FOREST PRACTICES BOARD

REGULAR BOARD MEETING
May 11, 2010
Natural Resources Building
Olympia, Washington

Members Present

Lenny Young, Chair of the Board, Department of Natural Resources
Anna Jackson, Designee for Director, Department of Fish and Wildlife
Bill Little, Timber Products Union Representative
Dave Somers, Snohomish County Commissioner
David Hagiwara, General Public Member
David Herrera, General Public Member
Doug Stinson, General Public Member/Small Forest Landowner
Norm Schaaf, General Public Member
Paul Isaki, Designee for Department of Commerce
Tom Davis, Designee for Director, Department of Agriculture
Tom Laurie, Designee for Director, Department of Ecology

Absent

Carolyn Dobbs, General Public Member
Sherry Fox, General Public Member/Independent Logging Contractor

Staff

Darin Cramer, Forest Practices Division Manager
Marc Engel, Forest Practices Assistant Division Manager
Patricia Anderson, Rules Coordinator
Phil Ferester, Assistant Attorney General

WELCOME AND INTRODUCTIONS

Lenny Young called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m. Introductions were made by Board members, staff, and the public. Young said he was hoping to present plaques to outgoing Board members Brad Avy, Department of Agriculture and Brent Bahrenberg, Department of Commerce, and expressed appreciation to them for their service on the Board.

Shane Martinez, Department of Natural Resources (DNR or Department), provided a safety briefing.

APPROVAL OF MINUTES

MOTION: Dave Somers moved to approve the February 10 meeting minutes.

SECONDED: Anna Jackson

Board Discussion

Anna Jackson suggested the following changes to page 4, lines 6 and 8:

> Carolyn Dobbs referred to page 4 of the annual report, "WDFW will attempt to contact a new landowner relative to developing a management plan." She asked how the department will have contact with the landowner at the earliest possible time. Whipple answered that contact had already been made with the current landowner, and although there is little management expected, the department will continue communications with this landowner in an attempt to facilitate contact with any new landowner as soon as possible.

Tom Laurie suggested amending page 16, line 17 by replacing the word, "protection" with "anti-degradation."

ACTION: Motion passed unanimously.

MOTION: Doug Stinson moved to approve the March 26 meeting minutes.

SECONDED: Norm Schaaf

ACTION: Motion passed unanimously.

MOTION: Anna Jackson moved to approve the April 23 meeting minutes.

SECONDED: Dave Somers

ACTION: Motion passed. 10 support / 1 abstention (Hagiwara)

REPORT FROM CHAIR

Lenny Young reported:

- Adaptive Management Program funding is secured for another year through a supplemental budget request, but there must be continued focus and effort in securing the program's long-term funding.
- As will be discussed in the Business Reference Guide discussion, no communications from the public to the Board will be allowed during meetings except in public comment sessions designated on the agenda and during breaks.

PUBLIC COMMENT

Connie Bergstrom, Log Smarter, Stevens County, asked the Board to develop best management practices for appropriate clear cut size and chemical spraying for the dry land forests. She explained Log Smarter is a grass roots organization in Northeast Washington that includes people from all walks of life. Its members support the timber industry which is very important for the local economy, and the sustainability of logging for future generations. But there is great concern about the massive destruction caused by logging practices of Forest Capital Partners. This company owns a huge amount of land and strips it down to nothing for their investors. They are not stewards of the land.

They spray the land, wildlife, and water with a mixture of chemicals that has not been tested. There are no hydrology studies in the area, so the effect on wells is unknown. Berry picking and recreation in the area is becoming dangerous.

Mike Slater, Log Smarter, Stevens County, asked that the Board consider changing forest practices rules for Eastern Washington. He explained he, as an adjacent forest landowner to Forest Capital, feels like the canary in the mine shaft. He said the company has clear cut to his boundary line and over sprayed his property with herbicides. According to Forest Capital's own statistics, since 2005 it has sprayed about 57,000 acres in Northeastern Washington, and cut about 70,000 acres. When the company is finished, they will sell and go back to Boston, leaving the citizens with a moonscape and an economy that will not be supportive to the timber industry, causing people to lose their jobs and mills to shut down. The herbicide they are using is a combination of Chopper, Generation 2, Accord, and Oust and it is so powerful it is even killing 12-year old Ponderosa pine trees which is a climax species in the area. He said they have a petition with over 700 signatures, signed by environmentalists, loggers, and foresters alike, crossing all political boundaries. They do not understand how this can be sustainable forestry, and they hope the Board will listen and change rules for Eastern Washington state.

