FOREST PRACTICES BOARD

REGULAR BOARD MEETING
August 10, 2010
Natural Resources Building
Olympia, Washington

Members Present

Peter Goldmark, Chair of the Board, Department of Natural Resources
Anna Jackson, Designee for Director, Department of Fish and Wildlife
Bill Little, Timber Products Union Representative
Carolyn Dobbs, General Public Member
Dave Somers, Snohomish County Commissioner
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
Paula Swedeen, General Public Member
Tom Davis, Designee for Director, Department of Agriculture
Tom Laurie, Designee for Director, Department of Ecology
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

Peter Goldmark called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m. The Board members introduced themselves. Goldmark introduced Paula Swedeen as a new member replacing David Hagiwara as a general public member.

Patricia Anderson, Department of Natural Resources (DNR or Department), provided a safety briefing.

APPROVAL OF MINUTES

MOTION: Doug Stinson moved to approve the May 11, 2010 meeting minutes.

SECONDED: Norm Schaaf

ACTION: Motion carried. 11 Support / 2 Abstentions (Carolyn Dobbs, Sherry Fox)

REPORT FROM CHAIR

Peter Goldmark's report focused on budget challenges. He said there continues to be pressure on the General Fund and the state can expect at least an additional $3 billion hole in the fiscal year (FY) 11-13 biennium. Where the Board is concerned, the 2010 Legislature passed House Bill

2617 which calls for boards and commissions to run as economically as possible. In regards to the Adaptive Management Program budget, DNR and others have been working to solve this fiscal year's budget gap and long-term solutions.

PUBLIC COMMENT

Tom Holt, Forest Capital Partnership LLC, told the Board he would be available to answer questions if needed when Julie Sackett presents information on concerns in northeastern Washington.

Rick Dunning, Washington Farm Forestry Association (WFFA), said the association gave a presentation to the House Natural Resource Committee on July 27, 2010. The presentation included WFFA's interpretation of the Forests and Fish legislation and how three programs targeted for small forest landowners have been unfulfilled or marginalized. He requested 20 minutes on the Board's November meeting agenda to present the implications of proposed legislation the association introduced in 2010 for expansion of existing small forest landowner rules.

Kara Whittaker, Washington Forest Law Center, explained she found that Forest Capital's practices in eastern Washington may be in compliance with the rules but may not be effective at protecting public resources. She suggested a new CMER study be initiated to address this uncertainty.

Peter Goldman, Washington Forest Law Center, commented on the ongoing Board committee efforts for watershed analysis, Northern Spotted Owl, and road maintenance and abandonment. He asked the Board to be vigilant in their questioning when they receive feedback from committees, and watch carefully that resource targets are met on time. He said he appreciated the Department of Ecology's vigilance regarding the necessary completion of studies for Clean Water Act assurances.

STAFF REPORTS

Adaptive Management

Jim Hotvedt, DNR, reported that the Adaptive Management Program should be getting word from the Environmental Protection Agency soon on three grant proposals: buffer effectiveness on soft rock lithologies, road construction and road mitigation, and development of an information management system.

Board Manual Update

Marc Engel, DNR, said development of Section 18 Guidelines for the Riparian Open Space Program will occur as rule making on that subject progresses. He added he anticipates possible revisions in Section 3 Guidelines for Roads and Section 11 Standard Methodology for Conducting Watershed Analysis in the near future depending on the Board's actions concerning rules on those subjects.

Rule Making Activity and 2010 Work Plan

Marc Engel, DNR, listed the ongoing rule making activity (Riparian Open Space, Administrative Appeals, and Notice of Forest Practices to Affected Indian Tribes) and said the Notice of Forest Practices to Affected Tribes is still in the rule development stage. He noted changes to the work

plan: The Cultural Resources Committee Annual Report will occur in November, and the Upland Wildlife project should be shown as "ongoing", not "completed."

Compliance Monitoring

Walt Obermeyer, DNR, said the draft 2008-2009 biennial report is being prepared for a stakeholder review. He said the Board can expect either the final report or his verbal update at the November meeting.

