

MEMORANDUM

July 28, 2017

TO: Forest Practices Board

FROM: The Honorable Lisa Janicki, Chair of Board's Subcommittee on Adaptive Management Program Changes

SUBJECT: Recommendations for a meeting of the Principals from TFW caucuses

The subcommittee has held three meetings since the Board's meeting on May 10th to discuss improvements to the Adaptive Management Program. One of the highlighted items in the report provided by the Adaptive Management Program Administrator (AMPA) is a meeting of caucus principal's to discuss a recommitment to the Program.

The subcommittee has discussed this at length and recommends that a third-party facilitator be contracted through the Adaptive Management Program for the meeting. The expectation is that the facilitator will need to conduct interviews with approximately 50 stakeholders and work with the subcommittee to set up the first meeting.

In addition, we expect up to two more meetings of Principals over the next two years to follow-up on the first meeting and work together on issues critical to the success of the Adaptive Management Program (e.g., budget).

At this time, we suggest that the Board considers funding this work using Program Contingency Funds of up to \$150,000 over the next two years.

The Subcommittee is currently working on establishing a process to make recommendations to the Board to implement simple changes to the Adaptive Management Program, termed "low-hanging fruit". Consideration of the challenging recommendations from stakeholders that require Board Manual or rule changes will take further discussion before we can make recommendations to the Board.

Attached you will find agenda's from our three meetings along with the approved minutes from our first meeting and a summary from the AMPA that organizes his proposed recommendations into categories by difficulty in implementation.

Forest Practices Board Sub-committee Meeting
Natural Resources Building, Room 175 A & B, Olympia
9:00 a.m. – 11:00 a.m.
AGENDA

Please note: This is a subcommittee of the Forest Practices Board to address possible improvements to the Adaptive Management Program. The meeting will be recorded.

Board Participants: Lisa Janicki (sub-committee chair), Paula Swedeen, Brent Davies, Dave Herrera, and Stephen Bernath

Staff: Hans Berge, AMPA and Jeff Davis, WDFW

1. Review Board's Direction of May 10, 2017

Stephen Bernath moved the Forest Practices Board commit to the TFW approach and its ground rules and recommend that a subcommittee of the Board work with the Adaptive Management Program Administrator and the Commissioner of Public Lands (staff) to develop an improvement plan and have a meeting of the principals before or in conjunction with the Forest Practices Board at their August 2017 meeting to make the Adaptive Management Program system work better.

2. Identify Road Map Forward for Adaptive Management Program Improvements

- a. Review Recommendations from report
- b. Establish categories of improvement
 - i. Those things that can be implemented without rule or guidance changing (administrative low hanging fruit) – authorities, how to get ownership, etc.
 - ii. Those things that need guidance changes (board manual)
 - iii. Those things that would need to be implemented thru rule change
- c. Discussion (e.g., low hanging fruit initially?)
- d. Next steps

3. Identify Road Map Forward For Principals Meeting

- a. Identify the link with AMP improvements
- b. Identify Principals that should attend
- c. Identify what the goals of a meeting(s) might be
 - i. Recommitment to TFW approach and ground rules
 - ii. Recommitment to AMP
 1. discussion of priorities

2. commitments of time
 3. commitments of expertise
 4. organization
- d. Neutral Facilitation (is it necessary?)
1. build and manage agenda
 2. meet with each caucus (questions facilitator should ask)
 3. facilitate meetings to build trust across caucuses
 4. highlight areas of agreement
 5. Identify opportunities to discuss areas in disagreement
- e. Discussion
- f. Next steps

4. Public Comment

FOREST PRACTICES BOARD, SUBCOMMITTEE MEETING MINUTES

June 16, 2017

Natural Resources Building, Room 175
Olympia, Washington

This meeting was a subcommittee of the Forest Practices Board to address possible improvements to the Adaptive Management Program.

Board Participants: Lisa Janicki (sub-committee chair), Paula Swedeen, Brent Davies, Dave Herrera, and Stephen Bernath (Board Chair)

Staff to Subcommittee: Hans Berge, Adaptive Management Program Administrator and Jeff Davis, WDFW

REVIEW BOARD'S DIRECTION OF MAY 10, 2017

Stephen and Lisa introduced the Board motion and discussed the charge of the subcommittee. Lisa thanked members for participating and introduced the agenda topics.

