

1 **FOREST PRACTICES BOARD**
2 **Special Board Meeting – August 10, 2022**
3 via Zoom Webinar

4 *Meeting materials and subject presentations are available on Forest Practices Board’s website.*
5 *<https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>*
6

7 **Members Present**

8 Alex Smith, Chair, Department of Natural Resources
9 Ben Serr, Designee for Director, Department of Commerce
10 Cody Desautel, General Public Member
11 Dave Herrera, General Public Member
12 Frank Chandler, General Public Member/Independent Logging Contractor
13 Jeff Davis, Designee for Director, Department of Fish and Wildlife
14 Kelly McLain, Designee for Director, Department of Agriculture (9 a.m. – 11:15 a.m.)
15 Meghan Tuttle, General Public Member
16 Pene Speaks, General Public Member
17 Rich Doenges, Designee for Director, Department of Ecology
18 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner
19 Vickie Raines, Elected County Commissioner
20 Wayne Thompson, Timber Product Union Member
21

22 **Staff**

23 Joe Shramek, Forest Regulation Division Manager
24 Karen Zirkle, Forest Regulation Assistant Division Manager
25 Marc Engel, Senior Policy Advisor
26 Patricia Anderson, Rules Coordinator
27 Phil Ferester, Senior Counsel
28

29 **WELCOME AND INTRODUCTIONS**

30 Chair Alex Smith called the Forest Practices Board (Board) meeting to order at 9:05 a.m. Roll call of
31 Board members and introduction of staff was made.
32

33 Chair Smith recognized former Board members Carmen Smith, Tom Nelson, Bob Guenther and Brent
34 Davies.
35

36 **ZOOM MEETING INSTRUCTIONS**

37 Tracy Hawkins, Department of Natural Resources (DNR), provided instructions on how the Zoom
38 meeting would be conducted and how to provide public comment.
39

40 **RECOGNITION OF LARGE LANDOWNERS WHO COMPLETED RMAPS DURING THE**
41 **PAST FIVE YEARS**

42 Commissioner of Public Lands Hilary Franz, DNR; Southwest Region Director Rich Doenges,
43 Department of Ecology; and, Director of Conservation and Policy Jeff Davis, Washington Department of
44 Fish and Wildlife recognized large forest landowners who completed their obligations under the road
45 maintenance and abandonment plan program before the October 2021 deadline. This is a significant
46 moment of success in the TFW/forest practices arena over the past two decades. The landowners who
47 were recognized were:
48
49

- Northeast Region
 - Manulife Investment Management
- Northwest Region
 - Mid-Valley Resources
 - Sierra Pacific Industries
- Olympic Region
 - Anderson and Middleton
 - City of Hoquiam
 - DNR State Lands – Olympic Region
 - Fruit Growers Supply Company
 - Olympic Timber LLC c/o Campbell Global
 - Rayonier Forest Resources, LP
 - Weyerhaeuser Company
- Pacific Cascade Region
 - BTG Pactual OEF
 - BTG Pactual PNW Fund III REIT, Inc.
 - DNR State Lands – Pacific Cascade Region
- Fruit Growers Supply Company
 - Mid-Valley Resources
 - PacifiCorp
 - Rayonier Timberlands Holding Company, Washington, Inc.
 - SDS Company, LLC
 - Sierra Pacific Ryderwood
 - Weyerhaeuser Company - Aberdeen
 - Weyerhaeuser Company – Longview/St. Helens
 - Weyerhaeuser Company – Lower Columbia Region
 - Weyerhaeuser Company – Pe Ell
 - Weyerhaeuser Company - Vail
- South Puget Sound Region
 - DNR State Lands – South Puget Sound Region
 - Fruit Growers Supply Company
 - BTG Pactual

1 **CHAIR REPORT**

2 Chair Smith noted the Board received several public comments regarding a timber harvest which was
 3 conducted under an approved forest practices application in Olympia which has been appealed before the
 4 Pollution Control Hearings Board by concerned citizens. She stated since the timber harvest a local
 5 conservation group, on August 1, 2022, has purchased the site and intends to reforest and conserve it from
 6 future development.