Small Forest Landowner Office and Advisory Committee

Mary McDonald, DNR, said DNR has conducted two public meetings and will hold a third on August 30 to gather input on statutory language for Forest Riparian Easement Program reform. A report is due to the Legislature and the Office of Financial Management (OFM) by October 1, 2010.

TFW Cultural Resources Committee

Pete Heide, co-chair, said the committee will likely have a consensus recommendation for the Board on language to modify WAC 222-20-120 for the November meeting. Jeffrey Thomas, co-chair, commenting on behalf of the Puyallup Tribe, said he would like to see more interest at the state and local levels to integrate cultural resource protection with natural resource protection.

FOREST PRACTICES BOARD PLAN TO MEET E2SHB 2617

Marc Engel, DNR, explained that 2010 legislation eliminated 45 boards, commissions, committees, and councils. It did not eliminate class 4 boards, which is the classification of the Forest Practices Board, but it calls for reducing costs for FY 2011. At OFM's request, staff submitted a list of cost saving measures for the Forest Practices Board including using state facilities, reducing Board members' travel expenses, and considering an increase in phone conferencing in combination with web conferencing.

Board Discussion

Peter Goldmark said DNR has tried using GoToMeeting web conferencing and found it to be workable and effective in cutting down on travel expenses.

Subsequent Board discussion included the following points and suggestions:

- Interaction among Board members is a very important part of the decision making process. Face-to-face meetings are important for full engagement, especially as discussions are evolving during the day.
- Holding only four meetings per year and not adding special meetings would considerably cut down on costs.
- Staff costs are driven by the Board's work plan.
- Some Board members may elect to forgo compensation and/or travel reimbursement.
- Could try the web conferencing approach for a couple of meetings and then re-assess.
- Could compare costs of using the web conferencing with the travel costs of in-person meetings to make an informed decision whether the difference is significant enough to warrant a change.

Goldmark concluded there will be considerable cost savings in adhering to a quarterly meeting schedule, and asked Engel to report back to the Board on the costs of the alternatives discussed to prepare for further Board discussion in November.

REPORT ON PUBLIC FOREST PRACTICES CONCERNS IN NORTHEAST WASHINGTON

Julie Sackett, DNR, presented a report to follow up on comments the Board has received from the citizen group, LogSmarter about Forest Capital Partners' timber harvest and chemical spraying practices in northeastern Washington. The report included an overview of forest practices rules that regulate even-aged timber harvest and aerial forest chemical spraying, total numbers of Boise Cascade's and Forest Capital's approved applications for five-year periods in the past decade, and comparisons of average and maximum unit sizes among large industrial forest landowners within northeastern Washington.

She addressed LogSmarter's concerns about chemical batching, water quality, and public health by explaining Department of Agriculture requirements, which Forest Capital followed. She concluded that Forest Capital's even-aged harvest unit size and aerial spraying practices were compliant with the forest practices rules, except for one instance of over-spraying on an adjacent property in which an operator was in violation, not Forest Capital.

She said Mike Slater of LogSmarter asked her to make it clear that the group's members do not oppose logging, but are asking the Board to consider limiting even-aged harvest unit size on the eastside to 40 acres and to require additional environmental review for aerial chemical spray proposals.

Paula Swedeen asked if LogSmarter intended to file a formal petition for rule making; Sackett answered no, not to her knowledge. Carolyn Dobbs asked how the chemical application rules for riparian areas are different from the requirements for upland areas. Sackett answered although there are special requirements for wetlands and riparian areas, the rules do not otherwise prohibit spraying of conifer species. David Herrera asked if the chemical requirements consider the effects on wildlife, to which Sackett answered she did not know. Dave Somers asked about reforestation requirements; Sackett explained the reforestation standard is at least 150 seedlings per acre 12 months after harvest, although there are nuances depending on the type of harvest activity.

PUBLIC COMMENT ON RIPARIAN OPEN SPACE RULE MAKING

None.