IDENTIFY ROAD MAP FORWARD FOR ADAPTIVE MANAGEMENT PROGRAM IMPROVEMENTS

Hans walked the group through the recommendations shared at the May Board meeting as outlined in his May 8 memo plus additional perspectives shared at the Board meeting by the Conservation Caucus and Eastside Tribes. Major categories of improvement include:

- Meeting of Principals from each participating caucus
- Following ground rules at all levels of adaptive management program (AMP) participation
- Setting clear priorities
- Provide clear guidance to the TFW Policy Committee (Policy) and Cooperative Monitoring, Evaluation, and Research Committee (CMER)
- Discussion of how to incorporate climate change in the program---research at CMER and interpretation by Policy
- Ensure firewall between Policy and CMER is maintained
- Trust building across all caucuses at Policy
- Prioritizing research projects to meet the goals of the AMP

Subcommittee members agreed that there is a need to identify “low hanging fruit” that can be incorporated into the AMP in a way that will improve efficiency and make it more effective.

Discussion of returning back to how TFW has worked in the past and focusing on making changes to help reaffirm commitments. Discussion of going through an exercise of root cause analysis may be beneficial in addition to some of these recommendations. There was discussion about some of the ideas presented in the report from pros and cons of consensus to potential term limits of SAG co-chairs.

There was an agreement that it would be helpful to prioritize recommendations and structure them in a way that can be communicated throughout the AMP and with principals.

IDENTIFY ROAD MAP FORWARD FOR PRINCIPALS MEETING

The subcommittee discussed options for a neutral facilitator in order to reach out to caucus principles for building trust and renewed commitment. Discussions included possible objectives/strategies a facilitator might employ for reaching out to principles, the effectiveness of past principle meetings for resolving issues and the process for contacting individuals from the representing caucuses.

Agreements/tasks from today's discussion:

- The subcommittee agreed to utilize a facilitator for reaching bringing caucuses together. Hans will take the initial steps at scoping the work for a facilitator. This includes an evaluation of potential costs and contractual processes (if subcommittee members know of qualified facilitator, provide those names)
- Develop list of potential contacts for the facilitator (i.e. caucus principles or designee)
- Draft communications for distributing to caucus principles
- The subcommittee member will begin to develop a set of questions to provide the facilitator

Next subcommittee meeting will occur on July 12, from 9:00 to 11:00.

PUBLIC COMMENT

Scott Swanson, Washington State Associate of Counties/Policy co-chair, expressed enthusiasm about the seriousness to revisit ground rules. He felt that the scientific process is still moving forward and resources are being protected despite the various issues and concerns.

Jim Peters, Northwest Indian Fish Commission (NWIFC), listed those involved in the original TFW Agreement. He said the original group ensured their caucuses stayed true to the mission of TFW and he felt getting the principles back together is a good start for building trust. He concluded by adding that if consensus was removed, the name 'TFW' would no longer apply because consensus was how that foundation was built.

Karen Terwilliger, WFPA, felt that getting the principles together is essential for building trust, and will help improve understanding for how the process is intended. Leadership from the top is critical.

Marty Acker acknowledge the opportunity for this subcommittee to result in improvements to resource management. While some disputes are technical in nature, some disputes are not. He felt not all caucuses share the same biological goals.

Ash Roorbach, Forest Practices Coordinator for NWIFC, stated that if the committee is looking for low hanging fruit then #11 under CMER's potential improvements (PSM review) is already happening in CMER. He mentioned that the PSM has been inclusive and consensus based. He also mentioned that #7 is also low hanging fruit. He added, per Jim Peter's request, that in Jim's opinion, DNR and Federal Caucuses should remain within the nine caucuses.

Doug Hooks, WFPA, stated that he was encouraged by today's discussion and suggested that the audit get started. He mentioned that if budget priorities are changed, those changes might affect the master project schedule and CWAs. He mentioned that options are missing for enforcing ground rules.

**Forest Practices Board Sub-committee on AMP Improvements
July 12, 2017**

Natural Resources Building, Room 172, Olympia
9:00 a.m. – 11:00 a.m.

AGENDA

Please note: This is a subcommittee of the Forest Practices Board to address possible improvements to the Adaptive Management Program. The meeting will be recorded.

