

1 **FOREST PRACTICES BOARD**
2 **MEETING MINUTES**
3 **May 21, 2008**
4 **Natural Resources Building**
5 **Olympia, Washington**
6
7
8

9 **Members Present:**

10 Vicki Christiansen, Chair
11 Ann Wick, Designee for Director, Department of Agriculture
12 Brent Bahrenburg, Designee for Director, Community, Trade and Economic Development
13 Bridget Moran, Designee for Director, Department of Fish and Wildlife
14 Carolyn Dobbs, General Public Member
15 Doug Stinson, General Public Member/Small Forest Landowner
16 Norm Schaaf, General Public Member
17 Sherry Fox, General Public Member/Independent Logging Contractor
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent:**

21 Bob Kelly, General Public Member
22 David Hagiwara, General Public Member
23 Dave Somers, Snohomish County Commissioner
24

25 **Staff:**

26 Lenny Young, Forest Practices Division Manager
27 Chuck Turley, Forest Practices Assistant Division Manager
28 Neil Wise, Assistant Attorney General
29 Patricia Anderson, Rules Coordinator
30 Danielle Sayers, Board Support
31

32 **WELCOME**

33 Vicki Christiansen called the meeting to order at 9:00 a.m. and announced that the Forest Practices
34 Board (FPB or Board) would convene an Executive Session to discuss ongoing and pending
35 litigation, or any matter suitable for Executive Session under RCW 42.30.110.
36

37 Meeting reconvened at 9:40 a.m.
38

39 **INTRODUCTIONS**

40 Danielle Sayers provided an emergency safety briefing.
41

42 **APPROVAL OF MEETING MINUTES**

43 **MOTION:** Norm Schaaf moved to approve the July 25, 2007 meeting minutes.
44

45 **SECONDED:** Doug Stinson
46

47 Bridget Moran added “as part of the conservation study for the owl” to the end of the sentence on
48 page 6, line 6.
49

1 Vicki Christiansen changed the word “rule” to habitat” on page 4, line 31.

2
3 **ACTION:** Motion passed. 8 support / 1 abstention (Ann Wick)

4
5 **MOTION:** Carolyn Dobbs moved to approve the September 11, 2007 meeting minutes.

6
7 **SECONDED:** Bridget Moran

8
9 **ACTION:** Motion passed unanimously.

10
11 **MOTION:** Carolyn Dobbs moved to approve the February 13, 2008 meeting minutes.

12
13 **SECONDED:** Sherry Fox

14
15 Christiansen amended page 4, line 2 to “Christiansen asked Mankowski how he sees other policy
16 questions on the greater watershed regarding information gathering or science, and how it relates to
17 the Board’s responsibility.”

18
19 Christiansen also amended page 10, lines 4 to “Christiansen asked Johnson how he sees the policy
20 body prioritizing their work in regards to the greater watershed, keeping focus, and setting tasks.”

21
22 **ACTION:** Motion passed unanimously.

23
24 **MOTION:** Bridget Moran moved to approve the February 22, 2008 meeting minutes.

25
26 **SECONDED:** Norm Schaaf

27
28 **ACTION:** Motion passed unanimously.

29
30 **PUBLIC COMMENT**

31 Ken Miller, Washington Farm Forestry Association (WFFA), submitted written testimony
32 describing how family forest landowners are discouraged. He stated the rules require less expensive
33 harvest restrictions for small forest landowners as a credit or recognition of their lower impact
34 harvest units. He said that many small forest landowners promote “out of the box” thinking and the
35 Small Forest Landowner Advisory Committee is trying to develop criteria to define low impact
36 harvests.

37
38 He expressed support for adding a section to Board Manual Section 21 Guidelines for Alternate
39 Plans, to provide guidance to small forest landowners with severe forest health issues within the
40 riparian management zone. However, he said, managing for long-term forest health should be in
41 rule, which would save small forest landowners the expense of preparing an alternate plan.

