

**Cooperative Monitoring Evaluation and Research Committee  
(CMER)**

**August 28, 2012  
DNR/DOC Compound**

<b>Attendees</b>	<b>Representing</b>
*Baldwin, Todd (ph)	Kalispel Tribe of Indians
Bell, Harry	Washington Forestry Protection Association, WETSAG
chesney, charles (ph)	Dept. of Natural Resources, SAGE Co-chair
*Hicks, Mark	Department of Ecology, CMER Co-chair
Hitchens, Dawn	Dept. of Natural Resources, CMER Coordinator
Hooks, Doug	Washington Forestry Protection Association
Hotvedt, Jim	Dept. of Natural Resources, AMPA
*Kroll, AJ	Weyerhaeuser, LWAG Co-chair
*Lingley, Leslie	Dept. of Natural Resources
*Martin, Doug	Washington Forestry Protection Association
*Mendoza, Chris	Conservation Caucus Contractor, CMER Co-Chair
*Miller, Dick	Washington Family Forestry Association
*Mobbs, Mark	Quinault Indian Tribe
Roorbach, Ash	CMER Staff, Northwest Indian Fisheries Commission
Stewart, Greg	CMER Staff, Northwest Indian Fisheries Commission
Sturhan, Nancy	Northwest Indian Fisheries Commission

\* Indicates official CMER members and alternates; ph indicates attended via phone.

**Agenda –**

Chris Mendoza requested to add the discussion on the Type N Forest Hydrology Study after the status update. He also reported to CMER members the Conservation Caucus has decided to keep him in the CMER co-chair position this year until another person volunteers to step into the co-chair position.

**CMER Monthly Science Session - Discussion on Updating Current Topics List**

Chris Mendoza suggested CMER members identify topics and presenters to bring into CMER for discussion. Mark Hicks suggested the co-chairs, AMPA, and coordinator work out the long-term business topics and identify the science topics that can be scheduled strategically into the CMER meetings. This would provide an organized approach for CMER. These were some suggested topics: hypothesis testing and statistical reference would be good to have sooner than later; habitat trend monitoring; landscape monitoring (bull trout, hard rock and soft rock studies have this as a common denominator); extensive monitoring (water, riparian vegetation); climate change; and forest health.

**Business Session:**

**Report from Policy July 16, August 2, & 16, 2012 Meetings**

Chris Mendoza provided a summary of meetings.

- ♦ The Mass Wasting Effectiveness Monitoring Project: A Post- Mortem Examination of the Landslide Response to the 2007 Storm in SW Washington (Post Mortem Final Study) – Dispute Resolution. Policy continues to deliberate over this. They entered into the dispute resolution process and developed a solution. They are working their way through the current DR process outlined in the AM Board Manual. This is not the truncated version of dispute resolution process outlined in the Settlement Agreement, which has yet to be adopted by the Board.
- ♦ Buffer Characteristic Integrity and Function Study (BCIF Type N Study) - Dispute Resolution Solution: Policy resolved this at their July meeting. Disagreement on whether to take action of the BCIF Report exists among the caucuses. Policy decided to consider whether to take action on the results of BCIF when the Type N Experimental Hard Rock study is completed. Policy acknowledged windthrow still needs to be addressed by CMER in their work plan concerning its frequency, distribution, and occurrence, and the resulting habitat conditions that may change and impacts to aquatic resources. As part of their DR process Policy agreed to take the following actions in response to the Westside Buffer Characteristics, Integrity and Functions (BCIF) Study:

*In preparation for future research and monitoring on wind throw frequency, distribution, and effects (May 24, 2012 Settlement Agreement signed by the Conservation Caucus, Washington Forest Protection Association, Washington State Department of Natural Resources, and Washington State Department of Ecology), request that CMER develop a wind throw research and monitoring strategy in its work plan that includes all buffers, including those on Type N and F waters, wetlands, and unstable slopes; and Request that DNR provide a briefing to Policy on how DNR incorporates wind throw into its management prescriptions as part of the State Lands HCP.*

Jim Hotvedt proposed inviting Dr. Steve Mitchell (U British Columbia) to CMER to talk about how they implement their wind buffer strategy. He has been helping state lands with a risk assessment with the OESF. This would be a science-based discussion and would focus on what the configurations of the stands are that promote or mitigate wind throw.