Board Participants: Lisa Janicki (sub-committee chair), Paula Swedeen, Brent Davies, Dave Herrera, and Stephen Bernath

Staff: Hans Berge, AMPA and Jeff Davis, WDFW

1. Review of Meeting Minutes from June 16, 2017 Meeting

2. Review Scope of Work for Facilitator of Principal's Meeting

- a. Discuss specific elements in the Scope of Work
- b. Review Master Contract List of Facilitators
 - i. Look through list (provided)
 - ii. Identify those with specialized expertise in natural resources
- c. Discuss process steps
 - i. Master Contract
 - ii. RFP
 - iii. Interviews
 - iv. Contract execution
- d. Budget Approval Steps
 - i. Approval from Policy
 - ii. Approval from the Board

3. Adaptive Management Program Improvement

- a. Review Recommendations for Areas of Improvement
 - i. Policy
 - ii. CMER
- b. Explore Potential Categories
 - i. Those things that can be implemented without rule or guidance changing (administrative low hanging fruit) – authorities, how to get ownership, etc.
 - ii. Those things that need guidance changes (board manual)
 - iii. Those things that would need to be implemented thru rule change
- c. Next Steps

- i. Recommendations to the Board and Principal's
- ii. Desired Outcomes
- iii. Monitor the success of implementation

4. Public Comment Period

5. Adjourn

EFFICIENCY AND EFFECTIVENESS IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM

HANS B. BERGE
ADAPTIVE MANAGEMENT PROGRAM ADMINISTRATOR

12 JULY 2017

PROPOSED “BUCKETS” FOR AMP IMPROVMENT

The following list is a summary of items contained in previous reports on recommendations for improvements in effectiveness and efficiency in the Adaptive Management Program. They are organized by complexity, from simple, intermediate, and challenging from my perspective. Simple is represented by what I believe will have broad support from stakeholders and will not need any action from the Board. Intermediate would be an action that will have mixed support, but what I consider to be essential in overseeing the Adaptive Management Program. Challenging are those that either require Board action (e.g., rule change) or where there will be significant opposition from several caucuses. Challenging category has been deliberately left out of this document.

SIMPLE

Policy

1. Follow TFW Policy ground rules.
2. Policy decisions should address the implementation consequences of CMER products, not the technical merit or studies themselves.
3. More deliberate use of dispute resolution for resolving disagreements.
4. Discuss the necessity of integrating climate change perspective into recommendations to the Board on when and if it is necessary to modify rules.
5. Discuss extensive and intensive monitoring approaches for the AMP.

CMER

1. Commitment to follow ground rules.
2. Set clear expectations of members and participants and update the PSM accordingly.
3. More deliberate use of Dispute Resolution when disagreements arise at CMER.
4. PSM needs to be reviewed for updates over a five year period in its entirety.
5. CMER needs to provide a prioritized budget to Policy during each fiscal year and needs to provide a balanced budget proposal during the biennial budget development process that reflects the Program priorities.
6. Caucuses need to work more collaboratively with project teams to find sites, find resources, and support the project managers.
7. The term of co-chairs should be an overlapping two year period that rotates across all caucuses.

AMP overall

1. Expectations need to be clearly identified for each role in the program.

2. The prioritization and budget processes need to be clearly written for the Board, Policy, and CMER.
3. A commitment from the stakeholders to work better together at CMER and Policy.
4. Process related delays at CMER and Policy make budget preparation, planning and execution very difficult. A renewed commitment to the tenets of the TFW agreement by caucuses could alleviate some of this.
5. AMPA and PMs need to develop more explicit budgets on projects and establish clear roles for project team members (Figure 1).
6. Work to continually improve the ISPR process to improve the quality of work in the AMP.

INTERMEDIATE

Leadership

1. Need of a commitment from Principals in each caucus to TFW and the ground rules.
2. Leadership from each caucus would be expected to set expectations for Policy and CMER representatives.
3. Private, state, tribal, and federal landowners must commit to promote the AMP and prioritize cooperation with CMER to find and harvest study sites as needed to test the effectiveness of the rules.

Policy

1. Set clear expectations for participants at Policy and document in a PSM.
2. Stay away from making scientific decisions and adhere to the “firewall”.
3. Provide explicit direction to CMER on objectives. Policy (working with the Board) needs to evaluate and decide on priorities for the AMP and leave it up to CMER to develop studies to implement the priorities. The MPS (budget) should reflect these priorities.
4. Emphasis on the policy implications of technical reports. Policy is not intended as a “go-back” when CMER members from caucuses do not get their way.
5. Actively engage in “trust building”, working with a trained facilitator in an effort to build trust across caucuses and with individuals. This should begin immediately and be completed by November 2017 with a report from the AMPA to the Board at their November 2017 meeting. This will require an additional 2 meetings per month (approximately) and will require good-faith participation by all caucuses and support from principal’s.