42
43 Howard Wilson, WFFA, explained that he owns and manages 122 acres of forest land, twenty nine
44 acres of which was severely damaged by the December storm. He prepared an alternate plan to
45 harvest blow-down timber within the riparian zone along the Wynoochee River and then applied for
46 a riparian easement for the remaining trees in the riparian zone. He said he had outstanding support
47 from the Small Forest Landowner Office (SFLO) and the forest practices forester with his alternate
48 plan. He said, however, that he found the forest practices rules and Forest Riparian Easement
49 Program (FREPP) to be cumbersome, and web access to the forest practices application (FPA) and

1 the alternate plan forms not user friendly. He recommended streamlining the forest practices rules
2 and the FPA and FREP processes. Two possible solutions for FREP: The trees need to be cruised
3 when the riparian easement is submitted, and if this is not possible the cruisers need to value the
4 logs in the condition they would have been at the time the riparian easement application was
5 submitted.

6
7 Steve Stinson, Family Forest Foundation, said regulatory solutions are needed to keep small forest
8 landowners on the landscape. The majority of small forest landowners have to hire professional
9 foresters to assist in the FPA process. To date only one alternate plan template had been approved
10 for small forest landowners, and less costly alternate management prescriptions called for in rule
11 have yet to be achieved. The FREP is mitigation for the takings of land in the riparian zone not an
12 incentive program or a regulatory solution. Incentive programs must be developed in concert with
13 regulatory solutions. He provided a letter of support from Dr. Jerry Franklin for an incentive
14 program developed by the Family Forest Foundation for their habitat conservation plan. Small
15 forest landowners face many challenges in addition to the regulatory burdens of the forest practices
16 rules. He said regulatory solutions are the foundation of any comprehensive incentive based
17 program focused on maintaining a viable family forest land base.

18
19 Preston Drew spoke on his belief that riparian management zone (RMZ) buffers should be reduced
20 for small streams because most are seasonal drainage channels that provide little value to fisheries.
21 He said that the physical indicators listed in rule to establish Type 3 streams are unreasonable
22 because they require landowners to provide the same buffers to small streams as for Type 1 waters
23 such as the Snoqualmie River. Also if landowners want to downgrade a stream, they must determine
24 fish absence which is very difficult. The rule does not reflect the legislative intent of the riparian
25 rules. Over-classification of small seasonal streams is forcing the conversion of forest lands
26 especially in the counties around Puget Sound.

27
28 Rick Dunning, WFFA, explained why the small forest landowners do not feel that Forests and Fish
29 Policy (Policy) makes decisions in a collaborative process. He urged the Board to read the Family
30 Forest Habitat Conservation Plan which can bring the small forest landowners together with the
31 state to meet the intent of the forest practices rules.

32
33 Chris Mendoza, Conservation Caucus, commented that the third issue listed in the Desired Future
34 Condition (DFC) rule making status and staff recommendation memo was assigned by the Board to
35 Policy in March 2005. This issue, to find an appropriate alternative to the current DFC model
36 process and metrics, has been repeatedly rejected by Policy. He said he believed that the best
37 proposal was DFC Rule Proposal #3 which would add credit for the twenty leave trees per acre in
38 the inner zone. He then commented that the Compliance Monitoring Report has some fatal flaws in
39 the analysis. He said Board Manual Section 22 Adaptive Management Guidelines specifically states
40 that CMER will periodically review DNR's Compliance Monitoring Program, so the report needs to
41 be reviewed by CMER.

42
43 Pete Heide, Washington Forests Protection Association (WFPA), commented that all three of the
44 DFC rule making proposals will raise the basal area to a single target for all site classes while
45 maintaining the model to determine if options 1 or 2 can be used. He said this would significantly
46 impact landowners, requiring some economic consideration of these rules. In addition, none of the
47 proposals will encourage option 1, thinning within the inner zone. The DFC rule proposal brought
48 forward by industry a year ago would provide a balance between the adoption of the higher basal

1 area targets with the ability for landowners to leave only sufficient timber to meet the basal area
2 targets.

