

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting**
3 February 10, 2015
4 Natural Resources Building, Room 172
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
12 Carmen Smith, General Public Member/Independent Logging Contractor
13 Court Stanley, General Public Member
14 David Herrera, General Public Member (participated by telephone)
15 Joe Stohr, Designee for Director, Department of Fish and Wildlife
16 Heather Ballash, Designee for Director, Department of Commerce
17 Paula Swedeen, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent**

21 Dave Somers, Snohomish County Commissioner
22 Kirk Cook, Designee for Director, Department of Agriculture
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 **WELCOME AND CALL TO ORDER**

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

33 **APPROVAL OF MINUTES**

34
35 **MOTION:** Bill Little moved the Forest Practices Board approve the November 12, 2014 meeting
36 minutes.
37

38 **SECONDED:** Joe Stohr
39

40 **ACTION:** Motion passed unanimously.
41

42 **REPORT FROM CHAIR**

43 Aaron Everett expressed his appreciation of staff and the participants in the Adaptive Management
44 Program who have been working on executing the Board's direction related to unstable slopes.
45

46 **GENERAL PUBLIC COMMENT**

47 Kara Whitaker, Washington Forest Law Center (WFLC), said the conservation caucus strongly
48 supports the Board's adoption of the proposed rules related to unstable slopes information. She also

1 emphasized the potential need for Board action as identified in the “next steps” of the Northern
2 Spotted Owl Implementation Team Report.

3
4 Karen Terwilleger, Washington Forest Protection Association (WFPA), said she appreciates the
5 opportunity to collaborate on the revisions of Board Manual Section 16. She also said WFPA
6 supports the adoption of rules related to unstable slopes.

7
8 Chris Mendoza, Conservation Caucus, said he was looking forward to seeing Board and Timber, Fish
9 and Wildlife (TFW) Policy Committee (Policy) members at the Cooperative Monitoring, Evaluation
10 and Research Committee (CMER) science conference. He thanked DNR for the support and direction
11 to improve compliance monitoring and said he supports the inclusion of additional funding in the
12 budget request. He also emphasized the need to get the correct buffer on a Type N stream versus a
13 Type F stream.

14
15 Peter Goldman, WFLC, presented a copy of a LiDAR map along with the associated Forest Practices
16 Application, for two state harvests that are proposed over what appears to be or was a deep-seated
17 glacial landslide in Snohomish County. He said that it was brought to DNR’s attention and DNR’s
18 response was that it was a “relic landslide” and did not require a recharge area or geotechnical
19 analysis. He said that after additional communication with DNR, the application was withdrawn. He
20 said that this situation illustrates that the newly revised board manual guidance is not enough to
21 protect public safety. He said additional rules are needed that require additional scrutiny by DNR
22 staff of glacial deep-seated landslides.

23 **STAFF REPORTS**

24 Adaptive Management

25
26 Chris Hanlon-Meyer, DNR, provided a status update on all of the CMER projects, how they
27 correspond to the completion of Clean Water Act milestones.

28 Upland Wildlife Working Group

29
30 Terry Jackson, Washington Department of Fish and Wildlife (WDFW), said the fisher has been listed
31 as State endangered since 1998 and last September, U.S. Fish and Wildlife Service (USFWS)
32 proposed to list the west coast population as threatened. The final decision is due October 2015. She
33 said WDFW has been proactively working with USFWS to encourage landowners to develop a
34 candidate conservation agreement with assurances and when final, landowners will sign if they agree
35 to follow specified conservation measures for the species and will not be subject to additional
36 requirements.

37
38 Tom Laurie said he appreciated the upfront work with the landowners and asked what the limiting
39 factors are for the fisher. Jackson responded that is not about the habitat but rather disturbances such
40 as vehicle collision, poison and wildfires.

41 TFW Cultural Resources Roundtable

42
43 Karen Terwilleger, co-chair, provided an update on the Roundtable’s activities. She said they are in
44 the process of reviewing the Forest Practices Application conditioning authority for cultural resources
45 and that they are in the process of developing policy direction and issue statements to resolve the
46 issue. She also asked the Board to confirm the direction detailed in the Commissioner’s response
47 letter to the Confederated Tribes of the Umatilla Indian Reservation that the Roundtable would
48 continue working on this issue. The Board agreed.

