

Timber, Fish, & Wildlife Policy Committee  
 March 6 and 7, 2014 Meeting Summary

Decisions and Actions from Meeting

| Decision  | Notes  |
|---|--|
| 1. Add an appendix page to the CMER workplan that notes the comments about the Type N performance targets and the update on unstable slopes rule group. | Agreement by all caucuses  |
| 2. Approved the FY 15 CMER workplan unanimously.  | Consensus by all caucuses  |
| 3. Accepted the February meeting summary.   | Agreement by all caucuses  |
| 4. Accepted study objectives, problem statement, and critical research questions for the Westside Type F Buffer Effectiveness Study.                    | Agreement by all caucuses  |
| 5. Agreed upon next steps to address Type F Task from the Board.  | Consensus by all caucuses except federal caucus, which abstained in effort to check in with caucus |

| Action   | Assignment             |
|--|------------------------|
| 1. Update the parking lot.   | Claire Turpel          |
| 2. Set up meeting (call) to address other caucuses' questions on landowner caucus's Type N data. | Large Landowner Caucus |
| 3. Draft March meeting summary.  | Claire Turpel          |

-----**Day 1: March 6, 2014**-----

**Welcome, Introductions, & Announcements** – Stephen Bernath and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed the group and led introductions (*see Attachment 1 for a list of participants*). It was announced that Dave Powers retired from the Environmental Protection Agency (EPA), so Erik Peterson and Tom Eaton will be the EPA contacts moving forward. As the federal caucus representative, Marty Acker can distribute contact information.

This meeting focused on clarifying questions to the CMER representatives present about the workplan for FY 15 and the changes they made. Typically, Policy reviews and approves the workplan in March and then reviews/approves the budget in April, which is when they can set priorities. Reviewing the CMER workplan gives Policy the opportunity to re-affirm projects and/or ask questions to CMER about studies and their progress.

**Budget Update** – Chris Hanlon-Meyer from the Department of Natural Resources (DNR) briefly reviewed the state of the Adaptive Management Program (AMP) budget. DNR is looking into a discrepancy in the amount of appropriation the Department of Revenue provided for the AMP and what budget the AMP anticipated in early 2013. DNR intends to report more fully on this at the April Policy meeting, and anticipates that the impacts on CMER projects will have minimal effect.

**CMER Workplan** – Mark Hicks reviewed CMER projects' status and revisions, and the changes CMER made to the FY 15 workplan. This summary is below:

New Projects:

- One new project was added to the 2015 CMER workplan.
  - Forested Wetlands Effectiveness Project
- Work began on three projects using the pilot TWIG process:
  - Eastside Type N Riparian Effectiveness (working on study designs)
  - Westside Type F Effectiveness (clarifying with Policy the purpose and critical questions)
  - Road Prescription Effectiveness (TWIG formed but progress uncertain)
- It is feasible that CMER will begin at least three more studies during FY 15/16.
  - Unstable slopes criteria project
  - Extensive Riparian Status and Trends Monitoring – Eastside Type Np
  - Van Dyke's Salamander (FY 16)
  - Forested Wetlands Effectiveness Monitoring

Completed Projects:

- No CMER projects were completed since the workplan was last revised.
- Expect six projects to be completed in FY 14 or FY 15:
  - Eastside Type F BTO Temperature
  - Eastside Type N Forest Hydrology Study
  - Amphibian Buffer Integrity – Shade Effectiveness
  - Tailed Frog Literature Review
  - Extensive Riparian Status and Trends Monitoring – Westside Type Np and F
  - RMZ resample (birds)
- Expect three more to be completed in FY 16:
  - Type N Effectiveness Study in Hard Rock Lithology
  - Riparian Hardwood Conversion (note 10-yr resample planned for 2016)
  - Eastside Washington Riparian Assessment Project (EWRAP)

Policy Mediated Changes:

- Policy recommendations from Type N Strategy were added to projects throughout the workplan as changes to the critical questions.