RIPARIAN OPEN SPACE RULE MAKING

Dan Pomerenk, DNR, requested the Board's approval to distribute draft rule language to counties, the Department of Fish and Wildlife, and tribes pursuant to RCW 76.09.040(2). He said the proposed language amends the rules regarding the acquisition of conservation easements, incorporates stakeholder input, and has been shown to Forests and Fish Policy.

Sherry Fox asked questions related to input by small forest landowners, to which Pomerenk answered that Vic Musselman was involved in the rule development process.

Paula Swedeen referred to the language proposed in WAC 222-23-010(1) regarding forest lands containing critical habitat for threatened and endangered species as designated by the Board. She asked whether that refers to the critical habitats (state) as specified in the rule or does the Board have the ability to define critical habitat for the purposes of this program. Pomerenk said the interpretation has been the former, and Marc Engel verified. Swedeen said this issue was brought up by the Northern Spotted Owl Policy Working Group, and if that is the case, only spotted owl habitat within SOSEAs is available for acquisition. She said she thought the intent was a broader scope of application.

Sherry Fox asked if work had begun on the priority list. Pomerenk answered there are two elements stated in the draft rules under WAC 222-23-025, conservation benefits and landowner management options, and these would be further described in the board manual. Fox asked that Musselman continue to be included when the board manual is developed.

MOTION: Tom Laurie moved that the Forest Practices Board approve the draft rule proposal relating to the expansion of the riparian open space program for a 30 day review with the counties, Department of Fish and Wildlife and tribes. This rule making incorporates provisions of the 2009 Substitute Senate Bill 5401.

SECONDED: Sherry Fox

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON ADMINISTRATIVE APPEALS EXPEDITED RULE MAKING

None.

ADMINISTRATIVE APPEALS EXPEDITED RULE MAKING

Gretchen Robinson, DNR, requested the Board's approval to file a CR-105 for expedited rule making to incorporate provisions of recent legislation that eliminated the Forest Practices Appeals Board, and to correct an error in WAC 222-30-023. She explained in expedited rule making the Board may adopt the rules without conducting hearings if there are no written objections to the proposed language within 45 days of publication in the Washington State Register.

MOTION: Paul Isaki moved that the Forest Practices Board initiate an expedited rule making relating to the elimination of the Forest Practices Appeals Board and a definition for "notice of a conversion to a non-forestry use," by filing the CR-105 with the Office of the Code Reviser. 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.

PUBLIC COMMENT ON BIOMASS DEFINITION RULE MAKING

Stephen Bernath, Department of Ecology (DOE), said DOE is supportive of this action with appropriate safeguards: consistency with other statutes; no unintended consequences to soil

compaction, soil erosion, or requirements such as down wood; only excess material is removed such as slash piles and the wood removed for fuel reduction. He cautioned that roads must be maintained, and roads that haven't been upgraded to RMAPs standards cannot be used for biomass removal unless brought up to standards to avoid risk to water quality.

Adrian Miller, Washington Forest Protection Association (WFPA), commented in support of filing the CR-101 to identify biomass harvest as a forest practice and define biomass consistent with existing definitions in statute and regulation. He added that many landowners already recognize this activity as regulated under forest practices, but WFPA supports rule making to make it explicit and ensure all landowners will abide by the same regulations while protecting public resources.

FOREST BIOMASS PRESENTATION AND FOREST BIOMASS DEFINITION RULE MAKING

Gretchen Robinson, DNR, and Cesar Carrion, DNR, presented information on the increasingly frequent practice in Washington of removing forest biomass from forest lands for energy production purposes. They explained several reasons this is occurring: There is economic opportunity for the forest industry; there is an abundance of available material; there is policy direction at the state and federal levels for renewable resources as a source of domestic energy production; and the equipment and infrastructure are being developed to meet the industry's need for renewable biomass feedstock.