CMER

1. Commitment of caucuses to provide scientists at CMER to help guide work in evaluating the effectiveness of Rules.
2. Emphasis on CMER research will be placed on evaluating current forest practice rules prioritized by the Board and Policy.
3. Tighten up the front end (using Lean principles to develop studies) and the back end (review of research) of projects following a restructuring at CMER (Figure 1). This diagram will emphasize that the “science” is focused by the SAG, conducted by the Project Team, and implemented by the Contractor.
4. Use contractors (may include scientists from caucuses) on Project Teams and for implementation to increase capacity of stakeholders in accomplishing the MPS,

participating in guiding the research in response to Policy's priorities, and decrease conflict of interest within the AMP (Figure 1).

5. Set up a process to use outside experts (e.g., statisticians and subject matter experts) to help resolve technical disputes. Both within and outside of dispute resolution.
6. CMER membership should be limited to 1 voting member per caucus. In some cases the Board may select to include more than one voting member (e.g., WDFW and Ecology may need a representative). CMER membership requirements should follow the PSM. CMER members should have four-year terms and be renominated for renewal by their caucus and Board approval.
7. SAG members need to have subject matter expertise as demonstrated by education, publications, or as a practitioner working in that specific discipline. The term of a co-chair should be 2 years and should rotate across all SAG participating caucuses.
8. CMER disputes brought through the dispute resolution process to Policy need to be prioritized.