3
4 Miguel Perez-Gibson, Conservation Caucus, said the caucus is concerned with the effectiveness of
5 the adaptive management program for the following reasons: Staff supports rule proposals based on
6 science that has not been scientifically peer reviewed; staff has recommended that the Board
7 consider appropriate alternatives to the current DFC model process and metrics, a recommendation
8 made by Riparian Science Advisory Group (RSAG) three years ago; uncertainty exists that the
9 forest practices rules have been adequately monitored with respect to the Clean Water Act; the
10 Compliance Monitoring Program is not considered a part of the adaptive management program; and
11 it is uncertain that effectiveness monitoring has occurred for the unstable slope component of
12 approved watershed analysis units. He also said the rules should not be compromised to
13 accommodate the economic costs for industry at the expense of science and what is good for the
14 species. If a rule making is too costly for landowners, incentives such as tax relief need to be
15 explored. Finally, he said the Conservation Caucus supports the addition of forest health guidance
16 to the Alternative Plan Board manual.

17
18 Peter Goldman, Washington Forests Law Center (WFLC), said the Board should look at green
19 certification of forest products as a way for regulatory relief for small forest landowners. He
20 recommended that the Board look at certification programs that are ecologically rigorous to
21 determine to what extent small forest landowners can be exempted from the forest practices rules.
22 He requested that for field tours DNR provide the location of the field stops, ensures a fair
23 representation of experts to discuss topics, and provide advanced access to the materials.

24
25 Karl Forsgaard, WFLC, stated the Department of Ecology (DOE) should exercise leadership in
26 setting specific and measurable goals with realistic timelines and accountability for the 2009 review
27 of the Clean Water Act assurances. He said the Conservation Caucus believes the assurances should
28 not be extended beyond 2009 unless there is data showing that the forest practices rules are not
29 impairing water quality, violating anti-degradation policies, and are not failing to protect aquatic
30 resources.

31
32 Ray Buhen, WFFA, said it's difficult for small forest landowners to implement the forest practices
33 rules, especially the RMZ buffers, and continue to keep their land in forestry in the Puget Sound
34 basin.

35 36 **STAFF REPORTS**

37 Legislative Update

38 Lenny Young, DNR, summarized new legislation with direct and indirect affect on the forest
39 practices program. One bill, House Bill (HB) 2893, directly affects the program by adding a
40 thirteenth Board member representing a forest products union. Legislation with indirect affects to
41 the program include: HB 2525 mitigates flood damage modifying some hydraulic project approval
42 procedures when counties determine chronic danger exists from flooding; HB 2624 clarifies
43 responsibilities of forest workers upon discovery of human remains; Senate Bill (SB) 6204 splits
44 Watershed Administration Unit #14 into two units for the purposes of planning; and SB 6776 adds
45 protections for state employee whistle blowers.

46
47 He said there are two features of the supplemental state budget that are important to the program.
48 The first is the granting of an additional \$3 million requested for the Forest and Fish Support

1 Account and the second is a supplemental appropriation of \$200,000 to bolster CMER's scientific
2 work on the Mass Wasting Prescription Scale effectiveness monitoring study.

3
4 Adaptive Management

5 Darin Cramer, DNR, reported on Policy's review of the CMER research strategy. He explained that
6 Policy has committed to meet regularly and work in a collaborative manner to complete the CMER
7 research strategy by September 2008, in time to inform budget requests and the 2010 CMER work
8 plan.

9
10 He also reported on the Mass Wasting Prescription Scale Effectiveness Project. The Board's
11 February 2008 approval to move \$400,000 from Tier 2 to Tier 1 funding was contingent on a
12 review of the sampling design with respect to the wide range of precipitation intensities during the
13 December 2007 storm.