7
 8 Chair Smith provided an update on the following:

- 9 • The TFW principals met once in December 2021 and twice in April to discuss the principal’s role in
 10 the TFW process and to assist in the anadromous fish floor alternatives.
- 11 • TFW Policy co-chair memo reports the completion of two disputes since the May Board meeting--
 12 Small Forest Landowner Relatively Low Impact Proposal Initiation Dispute and Type Np buffer
 13 alternative dispute.
- 14 • Forest Regulation Division Personnel changes which included that Joe Shramek will be retiring at the
 15 end of September.

16
 17 **APPROVAL OF MINUTES**

18 **MOTION:** Vickie Raines moved the Forest Practices Board approve the May 11, 2022 meeting
 19 minutes.

20
 21 **SECONDED:** Wayne Thompson

22
 23 Discussion:
 24 None.

25
 26 **ACTION:** Motioned passed (9 Support / 4 Abstentions (Speaks, Chandler, Tuttle and
 27 Barnowe-Meyer).

28
 29 **MOTION:** Vickie Raines moved the Forest Practices Board approve the June 27, 2022 meeting
 30 minutes.

31
 32 **SECONDED:** Wayne Thompson

33

1 Discussion:

2 None.

3

4 **ACTION:** Motioned passed (10 Support / 3 Abstentions (Chandler, Speaks and Serr)).

5

6 **2023-2025 BIENNIAL MASTER PROJECT SCHEDULE BUDGET AND SCHEDULE**
7 **COMPLIANCE**

8 Chair Smith noted that the Board has received a consensus TFW Policy recommendation and request for
9 the Board to approve the Master Project Schedule (MPS) and associated budget for the FY 2023-25
10 biennium. In addition, she said per [WAC 222-12-045](#) the Board is required on every even calendar year to
11 do a status check-in on the progress made to fully implement the Master Project Schedule. For this, the
12 Board will need to determine whether the program is in substantial compliance with the MPS and, if not,
13 must notify the National Marine Fisheries Service and the U.S. Fish and Wildlife Service by letter within
14 thirty days.

15

16 Saboor Jawad, Adaptive Management Program (AMPA), provided an [overview](#) of the MPS including the
17 TFW Policy recommended amendments for the FY 2023-20235 biennium. In addition, he said the TFW
18 Policy Committee has concluded that the identified projects are scheduled to be completed by 2031. The
19 program's funding need is \$17,939,877 for all components in FY 24 and FY 25 which will fund three
20 components of the program:

- 21 1- Administration including science staff, dispute resolution, contingency funds, scientific peer
22 review and the implementation of State Auditor recommendations (\$4,279,703)
- 23 2- Research Projects (\$5,432,819)
- 24 3- Participation Grants (\$8,227,355)

25

26 In addition to requesting the Board's approval of the MPS and associated budget, he recommended to use
27 the proposed MPS as the basis for a legislative funding request of \$5,577,170.

28

29 Board member Rich Doenges asked if the Clean Water Act Assurances projects are prioritized and Jawad
30 confirmed that projects aimed at the Clean Water Assurances are among the top MPS priorities along with
31 effectiveness monitoring projects.

32

33 **PUBLIC COMMENT ON PROPOSED 2023-2025 MASTER PROJECT SCHEDULE BIENNIAL**
34 **BUDGET AND SCHEDULE COMPLIANCE**

35 Elaine Oneil, Washington Farm Forestry Association (WFFA), recognized TFW Policy for their efforts to
36 address a long standing inequity issue which is now captured in the current funding request included in
37 the MPS. Specifically, additional funding for Adaptive Management Program participation funding for
38 two non-governmental organization (NGO) caucuses, the small forest landowners and counties caucuses,
39 both of whom have received a third of the value allocated to other NGO participants which has meant
40 limited participation from these caucuses.

41

42 Darin Cramer, Washington Forests Protection Association (WFPA), said the budget contains some pass
43 through dollars for agencies that are not related to participation in the Adaptive Management Program.
44 He said these are somewhat legacy issues and suggests the agencies use their own funds to accomplish
45 their usual duties for the field or office reviews of Forest Practices Applications. He stated the agency
46 pass through funding amounts to approximately \$450,000, and he believes this funding could be better
47 used to advance priorities of the Adaptive Management Program including Extensive Monitoring. He also
48 suggested that oversight of the CMER water typing studies go back into the Adaptive Management
49 Program where TFW Policy will provide oversight. He also expressed concern for the fire hazard risks in

1 eastern Washington riparian areas if DNR doesn't figure out how to cost effectively manage within
2 riparian areas where it's needed.

