

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting**
3 November 12, 2014
4 Natural Resources Building, Room 172
5 Olympia, Washington
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources
9 Bill Little, Timber Products Union Representative
10 Brent Davies, General Public Member
11 Court Stanley, General Public Member
12 Dave Somers, Snohomish County Commissioner
13 David Herrera, General Public Member
14 Joe Stohr, Designee for Director, Department of Fish and Wildlife
15 Heather Ballash, Designee for Director, Department of Commerce
16 Julie Morgan, Designee for Director, Department of Agriculture
17 Paula Swedeen, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent**

21 Bob Guenther, General Public Member/Small Forest Landowner
22 Carmen Smith, General Public Member/Independent Logging Contractor
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **WELCOME AND CALL TO ORDER**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m.
32

33 **APPROVAL OF MINUTES**

34 **MOTION:** Bill Little moved the Forest Practices Board approve the May 12 & 13, 2014 meeting
35 minutes as presented today.
36

37 **SECONDED:** Heather Ballash
38

39 **ACTION:** Motion passed. 1 Abstention (Brent Davies).
40
41

42 **MOTION:** Court Stanley moved the Forest Practices Board approve the August 12, 2014
43 meeting minutes.
44

45 **SECONDED:** Tom Laurie
46

47 **ACTION:** Motion passed unanimously.
48

1 **MOTION:** Tom Laurie moved the Forest Practices Board approve the September 3 & 4, 2014
2 meeting minutes.

3
4 **SECONDED:** Dave Herrera

5
6 **ACTION:** Motion passed. 1 Abstention (Joe Stohr).
7

8 **REPORT FROM CHAIR**

9 Aaron Everett noted the continuous evaluation efforts of staff and Timber, Fish and Wildlife (TFW)
10 Policy Committee (Policy) on unstable slopes as indicated by the agenda and the commitment of
11 Board Members to this issue. He also said that 2014 marks the 15th anniversary of the Forests and
12 Fish law and 40th anniversary of the Forest Practices Act.
13

14 **GENERAL PUBLIC COMMENT**

15 Ken Miller, Washington Farm Forestry Association (WFFA), shared information on a new company,
16 the Family Forest Legacies program. He said the program is a tool for small forest landowners to
17 protect natural resources while maintaining a viable timber industry. It is a for-profit business for
18 those landowners who do not have someone to leave their legacy to. The goal is to conserve and
19 sustainably manage timberlands. He said landowners could sell their land or exchange land for
20 income and as an income stream to share with family.
21

22 Karen Terwilleger, Washington Forest Protection Association (WFPA), supports three of DNR's
23 budget packages-Family Forest Fish Passage Program, Forestry Riparian Easement Program, and
24 Riparian Open Space as well as the acquisition of LiDAR. She stated concern over the 15% budget
25 reduction to Forest Practices and replacing those monies with a different fund source. She also
26 expressed WFPA's concern in the event the funding request is not approved for the Adaptive
27 Management Program.
28

29 Mary Scurlock, Conservation Caucus, stated the Conservation Caucus strongly supports the funding
30 request for the Adaptive Management Program and encouraged the Board to do what they can to
31 ensure the request is added to the Governor's budget request.
32

33 Peter Goldman, Washington Forest Law Center/Conservation Caucus, identified three priorities
34 related to the Board's work, which include the steep and unstable slopes, Northern spotted owl and
35 Forests and Fish implementation issues (use of interim water typing rule and approval of the board
36 manual on perennial initiation points). He asked the Board to recognize the unfinished business
37 relating to steep and unstable slopes in the South Willapa Report and the Mass Wasting Study since
38 both presented findings that the rules do not cover all portions of the forested landscapes and there
39 are gaps in screening.
40

41 **STAFF REPORTS**

42 Adaptive Management

43 Amy Kurtenbach, DNR, describe the Lean process and the on-going commitment required by all
44 participants.
45

46 She said Lean is a simple concept in that it's a continuous improvement methodology based on
47 problem solving and creativity, with mastery and purpose. She indicated that Lean is not without its

1 challenges as it challenges the status quo and questions why we do what we do and if we can do it
2 better.

3
4 Kurtenbach will be completing a Lean Black Belt Project in order to obtain a Lean Six Sigma Black
5 Belt through the University of Washington. She said her project deliverables are a status update of the
6 Lean Pilot and recommendations and employing the process improvement tools to adopt the pilot for
7 use on some, or all full scale Cooperative Monitoring, Evaluation and Research Committee (CMER)
8 research projects.