*Question and Discussion:* One Policy member asked what the process is for getting a new study added to the workplan. There are many ways to do that, including a caucus bringing it forward or the Board directing the AMP to incorporate it. It is important to bring up any potential new studies early so there is time to incorporate it into the planning process. The process is detailed more in the Board Manual, Section 22, Part 3.

After the overview of new and completed projects, Mark Hicks went through each rule group individually and addressed questions.

Type N Riparian Prescriptions – Questions and Discussion:

- It was asked if clarifying the performance targets should be added to the parking lot for Policy to address at a later date. Effectiveness studies are in progress and are proposed, which compare study results to the performance targets. This was added to the parking lot.
- One Policy member asked about the current status of the Type N Hard Rock study. There are a total of 17 chapters, 8 of which have been through CMER review. One chapter is a conclusions chapter that will not be written until all the other chapters have gone through CMER review. That leaves 8 chapters yet to go through CMER review, which they hope to complete before the end of June 2014. Once all the chapters have been reviewed, the study will go to independent scientific peer review (ISPR). CMER decided to group the chapters into 6 separate products for ISPR.
- It was asked how CMER will address the budget shortfall. CMER will discuss how to address the budget shortfall when they meet at the end of March. So far, many CMER members have met individually to start working on budget recommendations while minimizing loss or delay on projects. CMER will give Policy recommendations in April for how to address these shortfalls.
- Policy discussed the comments on page 26 of the workplan that note that changes to the performance targets may mean a change to Schedule L-1, which would affect the Habitat Conservation Plan (HCP). It was added to the parking lot that the AMP should consider how these changes would affect the HCP, if at all. Reviewing the performance targets completes a Clean Water Act milestone, though that was mostly completed through the adoption of the Type N Strategy in 2013 with the assumption that the AMP will carry out the strategy. Policy agreed that they liked the notes in the comments on page 26, so they will create an appendix page for the CMER workplan that notes this without having to revise anything in the workplan, which would involve another CMER review.

Type F Riparian Prescriptions – Question and Discussion:

- The red alder Growth and Yield Model Project (page 85) may be updated through work that Oregon State University is doing through their modeling.

Unstable Slopes – Question and Discussion:

- It was noted that there have been some recent developments for this Rule Group that are not reflected in the workplan, which come from the recommendations from Policy just presented to the Board in February. This includes the response to the post mortem study and the Technical Writing Implementation Group (TWIG) process on the unstable slopes criteria project. If these do not go into the workplan, they will be added to the appendix that will already have the notes on the Type N performance targets.

Fish Passage – Question and Discussion:

- It was noted that it would be good to have more fish experts involved in the CMER discussions, since there is a rule group devoted to fish passage. This was added to the parking lot.

Wetlands Protection – Questions and Discussion:

- It was noted that it would be good for Policy to know more about what the Wetlands Scientific Advisory Group (WETSAG) is doing. WETSAG is developing a strategy that will include critical questions, which will likely require a lot of effort and is a priority for the Clean Water Act.

- One issue in the field is fish use of wetlands; it was asked if that would be covered by WETSAG or ISAG. This could be captured using the existing WETSAG group since ISAG is not currently convened. There are some thoughts about resurrecting ISAG but there is a challenge in finding enough people for all the SAG positions.

Intensive Watershed-Scale Monitoring to Assess Cumulative Effects – Question and Discussion:

- Looking at the various types of monitoring was added to the parking lot. This needs more homework before it goes to Policy for discussion.

Note: the remaining rule groups not listed above had no comments or discussion at the Policy meeting.

*Decision:* The FY 15 CMER workplan was approved unanimously.

**Biennial Budget Process** – The Co-Chairs reviewed the new process that will start in 2015 to get the AMP on the same biennial cycle as the state Legislature. In odd-numbered years, Policy will review the CMER biennial workplan and biennial budget. In even-numbered years, Policy will compare the current budget to the Master Project Schedule, and make any budget tweaks, if necessary. This process will help relieve CMER of the burden of looking at the CMER workplan and budget every year, but will be more challenging to think about work in the next two years instead of just one year. It was suggested that doing 2-day meetings as a “retreat” helps with those who have to travel as well as going more in depth into the review process.

