

1 **FOREST PRACTICES BOARD**

2 February 12, 2004

3 Natural Resource Building, Room 172

4 Olympia, Washington

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7 **Members Present:**

8 Pat McElroy, Designee for Commissioner Sutherland, Chair of the Board

9 Alan Soicher, General Public Member

10 Bob Kelly, General Public Member

11 David Hagiwara, General Public Member

12 Eric Johnson, Lewis County Commissioner

13 John Mankowski, Designee for Director, Department of Fish and Wildlife

14 Lee Faulconer, Designee for Director, Department of Agriculture

15 Sherry Fox, General Public Member/Independent Logging Contractor

16 Toby Murray, General Public Member

17 Tom Laurie, Designee for Director, Department of Ecology

18 Wendy Holden, Designee for Director, Office of Trade and Economic Development

19
20 **Absent:**

21 Keith Johnson, General Public Member/Small Forest Landowner

22
23 **Staff:**

24 Ashley DeMoss, Forest Practices Assistant Division Manager

25 Karrie Brandt, Board Coordinator

26 Lenny Young, Forest Practices Division Manager

27 Paddy O'Brien, Assistant Attorney General

28 Patricia Anderson, Rules Coordinator

29
30 **CALL TO ORDER**

31 Pat McElroy called the meeting to order at 9:00 a.m. McElroy noted a correction from the
32 February 11, 2004, meeting. Chris Mendoza had introduced himself as the Conservation Caucus'
33 Cooperative, Monitoring and Evaluation Research member. At this time, the Board has not yet
34 received an official nomination for appointment, which is the general process.

35
36 **PUBLIC COMMENT ON WILDLIFE**

37 Allen Pleus, Northwest Indian Fisheries Commission, conveyed his concern to the Board about
38 taking action to approve the wildlife work plan without obtaining and incorporating the input from
39 the tribes. He would like the Washington State Department of Fish and Wildlife (WDFW) to work
40 on these issues with stakeholders in a co-management process.

41
42 John Mankowski stated that WDFW would not be asking the Board to take action on the wildlife
43 work plan at this meeting.

1 Peter Heide, Washington Forest Protection Association (WFPA), recommended that the emphasis
2 on protecting wildlife should be on protecting habitat across the range of forest types and said the
3 concentration on individual species is not their preferred approach. He went on to say that WFPA
4 is concerned about their role, and he asked the Board to urge WDFW to work with them on
5 prioritizing species in the workplan and solicit technical information from them prior to
6 developing the species white papers. In addition, WFPA supports the Board including a landscape
7 assessment of wildlife habitat that includes forestland uses. In closing, Heide stated that WFPA
8 generally supports the approach to implementing effective landowner landscape plans as proposed
9 by WDFW's Paula Swedeen but stated that landowners have concerns on how much protection is
10 enough and the cost of the environmental impact statement to landowners.

11

12 Eric Harlow, Washington Forest Law Center (WFLC), explained that WFLC is concerned about
13 the current forest practices rules ineffectively protecting upland wildlife and referred the Board to
14 the upland wildlife petition they submitted on February 11, 2004, as information to the Board
15 rather than formally petitioning the Board for rulemaking. WFLC believes a science-based
16 landscape planning process can address their concerns and encourages the Board to continue their
17 approach.

18

19 **WILDLIFE PLANNING**

20 Dave Whipple, WDFW, presented a three-year timeline for implementing the upland wildlife
21 workplan. Whipple said the timeline is reasonable and aggressive, and links the four workplan
22 elements together: assessing current wildlife rules, landscape-level wildlife assessment, incentives
23 for habitat protection and landscape planning, and adaptive management. The Board will receive
24 workplan progress updates and be presented with briefing documents. The briefing documents will
25 include scientific knowledge, any rule or voluntary guideline issues associated with the workplan
26 elements, and how the existing rules are protecting species.

27

28 Tom Laurie asked why there was a one year timing difference in bringing recommendations to the
29 Board on small versus large landowner habitat protection incentives. Paula Swedeen, WDFW, said
30 a significant amount of time and effort on the large landowner's scientific landscape assessment
31 piece is needed to discuss the disincentives, legal tools, and the economic incentives.

32

33 Holden asked if the Board would be putting themselves in the position where some things would
34 be ruled out in terms of the landscape view by virtue of earlier decisions made with respect to

1 individual species. Mankowski said he thinks the Board will have these conversations and make
2 decisions all along the way. Some of the species will have policy and technical questions that
3 should wait for a landscape assessment. Other questions regarding the same species do not need a
4 landscape assessment and should move forward. He believes that the Board should not wait until
5 the landscape issues are debated and completed in 2005 before looking at the adequacy of the
6 current rules.

7

8 Sherry Fox asked whether any economic analyses would be completed for potential changes.

9 Mankowski said not in detail. If the Board determines rulemaking is necessary, an economic
10 analysis would be completed at that time.

11

12 The Board agreed that the proposed timeline and workplan process and priorities make sense, and
13 that WDFW should move forward.

14

15 Joe Buchanan, WDFW, gave a presentation and submitted a report on the Northern Spotted Owl.
16 Background information presented included a review of the Forest Practices rules on Spotted Owl
17 Special Emphasis Areas (SOSEA), conservation functions, and habitat definitions. The review
18 also included spotted owl distribution, survey information, and status. Studies show a continued
19 downward accelerating trend in populations, with the most severe declines in Washington State.
20 Owl site monitoring between 1991 and 2000 shows a 60% decline in active sites. The decline is
21 attributed to habitat loss and possibly by other factors such as Barred Owls. Protection by circle
22 management is one area of concern with current rule. Owls do not have circular home ranges, and
23 50% of them use areas larger than the median home range size. A landscape approach would
24 facilitate management at larger and more appropriate spatial scales.

25

26 Upon completion of the briefing report, an assessment of the spotted owl will begin. The WDFW
27 will engage in stakeholder discussions to review and discuss issues identified in the briefing report
28 and then make recommendations to the Board on a number of issues of concern and importance,
29 including: landscape planning, status 5 surveys, adjusting habitat definitions, ambiguous rule
30 language, and habitat use.

31

32 McElroy asked how is it known that the population is declining. Buchanan said the population
33 decline is evaluated through a monitoring effort, which includes about 90% of sites for the eastern
34 Cascades. There is a survey protocol to identify the activity centers of spotted owls. When a site is

1 established, the demography field crew visits and tracks those sites over time. If the birds are not
2 found at the site the crews will survey outward to locate them, if possible.

3

4 Holden asked if habitat governed by the terms of a Habitat Conservation Plan (HCP) would not
5 deteriorate at the same rate as habitat outside an HCP area. Buchanan said most of the HCPs that
6 have been developed include provisions for allowing take of spotted owls in exchange for
7 mitigation. Changes in site status in HCP areas are generally situations where landowners plan to
8 impact certain sites but protect other sites on their tree farms.

9

10 Mankowski noted that the Board's June wildlife meeting and tour would include more information
11 on Northern Spotted Owls and the latest thinking on landscape approaches.

12

13 **MOTION:** Lee Faulconer moved to adjourn the meeting.

14 **SECONDED:** John Mankowski

15 **ACTION:** Motion passed unanimously.

16

17 **EXECUTIVE SESSION**

18 No executive session was needed.

19

20 The meeting adjourned at 12:08 p.m.