- ♦ Forest Practices Habitat Conservation Plan Settlement Agreement – Proposal Initiation – This agreement, as negotiated between three caucuses (Conservation Caucus, WFPA, and State Caucus – Ecology, DNR, WDFW), includes a proposal for prioritization of CMER projects scheduled for the next 20 years and beyond. The list reflects projects in priority according to CWA related projects already in progress with additional projects yet to be started. The intent of the list is to ensure that CMER research projects are fully funded and completed. CMER will have the opportunity to provide input on this list.

Chris Mendoza suggested Policy develop a specific list of questions for CMER to answer. This approach will create efficiency for CMER.

Nancy Sturhan added it would be important for CMER to try to answer the question – what resources do you need to accomplish this scheduled project list.

Jim Hotvedt added Policy needed to go through the proposal initiation process as the settlement agreement was developed by 3 of the 6 caucuses. DNR staff prepared and submitted to the Adaptive Management Program Administrator (AMPA) a proposal initiation packet for Adaptive Management Program Review of Settlement Agreement Commitments. The AMPA assessed the proposal for its applicability and relevance to the Adaptive Management program according to Board Manual 22, and determined if the proposal is best suited for a policy or science consideration. This was submitted to the Policy committee in August and the Policy committee agreed to set up working meetings to discuss the settlement agreement items.

The CMER master schedule of projects from the settlement agreement will be sent out to CMER next month.

- ♦ The Unstable Slopes Criteria: An Evaluation of Hillslopes Regulated under Washington Forest Practices Rules is in the CMER work plan. This project is needed as a result of the findings from the Post-Mortem study. UPSAG was given direction by Policy to start scoping the Unstable Slopes Criteria project. This project was identified to be one of the pilot projects for the LEAN process. UPSAG co-chairs have stepped down. This project is stalled at this point.

Chris Mendoza emphasized the need from existing UPSAG & CMER members to help jump start the TWIG.

Leslie Lingley shared she talked to Casey Hanell in state lands and he is interested in being a part of this work. Isabelle might be interested in this as well. Fall quarter might be the time to revisit this. She added Julie Dieu suggested that when the TWIG is developed to make sure to contact the folks that contributed to the work in progress.

The TWIG selection group is Chris Mendoza, Jim Hotvedt, Nancy Struhan, Leslie Lingley, and Greg Stewart.

- ♦ Facilitation - Scope of Work  
Jim Hotvedt reported that the recommendation to hire a facilitator for Policy emerged from the Settlement Agreement. The Request for Proposals (RFP) has been let out through The Department of Enterprise Services. The proposals are due Wednesday August 29<sup>th</sup>. The AMPA and Policy Co-chairs expect to hire a contractor for Policy facilitation by October or November.
- ♦ FPA/HPA Integration – Timeline  
The DFW will fold their rules into Forest Practices rules; the concurrent rule development between DNR & DFW is expected to be completed next year.
- ♦ Type N Strategy Policy Sub-Group  
Mark Hicks reported the CWA milestone is to develop a strategy for addressing Type N research and implementation issues that includes: resolving the issue of determining the upper most point of perennial flow; reviewing the CMER research program, and completing a comprehensive approach to reviewing the literature. The Policy Committee ranked the

Type N Strategy as high priority to work on. The technical subcommittee conducted a field practitioner survey to assess what is working; reviewed the board manual developed in 2006; and provided recommendations from the technical subgroup on how to use the EPA contracted literature review. The technical sub-committee pulled in CMER experts to present on their work to Policy (BCIF, Type N Buffer); and reviewed Schedule L-1 functional objectives and performance targets related to Westside Type N waters. This has helped the Policy Committee to understand the issues. Once the technical group is completed with their work, the Policy subcommittee will develop recommendations for the Policy Committee to consider.