The Master Project Schedule will go to the Board for the first time in May 2014. This will help the Board know how much money to allocate from the Forest & Fish Support Account.

There was some discussion about whether or not the AMP funding bill would pass and the effects on the AMP.

*Note: A week after the meeting, the AMP funding bill died in the legislature so there will need to be further discussion about next steps now that the status of the funding request is known.*

**Biennial Budget Cycle** – The Co-Chairs reviewed the budget and Master Project Schedule documents. The Master Project Schedule originally came from the settlement agreement in 2011, and was approved by full Policy in December 2012. There is also a list of other projects that are in the CMER workplan but not in that December 2012 version of the Master Project Schedule, which should be considered as well. The Master Project Schedule is intended to be the baseline for where projects should be in future years, and can be the comparison to the current budget in future years to see how much the AMP has drifted. The Master Project Schedule’s prioritization is not intended to ignore the prioritization that CMER has done, but it does bring a new set of priorities.

**AMP 6-month Budget Update** – Amy Kurtenbach and Howard Haemmerle from DNR reviewed the AMP budget line-by-line as requested by Policy. Some highlights are included below:

- The Type N Experimental Buffer Treatment – Hard Rock studies include re-sample and writing components. A lot of the contracts were not signed until late fall 2013, so there has not been as much progress as anticipated.
- The Eastside Type N Characterization – Forest Hydrology study is at SAGE; they hope to have this back to CMER for review in the next several months.
- The Eastside Type N Riparian Effectiveness study was split by Policy into two components: one study on dry intermittent streams and the other on perennial streams. The dry intermittent component will start in April or May 2014, depending upon snowmelt, and will use the same sites as the Forest Hydrology study. CMER will need to move quickly on this in order to be in the field at the right time. Rick Woodsmith will be the lead writer for the perennial component, which does not have the same rush for data collection.
- The Bull Trout Overlay Temperature (Eastside Riparian Shade/Temperature) study has just been completed after 12 years of ongoing work. This is a major accomplishment.
- The Eastside Type F Riparian Effectiveness Monitoring study has only one more site to sample so there may be a possibility for budget savings.
- The RMZ re-sample (birds) study is moving along and will likely have a remaining balance due to Weyerhaeuser's help, which has kept costs low.
- In general, it was mentioned that a project does not move along quickly unless it has a champion. Policy briefly discussed the need for champions for all these projects, which is tough given the lack of human resources.

Policy thanked Amy and Howard for reviewing the budget so thoroughly, and recessed at 3:00pm.

-----**Day 2: March 7, 2014**-----

**Welcome & Introductions** – The Co-Chairs and facilitator reminded Policy of the ground rules laid out in the approved Board Manual, Section 22, and a new poster that reminds caucus leads to only make comments when they are relevant and necessary to the conversation. This is not intended to stifle discussion at Policy meetings; this is only a reminder for people to be self-aware whether their comment is worth mentioning or if it has already been said in the conversation. Caucus leads are responsible for inviting others in their caucus speak.

**Announcements** – Stephen Bernath updated Policy on the Washington Watershed Restoration Initiative. This coalition of natural resource agencies lobbies the Washington Congressional delegation every spring to ensure enough funding in the Forest Service budget to fix roads (also known as the Legacy Roads Fund). Many caucuses expressed support for this effort, and it was noted to add to the parking lot how to make a stronger coalition on environmental issues.

**Board Manual Update** – Marc Ratcliff updated Policy on the effort to update the Board Manual. Because Type F is now a top priority, DNR will postpone the stakeholder processes until after the May Board meeting, and then see if the AMP workload can accommodate those stakeholder groups for updating Section 22 and also having a general discussion about updating other Sections. There is still an intention to do this work before the end of 2014.

**February Meeting Summary** – No edits on the meeting summary; it was accepted unanimously.

**CMER Update**

- All the TWIGs are getting underway; this has been CMER's main focus recently.
- The Hard Rock Lithology study is progressing and CMER should have the next chapter to review by the next meeting.
- The Hardwood Conversion study remains in the Riparian Scientific Advisory Group (RSAG), but the authors are working on moving this along.
- CMER notes that if the AMP wishes to continue completing projects at the anticipated rate, they will need more research resources. CMER will also continue tinkering with the LEAN process to increase efficiency.
- CMER has learned that it takes a champion to move a study through the TWIG process; even hiring an external Principal Investigator takes an internal champion.

