

1 **FOREST PRACTICES BOARD**
2 **MEETING MINUTES**
3 August 13, 2008
4 Natural Resources Building
5 Olympia, Washington
6
7

8 **Members Present:**

9 Vicki Christiansen, Chair Designee of the Board
10 Bridget Moran, Designee for Director, Department of Fish and Wildlife
11 Carolyn Dobbs, General Public Member
12 Dave Somers, Snohomish County Commissioner
13 Doug Stinson, General Public Member/Small Forest Landowner
14 Norm Schaaf, General Public Member
15 Sherry Fox, General Public Member/Independent Logging Contractor
16 Tom Laurie, Designee for Director, Department of Ecology
17

18 **Members Absent:**

19 Ann Wick, Designee for Director, Department of Agriculture
20 Brent Bahrenburg, Designee for Director, Community, Trade and Economic Development
21 Bob Kelly, General Public Member
22 David Hagiwara, General Public Member
23

24 **Staff:**

25 Lenny Young, Forest Practices Division Manager
26 Chuck Turley, Forest Practices Assistant Division Manager
27 Neil Wise, Assistant Attorney General
28 Patricia Anderson, Rules Coordinator
29 Danielle Sayers, Board Support
30

31 **WELCOME AND INTRODUCTIONS**

32 Vicki Christiansen called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m.
33 Introductions were made by Board, staff and attendees. Danielle Sayers, Department of Natural
34 Resources (DNR or Department), provided an emergency safety briefing.
35

36 **APPROVAL OF MINUTES**

37 **MOTION:** Sherry Fox moved to approve the May 21, 2008 meeting minutes.
38

39 **SECONDED:** Carolyn Dobbs
40

41 Board Discussion:

42 Tom Laurie requested that the sentence on page 7, lines 17 and 18 be changed to read, "All the rules
43 DNR promulgates must be approved by DOE to assure they are CWA compliant before the Board
44 can adopt them."
45

46 Laurie also added that the correct spelling is "thermistors" on page 8, lines 2 and 5.
47

48 Staff corrected the rule citation on page 9, line 1 to be WAC 222-30-060 and -070.

1 ACTION: Motion passed unanimously.

2
3
4 MOTION: Doug Stinson moved to approve the June 10, 2008 meeting minutes.

5
6 SECONDED: Bridget Moran

7
8 ACTION: Motion passed unanimously.

9
10
11 MOTION: Norm Schaaf moved to approve the July 7, 2008 meeting minutes.

12 .
13 SECONDED: Doug Stinson

14
15 Board Discussion:

16 Norm Schaaf said a duplicate sentence on page 2, lines 30-31 should be deleted.

17
18 Christiansen added that the number “6” should be removed from the sentence on page 3, line 35.

19
20 ACTION: Motion passed unanimously.

21
22 **PUBLIC COMMENT**

23 Norm Schaaf, commenting as a private landowner on the proposed “Trees and Houses” rules, said
24 that a wind storm on November 12, 2007 caused damage to trees on his property. He explained that
25 many trees blew down and that the wind blew out the tops and branches of many other trees. After
26 the storm, he found that the tops from two sixty-foot trees were blown a distance of 90 feet and 110
27 feet away from the trees. Because of this, he recommended that the Board modify the proposed
28 “Trees and Houses” rules to allow either the removal of hazard trees within 125 feet of a local
29 government approved residence or 150 percent of the height of the tree, whichever is greater.

30
31 Ken Miller, Washington Farm Forestry Association (WFFA), submitted written testimony and
32 discussed the current riparian management zone (RMZ) rules for Type F Waters. He stated the
33 RMZ rules disproportionately affect the average small forest landowner because their harvests
34 utilize low impact techniques on the lower elevation streams. He stated that the RMZ rules are too
35 complex for small forest landowners to understand and that most small forest landowners do not
36 have the financial resources to hire professional foresters to take full advantage of the rules. He
37 asked the Board to consider narrowing RMZ buffer widths for small forest landowners to give them
38 credit for their low impact harvests.

39
40 Tom Laurie asked Miller to define low impact harvests.

41
42 Miller replied that the definition of low impact is found in statute and the Board Manual.