1 No further discussion on the following staff reports:

- 2 • Board Manual Development
- 3 • Compliance Monitoring
- 4 • Rule Making Activity & 2014 Work Plan
- 5 • Small Forest Landowner Advisory Committee and Small Forest Landowner Office

6
7 **RULE MAKING ON UNSTABLE SLOPE INFORMATION**

8 Gretchen Robinson, DNR, requested the Board’s adoption of rules related to unstable slopes
9 information in Forest Practices Applications. She explained that draft rules were published in the
10 Washington State Register on December 3, 2014, and the public review and comment period ended
11 on January 8, 2015.

12
13 She summarized:

- 14 • The Board held a public hearing in Olympia on January 7 and received seven comment letters
15 containing a variety of concern and suggestions;
- 16 • Staff carefully considered all comments when preparing final draft rules for the Board’s
17 consideration; and
- 18 • The language before the Board contains several changes to the draft rules based on the public
19 comments.

20
21 She added that small forest landowner long-term applications will not be affected by this rule because
22 it is a clarification of DNR’s Forest Practices Application review process and does not change
23 resource protection objectives.

24
25 **MOTION:** Tom Laurie moved the Forest Practices Board adopt the rule proposal amending
26 WACs 222-10-030 and 222-20-010 related to requiring additional information,
27 including additional geologic information, to appropriately classify Forest Practices
28 Applications. He further moved the Board direct staff to file a CR-103 Rule Making
29 Order with the Office of the Code Reviser.

30
31 **SECONDED:** Paula Swedeen

32
33 **ACTION:** Motion passed unanimously.

34
35 **PROGRESS ON BOARD MANUAL SECTION 16 UNSTABLE SLOPES**

36 Marc Ratcliff, DNR, provided an update on the second phase of the rewrite to incorporate
37 information to identify methods to assess delivery and run-out potential of unstable slopes.

38
39 He said three meetings have occurred so far and beginning in March, meetings will occur every other
40 week.

41
42 He said the group is currently reviewing Part 6 and that not all recommendations for changes have
43 received concurrence. He indicated that where group agreement is not achieved, DNR may need to
44 make the final editing decision.

45
46 The meetings in March will begin the technical amendments for sediment delivery and run-out paths
47 and may include:

- 48 • Brainstorming a literature list of the current science regarding run-out

- 1 • estimating potential debris volume amounts from shallow landslides
- 2 • estimating run-out paths and distances
- 3 • considering down slopes resources and threats to public safety

4 5 **LEGISLATIVE UPDATE**

6 Chris Hanlon-Meyer, DNR, provided an update on DNR’s budget requests and information on
7 several legislative bills related to administrative procedures, rule making and forest practices.

8
9 The Board will be notified of any bills that move out of their house of origin.

10 11 **NORTHERN SPOTTED OWL TECHNICAL TEAM**

12 Lauren Burnes, DNR, provided an overview of the report. She said the Board in February 2010
13 directed the team to “...assess the spatial and temporal allocation of conservation efforts on
14 nonfederal lands using best available science.” She shared the analytical approach which included
15 three modeling phases:

- 16 • Phase I - Develop and run baseline scenarios
- 17 • Phase II - Analyze baselines and develop conservation scenarios
- 18 • Phase III - Run and analyze conservation scenarios

19
20 She said the team used a systematic, iterative process to identify non-federal lands that could make
21 meaningful contributions to owl population viability in Washington.

22 Results of the report include:

- 23 • The extent of harvest and fire of spotted owl habitat simulated on federal lands in the baseline
24 scenarios had a large impact on spotted owl population performance statewide
- 25 • Adding non-federal lands to baseline conservation areas resulted in net positive effects on spotted
26 owl populations, and above a threshold amount of added habitat, non-federal lands positively
27 contributed to spotted owl population size
- 28 • Conservation networks in which spotted owl habitat was restored over time performed better than
29 networks which retained only existing habitat
- 30 • Among spotted owl Special Emphasis Areas (SOSEA), the I-90 East, I-90 West, and White
31 Salmon performed consistently best. Habitat conservation and restoration opportunities on non-
32 federal lands in these SOSEAs (relative to other SOSEAs) should most effectively build on the
33 foundation represented by the federal and non-federal baselines.

