six Questions Science Review

The memo from the AMPA and CMER co-chairs along with the WFWA position paper and WDFW Ecology, Tribes, Conservation position paper were included in the policy packet. Saboor reviewed the memo, which will be discussed at the January policy meeting.

Department of Fish and Wildlife (DFW) Science Review of the AMP

Tim Quinn gave an update on DFW’s science review of AMP. He reported that they have entered into an agreement with UW for a post-doctoral student to help with the review of AMP documents that DFW will be requesting from DNR.

Budget Sub Committee Update

Saboor Jawad gave an update on the progress of the budget subcommittee which will be developing different budget scenarios for review in January or February.

Conservation Caucus

*Alec Brown (WEC)
Chris Mendoza (CMER co-chair)
Darcy Nonemacher (WEC Legislative and Outreach Director)

County Caucus

*Court Stanley
Kendra Smith (Skagit)

State Caucus

*Brandon Austin (ECY)
Tom O’Brien (WDFW)
*Marc Engel (DNR/ co-chair)
Mary McDonald (DNR)
Marc Ratcliff (DNR)
Tracy Hawkins (DNR)
Aimee McIntyre (WDFW)
Tim Quinn (WDFW)

Large Industrial Landowner Caucus

*Darin Cramer (WFPA)
Doug Hooks (WFPA)
Meghan Tuttle (Weyerhaeuser/ co-chair)
Joe Murray (WFPA)
Jason Callahan (WFPA Legislative Director)

Westside Tribal Caucus

Jim Peters (NWIFC)
Ash Roorbach (NWIFC)

Eastside Tribal Caucus

D.R. Michel (UCUT)

Small Forest Landowner

*Steve Barnowe-Meyer (WFFA)
*Ken Miller (WFFA)
Jenny Knoth (WFFA/CMER co-chair)
Harry Bell – WFFA

Adaptive Management Program/CMER

Staff
Saboor Jawad (AMPA)
Lori Clark (DNR)
Patti Shramek (DNR)

DRAFT