43
44 Christiansen said a definition of low impact harvests is not found in the statute and has not been
45 defined.

46
47 Carolyn Dobbs asked Miller what type of technical help regarding the RMZ rules the Small Forest
48 Landowner Office (SFLO) offers small forest landowners.

1 Miller stated the SFLO will help landowners but will not serve as their advocate.
2
3 Christiansen said if a small forest landowner requests assistance to understand the rules, the SFLO
4 will provide assistance. The SFLO does not serve as the advocates for the small forest landowners.
5
6 Laurie asked Miller how many small forest landowners are financially impacted due to the
7 complexity of the RMZ rules.
8
9 Miller said he didn't know, but knew of several small forest landowners who left full RMZ buffer
10 widths because they could not interpret the rules.
11
12 Miguel Perez-Gibson, Conservation Caucus, urged the Board to approve the budget amendment
13 request for the Mass Wasting Prescription Scale Effectiveness Monitoring project and reminded the
14 Board that the Upland Wildlife Planning project was given to Department of Fish and Wildlife
15 (DFW) five or six years ago and there has been no reported progress on this project. He also said
16 the Conservation Caucus would support a fixed-width proposal for Type F and S Waters as a long-
17 term solution for the riparian rules because of the complexities in the current rules for small forest
18 landowners. However, the concept should have options for thinning. He recommended that the
19 Board look at already completed CMER work instead of having the University of Washington
20 (UW) develop additional desired future condition (DFC) studies. He said the Conservation Caucus
21 does not support the original DFC rule proposal #2 presented to the Board on September 11, 2007.
22 He added that the Conservation Caucus is concerned that landowners are allowed to harvest fifty
23 percent of the stream buffers on Type Np Waters and said the caucus wants the Department of
24 Ecology (DOE) to review the forest practices rules within the context of the Clean Water Act.
25
26 Bridget Moran clarified that DFW has been working on the Upland Wildlife Planning project for
27 four years, not six.
28
29 Schaaf asked Perez-Gibson if he thought the Board should stop the current rule making process, add
30 a fixed width buffer proposal, then restart DFC rule making process.
31
32 Perez-Gibson said no, it would probably take too long and the current DFC rule making is the short-
33 term solution.
34
35 Josh Weiss, Washington Forest Protection Association (WFPA), said the Board's tendency to
36 resolve one issue at a time has over time made it harder to practice commercial forestry in
37 Washington. Forestry should be viewed as part of the solution, as it is in a multitude of public
38 forums. He suggested that the Board's future focus should be on preserving forest lands, not making
39 it more difficult to practice forestry.
40
41 Pete Heide, WFPA, expressed disappointment that the DFC thinning concept presented to the Board
42 at the September 2007 meeting has not been supported by all of the caucuses. He reminded the
43 Board that the current DFC rules offer both a thinning and packing option for inner zone
44 management. He stated that maintaining the option to thin offers the potential for forest restoration
45 treatments within the inner zone.
46

1 Chris Mendoza said he believed the potential long-term DFC concepts prepared by the UW are
2 unrealistic. He said he understood the concerns of small forest landowners needing help in
3 customizing management plans. He said in the absence of providing assistance to small forest
4 landowners, there will continue to be a higher conversion rate.

5
6 Moran asked Mendoza to clarify the type of assistance he was speaking of for the small forest
7 landowners.

8
9 Mendoza replied that some examples of assistance are tax relief, ecosystem services, conservation
10 easements, or custom management plans.

11
12 Rick Dunning, WFFA, said RCW 76.13.100 states that the low impact from the smaller harvest unit
13 sizes on lands owned by small forest landowners should be recognized by the Board in the form of
14 additional alternate plan templates designed to reduce the costs to small forest landowners. He
15 stated that the disproportionate impacts due to the complexities of the RMZ rules are taking ten
16 percent more from the small forest landowners than the large industrial landowners.

17 18 **STAFF REPORTS**

19 Adaptive Management

20 Darin Cramer, DNR, provided a written report that gave a strategy review update and results of
21 Policy's unstable slopes workshop. He explained that the data collection costs for the Mass
22 Wasting Prescription Scale Effectiveness Monitoring project are substantially higher than what was
23 estimated in the work study plan. He stated that an additional budget allotment of \$868,400 is
24 needed to meet the data collection needs for such a large study area. He added that the costs were
25 underestimated because the initial study design estimates were completed more than a year before
26 the December 2007 storm event and the costs were based on previous studies of a smaller scope.