Carrion summarized biomass removal activity that landowners are including in forest practices applications across the state, and described some of the methods and equipment being used. Robinson explained that staff is initiating a discussion on this topic because the rules are not explicit that this activity is a forest practice and subject to all of the resource protections afforded by the rules. She requested that the Board direct staff to begin rule making to include this activity in the definition of "forest practice" in WAC 222-16-010. She said also the term "forest biomass" should be defined because it does not currently occur in Title 222 WAC. She added that stakeholders and tribes would be included in rule development as is customary in the program.

Robinson requested direction from the Board to file a CR-101, Preprosal Statement of Inquiry, to inform the public that the Board is considering rule making related to forest biomass removal.

MOTION: Carolyn Dobbs 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 222-16-010 to include forest biomass removal in the "forest practice" definition.

SECONDED: Doug Stinson

<u>Board Discussion</u>

Norm Schaaf said he wanted to assure the Board that DNR has been treating biomass removal as a forest practice, and a goal is definitely to maintain resource protection.

Tom Laurie said it was important to work with stakeholders on defining forest biomass.

Paul Isaki said the Department of Commerce is completing the state energy plan, and biomass is one of the elements of the plan. He advised DNR to consult with the Energy Office to gain the benefit of knowledge about markets and opportunities for feedstock.

Doug Stinson mentioned this is going to eliminate slash burning which is a tremendous breakthrough, as is the idea of returning the ash from processing to the land. He said small forest landowners haven't been able to take advantage of it as much as the large landowners have, but they want to. Peter Goldmark added that the air quality issue is very important, and we have a good opportunity to put a material to good use that before has been burned for no useful purpose.

David Herrera expressed concern about the possibility of too much being removed from the forest floor and commented on the role of the natural layer of duff in water storage. Carolyn Dobbs asked if there was a body of best available science to address concerns over how much to take. Dave Somers said there is science out of the Scandinavian countries related to the effects of over-removal. Robinson said there is science developing and other states are developing best management practices, and in the future that might be something the Board would like to address. Dobbs requested that staff keep the Board updated if available science brings up concerns.

Stinson commented that landowners look at their soil as a "bank account" and would not do anything to damage or deplete it. Schaaf said the material being removed consists of needles, twigs, branches and log residue above the ground surface layer, and added that the last thing any operators want in their chippers is rock.

Anna Jackson asked for a timeline of DNR's upcoming forest biomass inventory study. Peter Goldmark answered the inventory is an ambitious project and will take place approximately within the next 10 months. Schaaf answered there is also an inventory underway on the Olympic Peninsula by the University of Washington Olympic Natural Resources Center.

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON RMAP POLICY SUB-GROUP RECOMMENDATIONS

Karl Forsgaard, Washington Forest Law Center, said the conservation caucus supports Policy's recommendation to file a CR-101 on rule making concerning road maintenance and abandonment planning. He said the caucus's support is based on important conservation components of the package and commended those who worked on it for the high degree of collaboration.

RMAP PROPOSAL RECOMMENDATIONS FROM FORESTS AND FISH POLICY

Jim Hotvedt, DNR, referred to the document from Forests and Fish Policy to the Board, "Proposed RMAP Extension Recommendations" dated August 5, 2010. He explained it is a comprehensive package that contains recommendations for rule making regarding an extension for the completion of work according to Road Maintenance and Abandonment Plans (RMAPs), an operational plan, and the intent to pursue funding.

Pete Heide, Washington Forest Protection Association (WFPA), explained the origin of this effort was the economic downturn and its effect on the timber industry. This has affected the cash flow available for road upgrades and fish barrier repairs. The Forest Practices Habitat

Conservation Plan includes an adaptive management element to deal with changes in science and economics that may appear over the 50-year program, so WFPA took the issue to the Adaptive Management Program and secured the services of Jim Waldo, professional facilitator. Waldo looked at the broad picture and brought attention to the fact that additional assessment work for small forest landowner roads was necessary to understand the overall extent of road improvement needs, and there is a lack of adequate funding for the Family Forest Fish Passage Program to meet requirements of the Forests and Fish Agreement. The economic recovery for the industry will be slow, but an extension for finishing road work will help landowners steadily work toward meeting RMAP obligations.