### **Report from Forest Practices Board August 14<sup>th</sup> Meeting**

The Forest Practices Board approved the nomination of Debbie Kay as an official CMER voting member.

The Forest Practices Board agreed with the Policy Committee to take no action at this time on the CMER BCIF & Solar studies.

### **CMER Coordinator's Corner**

The CMER meeting notes for January & February 2012 were adopted with changes identified by CMER members at the meeting.

### **Evolution of the SAGE Forest Hydrology Study (FHS)**

charles chesney requested to add this to the agenda. He shared the purpose of the document he developed was to provide CMER members with an update of the FHS from a co-chair perspective. The project is in the implementation stage as the field work is being conducted this summer. The August 6, 2012 field manual is the blue print for the field work. charles stated he was very concerned about the value proposition of the apparent successful bidder (ASB) and added that the analysis and synthesis will yield poor value delivery. He added the December 2009 study design was approved by CMER & ISPR, and that the ASB proposal & project plan is different from the 2011 request for proposal (RFP) criteria. charles recommended SAGE & CMER needed to think about a stop loss mechanism for curtailing contractors that do not deliver project products and answer the critical questions.

#### FHS Discussion Points:

Mark Hicks asked charles why he called the document an evolution of the FHS.

charles chesney responded the contracted project plan is different from the RFP 2011 document; Jim Mathews and he dissented from the picked ASB; and there is a \$70,000 difference in delivery.

Jim Hotvedt added this discussion came before CMER in March 27<sup>th</sup>, which was the time for the co-chairs to come before CMER to discuss this.

charles chesney responded he was not available for the March 27<sup>th</sup> CMER meeting.

Jim Hotvedt shared the emphasis on the study changed over time and Policy does not support this. The value of this project is to help find Type N sites. This is the reason why the study is different from what SAGE thought about in 2009. The emphasis for justification of the project went from flow regimes to how sites are characterized.

Charles Chesney shared there has been an aberration of trust. SAGE worked on a considered and deliberate approach for a project design and then there was a decision to proceed with a different approach. The \$70,000 model met or exceeded project objectives, now the implementation is vastly different. He requested CMER to look at a performance improvement measure and asked about the value of a study design.

Mark Hicks added when there is a major change it has to go on a higher level of discussion. SAGE tried to do this with the RFP. CMER needs to tighten up process and be really clear when a project deviates from a study design.

Charles Chesney asked CMER co-chairs about his stop loss mechanism question?

Mark Hicks replied he did not understand the question.

Charles Chesney stated a stop loss mechanism needed to be in place somewhere between receiving a robust study design, the point when an ASB was selected and the actual contract fully executed. He and Jim Mathews were really displeased with the outcome and there was no real avenue for resolution;

Chris Mendoza added the RFP selection process is not like the CMER consensus process; since it's based on a contractor qualification scoring system it does not require or function like a consensus driven process. These are two distinct processes and CMER has always followed the state contracting rules for selecting contractors via the RFP process.

Jim Hotvedt added CMER could have picked not to go with the study.

Mark Hicks further added CMER could have gone into dispute resolution prior to the RFP contractor selection process.

Leslie Lingley replied there were four CMER members at the March 27<sup>th</sup> meeting where we stated we did not have enough information to make a decision.

Mark Hicks specified the four members could have not voted for it.

Leslie Lingley added it was hard to believe the Policy Committee decided to go forward with the Type N characterization as there are no meeting notes that state this. The web site has the original study design for this project without addenda information to document the change. Something needs to be clearly stated and documented to show the evolution of the project. She asked when this study is done, what is sent to ISPR? She asked if there is a validation step for the model.