27
28 Christiansen said a delay in the field work until next season would compromise the evaluation of
29 the landslide triggers because they would deteriorate over the winter months.

30
31 Laurie asked how this funding request would affect the CMER budget.

32
33 Cramer said there are still federal funds available to cover the costs, and approximately one million
34 dollars was carried forward into this fiscal year. He added that projects will have to be prioritized if
35 additional CMER funding is not obtained.

36
37 Schaaf expressed concern about the cost overrun and asked Cramer how the project is being
38 managed.

39
40 Cramer responded that the contract is fairly limited. Today there is \$800,000 approved for the
41 project, but only half that amount was approved in the contract to do the field work and data
42 analysis. Phase 1 was to complete the field work and data analysis on the first six clusters from
43 which a better estimate of the total project costs can be made.

44
45 Christiansen clarified that the aerial photography performed under the contract revealed the
46 magnitude of the landslides and changed the total cost estimates for the project.

47 Cramer added that the costs of the aerial photography were \$200,000 of the original \$400,000
48 allotted for Phase 1 of the project.

1 Schaaf asked if the additional budget request would be sufficient to complete the project.
2 Cramer said several steps needed to be accomplished to assure the completion of the field work by
3 the end of October. Before hiring additional field crews the project manager, internal staff, Upslope
4 Processes Science Advisory Group (UPSAG), and other staff need to coordinate an aerial photo
5 determination of eligible study sites and get landowner permission to access these sites. The total
6 project cost is approximately \$1.6 million.

7
8 Christiansen reminded the Board that the legislature funded \$200,000 of the budget.

9
10 **MOTION:** Tom Laurie moved to approve the budget amendment request for the Mass
11 Wasting Prescription Scale Effectiveness Monitoring Project of \$868,400.

12
13 **SECONDED:** Sherry Fox

14
15 **ACTION:** Motion passed unanimously.

16
17 Rule Making Schedule and Work Plan

18 Chuck Turley, DNR, provided a written report with an updated rule making schedule. He explained
19 that after the May 2008 Board meeting staff established a timeline to accomplish the needed
20 elements for the Board to make a final decision on DFC rule making at their November meeting. To
21 properly inform the Board, staff must complete the SEPA analysis, expand the economic analysis to
22 address all of the rule proposals, and hold public hearings. DNR determined that a revised and
23 working DFC model capable of running all three proposed rule alternatives was needed in July to
24 complete the SEPA and economic analysis in time to meet a rule making decision in November. At
25 present, there are problems with the model that staff is working to resolve with the help of the DNR
26 Information Technology Division, Weyerhaeuser and the UW. The model runs needed for the
27 comparison of the proposed rule alternatives may not be completed before the public hearings
28 scheduled to take place in September.

29
30 Turley presented two options: Hold the hearings as they are currently scheduled with the
31 understanding that the Board may not have the results from the analyses to compare the alternatives
32 until sometime after the public hearings or reschedule the hearings to take place after analyses are
33 completed. He said if the public hearings are rescheduled, the final decision date for the Board will
34 be moved ahead to the February meeting. The Board would also need to direct staff to refile the CR-
35 102 with a new hearings schedule.

36
37 Moran recommended delaying the hearings until after completion of the environmental analysis.

38
39 Doug Stinson, Sherry Fox, and Moran all agreed that the Board and the public need the results of
40 the environmental analysis before the public hearings.

41
42 Dobbs agreed that the Board needs all the information to decide on a DFC rule. She asked what the
43 consequences would be of delaying the final decision until February.

44
45 Turley replied there have been concerns expressed about continuing harvests under the current DFC
46 rules which are utilizing basal area target numbers that are too low. However, waiting for the results
47 of the environmental analysis will better inform the Board's final decision.

1 Christiansen confirmed that staff needs a working model to perform the appropriate analysis for the
2 Board and the public to review before the hearings.