9
10 She continued in updating the Board on the five Technical Writing and Implementation Groups. The
11 five projects included *The Forested Wetland Effectiveness*, *The Unstable Slopes Criteria*, *The*
12 *Westside Type F Riparian Prescription Effectiveness*, *The Eastside Type N Riparian Buffer*
13 *Effectiveness*, and *The Roads Effectiveness BMP*.

14
15 Chris Hanlon-Meyer, DNR, said the following reports have been or will be in the near future
16 submitted to Policy: *The BTO Temperature and Solar Radiation/Effective Shade*; *Effectiveness of*
17 *Riparian Management Zones in Providing Habitat for Wildlife*; *Effects of Forested Roads and Tree*
18 *Removal In or Near Wetlands of the Pacific Northwest*; *Wetland Research and Monitoring Strategy*;
19 *and Review and Synthesis of Literature on Tailed Frogs (genus Ascaphus) with Special Reference to*
20 *Managed Landscapes*.

21
22 He also invited the Board to attend the CMER Science Conference to take place on February 11th and
23 12th. The conference will include one full day on the very comprehensive Type N Experimental
24 Buffer Treatment (Hard Rock Study) and presentations on eight other CMER research projects.

25
26 No further discussion on the following staff reports:

- 27 • Board Manual Development
- 28 • Compliance Monitoring
- 29 • Rule Making Activity & 2014 Work Plan
- 30 • Small Forest Landowner Advisory Committee and Small Forest Landowner Office
- 31 • TFW Cultural Resources Roundtable
- 32 • Upland Wildlife Working Group

33 34 **2015-2017 BUDGET REQUESTS**

35 Chris Hanlon-Meyer, DNR, provided an overview on the Department's and the Forest Practices
36 Program's 2015-17 budget requests. He said two decision packages respond to the Governor's
37 request for a 15% reduction in General Fund-State (GF-S) dollars by proposing a shift of \$8.158
38 million from the GF-S appropriation to the Aquatic Lands Enhancement Account.

39
40 Hanlon-Meyer also indicated DNR has submitted six budget requests that will directly benefit the
41 Forest Practices Program and include:

- 42 • Two operating budget proposals: Forest Practices Compliance - \$3.2 million and Forests and
43 Fish Adaptive Management - \$5.9 million
- 44 • Three capital budget proposals: Family Forests Fish Passage Program - \$11.5 million; Forest
45 Riparian Easement Program - \$11.2 million; and Rivers and Habitat Open Space Program - \$4
46 million

1 Megan Duffy, DNR, provided an overview on the Geology and Earth Resources budget request for
2 \$6.5 million for Geological Hazards and LiDAR.

3
4 Dave Somers supported the budget requests and suggested the Board do a motion of support.

5
6 **MOTION:** Dave Somers moved the Board support DNR's Forest Practices and Geology's
7 operating and small forest landowner related capital budget requests for inclusion in
8 the Governor's budget.

9
10 **SECONDED:** Bill Little

11
12 **ACTION:** Motion passed unanimously.

13
14 **PUBLIC COMMENT ON BOARD MANUAL SECTION 16 UNSTABLE SLOPES**

15 Scott Swanson, West Fork Timber Company, recommended the Board not take final action on the
16 board manual revisions. He said the efforts of the science team have advanced the understanding of
17 steep slopes issues, however more time is needed to consider the comments received, and to clarify
18 aspects of the manual that remain unclear.

19
20 Stephen Bernath, Department of Ecology, submitted their comments on the manual, but were not
21 included in the meeting packet. He also indicated that the comments were for the first draft and that
22 while the second draft before the Board is an improvement, he would like time to update his
23 comments to reflect the second draft. He suggested that the Board revise the second phase to include
24 a review of this draft by stakeholders.

25
26 Tim McBride, Hancock Forest Management, provided an historical perspective on revising the
27 channel migration zone board manual and encouraged a stakeholder process rather than approve the
28 proposed manual.

29
30 Norm Schaaf, Merrill & Ring, asked the Board to delay approval of Board Manual Section 16
31 because the revisions go beyond the Board's May 2014 motion and detail specific technical
32 requirements necessary for a complete application, which is not guidance. He also stated that the
33 revisions do not have consensus among stakeholders and qualified experts.

34
35 Mary Scurlock, Conservation Caucus, urged the Board to approve the revisions to Board Manual
36 Section 16 in its entirety immediately.

37
38 Peter Goldman, WFLC and Conservation Caucus, urged the Board to approve Board Manual Section
39 16. He also thanked and applauded DNR for the quick turnaround and that it is a major improvement
40 to the last version.