Stephen Bernath, DOE, highlighted the main parts of the recommendation. First is to request rule making for a possible five-year extension for large landowners. Second is the need for more fish passage funding along with needs assessments for small forest landowner and county roads, and a re-commitment to finding long-term funding for the adaptive management system. Third is an operations plan that includes a way to track RMAP work completion, a clear implementation plan by DNR for the landowners who take the opportunity to extend their timelines.

Jim Peters, Northwest Indian Fisheries Commission, said the tribes recognize the timber industry's situation, but the tribes are also dealing with an economic downturn in their fisheries. The salmon runs are decreasing and salmon habitat seems to be decreasing faster than it is being restored through recovery planning. The impacts to recovery plans that are requested by NOAA Fisheries had to be looked at, which led to the conditions reflected in Appendix A of the document before the Board.

Miguel Perez-Gibson, Conservation Caucus, commented on the collaborative nature of the package and indicated that professional facilitation was instrumental to a successful outcome for all of the interests. One of the benefits out of the process was research done by a staff work group on the status of progress to date on road work completion. A survey indicated that most work is on or ahead of schedule. From the conservation perspective, one of the positive aspects of the recommendation is the renewed emphasis on funding a needs assessment for small forest lands and the focus on improving the operational issues which the tribes brought forward.

<u>Board Discussion</u>
Sherry Fox referred to Bernath's statement that the proposal is to allow large forest landowners to apply for an extension of the deadline, but the report mentions it is also for small landowners. She asked what the small forest landowners would be required to do. Bernath clarified that small forest landowners are not required to have an RMAP, but some have opted to plan and schedule just like the large landowners. Under the recommendation, any forest landowner who has a DNR-approved RMAP may apply for an extension to complete work by 2021. On the subject of securing funding to determine the extent of actions required on small forest landowner properties, she noted that much creativity will be needed to secure any funding in this economic climate. However, she encouraged this type of effort because decision makers need information to understand the actual risk.

Hotvedt added that the Governor's Office and NOAA Fisheries were involved in the process. Goldmark said his office and the Governor's Office are preparing to request that Congress step forward to help fund the Family Forest Fish Passage Program.

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 222-24-050 and 222-24-051 to indicate an extension to the RMAP completion date.

SECONDED: Carolyn Dobbs

ACTION: Motion passed unanimously.

Cramer recommended an amendment to the motion to remove specific WAC references because there had not yet been a thorough review of Title 222 WAC for all references to the RMAP deadline.

Laurie moved to amend the motion:

MOTION: Tom Laurie move 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 rules pertaining to the RMAP completion date.

SECONDED: Carolyn Dobbs

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON WATERSHED ANALYSIS RULE MAKING

Adrian Miller, Washington Forest Protection Association (WFPA), commented in support of beginning rule making to provide a clear and thorough process in rule for implementing the mass wasting module of the watershed analysis program. He said WFPA is optimistic based on cooperative discussions that have already taken place, that consensus will be reached on specific rule language and also on implementation of the existing and new rules.

Karl Forsgaard, Washington Forest Law Center, said the Conservation Caucus also supports the action. He said there is strong consensus that rule changes are necessary, particularly to make sure that watershed analyses are up to date. The Forests and Fish Policy sub-group teams have been working on specific rule language changes and the nuts and bolts of implementation. He commented on the high level of cooperation from all of the participants but particularly singled out WFPA for its high level of cooperation with the Conservation Caucus.

Holly O'Neil explained she was a resident in the South Fork Nooksack River valley in the Acme watershed and was there to speak to the Board on behalf of her own and her neighbors' interests regarding the watershed analysis review. She expressed appreciation to DNR staff for moving the process forward. She said the 2009 landslides were devastating and described a failure that happened on a planar slope, not identified in the Acme watershed analysis, where a home was completely destroyed. She stressed there are serious questions about whether the current rules are doing everything possible to protect public safety, and thanked the Board for its attention to watershed analysis reviews.