3
4 **MOTION:** Tom Laurie moved that the Forest Practices Board direct staff to file an
5 amended CR-102 with new hearing dates if the environmental analysis
6 comparing the three DFC rule alternatives is not completed prior to the
7 September public hearings.

8
9 **SECONDED:** Doug Stinson

10
11 **ACTION:** Motion passed unanimously.

12
13 Fox asked if there is a requirement to hold a hearing in eastern Washington since they do not use
14 DFC, and whether the Board would be better served if all the hearings were in western Washington.

15
16 Turley said holding a hearing in eastern Washington isn't required but the Board could be criticized
17 for only holding hearings in western Washington for such an important issue.

18
19 Lenny Young added there is considerable interest among some eastern Washington organizations in
20 the DFC rule process. For example, last week Policy received a proposal from the Upper Columbia
21 United Tribes for additional scientific work on the topic of DFC. The ensuing Policy discussion
22 showed significant interest by eastern Washington organizations.

23
24 Update on Forest Practices Applications within Spotted Owl Special Emphasis Areas (SOSEA)
25 Gary Graves, DNR, provided a written report identifying proposed timber harvests within the
26 SOSEAs.

27
28 Compliance Monitoring

29 Leslie Lingley, DNR, provided a written report with recommendations for a compliance monitoring
30 advisory committee.

31
32 Moran asked about the committee's duties and if the committee would contribute to the
33 development of compliance monitoring plan.

34
35 Lingley explained that many issues brought forward at technical review meetings were not relevant
36 to the compliance monitoring program because many caucus members did not have field
37 experience. A committee made up of caucus members with field experience would provide
38 technical assistance for the TFW compliance monitoring team members.

39
40 Moran asked if the committee would include one person from each caucus or only caucus members
41 with field experience.

42
43 Lingley replied that it would be one person with field experience from each caucus.

44
45 Moran asked if the committee would interface with the technical review committee.

1 Graves replied that once a committee is formed discussion topics will include data collection and
2 sampling techniques, forest practices elements to be addressed in the annual compliance monitoring
3 report, and field expertise needed from each caucus.
4

5 Young clarified that the caucus representatives will be used in an advisory capacity. Any new
6 elements the committee identifies would be added to the primary responsibilities of the program and
7 would become the responsibility of the DNR compliance monitoring staff.
8

9 Moran proposed that the committee be considered more of a steering committee than an advisory
10 committee. She said in the short-term she would like to see this committee give direction to the
11 compliance monitoring program. She also said that the technical review committee is still needed to
12 provide technical guidance to the advisory committee.
13

14 Young said the technical review committee was an ad hoc working group that was convened to do a
15 particular job and does not exist on an ongoing basis.
16

17 Moran suggested that the technical review committee be kept in an ad hoc capacity to give the
18 advisory committee access to them if needed. She suggested contacting the individuals to ask if they
19 are available to serve in an ad hoc capacity.
20

21 Young suggested that a more detailed discussion of the structure and functions of the advisory
22 committee be added to the Board's September agenda.
23

24 Moran said she was concerned that delaying this discussion would affect next year's work plan.
25

26 Young said the functional planning could begin while the Board decides the structural components
27 of the committee.
28

29 Christiansen clarified the intent of the compliance monitoring staff is to develop a process that all
30 the caucuses can adhere to.
31

32 Small Forest Landowner Office (SFLO) and Advisory Committee Update

33 Mary McDonald, DNR, provided a written report of the Small Forest Landowner Advisory
34 Committee's and the Small Forest Landowner Office's accomplishments on storm damage
35 assistance, family forest field days, long-term forest practices applications, the Forest Riparian
36 Easement Program, and the Family Forest Fish Passage Program.
37

38 Fox asked McDonald whether it's possible to add guidance to Board Manual Section 21 on
39 exceptions available to small forest landowners after natural disasters.
40

41 Christiansen said the legislature provided small forest landowner assistance for the 2007 December
42 storm event only.
43

44 Laurie asked for the status of the storm damage assistance applications and if they will be funded.
45

46 McDonald replied that all of the applications have to be reviewed by the end of August. The intent
47 is to fund all completed applications.
48

1 Christiansen added that extensive work with the Natural Resources Conservation Service (NRCS)
2 was done prior to the December storm to gain acknowledgement of the forestry sector. As a result,
3 when the storm hit, a small forest landowner exception to allow access to Natural Resources
4 Conservation Service (NRCS) cost share programs was created for the storm damaged areas. The
5 NRCS, conservation districts, Washington State University Extension Service, and DNR have had a
6 positive impact on the financial allocations.