14
15 Christiansen asked Cramer how the study area would be expanded with the additional funds from
16 the Legislature and whether the expansion would incorporate the correct statistical number of
17 landslides.

18
19 Cramer replied that the photo work was complete but analysis was necessary to make those
20 determinations. That step is pending while the final details of the contract are completed.

21
22 Update on Forest Practices Applications within Spotted Owl SOSEA's

23 Gary Graves, DNR, provided a written report. He explained that the Board had requested that staff
24 analyze and report on forest practices applications that propose timber harvests outside of spotted
25 owl circles within Spotted Owl Special Emphasis Areas (SOSEAs). In this report, DNR lists the
26 number of applications in SOSEAs (on lands not managed by an HCP) or within a spotted owl
27 circle. DFW will analyze these FPAs on a quarterly or half-yearly basis and report to the Board how
28 many acres of the proposed harvest were potentially in spotted owl habitat.

29
30 Rule Making Schedule

31 Chuck Turley, DNR, provided a written staff report and spreadsheet to update the Board on the
32 2008-2009 rule making schedule.

33
34 Compliance Monitoring

35 Leslie Lingley, DNR, provided a written report on the status of the compliance monitoring technical
36 review of the compliance monitoring program.

37
38 Tom Laurie asked if the Board should be evaluating whether agencies are determining that the
39 correct criteria, such as appropriate stream typing, are applied to each FPA and whether the forest
40 practices performed on the site are consistent with the conditions of the approved FPA.

41
42 Lingley replied that the program has concentrated on FPAs with riparian prescriptions, and each
43 review compares the commitments made in the approved FPA to the actual forest practices
44 activities performed on the ground.

45
46 Laurie asked if the compliance monitoring program is verifying that the information on each FPA is
47 correct.

1 Lingley answered that the program has encountered two situations: FPAs with buffers placed on
2 non-existent streams because a stream was shown on a water typing map, and team members
3 attempting to determine the accuracy of the water typing as shown on the FPA during the
4 compliance monitoring field visit. The second scenario has even occurred on streams that have
5 approved water type modification forms. Approved water type modification forms are reviewed by
6 multiple agencies and the program has determined that compliance monitoring is not the place to
7 determine the accuracy of requested water typing changes. Policy, however has directed the
8 program to keep track of all instances where team members questioned the typing of a stream to
9 determine the magnitude of the problem.

10
11 Young added that DNR is discussing with DOE the potential to utilize some of its under- used
12 compliance monitoring capacity to add a review of the accuracy of water typing as a formal element
13 of the compliance monitoring program.

14
15 Moran followed up on Laurie's question asking if the compliance monitoring program is assuring
16 that the rules are applied correctly or if the forest practices activities onsite were in compliance with
17 the activities as shown on the FPA.

18
19 Lingley answered that when an applicant signs the FPA they are conveying their intent to do forest
20 practices activities on the ground. With their signature they are saying that they understand and will
21 follow all forest practices rules, not just those cited in the FPA.

22
23 Moran asked if applicants know that they are agreeing to follow all of the forest practices rules or if
24 there is a need to better explain expectations.

25
26 Young added that there are two ways that a forest practices operation can go wrong; one is when the
27 operator does not follow the approval conditions of the FPA, the other is when an application is
28 improperly approved by the forest practices staff. The compliance monitoring program has
29 concentrated on the first example - the operator's compliance with the FPA. DNR is looking at
30 ways to address staff review and approval of FPAs.

31
32 Moran stated that a more formalized technical group may be needed to address the compliance
33 monitoring program.

34
35 Christiansen replied that staff will develop a proposal to present to the Board for the use of a
36 committee to participate in the continued development and refinement of the compliance
37 monitoring program.

38
39 Small Forest Landowner Advisory Committee and Small Forest Landowner Office Update

40 Mary McDonald, DNR, provided a written report on storm damage assistance. She said that the
41 SFLO and the Forest Stewardship programs presented two workshops for small forest landowners
42 in Raymond and Aberdeen in February and March. They were attended by approximately seventy
43 small forest landowners who learned about available technical assistance.