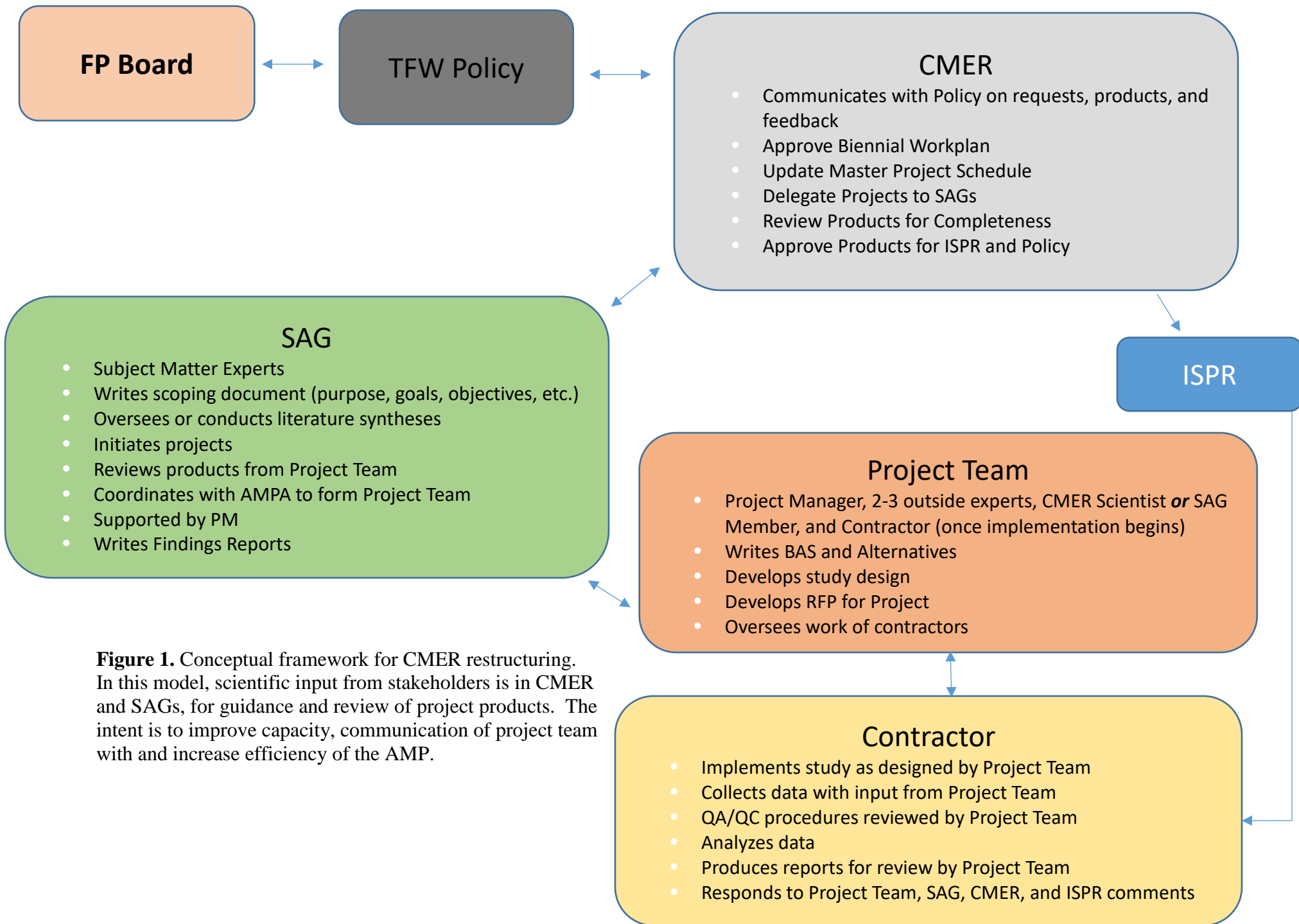


Figure 1. Conceptual framework for CMER restructuring. In this model, scientific input from stakeholders is in CMER and SAGs, for guidance and review of project products. The intent is to improve capacity, communication of project team with and increase efficiency of the AMP.

Ground Rules for Policy and CMER

TFW Policy Committee

Policy Committee members are self-selected by participating caucuses. Each caucus selects representatives to the Policy Committee and the Adaptive Management Program. Caucuses should be mindful of how their appointed representatives are perceived by other caucuses in light of the fact that the Adaptive Management Program is a collaborative effort. Each representative should demonstrate a genuine commitment to problem solving and mutual respect among all the caucuses. Since the Policy Committee is a collaborative forum, participation is dependent on adherence to the following ground rules:

A. Ground rules concerning expectations upon appointment as an Adaptive Management Program participant.

1. Participants in the Adaptive Management Program bring with them the legitimate purposes and goals of their organizations.
2. Participants recognize the legitimacy of the goals of others and assume that their own goals will also be respected.
3. Participants agree that the purpose of the Adaptive Management Program is the effective implementation of the Forest Practices Act and rules in order to meet its four goals (see Part 1, Overview).
4. Participants provide sufficient attention, staffing and other resources.
5. Participants commit to address all aquatic resource management issues raised in the adaptive management process.

B. Ground rules concerning participating in the Policy Committee and decision making.

1. The Policy Committee table welcomes representatives from nine caucuses, their designated alternates and those in senior leadership positions with a participating federal, state agency, tribal, county, landowner or environmental organization.
2. Decisions are made through consensus among the nine caucuses that make up the Policy Committee.
3. At each decision point for the Policy Committee, each caucus is encouraged to bring a single view to the table from their representative, alternate and senior leaders who are participating within the Policy Committee on that issue.
4. The Policy Committee will base consensus on one vote from each of the nine caucuses.
5. It is the responsibility of each caucus to foster consensus among their caucus members.

6. Staff members, guests and visitors are encouraged to attend meetings as they choose, but defer to those at the Policy Committee table for discussion and decisions.

C. Ground rules concerning participation in the Adaptive Management Program.

1. Participants commit to search for opportunities to solve problems collaboratively. Participants acknowledge that solving problems or issues of other caucuses is more likely to lead to solutions for ones own problems and issues.

2. Participants commit to listen carefully, ask questions to understand, and make statements to explain or educate.

3. Participants state needs, problems and opportunities first and positions last, and avoid hidden agendas.

4. If a caucus does not agree with statements or positions by other caucuses, participants offer reasons why and alternatives.

5. Participants attempt to reach consensus on a proposal or other issue being considered in the Adaptive Management Program. Consensus means that each caucus can live with all parts of that proposal, and that all caucuses will accept implementation of all parts of that proposal. At a minimum, each participant allows its name being subscribed on consensus proposals being sent to the Board, and to refrain from taking actions opposing adoption of consensus proposals by the Board.

6. Caucuses are polled on each proposal. Caucus positions on proposals reside with the governing bodies of each caucus's representatives. Each caucus decides how it will govern itself in reaching caucus decisions.

7. If the dispute resolution process concludes without consensus or a resolution satisfactory to each caucus, the issue or matter is released for consideration in other forums. If a participant chooses to resort to such other processes, it notifies the other participants before taking such action.

D. Ground rules concerning relationships to outside parties and processes

1. Participants avoid use of other processes such as legislation or litigation to resolve issues being considered in the Adaptive Management Program. If a participant believes it must resort to such other processes, it notifies the other participants before taking such action.

2. A participant may leave the Adaptive Management Program after telling the other caucuses why.

3. At the conclusion of an issue, participants attempt to agree on the message that will be given, and respect the resolution and implementing actions of the other participants.