3
4 Ray Entz, Kalispell Tribe, said the eastern Washington tribal caucus is one of the few caucuses who voted
5 sideways on the budget for the purpose of presenting a consensus budget to the Board. He said asking the
6 Legislature for more funding of the adaptive management program is important and having the caucuses'
7 support for the request is important. He agreed with some of the points made by Cramer and Oneil
8 regarding monitoring priorities and making sure that participation funding is available equitably to the
9 various participants.

10
11 **2023-2025 MASTER PROJECT SCHEDULE BUDGET AND SCHEDULE COMPLIANCE**

12
13 **MOTION:** Meghan Tuttle moved the Forest Practices Board approve the 2023-2025 biennial Master
14 Project schedule and associated budget. In addition, I move that the Master Project
15 Schedule is generally in compliance with the 2012 settlement agreement as presented.

16
17 **SECONDED:** Vickie Raines

18
19 Board Discussion:
20 Board member Meghan Tuttle acknowledges the enormous amount of work and praises the outstanding
21 job by the budget committee.

22
23 Board member Doenges echoes this sentiment and states the appreciation from Department of Ecology for
24 the participation in the funding.

25
26 Board member Pene Speaks said it appears the timelines for some projects are long and that she would
27 like to see things move more quickly on the critical issues around rulemaking.

28
29 **ACTION:** Motioned passed unanimously.

30
31 **ADAPTIVE MANAGEMENT PROGRAM TYPE N EXPERIMENTAL BUFFER TREATMENT**
32 **IN HARD ROCK LITHOLOGY PHASE II STUDY AND FINDINGS**

33 Aimee McIntyre and Bill Ehinger, Principle Investigators, presented the study results on the [Type N](#)
34 [Experimental Buffer Treatment in Hard Rock Lithology Phase II Study](#). The study evaluated the
35 effectiveness of riparian forest management prescriptions in maintaining key aquatic conditions and
36 processes affected by Forest Practices for small non-fish-bearing (Type N) headwater stream basins
37 underlain by competent, "hard rock" lithologies in western Washington. The greatest effects of alternative
38 buffer treatments were observed in riparian stand condition, large wood recruitment and in-channel wood
39 loading, stream shade and temperature, stream channel characteristics, and stream-associated amphibian
40 densities.

41
42 The study tracked coastal tailed frogs, moderate number of giant salamanders, and the most numerous
43 species torrent salamander. The study also included the impact of the retention of a buffer on numbers of
44 amphibians and stated the response as related to harvest but not necessarily buffer length. The study found
45 amphibians in wood obstructed reaches and recorded a delayed response (fewer individuals and not all
46 life stages) seven to eight years post-harvest.

47
48

1 **ADAPTIVE MANAGEMENT PROGRAM TYPE N EXPERIMENTAL BUFFER TREATMENT**
2 **IN SOFT ROCK LITHOLOGY STUDY AND FINDINGS**

3 Bill Ehinger, Project Lead, presented the study results on the [Type N Experimental Buffer Treatment in](#)
4 [Soft Rock](#). The study found similar responses as the Hard Rock Study: changes in riparian stand structure
5 and wood input and loading; immediate post-harvest canopy closure was comparable between Soft Rock
6 and Hard Rock studies; and changes in nitrogen concentration and export related to proportion of stream
7 buffered in the Soft and Hard Rock studies. Responses that were different between the studies included:
8 lower immediate temperature response in Soft Rock Study as well as quicker return to pre-harvest
9 conditions in the Soft Rock which the authors said was likely the result of Soft Rock Study's longer
10 buffers, greater post-harvest shade and lower wind throw.

11
12 The authors presented the study results and responses on: stand structure indicating decrease in basal area
13 and reporting wind as the dominant mortality agent; wood input indicating large wood input and similar
14 to Hard Rock Study; canopy cover indicating decreased canopy cover at 1 meter and that ongoing shade
15 loss was due to wind-throw similar to Hard Rock Study (continued shade loss one year post harvest also
16 due to tree mortality); stream temperature indicating that the seven day average daily maximum
17 temperature exceeded 16 C in only one site which had the highest pre-harvest maximum temperature and
18 the lowest percent of stream channel with buffer; average seven day temperature response was 0.3 C or
19 more four years post-harvest and 0 C by fifth year post-harvest. Authors reported that shade was the main
20 driver of temperature response in both studies.