Caroll Vrba, Log Smarter/Citizens for a Clean Columbia, said she was very concerned about human exposure, water contamination, the flow of water into the Columbia River, and how much time it will take for re-growth in the dry land forest. She said hydrologists say the long-term effect will be on shallow wells in the valleys. She said the forest practices rules don't seem to take into account the differences between the dry land Eastern Washington forests and the wetter forests in Western Washington.

Anna Jackson asked about the purpose of the petition. Vrba answered the group wanted to see how widespread the concern about these logging practices really was, and they decided to find out how many people would stand up and be counted by asking for their signatures.

Rick Dunning, Washington Farm Forestry Association, referred to two documents he had sent to the Board: the Legislature's new prioritization for the Forest Riparian Easement Program (FREP), and "Family Forest Owners and Forest and Fish Promises" dated April 14, 2010. He said the new FREP prioritization will pit landowner against landowner. Washington's forest policy is very difficult for the small forest landowners of this state, and the Board's efforts to protect the state's forest resources are being undermined by the industrial-sized rules.

Chris Mendoza, Conservation Caucus, said having conducted several alternate plans for small forest landowners over the years, he realized they suffer from economy of scale. They are being asked to provide the same protection as the large industrial landowners, but without the tools or the land base necessary to respond to and survive the challenges of the forest practices rules. He also commented that the Compliance Monitoring Oversight Committee is working well and the Department of Fish and Wildlife and the Department of Ecology are working with DNR to determine the correct water types for a given area before a landowner applies for a forest practice.

Peter Goldman, Washington Forest Law Center, commented on the costs of unsustainable practices, and the tragedy of not looking at the cumulative effects of unsustainable practices. He also urged the

Board to closely oversee Forests and Fish Policy (Policy) in regards to its work on watershed analysis because the SEPA loophole must be fixed.

Miguel Perez-Gibson, Conservation Caucus, said he does not think the long-term viability of the timber industry and the protection of public resources can be achieved one forest practice at a time – cumulative effects will need to be addressed sooner or later. He spoke in support of funding for FREP and the Small Forest Landowner Office. He commented the permit fee of $50 for everyone is actually subsidizing the large industrial landowners, as it costs DNR $5,000 to process applications. He suggested raising this fee for large landowners and putting the money into a fund for small forest landowner programs.

Jeffrey Thomas, TFW Cultural Resources Committee/Puyallup Tribe, said the Puyallup Tribe supports revisiting the rule language in WAC 222-20-120.

STAFF REPORTS

Adaptive Management

Jim Hotvedt, DNR, pointed out an addition to the CMER work plan, the Projects and Functions Table. It shows the Forests and Fish goals and the functions addressed by each project which should be very helpful to users of the work plan. He acknowledged and thanked CMER for developing the table.

Board Manual, Rule Making Activity, and 2010 Work Plan

Marc Engel, DNR, said the Riparian Open Space rule making is progressing and the Board should be seeing a proposal for the 30-day review in August. The board manual for that program is expected to be completed for the Board's consideration at the same time the Board considers adopting the rule. The work plan will be modified to show a semi-annual Compliance Monitoring report in November and noted the Upland Wildlife Work Plan will show a status of "ongoing" indefinitely.

Compliance Monitoring

Walt Obermeyer, DNR, updated his April 19, 2010 written report. To date, 46 percent of the sample applications are complete. This year the program is working on a smaller sample size which allows time to look at haul route compliance.

In reference to the written report, Norm Schaaf and Doug Stinson asked Obermeyer to elaborate on rule compliance vs. application compliance, and the haul route review. Obermeyer answered the Compliance Monitoring Stakeholder Committee members have determined the primary reporting emphasis will be whether forest practices comply with the rules, even if the application goes beyond rule requirements. The haul route review is related to a Clean Water Act assurance milestone, and looks at the haul route between the application area and public access during the time of haul.

Small Forest Landowner Office and Advisory Committee

Mary McDonald, DNR, reported:

- Work on the conifer restoration template is suspended because the advisory committee members do not believe it would be supported by the family forest community.

- The Forest Riparian Easement Program may receive about $1 million via a proviso in the supplementary budget. The office will be working out prioritization details with interested stakeholders.
- The addition of a westside stewardship forester is expected and will be funded with federal and Washington State University Extension funds.
- The program recently acquired two federal grants for the Family Forest Fish Passage Program.
- 35 long-term applications have been approved to date.