7
8 Fox asked if the step-one rejections of long-term forest practices applications are because
9 landowners did not consult with SFLO foresters.

10
11 McDonald replied that the rejections were the result of DNR's identification of sensitive resources
12 during the on-site review. She added that two staff persons, one with DFW and one with DNR, are
13 available to assist small forest landowners with long term applications.

14 15 Upland Wildlife Planning

16 David Whipple, DFW, provided a written report updating the Board on the Wildlife Work Plan and
17 the Landscape Level Wildlife Assessment.

18
19 Christiansen asked if DFW is looking for outside funding sources.

20
21 Moran responded that they have approached the federal government for funding assistance. DFW is
22 pursuing several funding opportunities available this fall. One, through the U.S. Fish and Wildlife
23 Service's "Section 6" grant program (Section 6 of the Endangered Species Act), would contribute to
24 funding the Landscape Level Wildlife Assessment project. Another potential opportunity could
25 result from a legal settlement between Canada and the U.S. regarding a tariff issue.

26 27 **TREES AND HOUSES RULE MAKING**

28 Marc Engel, DNR, requested that the Board direct staff to distribute the proposed "Trees and
29 Houses" rule language for a 30 day review by the counties, DFW and tribes.

30
31 Fox asked if the Board has the authority to regulate Christmas trees and seedlings. She stated that
32 the proposed rule language would take away productive ground from individuals who grow and
33 harvest Christmas trees and seedlings.

34
35 Engel replied that the growing and harvest of Christmas trees is a Class I forest practices activity in
36 rule. The proposed rule clarifies that the growing and harvest of Christmas trees cannot occur within
37 a riparian management zone and also be a Class I forest practice.

38
39 Young added that the Board has jurisdiction over Christmas trees but not Christmas trees grown by
40 agricultural methods.

41
42 Fox said the removal of hazard trees within 125 feet of a primary residence is not adequate. The
43 current DNR hazard tree guidance memo allows the removal of hazard trees within a distance from
44 the residence equal to the height of the hazard tree plus fifty percent. She asked if the portion of a
45 felled hazard tree growing next to a river that falls onto a landowner's lawn can be removed.

1 Engel replied that any portion of the tree outside of the RMZ can be removed. He said the proposed
2 rule language allows potential hazard trees to be cut as a Class I forest practices activity. A forest
3 practices application, including an application for an alternate plan, would be necessary if the
4 removal of potential hazard trees exceeds 5,000 board feet for personal use, or takes place within an
5 riparian management zone (RMZ).

6
7 Christiansen added that this issue has emerged from many years of dealing with the safety issues to
8 homes built in close proximity to forested areas.

9
10 Fox said she thought the current hazard tree guidance is adequate and the proposed rules make it
11 more difficult for landowners to remove hazard trees.

12
13 Graves, DNR, said the rules should include specific direction because there have been a number of
14 landowners and operators who have taken advantage of DNR's hazard tree guidance.

15
16 Young added that in certain parts of the state a disproportionate amount of DNR enforcement
17 resources are committed to the regulation of the inappropriate removal of hazard trees. He said there
18 are a number of small independent operators who have seized upon this as an opportunity to harvest
19 timber without a forest practices application.

20
21 Stinson expressed concern about the enforceability of the rules.

22
23 Engel said the draft rule language was written to provide better direction for forest practices
24 foresters than the DNR hazard guidance memo gives.

25
26 Christiansen said the 125-foot distance from the primary residence is a metric that can be evaluated
27 by forest practices foresters after the fact. If the metric is a distance one and a half times the height
28 of a tree, the forest practices foresters cannot reconstruct the tree height after the fact.

29
30 Laurie asked Schaaf if he thought the proposed rules would restrict the removal of potential hazard
31 trees.

32
33 Schaaf replied the rule language is problematic and he will propose an amendment.