21
22 **GENERAL PUBLIC COMMENT**

23 Jerry Dierker provided comments on a logging project near his house in Olympia. He said this project is
24 on a landslide prone area and has impacted the wildlife in the area. He expressed frustration with DNR in
25 not protecting this site by enforcing the law.

26
27 Esther Kronenberg provided comments on the Cooper Point Road logging project in Olympia. She said in
28 a matter of a few days, 25 years of community planning was trashed when this forest was clear cut
29 without notice. She said an appeal, on behalf of at least 100 people and five local organizations, has been
30 filed and she holds DNR responsible for the damages to this area.

31
32 Curt Veldhuisen, Skagit River System Cooperative, urged the Board towards a timely approval of an
33 updated water typing system rule in which includes an anadromous fish floor. He also described the
34 stakeholder involvement process used when the RMAP extension rule was developed. He said that this
35 significant rule change was crafted with uncharacteristic speed because TFW Policy made it a priority. It
36 directly benefited landowners and was a substantial concession by tribes and other fish advocates. Now,
37 he sees another much needed rule change and the resistance to it is frustrating.

38
39 Ken Miller, WFFA, stated he is happy to share that the Board will likely address the small forest land
40 owner buffer dispute at their November meeting. He encouraged the Board to read the small forest
41 landowner position paper as it documents from their perspective their struggles through the adaptive
42 management process.

43
44 Ray Entz, Kalispell Tribe, stressed the urgency of the water typing system rule. He encouraged the Board
45 to withdraw the eastern Washington tribal potential habitat break (PHB) option from the analysis and
46 supports the use of the western Washington tribal PHB option for the statewide analysis. This would
47 reduce the amount of analysis to two rule proposals—a proposal promoting anadromous fish floor (AFF)
48 alternative A4(7%) and the western Washington tribal PHB option to be applied statewide; and a proposal
49 promoting AFF alternative D and the landowner PHB option to also be applied statewide. He asked the

1 Board to discuss a potential resolution to the AFF in order for the Board to take action at their November
2 2022 meeting.

3
4 Elaine Oneil, WFFA, expressed disappointment with the majority report on the small forest landowner
5 buffer width dispute and the inability for TFW Policy to bring forward a single consensus buffer width
6 recommendation. She said the majority/minority reports identify a couple of significant issues within the
7 Adaptive Management Program, specifically how outside science and proposal initiations are dealt with.

8
9 JJ Lindsey provided comments on a timber harvest on 20 acres in Olympia. She said the harvest was all of
10 a sudden. An appeal was made to DNR about the clear cut but the entire property was clear cut before the
11 appeal period ended. She said she is unclear how this was allowed when an appeal has been made.

12
13 Diane Carney expressed her concerns regarding the clear cut in Olympia. She specifically questioned if
14 removing Green Cove Creek off of the FPA map during the permitting process is allowed. She said it may
15 be a non-fish bearing creek but it definitely flows into a fish bearing creek. She suggested the procedures
16 may need to be updated as there is clear science about the effects of runoff after a clear cut in an urban
17 area. She invited the Board to go look at the site to see that even in August there is standing water.

18 19 **WATER TYPING SYSTEM RULEMAKING**

20 Marc Engel, DNR, presented the [Board decisions regarding the water typing system rule](#) including
21 decisions regarding inclusion of an anadromous fish floor (AFF) and next steps for the Board. He also
22 presented outstanding issues for Board decisions before completion of a draft water typing system rule.
23 Remaining water typing system rule elements for Board decisions include selection of an AFF alternative,
24 confirming eastern Washington will be included in the water typing system rule, and determining if an
25 AFF will be applied in eastern Washington.

26 27 **PUBLIC COMMENT ON WATER TYPING SYSTEM RULEMAKING**

28 Paula Swedeen, Conservation Caucus, expressed concern about the new anadromous fish floor modeling
29 for eastern Washington, as she doesn't think it's needed because the 7% gradient is below the typical use
30 by anadromous fish. She said DNR doesn't need to convene another technical group as it is not needed
31 and will take more time.

32
33 Ray Entz, Kalispell Tribe, said statewide interpretation of an anadromous fish floor would apply to all
34 known anadromy. He said there are several basins in eastern Washington that contain anadromous fish
35 and the data is available through SWIFD which is sufficient to make decisions on regarding the AFF. He
36 expressed concern that if a decision to move forward is not made, additional studies will be a waste of
37 resources.