41
42 Kara Whitaker, WFLC, commended DNR and the qualified experts for proposing substantial, science
43 based improvements to Board Manual Section 16. She also asked the Board to approve the revisions
44 and expedite the second phase.

45
46 Chris Mendoza, Conservation Caucus, said the qualified experts' revisions to the board manual
47 reflect the importance of using the best available science and methods that ensure glacial deep-seated

1 landslides and their associated groundwater recharge areas are accurately identified and located on
2 the ground. He suggested that a “risk matrix” be developed to ensure that the best available science is
3 used in assessing the potential risk of unstable landforms to public resources and public safety.
4

5 Ken Miller, Washington Farm Forestry Association, said they support the efforts to protect public
6 safety regarding scientifically predictable landslides to inappropriate forest practices on certain steep
7 slope conditions. However, he said they have concerns about small landowners understanding the
8 expectations and that the rush to judgment regarding the tragedy will inappropriately expand the
9 regulatory disincentive to keep more of our forestland forested.
10

11 Bill Monahan, Rayonier, said that more time is needed to refine the manual and recommended the
12 Board delay approval.
13

14 John Gold, Sierra Pacific Industries, said the scope exceeds the Board motion and that it did not go
15 through the Administrative Procedures Act. He also said the manual did not have TFW consensus
16 and asked the Board to defer approval.
17

18 Kevin Godbout, Weyerhaeuser, said his concerns include the inappropriate co-mingling and creep of
19 ground water recharge area guidance for glacial deep-seated landslides and deep-seated landslides.
20 He also said the amendments are a significant deviation from the intent of the Board’s motion and
21 include strong recommendations for expensive, time consuming, and in most cases unnecessary
22 quantitative analyses. He also said the board manual as written is in effect a rule.
23

24 Karen Terwilleger, WFPA, asked for a delay in approval to refine the document through a
25 stakeholder process. She suggested the Board approve as an interim manual with clear direction to
26 revise.
27

28 Kendra Smith, Skagit County, said they support taking the time needed to get an accurate guidance
29 document.
30

31 Harry Bell, Washington State Society of American Foresters, recommended the manual go back to
32 DNR to go through the TFW process.
33

34 **BOARD MANUAL SECTION 16 UNSTABLE SLOPES**

35 Marc Ratcliff, DNR, requested the Board approve Board Manual Section 16, *Guidelines for Unstable*
36 *Slopes and Landforms*. He said the rules require that no forest practice activity can take place on
37 unstable areas in a manner that is likely to cause or contribute to further movement of the slope and
38 delivery of sediment to public resources or threaten public safety. He said the best practices, technical
39 procedures and guidance for how these situation can be evaluated is provided in the board manual.
40

41 He indicated that the group of experts stayed true to the Board’s motion by amending the manual for
42 the identification and delineation of groundwater recharge areas. He highlighted substantial
43 amendments, which included:

- 44 • Stating in the introduction that the manual is the technical advisory supplement to the forest
45 practice rules.
- 46 • Emphasizing that the provided in-depth analysis tools and methodologies are recommended steps,
47 and will depend on the specific situation.

- 1 • Assisting users in identifying landforms, determining when a further assessment may be needed
2 and what to include in the geotechnical report if that is required.
3

4 He concluded by stating that the amended manual provides improved technical guidance to:

- 5 • Accurately identify unstable landforms and assess the influence an activity may have on a
6 landform;
7 • Pathways for successful office reviews during remote sensing and data gathering phase and
8 during field assessments for identifying features on the ground; and
9 • Information users need to evaluate when planning forest practice activities so that DNR is
10 confident in our Forest Practices Application (FPA) decision that public resources are protected,
11 and threats to public safety avoided.
12

13 Aaron Everett commended staff for the diligent work in the short amount of time and said that he was
14 not willing to delay action on the manual section.
15

16 **MOTION:** Aaron Everett moved the Forest Practices Board approve as interim the amended
17 Board Manual Section 16, Guidelines for Evaluating Potentially Unstable Slopes and
18 Landforms. He further moved the Board allow staff to make minor spelling and
19 grammatical corrections if necessary prior to distribution of the interim Manual.
20

21 He further moved the Forest Practices Board direct staff to convene a stakeholder
22 process to complete revisions of the interim Board Manual Section 16, and to
23 complete guidance specific to assessing delivery potential as directed in the second
24 phase of the Board's May 2014 motion. He further moved to direct staff to provide a
25 final Board Manual Section 16 for Board approval at the August 11, 2015 meeting,
26 with progress reports at the February 10, 2015 and May 12, 2015 meetings.
27