WATERSHED ANALYSIS UPDATE AND WATERSHED ANALYSIS RULE MAKING

Darin Cramer, DNR, described staff's administrative actions since the Board's March 26, 2010 special meeting:

- Staff has made good progress on the prioritized list of all approved watershed analyses and the standardized review process for the mass wasting module. Staff is seeking feedback on the prioritized list from primary sponsors to determine their interest in pursuing reviews, or if they are simply interested in getting out of watershed analysis and going to standard rules. Also staff has completed a draft standard review process and will hold one or two stakeholder meetings for review and feedback. He said he anticipates those two products will be complete and reviews can be initiated by September.
- DNR and Weyerhaeuser Company have entered into an agreement pursuant to the supplemental directive tool available under WAC 222-42-010 regarding how forest practices will be conducted within the Upper Chehalis and Stillman Creek watershed analyses while reviews are pending. The supplemental directive will be in place until DNR has approved updated mass wasting prescriptions for those watershed analyses.

Norm Schaaf asked if Cramer had given policy direction regarding the landowners in a watershed who were not primary sponsors of watershed analyses but may have ideas how they would like to proceed. Cramer answered the initial focus will be on those watersheds with a single landowner or few landowners, and although it will be more difficult administratively to deal with the multiple landowner watersheds - for example, those that DNR sponsored – he wants to make the process available to them as much as possible under the current authorities.

Miguel Perez-Gibson, co-chair of the Policy watershed analysis subgroup, said he is looking forward to finding out the number of landowners interested in maintaining their prescriptions and hopes that it isn't so many that DNR will have difficulty administering them. He acknowledged this process will involve identifying the rule-identified land forms and whether the associated prescriptions are being applied appropriately. But the bigger question is whether the level of background instability is increasing by allowing management above the areas where development has been allowed to take place.

Pete Heide, co-chair of the Policy watershed analysis subgroup, thanked the Board members (Norm Schaaf, Sherry Fox, Tom Laurie and David Herrera) who did a good job of working out the issues and presenting them in a workable format for others to continue.

Cramer said he expected to have rule language ready for 30-day review in time for the Board's next meeting, and requested that the Board direct staff to file a CR-101 for rule making pertaining to watershed analysis.

MOTION: Anna Jackson 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 rules pertaining to watershed analysis reviews.

SECONDED: Dave Somers

Board Discussion

Tom Laurie thanked Perez-Gibson and Heide for their work as co-chairs and DNR staff for their focused attention. He stated that the Department of Ecology supports the action.

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON NORTHERN SPOTTED OWL UPDATE

Kara Whittaker, Washington Forest Law Center, said the Conservation Caucus is concerned that the team formed to implement the Northern Spotted Owl Policy Working Group's consensus recommendations may not have sufficient resources to fulfill their duties in a timely manner. She urged the Board to direct DNR to make spotted owls a higher priority and support a full time position to help the team fulfill its mandate. She added that the caucus believes detection dog surveys should be required before allowing any further logging of spotted owl habitat.

Peter Goldman, Washington Forest Law Center, reiterated the value of the effective survey method using dogs which is far superior to the old survey methods. He reminded the Board that three years ago the Conservation Caucus took the state and a landowner to federal court to stop logging around an occupied spotted owl circle that was logged down to about a quarter of what federal guidelines recommend. The result was a negotiated process, but in some ways nothing has changed in the three years. It is still legal to log in what is believed to be a spotted owl nest site down to no habitat left at all. He said there is now enough knowledge to start to re-cultivate spotted owl populations through regulatory and non-regulatory mechanisms.

NORTHERN SPOTTED OWL IMPLEMENTATION GROUP UPDATE

Chuck Turley, DNR, said the Northern Spotted Owl Implementation Group has been formed consistent with the Board's direction to include five members representing DNR, Washington Department of Fish and Wildlife (WDFW), industry, the conservation caucus, and a land trust group. The members are David Whipple from WDFW, Shawn Cantrell from Seattle Audubon, Kevin Godbout from Weyerhaeuser Company, Bettina von Hagen from Ecotrust, and himself from DNR.