38
39 Darin Cramer, WFPA, said the concept of a fish floor is fine and it should include all fish. He said the
40 concept of a fish floor has been incorporated into landowner's survey protocols for many years, they
41 figure out where the uppermost fish are and that is where the survey protocol starts. He provided in a
42 [letter](#) to the Board a few options to keep the water typing system rule making moving forward. If the
43 Board believes the AFF needs to be included, he requested the Board to provide a detailed justification.
44 He said none of the steps needed for an agreement on the AFF have been addressed and that there are
45 enough options for the Board to make a decision on the next steps for the Water Typing System Rule
46 making.

47
48 Kevin Godbout, Weyerhaeuser, said there have been several attempts to amend the water typing rules
49 since the establishment of the Forests and Fish rules. Those attempts failed because a very accurate
50 system is required in order to predict the presence of fish habitat and/or where fish habitat use surveys are

1 conducted. He said solutions must be equitable, science based, and implementable in the field; not an
2 overly detailed process which will require more work in the field. He said the question is what the
3 problem is that we are trying to fix, since what we are doing now is working. He said there is a 99%
4 compliance with the existing system in rule, so what is there to gain with moving forward?
5

6 Jason Spadaro, WFPA, said the Adaptive Management Program is a structure that must be maintained as
7 it provides a structure for all of the decision making and rule proposals. This structure maintains scientific
8 integrity. The concept of establishing an anadromous fish floor is not an objectionable concept to the land
9 owners. He also stated the science that has been done with stream characteristics does not support how
10 things work on the eastside of the state.
11

12 Elaine Oneil, WFFA, reminded the Board on the importance of considering the impact to small forest
13 landowners because of their location in the watershed (lower, nearer to the marine environment). She said
14 an AFF should be part of the water typing rule as it is already part of small forest landowner's core
15 habitat, but she is not in agreement on where the proposed AFF are on the landscape. Oneil said she is
16 confident the fish habitat assessment methodology (FHAM) approach will capture habitat and that there
17 are opportunities to find a solution on a permanent water typing rule. She said if the AFF is accepted in
18 the water typing rule, they will be asking for AFF Alternative D be included.
19

20 WATER TYPING SYSTEM RULEMAKING

21 Chair Smith stated that it is critical that the Board moves forward on a permanent water typing system
22 rule. It's a commitment made in the habitat conservation plan and has been in the works for 20 years. She
23 said all caucuses benefit from forward movement on a permanent water typing system rule. The Board
24 has recommendations from the Board's Water Typing Rule Committee and has an opportunity to pick an
25 alternative(s) to go forward for analysis. However, the recommendations were not a consensus product
26 and that generates different reactions amongst the caucuses. She said based on the strong disagreement
27 about the impacts of those certain proposals on the ground, the Commissioner engaged the principals to
28 see if they could find areas of common ground. At this time, they have not come to an agreement on a
29 single AFF alternative, so the Commissioner put forward a proposal at their last meeting. Based on that
30 proposal Chair Smith presented a motion.
31

32 **MOTION:** Alex Smith moved that the Forest Practices Board accept Anadromous Fish Floor (AFF)
33 alternatives A4 (7 percent) and D for analysis for inclusion in the statewide permanent
34 water typing system rule;
35

36 She further moved that the Board request the Chair to direct DNR staff to prepare the
37 information packet needed to begin formal rulemaking (through the filing of a Rule
38 Proposal (CR-102)) for the statewide permanent water typing system rule; yet direct staff
39 not to conduct analysis of the two AFF alternatives until after the November 2022 Forest
40 Practices Board Meeting;
41

42 Smith further moved that the Board request the Chair direct DNR staff to prepare a
43 Proposal Initiation to develop an Anadromous Fish Floor validation study through the
44 Adaptive Management Program.
45

46 **SECONDED:** Dave Herrera
47
48
49

1 Board Discussion:

2 Marc Engel clarified that an eastern Washington analysis for AFF alternatives in eastern Washington is
3 not needed for a Board decision, however, a Board decision on an AFF alternative for inclusion in the
4 draft rule is needed to complete the spatial analysis needed in the rulemaking. An approved AFF is needed
5 to build a synthetic stream network to apply the AFF and PHB parameters the Board approves for
6 analysis. The AFF analysis will also use known fish data in eastern Washington from a source like
7 Streamnet.