Mark Hicks answered he assumed when CMER changes the study design, ISPR will review what we changed.

Greg Stewart added SAGE kicked the can to a contractor, as they were not clear what they wanted. The RFP included the SAGE study design. The study design language reiterates this is a framework. Charles and Jim stated the lack of field data verification was a concern of the chosen contractor. He has done field validation on seven of the sites and it looks like the contractor is doing well.

Charles Chesney replied perhaps this is a challenge for the LEAN project; to include study design improvement as part of the mixture.

Harry Bell added he thought in this case it looks like SAGE kicked the can down the road to the contractor to do the study, which makes sense as the SAGs are not able to do the data collection. The research expertise is paid for with a contractor. Once the data is collected, CMER can send the results to ISPR for an independent review, and see whether or not you get some useful answers to the questions.

Greg Stewart shared hard issues do not get resolved at CMER; we need to set up a mechanism where we have disagreements. SAGE said that they were going to give it to the contractor to resolve and it does not get resolved.

Chris Mendoza added that CMER already has a process for dealing with disagreements; the PSM (Protocols and Standards Manual) and the AM Board Manual clearly state that each member can invoke dispute resolution. The burden is on each CMER member to use this process when they do not support a project moving forward, not to come back later after approval has already been granted.

Nancy Sturhan added people run from dispute resolution; she suggested calling it support building process. She added Charles brought this up so we can deal with this. Nancy added she assumed the charter document for this project has the documentation for the changes.

Jim Hotvedt summarized over time this project was reviewed by Policy; the budget and the merits of the study. When it went to SAGE there was disagreement over what data to collect. It is okay for SAGE to have that discussion. Once it has gone to RFP stage, whatever came out of that process, that would be the agreed upon route for the SAG to follow. Since SAGE agreed to send it to RFP to solve it at the contractor level, a decision was made and this decision needs to be respected. SAGE selected a contractor and CMER agreed to the selection. Looking back is something of a major concern; if this is used as a means of voting no to the report in the future, then that will be of concern to the Forest Practices Board. There was consensus all along until the RFP outcome. The decision has been made not to take the vegetation data; lots of reasons why models are not successful. The time to stop the project was when SAGE agreed to go to the RFP route.

charles chesney thanked him for inserting this discussion late in the agenda and added he was very aware of the risks and rewards of the RFP versus the RFQQ. The risks and rewards will become apparent in the future.

### **TWIG – Eastside Type N Buffer Effectiveness Study Design –**

Jim Hotvedt reminded CMER agreed to a TWIG selection process and at the same time SAGE agreed to release this project for a pilot at the June meeting. Greg Stewart and Marc Gauthier along with their supervisors have agreed to be a part of TWIG.

Jim Hotvedt moved to have Greg and Marc be accepted as the initial writing team for the Eastside Type N Buffer Effectiveness Study Design.  
CM seconded the motion.

***CMER members reached consensus.***

### **CMER – Protocols & Standards: Next Chapter? Implications for changes from Settlement Agreement & LEAN process**

Chris Mendoza suggested the TAG look at the crosswalk between the PSM, LEAN and settlement agreement topics, and set those PSM chapters aside and work on other chapters that do not have connection to the settlement agreement. He added he was willing to work with Nancy Sturhan to identify what to set aside and what to work on now. He added the non-CMER science issue needed to be addressed now.

Jim Hotvedt expressed concern about holding the progress of updating the PSM; he gave the chapter on decision points as an example. He added now is a good time to discuss what went well and what did not for the decision making chapter. If CMER waits too long, the momentum and reasons for making changes will be lost.

Mark Hicks supported Jim and added he has read the settlement agreement, and did not see much there to postpone. Chapter 7 is the one chapter where there is a connection to the settlement agreement. He suggested having the PSM TAG re-group and figure out where to go and let CMER know.