44
45 Doug Stinson asked McDonald if the FREP budget can fund all of the easement requests.

46
47 McDonald answered no.

48
49 Stinson asked how many easements the current FREP budget can fund each year.

1 McDonald replied that approximately 50 landowners per year apply and there are 34 applicants on
2 the waiting list. An application submitted today would be placed on the waiting list for the next
3 biennium. The average wait until the start of the easement review and processing is about a year and
4 a half. Timber within the easement area cannot be cruised until there is money appropriated for the
5 purchase of the easement.

6
7 Fox said waiting until there is money to purchase the easement before cruising the timber was not
8 the intent of the program.

9
10 Christiansen said resolution to this issue has been brought before the Legislature, and until it is
11 resolved staff has to follow the current statutes.

12 13 **2009 REVIEW OF CLEAN WATER ACT ASSURANCES AND 2008 WATER QUALITY** 14 **ASSESSMENT**

15 Stephen Bernath and Mark Hicks, DOE, presented the plan for the 2009 review of the Forests and
16 Fish program. The link between the Forest Practices Act and the Clean Water Acts (CWA) is the
17 prevention of non-point source pollution from forest practices activities. All of the rules DNR
18 promulgate must be approved by DOE to assure they are CWA compliant before the Board can
19 adopt them. DOE is required to review all available monitoring data to determine which streams
20 meet and fail to meet the water quality standards.

21
22 Fox asked Bernath how DOE does the monitoring.

23
24 Bernath explained DOE goes through a public process to adopt protocols on data evaluation,
25 conducts a data call every few years, and if the data received meets the Quality Control Assurance
26 standards, uses it to supplement DOE's existing data.

27
28 Fox asked if it was all land uses that they get data from.

29
30 Bernath replied yes, DOE is happy to take and assess any monitoring data people are willing to
31 share. He added that the Forest Service, the tribes, cities, and counties provide a lot of data. He went
32 on to explain that DOE then prioritizes impaired waters and updates a Total Maximum Daily Load
33 list and develops water cleanup plans for submittal to the Environmental Protection Agency (EPA).
34 DNR is the lead for implementing forest practices rules and CMER monitors whether the rules are
35 working.

36
37 The Forests and Fish Report provides CWA assurances to all of the stakeholders. It says that even
38 though many streams do not meet temperature standards, we are relying on implementation of the
39 forest practice rules to correct the problems.

40
41 DOE established a ten-year window to determine the rules' success. and the 2009 review is to look
42 at the whole program to see if it can continue to be relied upon to get us to compliance with the
43 CWA. At the end of the review DOE and EPA will have to determine whether to withdraw the
44 assurances, extend them, or augment the current forest practices rules.

45
46 DOE's draft assessment will be ready for Policy review in early 2009. After Policy comments, the
47 assessment will go out for public review, and DOE, in consultation with EPA and tribes, will
48 prepare a final report with recommendations by July 1, 2009.

1 Stinson said that some small forest landowners are interested in installing temperature gauges
2 (thermistors) in their streams and asked if DOE can help.

3
4 Mark Hicks answered that DOE has field staff that already assist landowners in deploying
5 thermistors which are continuously recording temperature devices. DOE is working on ways to
6 make the program more effective.

7
8 Schaaf added he hopes Bernath or Hicks will be available to provide some input into CMER
9 projects designed to give clean water assurances.

10
11 Bernath replied there is a CMER strategy process going on, and the hope is that DOE can use that
12 as a way to look at priorities and schedules and get needed adaptive management work done.

13 14 **TREES AND HOUSES RULE MAKING**

15 Marc Engel, DNR, requested the Board's approval to begin the Trees and Houses rule making
16 process. The rule proposal is intended to add language to forest land and Class I forest practices to
17 clarify how hazard trees adjacent to structures can be removed for public safety.