28 **SECONDED:** Tom Laurie
29

30 Board Discussion:

31 Dave Somers said he supports the motion as well as having the expert panel providing the
32 information. He also stated that it clearly states that it is guidance and not rule.
33

34 Court Stanley asked DNR to work with landowners to make sure it can be implemented in the field to
35 ensure a better product.
36

37 **ACTION:** Motion passed unanimously.
38

39 **GENERAL PUBLIC COMMENT**

40 None.
41

42 **PUBLIC COMMENT ON TFW POLICY COMMITTEE'S RECOMMENDATIONS ON** 43 **UNSTABLE SLOPES**

44 Karen Terwilleger, WFPA, described the work put in by Policy members that resulted in an
45 exhaustive set of responses to the Board's motion passed in May. She provided a brief overview of
46 the elements in the motion and Policy's response. She said the transparency change in the process has
47 provided stakeholders a better understanding of DNR's process in identifying issues.

1 **TFW POLICY COMMITTEE’S RECOMMENDATIONS RELATED TO UNSTABLE**
2 **SLOPES**

3 Stephen Bernath, TFW Policy co-chair, provided an overview of Policy’s responses and
4 recommendations to the Board’s motion passed in May. He said Policy completed the following:

- 5 • Process review of the Mass Wasting Effectiveness Study, including public safety.
- 6 • Identified recommendations to close potential information gaps on locating glacial deep seated
7 landslides (GDSL).
- 8 • Evaluated existing mitigation measures under current rule related to ground water recharge areas
9 (GWRA) associated with GDSLs.
- 10 • Reviewed the mass wasting research strategy, including threats to public safety.

11
12 Recommendations included:

- 13 • Update flowchart for FPA review process relating to unstable slopes and landforms changes.
- 14 • UPSAG/CMER to consider doing a periodic retrospective review of FPAs associated with
15 GDSLs and associated GWRAs.
- 16 • Allow access to the FPA and related SEPA documentation for any Class IV Special, and DNR
17 documentation and SEPA decisions within FPARS.
- 18 • Reconvene UPSAG in the fall of 2014.
- 19 • UPSAG to begin exploring the options outlined in TFW Policy’s Technical Subgroup proposal
20 that relates to the research strategy for GWRAs on GDSLs.
- 21 • UPSAG to complete a review of the research strategy for unstable slopes, which includes a
22 review of the critical questions and specific studies.
- 23 • UPSAG/CMER to develop and execute a scope of work for a focused literature review to provide
24 a baseline for further development of the unstable slopes research strategy.
- 25 • Incorporate information sources into the board manual process.
- 26 • Improve the use of FPA level information.
- 27 • Access improved to stereo air photos.
- 28 • Prioritize additional mapping of GDSLs.
- 29 • Continue and expand training opportunities.

30
31 Bernath described the review process conducted by Policy on FPA’s for mitigation measures. He also
32 said that Policy had not spent any time on Type F since the Board re-directed the priorities.

33
34 Aaron Everett questioned the next steps and if any Board action is necessary. Bernath responded that
35 Policy would like the Board to accept the recommendations presented which would support the
36 continued efforts by Policy.

37
38 **MOTION:** Court Stanley moved the Forest Practices Board accept TFW Policy’s
39 recommendations as presented related to unstable slopes. The Board requests progress
40 reports at each quarterly meeting.

41
42 **SECONDED:** Dave Somers

43
44 **ACTION:** Motion passed unanimously.
45
46

1 **PUBLIC COMMENT ON UNSTABLE SLOPE INFORMATION RULE MAKING**

2 Stephen Bernath, Department of Ecology, expressed support of the rule proposal. However, he said
3 there is one sentence that may not be necessary and that the need can be determined during the public
4 comment period.

5
6 Mary Scurlock, Conservation Caucus, said they support the rule as presented today.
7

8 Karen Terwilleger, Washington Forest Protection Association, expressed support of the rule proposal.
9 She also commented that their experience for the cost of a geotechnical report is \$10,000 rather than
10 \$500-5,000 as indicated in the Cost Benefit Analysis.