### **RSAG –**

#### **♦ Bull Trout Overlay Temperature – Update**

There are two studies associated with bull trout; one is done and approved by CMER; the temperature study will be completed by Terrapin Environmental. RSAG would like to add Alice Shelly as a CMER reviewer for this study to be completed by Terrapin. She would be hired to review the approach to his data analysis, and see if anything is missing. This was done with the post-mortem report.

Doug Martin added RSAG is asking for a statistician to review it as there is no statistician in RSAG. The project manager would like to have the decision today so as to report back to RSAG.

Chris Mendoza replied that RSAG did not have time to send in a formal request form to CMER, so CMER may defer until that request form is submitted.

Nancy Sturhan added RSAG can bring the request to CMER next month.

The confirmed CMER reviewers are Todd Baldwin, Leslie Lingley, AJ Kroll, Dick Miller and Julie Dieu. The time frame has yet to be identified for this review.

### **SOFT ROCK –Study Site Status**

Mark Hicks reported it took two years to get study sites. The study design recommended 20 sites distributed in 3 blocks, with 3-4 treatments and 2-3 references per block. This study has 8 treatment sites and 4 reference sites.

Harry Bell shared he worked for three sites for this project; he was involved in the recovery plan for sockeye and understood the sediment issues up in the Peninsula. He offered to bring this issue to the Peninsula group and asked if this would help the project and the DNR state lands issue.

Mark Hicks responded a number of meetings with state lands were held and they brought in NOAA. DNR state lands made it clear this research could not happen in their HCP; none of us in the SAG wanted to lose the Peninsula.

Jim Hotvedt added that there are a lot of unstable lands and marbled murrelets in the geographic area, and they also have their own legal settlement agreement to abide by. They have the restoration of northern spotted owl habitat, one to one ratio of thinning to final harvest to abide by and they are behind in thinning. The OESF is highly constrained and this project fell in the middle of this. NOAA does not have the jurisdiction. The communication got lost about harvest sites, as there was some confusion about that.

### **UPSAG – Co-chairs needed**

Chris Mendoza shared the CMER co-chairs agreed to organize a meeting with Jim Hotvedt, Nancy Sturhan, Julie Dieu, Leslie Lingley, and Greg Stewart to organize a TWIG around 2 projects: Unstable Slopes Criteria & Road Prescription-Scale Effectiveness

### **WETSAG – TWIG Pilot**

Harry Bell provided an update that the contractor is working on the definition of wetlands functions discussion and literature. Dr. Adamus contracted with DNR for the literature synthesis. The synthesis report due date is the end of this month. WETSAG anticipates having the discussion about the report at the October meeting. WETSAG will start in November to revisit the CMER work plan. WETSAG does not have the support to start a TWIG pilot.

### **AMP Reform – Reform Report to Legislature – September 1<sup>st</sup>**

Jim Hotvedt reported the departments of Ecology and Natural Resources were co-authoring an adaptive management program reform report due to the legislature by September. The Forest Practices program received supplemental funding, where the budget proviso was tied



to reform efforts, and a report to the legislature on those reform efforts. The report will cover the funding plan and action done to date, LEAN, and the settlement agreement.

**CMER – Items to take to September 6, 2012 Policy Meeting**

- ♦ Question about windthrow, CMER Master Schedule and CMER involvement; where does windthrow fall in terms of priority in the master schedule?
- ♦ CMER will start reviewing the Master Schedule identified in the Settlement Agreement in September and the co-chairs will ask Policy for further direction.

**CMER/SAG Recap of Assignments:**

- ♦ CMER co-chairs will organize a meeting with Jim Hotvedt, Nancy Sturhan, Leslie Lingley, Julie Dieu, and Greg Stewart to organize a TWIG around 2 projects: Unstable Slopes Criteria & Road Prescription-Scale Effectiveness.

*Meeting Adjourned.*