18
19 He said staff is requesting Board approval to file the CR-101 to begin the rule making process, and
20 that no rule language had been written. He said interested stakeholders will be invited to participate
21 in rule development, and staff plans to ask the Board to approve rule language for the thirty day
22 review at the August meeting.

23
24 **MOTION:** Brent Bahrenburg moved that the Forest Practices Board direct staff to file
25 the CR-101 with the Office of the Code Reviser to inform the public that the
26 Board is considering rule making. This rule making will amend the
27 definition of forest land and Class I forest practices to allow trees to be
28 removed for public safety that are adjacent to residential home sites.

29
30 **SECONDED:** Carolyn Dobbs

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

33 34 **EXPEDITED RULE MAKING**

35 Gretchen Robinson, DNR, asked for approval to proceed with an expedited rule making to change
36 WAC 222-08-030 to comply with Substitute House Bill 2893 which requires a thirteenth member
37 be added to the Forest Practices Board, and changes the criterion for the small forest landowner
38 general public member position from an owner of not more than 500 acres of forest land, to a small
39 forest landowner who actively manages his or her own land. She requested that the Board approve
40 distribution of the rule amendments to DFW, counties and tribes for a thirty day review and
41 comment period pursuant to RCW 76.09.040(2).

42
43 Fox stated that the new language in statute requiring that one Board member be "a small landowner
44 who actively manages his or her land" is vague and asked if the rule language could be more
45 specific.

46
47 Young said the rules cannot deviate from the law.

1 Laurie asked why staff was proposing to delete language in WACs 222-30-060 and -070 about
2 hydraulic project approval requirements for certain activities in Type Np or Ns Waters.

3
4 Robinson said it was her understanding that hydraulic project approvals were no longer required for
5 non-fish waters. Staff will consult with DFW to make sure this is correct.

6
7 **MOTION:** Vicki Christiansen moved that the Forest Practices Board accept the draft rule
8 proposal that amends chapter 222-08 pursuant to Substitute House Bill 2893,
9 and makes minor corrections throughout the forest practices rules. She
10 further moved to direct staff to provide notice pursuant to RCW 76.09.040
11 notifying the counties, Department of Fish and Wildlife and Tribes of rule
12 making intentions.

13
14 **SECONDED:** Brent Bahrenburg

15
16 **ACTION:** Motion passed unanimously.

17
18 **BOARD MANUAL SECTION 21 GUIDELINES FOR ALTERNATE PLANS**

19 Marc Engel, DNR, requested the Board approve new guidance added to Board Manual Section 21
20 Alternate Plans. He said the guidance was written to assist a landowner in identifying imminent risk
21 to forest lands from insects, disease and fire, and to determine whether an alternate plan may be
22 appropriate and beneficial. The guidance was developed in a multi-stakeholder process including
23 representatives of the Small Forest Landowner Advisory Committee, WFWPA, DFW, DOE, and the
24 Puyallup tribe. He added that Policy has expressed support for the manual as amended.

25
26 Schaaf said that the five-year timeframe to determine imminent risk seems too short and asked how
27 it was established.

28
29 McDonald answered it was a collaborative decision.

30
31 **MOTION:** Sherry Fox moved that the Forest Practices Board approve Board Manual
32 Section 21 and that Department staff have the authority to make changes as
33 necessary for clarity and to finalize for distribution.

34
35 **SECONDED:** Doug Stinson

36
37 **ACTION:** Motion passed unanimously.

38
39 **CMER WORK PLAN AND BUDGET**

40 Darin Cramer, DNR, requested that the Board consider approval of the FY 2009 CMER Work Plan
41 and Budget: Fourteen Tier 1 projects totaling approximately \$2.7 million, 19 Tier 2 projects
42 totaling approximately \$2.6 million, and approximately \$1.2 million in project
43 support/administration costs.

44
45 Schaaf asked if it was appropriate to include the Tier 2 DFC validation issues when the DFC rule
46 proposal had not yet been selected.