**Westside Type F Buffer Effectiveness Study** – The Co-Chairs and facilitator reminded Policy of the revised TWIG process that includes two times when the TWIG brings early documents for Policy approval. For this study, this is the first check-in with Policy, meant to review the study objectives, problem statement, and critical research questions. After Policy approves this step, the TWIG will conduct a best available science review and develop study design alternatives, then CMER will review those, then they will go to Policy for a second check-in.

The TWIG members produced a memo that outlines the study objectives, problem statement, and critical research questions, which are primarily from the CMER workplan. Policy discussed the temporal nature and the focus of this study. This study is part of a larger strategy from the rule group; it is short-term and focused on buffer effectiveness, though other studies in the rule group will be longer-term. Policy also discussed meeting the performance targets laid out in Schedule L-1 as well as meeting Desired Future Conditions (DFC). The TWIG will tease out more of these nuances in their next check-in with Policy. Policy noted for the parking lot that at some point, Policy should look through the program strategy to see how this particular study fits into the larger rule group strategy. Once the TWIG brings the study design alternatives back, Policy can determine if the TWIG/CMER recommended study design adequately addressed this discussion in March 2014. Overall, Policy resolved two questions about this study: 1), this study should look at unmanaged stands and 2), this study is a short-term study.

*Decision:* All caucuses supported accepting this document and passing it back to the TWIG to review best available science and develop study design alternatives.

**Type F** – At the February 11, 2014 Forest Practices Board meeting, the Board motioned for two categories of work to address Type F issues. The first part is for Policy, which focuses on questions about electrofishing and off-channel habitat. The second part is for DNR, focused on updating the model using Light Detection and Ranging (LiDAR) data.

*Steps to Address Policy's Task from the Board* – The Co-Chairs drafted next steps for Policy to consider for completing their tasks from the Board. Policy focused on affirming those next steps and then

assigning the various steps to different caucuses. There may be a need for special meeting(s) to accomplish these tasks. Policy members live-edited the next steps document until everyone agreed on the general direction forward (*see Attachment 4*). There was some discussion about what types of species Policy should address in this effort, either Endangered Species Act (ESA) species or Incidental Take Permit species.

*Note: It was determined after the meeting by DNR's Board staff that while the original Board motion included all ESA species, the Board's conversation changed to include only the Incidental Take Permit species.*

*Decision:* All caucuses voted to support these next steps, with the exception of the federal caucus which needs to check-in with the fuller caucus before fully voting yes. It was not anticipated that there would be any change in the positive support from the federal caucus.

After approval of the next steps, an email was distributed that outlines the assignment for various caucuses and the request for all caucuses to quickly indicate their availability for the first Policy meeting on electrofishing.

*Steps to Address DNR's Task from the Board* – Marc Engel updated Policy that DNR will be reaching out to talk about the model attempt in 2005. They have confirmed that it is still in DNR's possession and they have the original model run. Once DNR has that information, they will reach out to the ISAG members to determine a manner in which it is possible to re-run the model using LiDAR data. DNR anticipates having a substantial update to the Board at the May 2014 Board meeting.

DNR's State Lands Division has run a hydro layer using LiDAR data, which could help the Forest Practices Division in updating the stream typing model. They need quality data to run the LiDAR and need to find basins that have had forest practices activities within. DNR will keep in mind the areas where the old model worked well.

**Type N Proposal Initiation** – The large landowner caucus removed the proposal initiation from consideration at this meeting. The intent is not to continue punting this, but to allow for some workload capacity in the coming months to adequately address Type F.

A few people from other caucuses have indicated questions to the landowner caucus about their data. The landowners will set a meeting to address those questions with the people who are interested.