11
12 **RULE MAKING ON UNSTABLE SLOPE INFORMATION**

13 Gretchen Robinson, DNR, requested the Board direct staff to file a CR-102 with draft rule language
14 related to unstable slopes information in Forest Practices Applications (FPAs). She said staff
15 developed rule language, with input from TFW Policy leads, after the Board’s May 2014 meeting
16 when it directed staff to file a CR-101. She explained the draft language is focused on DNR’s ability
17 to require additional geologic information prepared by a qualified expert if there is not enough
18 information to make a classification decision. She mentioned that FPA classification is one of the
19 primary tools DNR uses to ensure a proposal is thoroughly analyzed for any potential risk to public
20 safety and public resources. She said the intent of the language is to clarify in rule that DNR requires
21 additional geologic information if needed before classifying FPAs that include activities where
22 potentially unstable slopes or landforms exist.
23

24 **MOTION:** Heather Ballash moved the Forest Practices Board approve for public review the
25 draft rule proposal amending WACs 222-10-030 and 222-20-010. These changes
26 will inform prospective applicants that specific geologic information prepared by a
27 qualified expert may be required to appropriately classify Forest Practices
28 Applications.
29

30 She further moved the Board direct staff to file a CR-102 with the Office of the
31 Code Reviser to initiate permanent rule making.
32

33 **SECONDED:** Paula Swedeen
34

35 **AMENDMENT:** Aaron Everett moved to add “with the targeted final adoption at the February 2015
36 meeting” to the end of the second paragraph.

37 She further moved the Board direct staff to file a CR-102 with the Office of the
38 Code Reviser to initiate permanent rule making with the targeted final adoption
39 at the February 2015 meeting.
40

41 **SECONDED:** Tom Laurie
42

43 **ACTION ON**

44 **AMENDMENT:** Motion passed unanimously.
45

46 **ACTION:** Motion passed unanimously.
47
48

1 **REVISED TIMELINE FOR TYPE F ACTION ITEMS**

2 Stephen Bernath, TFW Policy co-chair, reviewed the schedule as originally planned prior to the Oso
3 event. Next steps will include Policy to determine what is ready to move forward, schedule a field
4 trip, update the timeline, and report to the Board in February on progress and revised timeline.
5

6 **PUBLIC COMMENT ON BOARD'S 2015 WORK PLAN**

7 Ken Miller, WFFA, spoke on behalf of Dick Miller and said WFFA intends to present two board
8 manual templates to the Board at their February meeting. He said that they would ask the Board to
9 direct the Adaptive Management Program to review the templates and provide recommendations to
10 the Board. He also requested that this be included on the Board's 2015 work plan.
11

12 Karen Terwilleger, WFPA, alerted the Board on the possibility of the need for the dispute resolution
13 process for the Bull Trout Overlay study that is before Policy that could affect workload for both
14 Policy and the Board. She also said that the TFW Cultural Resources Roundtable is having extensive
15 discussions on FPA conditioning authority and anticipates a report to the Board sometime next year.
16 She also encouraged the need to spend time on reinvigorating the Forests and Fish process to
17 continue to be science based and collaborative.
18

19 **2015 WORK PLANNING**

20 Marc Engel, DNR, presented a 2015 work plan and proposed 2015 meeting dates.
21

22 Paula Swedeen and Court Stanley support adding the small forest landowner templates to the 2015
23 work plan. Aaron Everett is also in support, however said that he would like to see the templates first
24 to better determine the necessary workload.
25

26 **MOTION:** Tom Laurie moved the Forest Practices Board approve the 2015 Work Plan as
27 presented today.
28

29 **SECONDED:** Heather Ballash
30

31 **ACTION:** Motion passed unanimously.
32
33

34 **MOTION:** Dave Somers moved the Forest Practices Board change the 2015 meeting dates to the
35 2nd Tuesday of February, May, August and November.
36

37 **SECONDED:** Julie Morgan
38

39 **ACTION:** Motion passed unanimously.
40

41 **2014 WILDFIRE IMPACTS, FOREST HEALTH LANDOWNER ASSISTANCE**

42 Mary Verner, DNR, provided highlights on the 2014 wildfire impacts and the landowner assistance
43 available after a fire. She said that severe lightning storms started the majority of the fires and that
44 during July, DNR had responded to over 100 fires.
45

46 Verner reviewed the post-fire landowner assistance provided by DNR. She said that DNR conducts
47 resource fairs and site visits to evaluate tree survival, estimate losses, aid salvage decisions, and plan
48 for reforestation.

1 **NORTHERN SPOTTED OWL IMPLEMENTATION TEAM**

2 Lauren Burnes, DNR, announced the completion of the Technical Team's report on *Identifying and*
3 *Evaluating Opportunities for Conservation of Northern Spotted Owls on Non-federal Lands in*
4 *Washington*, and will be distributed to the Board soon. She said a discussion on the report would
5 occur at the Board's February meeting. She also updated the Board on the voluntary "opt-in"
6 programmatic Safe Harbor Agreement and the Rivers and Habitat Open Space Program.

7

8 **EXECUTIVE SESSION**

9 None.

10

11 Meeting adjourned at 3:25 p.m.