Norm Schaaf asked for clarification about the prioritization of FREP expenditures and the stakeholder input mentioned in McDonald's staff report. McDonald answered the proviso language for using the funds in the coming year includes 14 prioritization elements. It also directs the Department to work with interested stakeholders to develop prioritization and eligibility criteria for changes for future program implementation. A recommendation is due to the Office of Financial Management on October 1, 2010.

<u>TFW Cultural Resources Committee</u>
Pete Heide, co-chair, said the committee is looking for feedback from Darin Cramer and Rodney Cawston on a draft charter, and expressed thanks to them for their time and consideration. He said the committee completed a brainstorming session on guidance for cultural resources management for TFW stakeholders, forest landowners, and tribes, and the Board can expect to see those products in the future.

Jeffrey Thomas, co-chair, said the committee looks forward to progress on the official standing of the committee, and thanked Darin Cramer and Rodney Cawston. He pointed out that the use of General Land Office (GLO) information (item 3 on the committee's work plan) has come up recently and is a very important topic in the Puyallup watershed. The committee will be continuing to focus on revisions to WAC 222-20-120.

<u>Northern Spotted Owl Implementation Group</u>
David Whipple, Washington Department of Fish and Wildlife (WDFW), reported the group is formed with Chuck Turley serving as chair. The group has met once, has adopted ground rules, and is currently drafting a charter. The members all agreed at this time the group does not need facilitation.

LEGISLATIVE UPDATE
Darin Cramer, DNR, summarized 2010 legislation that will impact the Forest Practices program directly or indirectly:

- House Bill (HB) 2541 directs DNR to develop landowner conservation incentives to encourage maintaining forest lands in forestry.
- HB 2935 transfers the jurisdiction of appeals of DNR decisions from the Forest Practices Appeals Board to the Pollution Control Hearings Board. This will require rule making.
- HB 2420 promotes industries that rely on the state's working land base.
- Senate Bill (SB) 6481 narrows down the number of counties required to adopt and enforce forest practices ordinances or regulations to those planning under the Growth Management Act with a population of 100,000 or more, and the cities within those counties.
- SB 6578 creates an optional multi-agency permitting team.

- HB 2617 eliminates some boards and commissions and removes all travel allowances for Class 1 boards (Small Forest Landowner Advisory Committee), and requires cost-savings for Class 4 boards (Forest Practices Board).

Norm Schaaf asked how the Board is expected to be involved in the incentives program under HB 2541. Cramer said the Board will receive more specific information as DNR develops a plan for implementation.

WATERSHED ANALYSIS UPDATE

Darin Cramer, DNR, said staff intends to have a complete watershed analysis review process and prioritized list completed for Board review prior to the August 2010 meeting. An agreement between DNR and Weyerhaeuser Company, which was discussed at the March 26 special meeting, is drafted and it should be finalized within a few days.

Jim Hotvedt, DNR, reported he submitted a proposal to Policy which followed almost literally the information in the proposal approved by the Board at the April 23 special meeting. Policy accepted it, decided to keep it in the Policy track, and designated a subgroup to develop a charter and a schedule. Policy has set a target date of December 2010 at the earliest, but no later than May 2011, for returning to the Board with a proposal.

Norm Schaaf asked Cramer whether there will be stakeholder involvement in the watershed analysis review plan and prioritization list. Cramer answered yes, once staff develops draft criteria and a review process, all interested stakeholders will be invited to review and provide feedback. This will take place prior to the Board's August meeting.

CLEAN WATER ACT ASSURANCES UPDATE

Stephen Bernath, DOE, explained this quarter's update is more extensive than other quarterly updates because the Department of Ecology (DOE) has decided to include a comprehensive assessment of successes and adjustments to milestones on an annual basis.

Mark Hicks, DOE, commented that spring is a good time of year to provide more extensive updates because it follows on the CMER budget and planning process when the status of the CMER projects is reviewed. This update shows some due dates are moved further out into the future, but it does not signal a relaxation in the assurances. Instead it is a recognition that a milestone is going to take a little longer. For example, we may have realized an original due date for a particular project didn't take into account the appropriate amount of time it takes for all of the steps in the project.

Hicks said DOE is pretty happy with the pace of meeting the milestones, and DNR is giving a huge amount of support in terms of taking over the leadership where appropriate. Forward movement must be kept up – if some due dates slide behind it is much harder to keep up with the overall schedule. It is important not to underestimate the amount of time it takes to accomplish things, especially in the cooperative world of adaptive management. Ecology's biggest concern now is the long-term budget situation.