34
35 Laurie asked if the DNR hazard tree guidance memo would still be applied after the proposed rules
36 are adopted.

37
38 Graves answered no.

39
40 Christiansen stated the rule proposal will allow landowners to remove potentially hazardous trees on
41 their property for personal use as a Class I forest practice if the cumulative volume is less than
42 5,000 board feet. If there are additional hazard trees or they are located within an RMZ they can still
43 be felled but a forest practices application would be required to remove these additional trees.

1 **MOTION:** Tom Laurie moved that the Forest Practices Board approve the draft rule
2 proposal, amending WACs 222-16-010 and 222-16-050 that will allow for
3 trees to be removed for public safety that are adjacent to residential home
4 sites, for review by counties, Department of Fish and Wildlife and tribes
5 pursuant to RCW 76.09.040.
6

7 **SECONDED:** Carolyn Dobbs
8

9 **AMENDMENT #1:** Norm Schaaf moved to amend the rule language on page 6, line 1(WAC 222-
10 16-050(3)(s)(ii)) to read, “A hazard tree within one hundred twenty five feet
11 or one hundred and fifty percent of that tree’s height, whichever is greater, of
12 a local government-approved permanent primary residence may be ...”; and
13 amend WAC 222-16-050(3)(s)(ii)(A) by adding “or” to the end of the
14 paragraph and striking the text in WAC 222-16-050(3)(s)(iii).
15

16 **SECONDED:** Doug Stinson
17

18 Board Discussion:

19 Laurie asked if the amendments change the effectiveness of the original rule proposal.
20

21 Graves said he thought that adding the discretionary ability for landowners and operators to remove
22 trees up to a distance of 150 percent of tree height would create a greater opportunity for
23 landowners and operators to manipulate the rules.
24

25 Young added that it will be impossible, in some circumstances, for DNR to comply the rules after
26 the trees have been cut.
27

28 **ACTION:** Motion passed. 5 support / 2 oppose (Vicki Christiansen, Carolyn Dobbs).
29

30 **AMENDMENT #2:** Sherry Fox moved to amend the motion by eliminating from WAC 222-16-
31 050(3)(a), “~~if not within a shoreland area as defined in RCW 90.58.030, the~~
32 ~~riparian management zone of a Type F Water, the bankfull width of a Type~~
33 ~~Np Water, a wetland management zone, a wetland, or the CRGNSA special~~
34 ~~management area.”~~
35

36 **SECONDED:** Norm Schaaf
37

38 **ACTION:** Motion passed unanimously.
39

40 **ACTION – MAIN**

41 **MOTION:** Motion passed. 6 support / 1 oppose (Carolyn Dobbs).
42

43 **BOARD COMPOSITION AND MISCELLANEOUS CORRECTIONS RULE MAKING**

44 Gretchen Robinson, DNR, requested the Board direct staff to initiate expedited rule making to
45 amend rule language referring to the composition of the Board, and to make miscellaneous
46 corrections to several rules.
47

1 **MOTION:** Carolyn Dobbs moved that the Forest Practices Board direct staff to file the
2 CR-102 with the Office of the Code Reviser to initiate expedited rule making
3 that will make miscellaneous corrections throughout Title 222 WAC and
4 implements Substitute House Bill 2893 by adding a 13th Board Member.
5

6 **SECONDED:** Sherry Fox
7

8 **ACTION:** Motion passed unanimously.
9

10 **CONVERSION ACTIVITIES AND HISTORIC SITES RULE MAKING**

11 Sherri Felix and Marc Engel, DNR, requested the Board consider rule adoption of the “Historic
12 Sites” and “Conversions Activities” rule proposals.
13

14 **MOTION:** Norm Schaaf moved that the Forest Practices Board adopt the permanent rule
15 proposal that amends WAC 222-16-010 by adding a definition for conversion
16 activities and deleting the definition for historic sites and amends WAC 222-
17 16-050 by clarifying historic sites in the Class IV-special and Class III
18 definitions. He further moved to direct staff to file a CR-103 Rule Making
19 Order with the Office of the Code Reviser.
20