34
35 She reported the conclusions and next steps as follows:

- 36 • Conservation actions on non-federal lands improved spotted owl population performance
- 37 • Conservation actions for spotted owls on federal and non-federal baseline lands are likely to be
38 important in the future, and non-federal lands not currently managed for spotted owls can make
39 contributions to their conservation in the relatively short-term
- 40 • Spotted owl populations in the future are contingent on both conservation of habitat and barred
41 owl management; and
- 42 • The best overall population responses by spotted owls were significantly related to the amount of
43 habitat in the conservation scenario.
- 44 • Conservation efforts should be prioritized in subregions with the best relative population
45 performance under conservation scenarios that retain and restore habitat both inside and outside
46 SOSEAs; and

- 1 • Several high-priority analyses/evaluations have been identified that would be beneficial to future
2 decision making and prioritization process in a “Phase IV”; however, no further funding is
3 available at this time.
4

5 Joe Stohr stated that he was impressed with the report and asked about the suggestion on the 100-year
6 simulation and the costs. Burnes stated that this is an area where the team has struggled with over
7 time on how best to create that time period and what is needed to get the answers on the ground to
8 make a decision. The team will continue to have discussions and determine whether they have
9 enough information or if additional analyses are needed.
10

11 Joe Buchanan, WDFW, said since the majority of the model is already built that there would only be
12 costs associated with modifications of the grow out period. He said the challenge ahead is to
13 determine the overall funding needed to bring the key modelers together. He suggested that it would
14 be best to determine this sooner rather than later.
15

16 Paula Swedeen voiced support of the 100-year model and amending the model sooner rather than
17 later.
18

19 Tom Laurie asked if aggressively controlling the barred owl is the quickest way to help the spotted
20 owl. Buchanan responded that an Environmental Impact Statement was recently completed by the
21 USFW to evaluate the effects of the management of barred owls. This effort is set to begin on the
22 ground sometime in the next 12 months. He also said that having a reduced number of barred owls
23 across the landscape is the quickest way to help the spotted owl. He also said having a reduced
24 number of barred owls should greatly help both species coexist.
25

26 **NORTHERN SPOTTED OWL IMPLEMENTATION TEAM NEXT STEPS**

27 Lauren Burnes, DNR, provide a brief update what the Team will be working on:

- 28 • Continue to explore conservation funding options for the Rivers and Habitat Open Space
29 program.
30 • Explore scope and structure of the Safe Harbor Agreements.
31

32 **TFW POLICY COMMITTEE’S 2014 ACTIVITIES**

33 Stephen Bernath and Adrian Miller, Co-chairs provided an update on past activities and a status of
34 2015 activities.
35

36 Tom Laurie acknowledge the tremendous amount of work accomplished last year and appreciates the
37 work done by all the stakeholders.
38

39 2015 projects will include:

- 40 • Type F - Conducting an electro-fishing workshop and two off-channel habitat field trips
41 • Bull Trout Overlay Project recommendations
42 • Board Manual guidance on Type N Water
43

44 At the May meeting Miller and Bernath will provide a recap of the field trips and a water typing
45 status update.
46

1 Bernath also provided an update on the recently completed bull trout overlay study that is currently
2 before Policy for action. He said that at the last Policy meeting consensus could not be reached on an
3 action moving forward. He said a request for dispute resolution is highly likely.
4

5 Everett asked if the 2015 work plan is manageable. Bernath responded that Type F will consume a
6 majority of Policy's time in the spring. He said depending on the outcome of concern on the bull trout
7 overlay study, would still be a priority to reach consensus. He said they are also aware and await the
8 Board's decision on the small forest landowner alternate plan template and how that will influence
9 their workload.
10

11 **CMER COMMITTEE'S 2014 ACCOMPLISHMENTS**

12 Mark Hicks, Department of Ecology, presented CMER's accomplishments for 2014, which included:

- 13 • Three studies and a revised Wetlands Research Strategy delivered to Policy;
- 14 • Four study reports completed;
- 15 • Substantial progress made towards completing the Type N Hardrock Study;
- 16 • Three new studies using the pilot lean process;
- 17 • Conducted extended monitoring on several projects; and
- 18 • Stayed on budget.

19
20 Todd Baldwin, Kalispel Tribe, provided highlights on the following:

- 21 • Bull Trout Overlay Project; and
- 22 • Type N Forest Hydrology Study.

23
24 Everett noted the excellent work done by the science members and thanked the co-chairs for their
25 commitment.
26

27 **PUBLIC COMMENT**

28 Chris Mendoza, CMER member, stated that CMER does not make policy recommendations to Policy
29 as reported earlier in the meeting. He said Board Manual Section 22 details the process for CMER
30 and Policy for dealing with completed studies.
31

32 Peter Goldman, WFLC, said the most important item on the Board's work plan is developing a
33 permanent water typing rule. He said that it is not as complex as stated earlier. He said that there is
34 agreement with a vast majority of caucuses including the Federal caucus on what a permanent rule
35 could and should look like. He said some caucuses are raising issues that appear to be stalling tactics
36 and the need to renegotiate the commitments in the Habitat Conservation Plan.
37

38 **PUBLIC COMMENT ON THE RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE 39 REPORT**

40 Doug Hooks, WFLC, encouraged the Board to accept Policy's recommendation and take no action.
41

42 **RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE REPORT**

43 Chris Hanlon-Meyer, DNR, presented CMER's finalized report titled "Riparian Management Zone
44 Resample (birds) Final Report". He said that scientists revisited study sites 10 years post-harvest to
45 examine potential effects on the bird species assemblage over the longer-term. He said the study
46 found no significant harvest treatment effects on bird response based on their total abundance,
47 richness and the responses of the large majority of individual bird species. He recommended the
48 Board accept the report and Policy's recommendation to take no action on the study.