Norm Schaaf referred to the differences between the terms used for the tasks in the milestones summary and the projects in the CMER work plan, and asked for confirmation as to whether the plan

is on track to meet the Clean Water Act assurances. Hicks confirmed the projects and the milestones are lined up well.

RMAP POLICY SUBGROUP REPORT

Stephen Bernath, Policy co-chair, referred to a draft Road Policy Work Group charter dated May 6, 2010. He explained that he and Tom Robinson, Policy co-chair, will be submitting a proposal to the Board prior to the August meeting. He explained that a key cornerstone of the Forests and Fish rules and the Forest Practices Habitat Conservation Plan (HCP) is road maintenance and abandonment planning (RMAP). This is a commitment by landowners to inventory their roads, determine any fixes needed, and complete work within 15 years from the rule's effective date. It is now ten years into the plan and recently the economy has not been favorable to the timber industry. Industry representatives have asked Policy to consider an extension of the RMAP process. The Road Policy Work Group charter shows the work that is being done to prepare a proposal to the Board. A proposal is expected to address:

- Conditions for an extension of the RMAP timeline.
- How to better track RMAPs accomplishments, and to re-engage the small landowners in this effort by getting better funding for the Family Forest Fish Passage Program.
- How to appropriately determine and convey in the 2013 legislative report whether the small forest landowner RMAP checklist approach is successful.
- Funding for counties to do their bridge work, because the counties own bridges downstream from forest landowners.
- Opportunities for low interest loans to help the large landowners to meet timelines.
- Ensuring no unintended consequences to whatever Policy proposes.

Anna Jackson asked if there is agreement amongst the players that there is to be no change in fundamental resource protection and assurances. Bernath answered yes, the obligations would not change but would take place over a slightly longer period of time to recognize the economic situation and still accomplish the goals.

Tom Robinson said Policy wants to take a watershed perspective and an approach that emphasizes the importance of downstream fish passage barrier removal. The counties' and the small landowners' systems are basically an overlay of one another.

Tom Laurie asked about the expected process and deliverable to the Board in August. Bernath explained a staff subgroup will collect information on RMAPs progress to date, which will feed into a policy subgroup for proposal development. This will hopefully go to Policy in June, and between June and July Policy will develop a proposal that can be forwarded to the Board in sufficient time before the August meeting for the Board to be prepared to consider action.

PUBLIC COMMENT ON CMER 2011 WORK PLAN AND BUDGET

Chris Mendoza, CMER co-chair, explained CMER made substantial revisions to the work plan this year to help show and facilitate the interaction between CMER's work and Policy's work.

CMER 2011 WORK PLAN AND BUDGET

Jim Hotvedt, Adaptive Management Administrator, requested the Board's approval of the 2011 CMER Work Plan and budget. He gave an overview of the work plan's organization and hierarchical

structure, and said the document can be a very helpful reference once one understands this organization. He said there are two additions to the work plan this year, the CMER Projects and Functions Table described earlier in the Adaptive Management staff report, and a "Link to Adaptive Management" section under each program to help Policy and the Board to understand how each rule group critical question is being addressed by the CMER projects. For each program, this section identifies knowledge gained, gaps in knowledge, and recommendations for addressing gaps.

He pointed out the proposed new and ongoing projects shown on Table 4 of the work plan, and the budget proposal on a separate table, "FY 2011-2019 Policy Preferred CMER Budget." He explained the projected FY 2011 revenue ($2,768,049) is sufficient to pay for the new and proposed projects plus staff costs ($2,683,000). The problem comes in 2012 when federal monies run out. Long-term support revenues are projected to be only $1.2 million. DNR and DOE are working to secure grants from the Environmental Protection Agency (EPA) on behalf of the Adaptive Management Program. DNR applied for a $600,000 grant for wetlands mitigation and $285,000 for CMER management and information, and DOE applied for a $695,000 grant for the Westside Type N Experimental Buffers project. Results of those applications will be coming soon. It is expected that sometime later this summer EPA will advertise another round of requests for applications.

MOTION: Tom Laurie moved that the Forest Practices Board approve the 2011 CMER Work Plan and Budget as presented.