21 **SECONDED:** Dave Somers
22

23 **ACTION:** Motion passed unanimously.
24

25 **PRELIMINARY ASSESSMENT OF LONG-TERM DFC CONCEPTS**

26 Chuck Turley, DNR, provided the Board with two spreadsheets, “Summary of Evaluation of DFC
27 Long-Term Concepts” and “Comparison of Concepts for Long-Term DFC Rule Change or
28 Replacement” that outline the results of the July 21, 2008 DFC Workshop attended by all of the
29 caucuses to discuss seven long-term DFC strategies.
30

31 Turley briefly described each of the strategies presented at the workshop. He explained that staff
32 evaluated each strategy based on feasibility, credibility, complexity, metrics, ability for DNR to
33 comply, total time and cost to develop and implement, and overall ease of implementation for each
34 proposed strategy. Based on the evaluation, he said, staff recommends that the Board direct staff to
35 develop a fixed width no-cut riparian management strategy for consideration as a future DFC rule.
36

37 Christiansen said the Board has wanted to be responsive to new knowledge gained from the
38 adaptive management studies about riparian protection. The Board has also wanted to develop a
39 riparian management option that is not dependent on the DFC model which is complex to run for
40 many landowners.
41

42 Dave Somers asked if all of the caucuses agreed on what the fixed width would be.
43

44 Turley answered that there is a general agreement on a fixed width range.
45

46 Christiansen clarified that the DFC workshop was to determine what long-term DFC strategy should
47 be pursued.
48

1 Fox said she supported a fixed width no-cut strategy but was disappointed that a thinning option
2 was not well supported.
3

4 Turley replied that thinning would still be available through an alternate plan. He said the caucuses
5 have attempted without success for the past 19 months to develop a thinning option or table that
6 would be supported by all the caucuses.
7

8 Schaaf said he supported a thinning option and asked what baseline would be used in the
9 development of a fixed width alternative.
10

11 Turley replied that riparian function will be the baseline for analysis.
12

13 Schaaf stated that using bankfull width is difficult to find in the field and suggested that a different
14 metric such as the ordinary high water mark should be considered during the development of the
15 fixed width concept.
16

17 Graves replied that the DFC issue is complex and the goal should remain a focus on resolving it.
18 Changing the bankfull width metric would best be addressed another time.
19

20 Christiansen summarized the issues for the Board. In general the Board recognizes that some RMZ
21 management is desirable for ecological functions. Staff has recommended working with the
22 caucuses to develop a fixed width no-cut buffer alternative. The Board has also heard comments in
23 support of a thinning option but after significant effort by staff and the caucuses to create a thinning
24 option there remains disagreement on a workable solution. There has also been a comment
25 supporting the reassessment of the bankfull width metric used in the establishment of an RMZ.
26

27 Christiansen asked Pete Heide to describe for the Board industries' perspective of the workshop.
28 Heide said that industry viewed the workshop as a theoretical discussion about future long-term
29 DFC solutions. At the meeting, industry understood the fixed width no-cut strategy was supposed to
30 be a third option to the existing thinning and packing options.
31

32 Christiansen said that the question before the Board is where to direct staff to put their efforts
33 towards a longer-term riparian protection solution. She said she thought there was support in the
34 development of a fixed width no-cut riparian protection alternative.
35

36 Somers agreed and said the Board needed to direct staff to concentrate on the most productive
37 alternative which he thought was the fixed width no-cut buffer alternative. He added that the
38 alternate plan process offers the opportunity to thin within the RMZ.
39

40 Schaaf said he didn't think the alternate planning process would be well utilized if it were the only
41 alternative to allow thinning within the RMZ. He said he supported the notion of a fixed width no-
42 cut option in addition to the existing two options in rule, the thinning and packing options.
43

44 Laurie suggested that staff focus on a fixed width no-cut alternative. He suggested that additional
45 discussions pertaining to the RMZ rules should look at the potential of adding a fixed width
46 alternative to the options currently in rule as well as the potential to address thinning in the RMZ
47 through alternate plans. He added that the bankfull width discussion should take place, but not as
48 part of the development of a long-term RMZ solution.

1
2 **MOTION:** Vicki Christiansen moved that the Forest Practices Board file a CR-101 with
3 the Office of the Code Reviser to notify the public of the Board's intent to
4 consider rule making on a fixed width no-entry buffer concept.