8
9 Chair Smith said DNR will put together a scientific team to run the spatial analysis. The Commissioner
10 has heard the concerns around the AFF and the process not following the typical Adaptive Management
11 process and that a Proposal Initiation (PI) to develop an AFF validation study is needed after the Board
12 makes an AFF decision in November.

13
14 Board member Speaks said to move forward now with an AFF is a good idea.

15
16 Board member Barnowe-Meyer asks if a new synthetic stream model for the Eastside is really needed.
17 Engel responded that the original spatial analysis that was done did not include an evaluation of the width
18 PHB for the industrial landowner PHB option and only 18 data points were available for eastern
19 Washington. Now there is over 200 points for eastern Washington and the Board approved the technique
20 to identify the width PHB.

21
22 Board member Speaks asked how the Proposal Initiation process will proceed, Engel clarified that the
23 Proposal Initiation is presented to the adaptive management program administrator (AMPA) who then
24 makes recommendations to TFW Policy on how to proceed, either a policy track or science track or both.
25 He also pointed out the rule making is not dependent on this PI to move forward.

26
27 Board member Tuttle said she supports an AFF validation study going to the AMPA through a PI process,
28 however, there needs to be a well formed problem statement.

29
30 Board member David Herrera asked whether the Board's Water Typing System Rule Committee should
31 reconvene. Chair Smith responded that DNR believes the Committee has done its work.

32
33 Board member Tuttle acknowledged unfinished items beyond AFF like the AFF performance goals and
34 targets and water typing goals and targets that need to be discussed. The Board's Water Typing System
35 Rule Committee recommendations for resolution of issues to the Board from the November 2019 meeting
36 need to be discussed in order to move this forward.

37
38 Board member Barnowe-Meyer supports Board member Tuttle's view on the unfinished items.

39
40 Board member Jeff Davis said he appreciates Darin Cramer's comments in that if validation is necessary
41 let's look at the whole water typing system. The Board's Water Typing Rule Committee did great work,
42 but it was convened to assist with the AMP process and hopes one of our top priorities is to check the
43 health of the AMP, so that we don't go through the majority/minority process so frequently.

44
45 Board member Herrera said from the tribes' perspective protection and restoration of fish habitat need to
46 be included in the rule to meet the requirements held by the caucus. He said the tribes listen to everyone's
47 concerns to find a solution, however, hearing potential "process foul" comments does not help when
48 trying to be solution oriented. He is in support of the motion as stated.

49

1 Board member Tuttle said she is not sure that all the water typing system issues will be resolved in
2 November and that the issues that are harder to resolve may interfere with moving forward with the rule
3 making.
4

5 Chair Smith suggested a change to the motion to accommodate Board member Tuttle’s concerns. Board
6 members Barnowe-Meyer, Herrera and Raines agreed to leave the motion as is and add the topic to the
7 November meeting agenda.
8

9 Board member Tuttle said she appreciates that the Commissioner is hearing the concerns about the
10 Adaptive Management Program and specifically the anadromous fish floor.
11

12 **ACTION:** Motion passed unanimously.
13

14 **COMPLIANCE MONITORING 2020-2021 ANNUAL REPORT**

15 Lila Westreich provided a “story map” [presentation](#) on the compliance monitoring program, methods of
16 data collection and statistical analysis process, as well as the status report for the biennium 20-21. Lila
17 Westreich gives introduction to some methodologies that are used in the field and then some statistical
18 tools used to understand the data analysis part of things.
19

20 Rich Doenges asks for clarification about classification of perennial and seasonal stream classification by
21 compliance monitoring. Lila said that this was a challenge to determine.
22

23 Steve Barnowe-Meyer asks about rule clarifications versus board manual updates from observations in the
24 field on stream classifications, and makes a comment on the idea of root cause analysis that's a standard
25 safety and environmental analysis that gets done when you have deviations.
26

27 **MAJORITY AND MINORITY REPORTS: SMALL FOREST LANDOWNER BUFFER WIDTH 28 DISPUTE**

29 Saboor Jawad, AMPA, provided a [presentation](#) on the small forest landowner buffer width dispute.
30 Jawad’s presentation included the background on the dispute including the work of the Policy workgroups
31 to develop consensus alternatives for small forest landowner buffers, a summary of the non-consensus
32 majority/minority recommendations, and recommended next steps for the Board to resolve the issue.
33