47
48 Cramer said Policy wanted to keep those projects as placeholders on the Tier 2 list.

1 Christiansen added that projects on the Tier 2 list have no assigned budget until the Board approves
2 moving them to Tier 1.

3
4 Schaaf asked Bernath if the work plan included the needed studies to contribute to CWA
5 assurances.

6
7 Bernath replied yes.

8
9 Christiansen requested a briefing from staff at the August 2008 Board meeting on Policy's review
10 of the CMER research strategies.

11
12 Fox requested a brief summary on the status of the \$50,000 for water typing support on the Tier 2
13 list.

14
15 Cramer responded that revisiting water typing is a high priority for Policy this year.

16
17 Fox asked if the funding would include technical support.

18
19 Cramer replied that the Policy review will include all needed support to achieve a solution to the
20 water typing issue.

21
22 Schaaf asked how "no further action" determinations in the work plan are decided.

23
24 Cramer replied that these are consensus decisions.

25
26 **MOTION:** Tom Laurie moved that the Board approve the 2009 CMER Work Plan and
27 Budget as presented.

28
29 **SECONDED:** Norm Schaaf

30
31 **ACTION:** Motion passed unanimously.

32
33 **DESIRED FUTURE CONDITION RULE MAKING**

34 Chuck Turley and Lenny Young, DNR, provided a written report and presentation to the Board.
35 Turley said that several issues need to be resolved for desired future condition (DFC): The thinning
36 table in Rule Proposal #2 needs to be fully vetted; DNR has not been able to obtain a working
37 model with the DFC targets set to 325 square feet basal area per acre for all site classes; and long-
38 term DFC alternatives have not been developed. He said it appears that an industry group has fixed
39 the model so it will run using the target basal area of 325 square feet per acre. The model will need
40 to be confirmed independently to make sure it is running correctly. This can be done by the
41 University of Washington, College of Forest Resources (UW) who has been contracted to build
42 interfaces for landowners to enter the front-end data and back-end to give landowners the results
43 and develop alternative concepts to the model to accomplish DFC.

44
45 Turley asked the Board to first direct staff to file a revised CR-102 moving the three alternatives
46 presented by staff into environmental evaluation, additional economic analysis and public hearings.
47 All three alternatives would change the target basal area to 325 square feet of basal area per acre for
48 all site classes.

- 1 • Rule proposal #1 is the current rule with the new basal area targets;
- 2 • Rule Proposal #2-Revised is the industry proposal adding credit for the required 20 leave trees
- 3 per acre in the inner zone, but removing the proposed thinning table and reinserting the current
- 4 model prediction method for the thinning or packing options; and
- 5 • Rule Proposal #3 adds credit for the required 20 leave trees per acre in the inner zone.

6
7 Turley then recommended directing staff to evaluate seven alternative proposals for a long-term
8 strategy for DFC. Staff proposes holding a single workshop involving the appropriate/interested
9 stakeholders to evaluate and develop a staff recommendation for a long-term solution to present to
10 the Board. These alternatives include five conceptual approaches prepared by the UW: the fixed-
11 width, no entry buffer alternative prepared by DOE; and the original DFC Rule Proposal #2 with
12 the thinning table.

13
14 Moran asked if there would be an opportunity to separate the alternatives based on the projected
15 development time to benefit from some elements that may be of immediate importance.

16
17 Turley replied that the development of some of alternatives could allow implementation in steps.

18
19 Fox asked Turley to further explain the revised Rule Proposal #2.

20
21 Turley said the thinning table has been removed because of concern that the table does not leave
22 sufficient basal area to meet the target.

23
24 Stinson asked if the thinning option was being removed from Rule Proposal #2.

25
26 Christiansen said the current thinning option in rule would still exist.

27
28 Schaaf said he understood there are some unresolved statistical issues and asked why they couldn't
29 be resolved now.