**Type N** – Stephen Bernath updated the group on the status of the last Type N policy subgroup meeting (March 3). A few issues have complicated the conversation, including the landowners' proposal initiation and the Quinault lawsuit on channel migration zones. The Co-Chairs proposed pausing Type N for 3 months until Policy has more workload capacity to adequately address the issues. It has been tentatively put on the June 2014 Policy agenda. In the meantime, the Co-Chairs will try to draft next steps for addressing Type N, like they did with Type F.

**Legislative Update** – The AMP funding bill (SB 6478) is on the Senate calendar but not on the Order for Consideration. Policy speculated on the outcome of this but was not sure at the meeting. A week after the meeting, the bill did not get voted on by the Senate so was not passed.

Other bills of note:

- HB 2192 passed out of both houses and has a mild impact on DNR.
- SB 6041 passed out of both houses and has additional authority for DNR to deal with active and perennial squirrel nests.
- HB 2251 is in the Senate. This would require DNR to be part of the fish passage barrier removal board.

The meeting adjourned at 3:30pm.

Attachment 1 – Participants by Caucus at 3/6/14 and 3/7/14 Meetings

**Conservation Caucus**

\*Mary Scurlock  
Chris Mendoza

**County Caucus**

\*Kendra Smith, Skagit County

**Federal Caucus**

\*Marty Acker, USFWS

**State Caucus – Ecology & WDFW**

\*Stephen Bernath, Ecology (Co-Chair)  
Mark Hicks, Ecology  
\*Terry Jackson, WDFW

**State Caucus – DNR**

\*Marc Engel, DNR  
Chris Hanlon-Meyer, DNR  
Marc Ratcliff, DNR

\*Caucus leads

**Others**

Bill Eihinger, Ecology  
Howard Haemmerle, DNR  
Marc Hayes, WDFW

**Landowner Caucus – Nonindustrial (small)**

\*Dick Miller, WFFA

**Landowner Caucus – Industrial (large)**

Harry Bell, Green Crow  
Doug Hooks, WFFA  
\*Karen Terwillegger, WFFA

**Tribal Caucus – Eastside**

Todd Baldwin, Kalispel Tribe  
\*Marc Gauthier, UCUT

**Tribal Caucus – Westside**

Mark Mobbs, Quinault Nation  
\*Jim Peters, Northwest Indian Fisheries  
Commission  
Nancy Sturhan, Northwest Indian Fisheries  
Commission  
Curt Veldhuisen, Skagit River Systems  
Cooperative

Amy Kurtenbach, DNR  
Aimee McIntyre, WDFW  
Claire Turpel, Triangle Associates  
Bob Wheeler, Triangle Associates



Attachment 2 – Ongoing Priorities Checklist

| Priority   | Assignment                                | Status & Notes   |
|--|---|--|
| <b>Type N</b>                                    | Type N policy subgroup                    | On hold until Type F workload lessens.   |
| <b>Type F</b>                                    | Board                                     | Technical and Policy level meetings being scheduled for April, westside off-channel habitat field trip being scheduled before May 12/13 Board meeting.           |
| <b>Adaptive Mgmt Program Reform Rule Changes</b> |   | Accepted by Board at August meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings. |
| <b>Mass Wasting Report Findings Package</b>      | DNR                                       | Waiting for DNR's written description of the process, at April Policy meeting.   |
| <b>Ongoing CMER reports reviewed by Policy</b>   | Mark Hicks & Todd Baldwin, CMER Co-Chairs | CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy                            |

\*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

| Entity, Group, or Subgroup                 | Next Meeting Date | Notes   |
|--|-------------------|---|
| <b>Forests &amp; Fish Policy Committee</b> | April 3, 2014     | Focused mainly on the annual AMP budget and Master Project Schedule.  |
| <b>CMER</b>                                | March 25, 2014    |   |
| <b>Type N Policy Subgroup</b>              | TBD               | On hold until Type F workload lessens.  |
| <b>Type F Subcommittee(s)</b>              | TBD               | Technical and policy meetings on electrofishing and westside field trip on off-channel habitat being scheduled. |
| <b>Forest Practices Board</b>              | May 12 & 13, 2014 | May 12: Work session on Type F<br>May 13: Regular Board meeting   |

Attachment 4 – Approved Next Steps for Type F Tasks (approved by Policy on March 7, 2014)

The Co-chairs propose the following process to implement the FPB motion. The general model for each topic is to provide a clear overview of the current process and if appropriate collect relevant information for presentation to Policy. Policy will identify any remaining concerns and propose and discuss any remedies for those concerns. While some of this work will require technical groups, we anticipate identifying at least one Policy representative to be responsible for coordinating the people, tasks, and deliverables for each action proposed.