He explained the Board directed the group to put together a plan for implementing the consensus recommendations of the Northern Spotted Owl Policy Working Group, and to form a technical team. The group is currently forming the team which will consist of six people with expertise in spotted owl biology, and two with expertise in economics to help look at the best tools for conservation. The technical team will be tasked with committing one day, probably in September, to answer three questions the implementation group developed related to strategic contributions of spotted owl conservation on non-federal lands. If the technical team cannot answer the questions with the information available to them, they will be asked to define a process that they believe would be required. The implementation group is waiting for the draft revised federal recovery plan so the technical team can have it in hand for whatever information it offers about the importance of Washington's non-federal lands for the spotted owl.

Turley requested the Board's approval of the group's draft charter and ground rules, and of moving forward with the plan to convene the technical team.

Board Discussion

Tom Laurie referred to one of the public comments and asked if resources can be made available for a full time position and detection dog surveys. Turley said he thought the comment about a full time position was specific to an incentives program, and three years ago a budget request for exactly that was not successful. He said the answer to the survey technique would best be answered by WDFW.

Paul Isaki inquired about Turley's comment about the possibility of the technical team not having the information it needs to answer the questions. Turley said the implementation group is hoping the revised draft federal recovery plan will contain information that the earlier draft did not about the role of non-federal lands in Washington and Oregon. If so, then the technical team will have the benefit of pertinent data and analysis related to contributions from non-federal lands.

Paula Swedeen commented that the original dog survey study was carried out in northern California, and perhaps similar studies could be conducted here. She suggested DNR and WDFW may be able to work with the University of Washington as there may be access to resources in a research context. Turley thanked her for the suggestion and said he would look into it.

Anna Jackson added that Swedeen's suggestion is a good one and wanted the Board to know that even under the funding constraints WDFW is facing she is interested in doing everything possible to ensure the success of this effort. She added that she appreciated Turley's leadership.

Turley pointed out that Paula Swedeen is one of two people supporting the implementation group, and upon her appointment to the Forest Practices Board she told the team she would like to continue participating in the support capacity, not as a Board member. He said the team is comfortable with that and values her expertise.

MOTION: Norm Schaaf moved that the Forest Practices Board approve the Spotted Owl Implementation Working Group's charter and accept the draft process for the technical team. He further moved that the Board support the implementation of the technical team.

SECONDED: Carolyn Dobbs

ACTION: Motion passed unanimously.

CLEAN WATER ACT ASSURANCES

Stephen Bernath, DOE, said he was becoming very concerned about the impact of the current five rule makings on completing the Clean Water Act milestones. He urged the Board to keep this in mind when setting the 2011 work plan at its November meeting.

Mark Hicks, DOE, explained that a back-up of uncompleted milestones is beginning to form. Several milestones are 80 percent complete while new milestones are being initiated. The same individuals are working on all of them, and this is creating an unsustainable situation. He said he was particularly concerned about the long-term funding issues and CMER which is still the biggest pinch point.

Tom Laurie asked for examples of a milestone that is 80 percent done and not getting over the finish line. Hicks answered the RMAP annual review is one. Bernath said there is reason to be optimistic because two or three of the milestones should be completed as a result of the RMAP process the Board approved earlier in the meeting, i.e., the small forest landowner roads assessment, recommitting to a long-term funding strategy for adaptive management, and figuring out how to ensure there is good accountability in RMAPs.

Paula Swedeen asked if it would be possible to determine how each activity the Board considers in work planning would impact the completion of milestones. Hicks answered they would try to do that, and Bernath said DNR staff would need to be involved.

Peter Goldmark verified it is useful for the Board to get progress reports at least on a semi-annual basis, and to include some sort of graphic representation of progress.

EXECUTIVE SESSION

Executive Session commenced at 1:45 p.m. and ended at 1:58 p.m.

CLOSING REMARKS

Peter Goldmark complimented DNR staff, all of the caucuses, and all of the work groups for presenting good products and offering consensus recommendations to the Board.

The meeting adjourned at 2:00 p.m.