SECONDED: Dave Hagiwara

Board Discussion

Norm Schaaf said he noticed some projects seem to be given a higher priority on Table 4 than they seem to warrant when one looks at Table 3. Hotvedt said Table 3 reflects the original ranking criteria of scientific uncertainty and risk, and the prioritized list on Table 4 reflects a different, updated set of priorities based on the outcome of the Clean Water Assurances review last spring.

David Hagawara asked if the Board could be notified of the outcome of the pending grant applications, to which Young and Hotvedt answered yes.

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON CMER MEMBERSHIP

None.

CMER MEMBERSHIP

Jim Hotvedt, DNR, explained there is a core set of CMER members that are voting members, and there is a vacancy in the landowner caucus. The Washington Forest Protection Association has requested that A.J. Kroll fill the vacancy.

MOTION: Norm Schaaf moved that the Forest Practices Board approve Table 2 as the current CMER roster that reflects A.J. Kroll as a member.

SECONDED: Dave Somers

Board Discussion

Lenny Young suggested a friendly amendment to drop the word, "core" from the motion because the rules do not refer to a "core" membership.

ACTION: Motion passed unanimously.

BUSINESS REFERENCE GUIDE

Marc Engel, DNR, presented a Business Reference Guide for the Board's consideration. He said late last year the Board formed a "By-Laws Committee" consisting of Peter Goldmark, Sherry Fox and Carolyn Dobbs to consider the potential for by-laws for the Board. The committee met in January and March and recognized that chapter 222-08 WAC already contains the practices formal by-laws would have provided. At the committee's request, Board counsel Phil Ferester developed a Forest Practices Board Business Reference Guide. Engel requested that one sentence be added to the guide prohibiting the passing of written or electronic notes to Board members during meetings.

Tom Laurie and Paul Isaki both asked for confirmation that the document is simply guidance based on WAC without the effect of a rule. Phil Ferester answered it is not a rule, and added the Board can choose to adopt revisions to its procedural rules any time, but that is a longer and more involved process and may not be necessary to accomplish the Board's goals.

Norm Schaaf asked whether the timelines shown on Attachment A limits the use of amendments and motions that come up during the course of discussions in meetings. Engel answered the timeline is for the information that will be made available to the Board and the general public prior to each regular meeting. Lenny Young said he understood that the committee discussed actually locking down the agenda according to this timeline, but decided they did not want to go to that point.

David Hagawara asked for clarification on the meaning of "during meetings" in regards to the prohibition of passing notes to Board members. Young answered the language would not prohibit communications during breaks.

Young directed staff, with the Board's consent, to incorporate the new language and post the Business Reference Guide on the Board's website.

PUBLIC COMMENT ON NOTICE OF FOREST PRACTICES TO AFFECTED INDIAN TRIBES RULE MAKING

Pete Heide, Washington Forest Protection Association, said the committee has discussed this issue for some time and it is a high priority item on the committee's work plan. He explained the language in the rule was adopted in 1987 with the original TFW rules. It was designed to provide a vehicle for tribes to deal directly with landowners on cultural resource issues that did not fit well into the categories of archaeological and historic sites. The tribes didn't want the government involved in cultural resource issues, and wished to consult directly with landowners to achieve protection. Recently the cultural director of the Cowlitz Indian Tribe brought a concern to the committee that the rule essentially directs the tribes to have a meeting with landowners that the tribes wouldn't

necessarily always want to participate in. The committee worked on a solution, but it turns out DNR has some additional problems with implementing the rule.

He said he fully expects a consensus proposal will go to the Board. The landowners definitely want to continue to work on these issues through the voluntary approaches described in the Cultural Resources Protection and Management Plan and build relationships with the tribes. However, it is important that the Board understands landowners do not want the burden of proof shifted to them, as it is very difficult and expensive to prove the negative on these issues.

NOTICE OF FOREST PRACTICES TO AFFECTED INDIAN TRIBES RULE MAKING

Sherri Felix, DNR, requested the Board's approval to provide notice to the public that the Board is considering rule making in WAC 222-20-120. Staff believes it is timely to file the CR-101 for this rule making because the Board's 2010 work plan includes this topic for rule making and the TFW Cultural Resources Committee is developing consensus recommendations for amending the rule. The committee is endeavoring to improve understanding and implementation of this rule while respecting tribal sovereignty. To achieve these goals the committee's work is focused on clarifying ambiguous language and resolving issues with the landowner-tribe meetings that are required when applications involve cultural resources.

MOTION: Tom Laurie moved that the Forest Practices Board direct staff to file the CR-101 with the Office of the Code Reviser to inform the public that the Board is considering rule making to amend WAC 222-20-120. This rule making would clarify ambiguous language and resolve issues with the rule's landowner-tribe meeting requirement and tribal sovereignty.