4. No participant attributes suggestions, comments or ideas of another participant in communications with the news media or other non-participants.
5. Each participant accepts the responsibility to keep friends and associates informed of the progress of the Adaptive Management Program.
6. Caucuses are free to talk to the press, but they should not negotiate their positions in the press. Everyone is mindful of the effects their public and private statements will have on the climate of this effort.

Cooperative Monitoring Evaluation and Research Committee (CMER)

A. General CMER Ground Rules

1. Each of the participants affirmed by the Board to CMER agree to these ground rules, which were developed collectively by CMER to ensure that CMER produces credible scientific results that have a broad base of support. These ground rules are specific to CMER and do not apply to any other portion of the Adaptive Management Program.
2. CMER core values are predicated upon the agreement of each CMER participant that adaptive management is based upon sound science. It is the responsibility of every participant to follow sound scientific principles and procedures.
3. Participants will also adhere to the purpose of the Adaptive Management Program:
. . . to provide science-based recommendations and technical information to assist the board in determining if and when it is necessary or advisable to adjust rules and guidance for aquatic resources to achieve resource goals and objectives. The goal of the program is to affect change when it is necessary or advisable to adjust rules and guidance to achieve the goals of the forests and fish report or other goals identified by the board. (WAC 222-12-045(1)).
4. Individual Policy positions are not the basis for CMER decisions, otherwise the credibility of CMER research can be questioned, resulting in CMER having failed in its function of providing accountable results to the Adaptive Management Program.

B. Specific CMER Ground Rules

1. CMER participants will engage in actions that promote productive meetings and will encourage the active participation of each individual member. Examples of these actions are:
 - a. Speak to educate, listen to understand.
 - b. Pursue win/win solutions.
 - c. State motivations and justifications clearly. Discuss issues openly with all concerns on the table. Avoid hidden agendas.
 - d. Ensure that each individual has a chance to be heard.
 - e. Help others move tangent issues to appropriate venues by scheduling a time to discuss these

issues later.

f. Start and stop meetings on time.

g. Take side conversations outside—listen respectfully.

h. Define clear outcomes for each conversation and appoint a conversation manager.

i. Be trusting and trustworthy.

j. Acknowledge and appreciate the contributions of others, even when you disagree.

2. CMER participants agree to spend the time in preparation for meetings so that their participation is both meaningful and relevant and to refrain from participation when they are unprepared.

3. CMER participants agree to participate in the Adaptive Management Program's scientific dispute resolution process when consensus cannot be reached and to make a good faith effort to resolve the dispute.

4. CMER participants recognize that information and results are preliminary until the final report is approved by CMER. Products must be clearly labeled and presented as DRAFT until approved by CMER as a final product.

5. At no time shall any potential contractor for a project be involved in the drafting of an RFP, RFQ or SOW or in the selection of a contractor for that specific project.

Forest Practices Board Sub-committee Meeting
August 8, 2017
Natural Resources Building, Room 172, Olympia
1:00 p.m. – 4:00 p.m.

AGENDA

Please note: This is a subcommittee of the Forest Practices Board to address possible improvements to the Adaptive Management Program. The meeting will be recorded.

Board Participants: Lisa Janicki (sub-committee chair), Paula Swedeen, Brent Davies, Dave Herrera, and Stephen Bernath

Staff: Hans Berge, AMPA and Jeff Davis, WDFW

- 1. Review of Meeting Minutes from July 12, 2017 Meeting**
- 2. Review Facilitator Process**
 - a. Budget approval from Board at tomorrow's meeting
 - i. Use of Contingency Funds (up to \$150k)
 - b. Process steps
 - i. RFP (2 weeks)
 - ii. Interviews (1 week)
 - iii. Contract execution (2 weeks)
 - c. Facilitator
 - i. Meet with Subcommittee
 - ii. Interviews
 - iii. Meet with Subcommittee
 - iv. Set up Principal's meeting
- 3. Adaptive Management Program Improvement**
 - a. "Low hanging fruit"
 - i. Discuss process for reviewing proposed improvements
 - ii. Consider what has been proposed (provided at July 12th meeting)
 - iii. Next steps
 - b. More difficult proposed changes
 - i. Those things that need guidance changes (board manual)
 - ii. Those things that would need to be implemented thru rule change
- 4. Report to the Board at Tomorrow's Meeting**
- 5. Public Comment Period**
- 6. Adjourn**