TFW/Forests and Fish Policy
Forest Practices Board

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TO: Forest Practices Board

FROM: Stephen Bernath, Co-Chair
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DATE: August 2, 2012

SUBJECT: Policy Priorities for Calendar Year 2013

The Forests and Fish Policy Committee (Policy) work priorities for calendar year 2013 are outlined below. The Type N Water strategy and Water Typing permanent rule projects are ongoing and may be completed during this calendar year.

Type-N Water Strategy

Policy is developing a comprehensive Type N strategy to identify a process to find the upper most point of perennial flow in Type N Waters and assure that the CMER Type N effectiveness monitoring projects will provide needed information to make policy determinations on rule effectiveness. Policy has convened a Type N subcommittee who has reviewed ongoing and planned CMER effectiveness monitoring projects to ensure they are on track and will provide information needed to make policy determinations on Type N rule effectiveness. The Policy subcommittee is waiting for a report from a Policy technical ad-hoc group. The technical report will be based on reviews of Type N field studies, the existing processes being used for determining the upper most point of perennial flow in Type N Waters, and the draft forest practices board manual to identify the upper most point of perennial flow in Type N Waters. The technical ad-hoc group is also reviewing Schedule L-1 functional objectives and performance targets related to Westside Type N waters. Once the technical group is completed with their work, the Policy subcommittee will develop recommendations for Policy to consider. Completion of this comprehensive strategy will accomplish a Clean Water Act Assurances milestone.

Water Typing Permanent Rule

The Policy Type F subcommittee is assessing the effectiveness of the current processes for determining the Type F/N Water break and the interplay between the interim and permanent Type F Water rules. Upon completion of the assessment the subcommittee will provide recommendations to Policy for the transition from the interim water typing rule to a permanent rule.

HPA/FPA Integration
Policy participation will be required to incorporate the fish protection standards for hydraulic projects into the forest practices rules and board manual, as required by Second Engrossed Substitute Senate Bill 6406, because they affect aquatic resources. The legislature directed the Forest Practices Board to incorporate the current WDFW rules outlining the fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and to establish technical guidance to achieve fish protection standards into the Forest Practices Board Manual.

Settlement Agreement, Adaptive Management Program Improvements
The settlement agreement between the State, conservation caucus and Washington Forest Protection Association resulted in an agreement related to improving the adaptive management program's process for making decisions and to adoption of a master schedule of CMER projects. To be implemented, some provisions of the settlement agreement will need to go through the adaptive management program's proposal process. Not all caucuses were part of the settlement agreement, and some caucuses that were not party to the agreement have expressed both concerns with some elements and are encouraged by others. The caucuses that were not party to the agreement are not limited to bring other issues or solutions as part of the adaptive management process. When completed, Policy will present recommendations in the form of a petition for rule making or board manual development to the Board if appropriate.

Policy Recommendations Based on Results from the Post-Mortem Study
As Jim Hotvedt, AMPA, discusses in his staff report to the Forest Practices Board in a separate document, Policy is currently in formal dispute resolution centered on the next steps for what to do with a "final report" submitted to Policy that did not have CMER consensus approval. It is anticipated that this dispute will be resolved by the end of this calendar year (2012).

On-going CMER Reports Reviewed by Policy
As CMER reports are completed, Policy must decide whether or not to take any kind of action, including recommendations on changes to rules or board guidance. This must be done under timelines established in WAC. We anticipate that CMER will bring at least three new reports to Policy in 2013.

There is no doubt Policy could easily spend all its resources on just one or two of the priorities above in the next year. Any new work assigned to Policy by the Forest Practices Board, or taken on by Policy for other reasons, will likely distract Policy from timely efforts on meeting Clean Water Act assurances milestones, transitioning into a permanent set of Type F rules, integrating the FPA and HPA, or implementing the settlement agreement.

Finally, please be cognizant that Policy and CMER operate by consensus and are primarily staffed by members volunteered by their organizations. Also, this is not a full-time resource-based system. Each of the Policy and CMER members have other assigned duties from their respective employers/interests and many times play multiple roles within the forest practices system, such as board support work and field implementation of forest practices.

cc: Forest Practice Board Liaisons
FFR Policy