34 He said three caucus recommendations were submitted through the majority/minority report by the:
35 counties; small and large landowners; and the state, tribal and conservation caucuses. In stage 2 of dispute
36 resolution, there were two items of general agreement; the need for full legislative funding of the DNR
37 Small Forest Landowner Office to address limited personnel for assistance to small forest landowners;
38 and, broad acceptance that the western Washington Tribes could assist small forest landowners in the
39 development of alternative plans. There was no formal documentation on how such assistance would be
40 provided, however, the initial steps for assistance would come from small forest landowners.
41

42 Next steps include a Board decision at the November 2022 meeting on whether there are elements of the
43 original proposal that may meet the alternate plan requirements.
44

45 Board Member Jeff Davis supports having a special meeting to focus on small forest landowner issues.
46 He said he would like to create some victories here that address the long standing disproportionate effects
47 on the small forest landowners who are trying to make a living and trying to pass on the forest land legacy
48 to their family members.
49

1 Board member Barnowe-Meyer suggested a second half day after the November meeting to include Board
2 resolution to this dispute as the main topic along with Board action on the Policy consensus
3 recommendations for resolution of the relatively low impact criteria dispute and amending of Board
4 Manual Section 21.

5
6 Board member Rich Doenges requested all the relevant scientific reviews and papers be consolidated
7 together to review prior to the November meeting.

8 9 **MARBLED MURRELET UPDATE**

10 Darric Lowery, WDFW, provided an overview of the [memo dated July 22, 2022](#) submitted to the Board
11 on behalf of WDFW and the Marbled Murrelet Wildlife Working Group. WDFW and the working group
12 are recommending rule changes to several forest practices rules relating to the marbled murrelet. The
13 intent of the rule changes are to enhance avoidance of impacts on this state and federally listed species,
14 reduce regulatory requirements for forest managers and benefit the conservation of the species. A request
15 to begin rule making will be made at the Board's November meeting.

16 17 **TFW POLICY COMMITTEE PRIORITIES**

18 Marc Engel, TFW Policy Committee Co-chair, highlighted from his [memo dated July 26, 2022](#) on-going
19 projects and TFW Policy's priorities for the upcoming year.

20
21 He shared TFW Policy has two new co-chairs--Court Stanley representing the counties, and Brandon
22 Austin representing Ecology and WDFW.

23
24 At the August meeting, TFW Policy approved continuation of the Budget Workgroup to remain engaged
25 in the maintenance of the MPS including review and approval for work on ongoing project and funding
26 contingencies and Board priorities.

27
28 He said TFW Policy, by consensus, passed a motion to request the Board to assign the CMER water
29 typing strategy group of projects to TFW Policy for oversight. Projects include the: potential habitat
30 breaks validation study for use in delineating end of fish habitat in forested landscapes in Washington
31 State; the default physical criteria assessment project; and, the lidar based water typing model studies.
32 TFW Policy believes the benefits of gaining oversight of the Board approved CMER water typing studies
33 include the ability to quickly review and approve key project documents, the ability to manage and make
34 budget recommendations to the Board, and will follow the AMP process for receipt of the completed
35 study and findings reports from CMER.

36
37 Engel also provided an update on the ongoing disputes and recommendations from the State Auditor's
38 Report. TFW Policy is on track to provide recommendations on recommendation #5 and #6 as well as
39 recommendations on two of the small forest landowner disputes to the Board at the November 2022
40 meeting.

41 42 **STAFF REPORTS**

43 There were no questions from the Board or additional updates on the following reports.

- 44 • Adaptive Management Program Update
- 45 • Small Forest Landowner Office Update
- 46 • TFW Policy Committee Update
- 47 • Upland Wildlife Update
- 48 • Taylor's Checkerspot Butterfly Biennial Report
- 49 • Western Gray Squirrel Annual Report

- 1 • Legislative Report on Rule Making Progress for Water Typing and Type N

2

3 **2022 WORK PLANNING**

4 Marc Engel, DNR, reviewed the changes to the work plan as a result of today’s meeting. Changes include
5 adding a small forest landowner workshop for November 10 and adding a placeholder on the 2023 work
6 plan for revisions to board manual sections 15, 21 and 22 and marbled murrelet rule making.

7

8 **MOTION:** Cody Desautel moved to approve the amended work plan.

9

10 **SECONDED:** Meghan Tuttle

11

12 **ACTION:** Motion passed unanimously.

13

14 **EXECUTIVE SESSION**

15 None.

16

17 Meeting adjourned at 4:50 p.m.