5
6 **SECONDED:** Carolyn Dobbs

7
8 **ACTION:** Motion passed unanimously.
9

10
11 **SEPTEMBER RETREAT**

12 Chuck Turley and Gary Graves, DNR, explained that the Board retreat will include a field tour on
13 September 24th and business meeting on the 25th.

14
15 The field tour will include presentations of the RMZ inner zone buffers for each of the three DFC
16 rule proposals. Buffers will be marked on the ground showing an approved forest practices
17 application under current rules, the proposed rules, and the minimum and maximum buffer widths
18 for the fixed width RMZ concept.

19
20 The field tour will also include discussions about several tree plantations within a SOSEA on lands
21 where the owner is negotiating a Safe Harbor Agreement with the federal services and a Landowner
22 Option Plan with the state of Washington. These stops will show the Board an example of voluntary
23 landowner efforts that will be discussed by the Board's Spotted Owl Working Group.

24
25 The agenda for the meeting will include a discussion of the Board's work plan for the coming year
26 and presentations on climate change and forest certification.

27
28 **DECEMBER 2007 STORM WORK PLAN UPDATE**

29 Gary Graves and Chuck Turley, DNR, reported progress on the December 2007 storm work plan.
30 Turley said he will convene a meeting on August 19th with appropriate technical experts to evaluate
31 watershed analysis prescriptions for unstable slopes and their continued use. The results of this
32 evaluation will be reported to the Board at the November meeting.

33
34 Graves said that DNR has begun the review of the operational processes related to unstable slopes.
35 The DNR regional offices in western Washington will be asked how their office and field processes
36 evaluate forest practices applications containing unstable slopes. The review will include 20 forest
37 practices applications in each region: Ten Class III applications that have been identified as having
38 very unstable or highly erodible soils, five Class IV-special applications that have specifically dealt
39 with identified unstable slope features, and five Class III applications that have incorporated
40 watershed analysis prescriptions.

41
42 Christiansen asked if this review will identify misclassified applications.

43
44 Graves answered yes. The review is designed to bring out consistencies and inconsistencies in each
45 DNR region's procedures to identify processes that need improvement or additional resources.

46
47 Schaaf asked if the review will document those landowners that requested an expert review and
48 modification to their harvest units to exclude areas of slope instability.

1
2 Graves replied that there may be some applications that fit this category because they were
3 randomly selected. Staff will report the results of this review to the Board at the November meeting.
4

5 Turley reported that a review of studies related to unstable slopes was accomplished in April
6 through a presentation by the Upslope Processes Science Advisory Group (UPSAG) to Forests and
7 Fish Policy (Policy). In general, after discussing unstable slopes research work to date, the order of
8 projects within the program and the relationship between current and future projects, Policy
9 determined that UPSAG has correctly identified and prioritized the appropriate studies on unstable
10 slopes.

11
12 He also stated that the “Remote Sensing Tools and Technology” paper prepared by Venice Goetz, is
13 a synopsis of the workshop, “Site-scale Applications of LiDAR on Forest Lands in Washington”,
14 held at the UW in January 2008. The internet links for all workshop presentations are available on
15 the DNR internet site.
16

17 **NORTHERN SPOTTED OWL POLICY WORKING GROUP**

18 Lenny Young, DNR, stated that ten of the eleven representatives from the three primary groups
19 identified in the Policy Working Group charter have been filled. He said he is identifying good
20 candidates to facilitate the working group and is looking at an early October start for the working
21 group. Several key people at the Spotted Owl Recovery Plan implementation level with the U.S.
22 Fish and Wildlife Service are very excited with what the Board is doing at the state level, and have
23 indicated the Board’s program could possibly be used as a model for recovery planning in Oregon
24 and California.
25

26 **TFW CULTURAL RESOURCES COMMITTEE UPDATE**

27 Pete Heide, WFPA and Jeffrey Thomas, Puyallup Tribe, TFW Cultural Resources Committee co-
28 chairs, provided a written report of the committee’s accomplishments and expressed their
29 enthusiasm for future goals.
30

31 **EXECUTIVE SESSION**

32 None.

33
34 Meeting adjourned at 3:15 p.m.