Direct impacts to fish...

**Type F/N Break Dispute Resolution Board Motion Passed 2/11/2014 is in italicized font.**

*I move the Forest Practices Board initiate actions to remedy the Type F water concerns outlined in the majority and minority recommendations of the TFW Policy committee caucuses by obtaining additional information and directing additional work by Policy. These steps are essential for the Board to consider making a final determination of the appropriate approach to take in the development of a permanent water typing rule.*

*I further move the Board and Policy work plans be amended to reflect the following:*

- 1) *Policy is directed to complete recommendations for options on a permanent water typing rule, beginning with two tasks to be completed and reported to the Board at the May 2014 meeting:
  - a) *Development of “best practices” recommendations regarding protocol survey electrofishing, including an evaluation of relevant literature, minimizing potential site-specific impacts to Incidental Take Permits-covered species, and options for reducing the overall extent of the survey’s use;**

**Policy Plan of Action for 1a.**

1. Review how electro-fishing is used in the context of the existing water typing system.
  - a. Current interpretation of the rule and DNR’s process for review of FPAs including:
    - i. How does DNR use the electro-fishing as it pertains to WTMFs? The intent is to review current processes as they are to be implemented.
    - ii. Review protocol contained within Board Manual Section 13.
    - iii. Other relevant policy guidance.
  - b. Extent to which electro-fishing is or is not covered under the HCP. Is electrofishing precluded under the HCP?
  - c. Implementation of the protocol in the field by practitioners (qualified surveyors and review team participants).
  - d. Explain permitting processes for federal and state scientific collection permits, including:
    - i. Purpose of permits?
    - ii. What do permits cover? (take?)
    - iii. What data is collected from permits/annual reports?
    - iv. What guidelines are associated with these permits?
  - e. Based on Policy discussion on the information provided in 1(a) through (c), Policy will provide further guidance to a technical group that will collect and present to Policy the following:
    - i. Evaluation of relevant literature on the risks of electro-fishing to Incidental Take Permits-covered species.

- ii. What information can be brought forward from the permitting system (for electro-fishing) that may inform the discussion on risk.
  - iii. Understand frequency/extent (including exposure of listed and non-listed species) of use of protocol surveys for water typing vs. other methods such as IDTeams, etc.
2. Based on the information provided in Section 1, Policy may develop a range of Options to develop “best practices” recommendations for the use of electrofishing, including:
  - a. Options to reduce frequency/use of electrofishing
  - b. Options to minimize potential site specific impacts to Incidental Take permits-covered species.
  - c. Comparison of alternatives, including pros and cons, such as relative cost and accuracy/precision, of using different options to describe the extent of fish use .
    - b) *An evaluation of the current rule process to identify off-channel habitat under the interim water typing rule, including recommended clarifications in field implementation guidance, or rule language. The evaluation must be based, in part, on field review of approved Forest Practices Applications and water type modification forms.*

**Policy Plan of Action for 1b.**

1. Review of implementation of existing rules.
  - a. Explanation by DNR on how they implement the current rule to identify off-channel habitat and DNR’s approval process for an FPA.
  - b. General explanation of the relative frequency of different types of off channel habitat encountered on FPAs.
2. Field Review of examples of off channel habitat and how it is addressed practically and procedurally.
  - a. DNR field review discussion.
  - b. Landowner presentation on how they identify and buffer off channel habitat.
  - c. Opportunity for other stakeholder input.
3. Discussion on any need for recommended clarifications in field implementation guidance, or rule language, or need for additional information.

*Policy shall accomplish these tasks through the formation of technical subgroups or other means, as needed, to complete work by the established deadline.*