1 Dr. Mark Hayes, WDFW, said the original study was done based on pre Forests and Fish rules,
2 however when the study was implemented the application of those treatments was somewhat
3 irregular. He said that it was designed to have the set of treatments with state buffers and the buffer
4 widths in those treatments were more variable than the intended application. He said the results
5 demonstrated that the buffers larger than the range now applied to fish bearing streams were adequate
6 in context with the bird portion of the study. While the original study was not designed to address
7 non-fish bearing streams it did show basic support of the rule.

8
9 Tom Laurie asked if the mix of species change or was one dominant over the others. Hayes
10 responded that there was some change in species that had mostly to do with an increase in species
11 richness.

12
13 Paula Swedeen asked what range of bird species were sampled and if there was any analysis of the
14 effects of buffers widths in a landscape context. Hayes responded that the study covered all birds that
15 could be detected and the only restrictions were because of the broad geographic scope that some
16 species were excluded because of geographic boundaries.

17
18 Everett asked what the next steps are and whether there were additional studies to follow. Hayes
19 responded that there are no immediate plans at this time to design a study that builds on this one.

20
21 **MOTION:** Heather Ballash moved the Forest Practices Board accept TFW Policy Committee's
22 recommendation to take no action on the Riparian Management Zone Bird Resample
23 Report.

24
25 **SECONDED:** Court Stanley

26
27 **ACTION:** Motion passed unanimously.

28
29 **PUBLIC COMMENT OF SMALL FOREST LANDOWNER ALTERNATE PLAN**
30 **TEMPLATE**

31 Vic Musselman said he supports the proposed template and urged the Board to accept it and move it
32 through the process.

33
34 Mary Scurlock, Conservation Caucus, asked the Board to defer action on the proposal initiation to
35 allow for additional screening by DNR to ensure that it meets the requirements of an alternate plan
36 template. She also shared their concern regarding Policy's workload and the impact this project
37 would have on current assignments.

38
39 Stephen Bernath, Department of Ecology, stated that timing for this proposal moving forward is an
40 issue for Policy and encouraged WFFA to meet with the different caucuses to discuss the proposal
41 content to better understand their goal and to have even a better product before going to the Adaptive
42 Management Program Administrator (AMPA).

43
44 Sam Comstock said he supports WFFA's proposal for an alternate plan template.

45
46 Karen Terwilleger, WFFA, said they support the proposal moving forward to get the process started.

1 **SMALL FOREST LANDOWNER ALTERNATE PLAN TEMPLATE**

2 Elaine Oneil, WFFA, presented an Alternate Plan Template Proposal Initiation for Westside riparian
3 management zones. She indicated the template development has been a very extensive process that
4 included input on the proposal initiation and content requirements from DNR, template ideas from
5 more than 40 small landowners coupled with the development of scientific rationale by a fish
6 biologist with extensive experience in the CMER process and external review by an independent
7 peer.

8
9 She said the proposal includes five elements required for the proposal initiation process and that she
10 would focus on three elements: level of urgency, outstanding agreements and best available science.

11 She requested the Board to

- 13 • Direct the AMPA to place the proposed alternate template into the program for CMER and Policy
14 review;
- 15 • Provide a reasonable timeline for review and decision on approval of the template and its
16 revisions; and
- 17 • Approve recommendations from the Adaptive Management Program for including the template in
18 a revision to the Board Manual and guidance documents.

19
20 Marc Engel, DNR, reviewed the next steps in the process and acknowledged that the proposal
21 initiation is a complete packet. He said staff recommend that the Board accept the proposal and ask
22 the AMPA to provide a timeline and list of tasks needed to execute the proposal through the process.

23
24 Paula Swedeen asked at what point in the process would we determine whether it was a template or a
25 rule. Engel responded that the AMPA does not decide whether rule or guidance, it would be
26 discussed among the stakeholders and possibly figured out through the discussion.

27
28 Joe Stohr stated that while he would like to move the proposal forward he sees the waiting period to
29 be long and does not want to over burden staff.