SECONDED: Dave Somers

Board Discussion

Norm Schaaf asked if there is an expected timeline for this rule making. Felix answered there is no expiration of a CR-101, and she did not know when the committee would come to consensus because the issue is complicated and sensitive.

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON NORTHERN SPOTTED OWL RULE MAKING

None.

NORTHERN SPOTTED OWL RULE MAKING

Gretchen Robinson, DNR, requested the adoption of the Northern Spotted Owl rule. She provided a brief background for the benefit of the newer Board members. She explained the Board has conducted several rule making activities related to spotted owl conservation since 2005 when WDFW scientists reported declines in Washington's spotted owl population and habitat. Starting in 2005 the Board placed a moratorium on the decertification of Northern Spotted Owl site centers through a series of emergency and permanent rules. In December 2008 the Board eliminated the moratorium

language but added a process in which a three-member Spotted Owl Conservation Advisory Group would have a role, along with WDFW, in the evaluation of whether any site center may be decertified at a landowner's request while the Board considered a long-term conservation strategy. She referred the Board to the "Chronology of Board Actions" in their materials for rule making activities from December 2008 to the present. She pointed out the recommendation in November 2009 by the Policy Working Group on Northern Spotted Owl Conservation to continue the current decertification process under an open ended rule with an annual review until the Board resolves outstanding questions regarding spotted owl conservation.

She reported no one attended the April 7, 2010 public hearing and the Board did not receive any comments on the rule proposal. She also reported staff has reviewed all of the small forest landowner long-term applications and found that none of them include lands in the designated areas that may be subject to the rule.

MOTION: Anna Jackson moved that the Forest Practices Board adopt the rule proposal that amends WAC 222-16-010 and 222-16-080 relating to the spotted owl conservation advisory group and elimination of the moratorium on Northern Spotted Owl decertification. She further moved to direct staff to file a CR-103 Rule Making Order with the Office of the Code Reviser.

SECONDED: Dave Somers

Board Discussion

Tom Davis asked who sat on the Board's Policy Working Group. Young answered the group was represented by government, landowner, and conservation interests.

Davis asked why the Board is looking at an annual review rather than a sunset date. Young answered the Board had been through a series of extensions of emergency rules to keep doing this while long-term strategies were put in place, and it seemed more efficient to make it open ended while the Board completes a long-term strategy. Phil Ferester added that emergency rules are only valid for 120 days, and it can be a major workload issue for the Board and staff to adopt multiple emergency rules.

Tom Laurie said the fact that there was no public comment at all speaks to the Policy Work Group being an effective way to deal with the issues.

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON ADMINISTRATIVE APPEALS RULE MAKING

None.

ADMINISTRATIVE APPEALS RULE MAKING

Gretchen Robinson, DNR, requested that the Board begin an expedited rule making process to address changes in statute to administrative appeals processes (House Bill 2935, 2010 legislation). The legislation simplified the appeals process for environmental and land use decisions. The affect on forest practices is:

- It eliminated the Forest Practices Appeals Board (FPAB) and makes DNR's decisions appealable to the Pollution Control Hearings Board.
- It made the defined term, "date of receipt" the standard trigger for appeals timelines.
- It standardized appeal deadlines to 30 days, making Stop Work Orders appealable within 30 days instead of 15 days.
- It broadly included the decisions of DNR under the Pollution Control Hearings Board's jurisdiction, making it suitable to insert guidance in the rules for the "notice of a conversion to a non-forestry use" – an appealable notice added to RCW 76.09.060(3)(b) in 2007 legislation.

She explained the first step in expedited rule making for the forest practices program is to distribute language for early review to WDFW, counties and tribes pursuant to RCW 76.09.040(2).

MOTION: Dave Somers moved that the Forest Practices Board approve the rule proposal, relating to the elimination of the Forest Practices Appeals Board and a definition for "notice of a conversion to a non-forestry use," for a 30 day review with the counties, Department of Fish and Wildlife and tribes. This rule making incorporates provisions of the 2010 Substitute House Bill 2935 and the 2007 Second Substitute Senate Bill 5883.

SECONDED: Norm Schaaf

ACTION: Motion passed unanimously.

EXECUTIVE SESSION

Executive session was convened from 11:50 a.m. to 12:00 noon.

Meeting adjourned at 12:00 noon.