30
31 Bob Guenther stated he supports the proposal moving forward today and understands the timing may
32 not be right due to competing priorities, however having a path forward is better than no movement
33 at all.

34
35 **MOTION:** Joe Stohr moved the Forest Practices Board accept Washington Farm Forestry
36 Association's Alternate Plan Proposal Initiation. He further moved the Board direct
37 the TFW Policy Committee to review the proposal sufficiently to provide to the Board
38 at their May 2015 meeting a timeline along with identified tasks needed to fully
39 evaluate the proposal.

40
41 **SECONDED:** Bob Guenther

42
43 Board Discussion:

44 Everett acknowledged the amount of work involved in preparing the proposal and said he appreciates
45 the understanding of the small landowner community as far as the next steps to come.

46
47 **ACTION:** Motion passed unanimously.

1 **PUBLIC COMMENT ON BOARD’S 2015 WORK PLAN**

2 Mary Scurlock, Conservation Caucus, stated that there is no consensus as stated earlier in the day
3 relating to the Type N progress – rather the process is stalled. She said that perhaps the group is at an
4 impasse to develop draft guidance and suggested the DNR initiate a board manual process to deal
5 with in that forum. She also suggested that the Board ask Policy for a detailed progress report for the
6 August meeting.

7
8 **2015 WORK PLANNING**

9 Marc Engel, DNR, reviewed some of the targeted completion dates with the Board. He also indicated
10 some revisions to the completion dates—Section 7 and riparian management zone (RMZ)
11 clarification rule making changes from August to November and Clean Water Act update at the May
12 meeting.

13
14 Tom Laurie supported the RMZ clarification rulemaking as this is a result of the Compliance
15 Monitoring program.

16
17 Everett stated he is inclined to leave the Type N completion date as August until more is known. He
18 said the Board can review the work plan again at the May meeting and make any additional changes
19 at that time.

20
21 Swedeen requested that the Board ask Policy to provide a status report on Type N at the May
22 meeting. Everett agreed, and asked Policy to include the update in their staff memo on priorities.

23
24 Everett also noted the change to the work plan at the May meeting depending on the
25 recommendations on the small forest landowner template.

26
27 **MOTION:** Bob Guenther moved the Forest Practices Board approve the 2015 Work Plan as
28 modified today.

29
30 **SECONDED:** Carmen Smith

31
32 **ACTION:** Motion passed unanimously.

33
34 **DEPARTMENT OF ECOLOGY’S NONPOINT PLAN**

35 Stephen Bernath, Department of Ecology (DOE) reviewed with the Board the relationship between
36 the Board and the Clean Water Act and how the nonpoint plan fits in as described in the Forest
37 Practices Act, RCW 76.09.010. He also shared the basics of the Clean Water Act which includes the
38 water quality standards for the State are set by DOE and the effectiveness monitoring is done by the
39 Adaptive Management Program.

40 Ben Rau, DOE, provided a brief history and then described how the nonpoint plan is being
41 developed. He said that the Environmental Protection Agency (EPA) recognizes that pollution from
42 nonpoint sources remains the leading cause of impairment to the nation’s waters.

43
44 He said the report will cover all nonpoint pollution along with urban storm water, agriculture, septic
45 systems, marinas/recreational boating, and forestry. He said the Forest Practice Rules and the
46 adaptive management process will also be included in the plan.

1 He said the plan must be submitted to EPA by June 30, 2015 and the process will include public
2 participation.

3

4 Everett asked Rau to return in May for an update since the report will be farther along.

5

6 **EXECUTIVE SESSION**

7 None.

8

9 Meeting adjourned at 2:50 p.m.

10

1 **FOREST PRACTICES BOARD**
2 **Adaptive Management Program Science Conference**
3 **February 11 & 12, 2015**
4 **OB2 Auditorium, DSHS Building, Olympia, Washington**
5

6 Board Members attended the science conference to hear updates on studies that may come before
7 them for action in the future. The studies included:

- 8 • Type N Experimental Buffer Treatment Study – Hard Rock
- 9 • Wetlands Research Strategy
- 10 • Eastern Washington Type N Forest Hydrology Study
- 11 • Effectiveness of Riparian Management Prescriptions in Protecting and Maintaining Shade and
12 Temperature
- 13 • Eastern Washington Riparian Assessment Project (EWRAP)
- 14 • Stream-Associated Amphibian Response to Manipulation of Forest Canopy Shading
- 15 • Breeding Bird Response to Riparian Buffer Width
- 16 • Riparian Hardwood Conversion Study

17
18 Conference ended at 3:00 p.m.