30
31 Turley replied that the concern is the way the numbers in the table were derived, that some feel are
32 not statistically defensible.

33
34 Stinson asked if part of the problem was the model.

35
36 Turley replied that both the current model and the proposed new models use ORGANON version 6
37 to calculate tree growth. This will allow a direct comparison when evaluating the new DFC rule
38 proposals. There is, however, the potential to use ORGANON version 8 with the proposal chosen
39 for the rule.

40
41 Moran asked if the UW will use ORGANON version 8 for the final model.

42
43 Turley replied that the UW will determine if the revised versions of the model run consistently and
44 correctly. If the Board wants the chosen rule proposal to operate using ORGANON version 8 the
45 UW can do that.

46
47 Moran said it was unfortunate that money was being spent updating the model without the most
48 recent version of ORGANON.

1 Young said there could be a transition from ORGANON version 6 to version 8 as part of the
2 process.
3
4 Fox asked that if the model is updated to ORGANON version 8, will it add to the timeline.
5
6 Turley said yes.
7
8 Moran asked how much longer that would be.
9
10 Turley said if the model works, ORGANON version 6 could be used to move forward with the
11 revised target. The next step would be to revise the model to use ORGANON version 8. These steps
12 can be completed by the time of rule adoption and implementation.
13
14 Carolyn Dobbs asked if DFC Rule Proposal #3 was equivalent to Rule Proposal #2 but simpler to
15 use?
16
17 Turley replied yes.
18
19 Christiansen added that Rule Proposal #3 represents the middle ground between rule proposals #1
20 and #2.
21
22 Dobbs asked how changing Rule Proposal #2 will affect the CR-102 process.
23
24 Turley said that the Board motion would need to direct staff to file a revised CR-102 showing the
25 three new proposals and a preliminary economic analysis covering the range of the three
26 alternatives.
27
28 Fox said she has heard some strong statements from small forest landowners that there is a need to
29 understand what the Board is doing because it's very important. One landowner said he has a 140-
30 year old riparian stand containing 285 square feet of basal area per acre, which means he could not
31 meet the required basal area of 325.
32
33 Turley said if a landowner was actually leaving more than 325 they had opportunity to try to harvest
34 some of that excess in a step-wise fashion.
35
36 Turley explained there are two distinct recommendations before the Board: One for the short-term
37 rule change in consideration of Rule Proposals #1, #2-Revised, and #3, and a separate longer-term
38 strategy. Staff is recommending evaluating seven additional alternatives with representatives of the
39 Forests and Fish caucuses, and returning to the Board in August to propose those that are agreed
40 have merit and deserve further consideration.
41
42 Moran was supportive.
43
44 Stinson pointed out the complexity of the issue and felt nervous moving forward.
45
46 Schaaf said he thought it was important to have some type of thinning opportunity not only for
47 economic, but also ecological reasons.
48

1 Laurie said he agreed with Schaaf and he felt it was a reasonable package to move forward on. He
2 said he liked the idea of working with UW on alternate ways of dealing with DFC and it would be
3 great to get away from the model all together.
4

5 **MOTION:** Vicki Christiansen moved that the Forest Practices Board accepts draft rule
6 proposals #1, #2-Revised, and #3 for desired future condition. She also
7 moved that the Board accepts the preliminary economic analysis because the
8 range of economic impacts analyzed is broader in scope than those that
9 would be imposed by proposal #2-Revised and proposal #3. The final
10 economic analysis will specifically address proposals #2-Revised, and #3.
11

12 The Board directs staff to file a revised CR-102 with the Office of the Code
13 Reviser that includes the three alternative rule proposals and the preliminary
14 economic analysis, to continue the desired future condition rule making.
15

16 **SECONDED:** Bridget Moran
17

18 **Board Discussion:**

19 Dobbs said she was prepared to vote in favor but had concerns that Rule Proposal #2 had not been
20 through the adaptive management peer review, and that the Board must be in compliance
21 Administrative Procedure Act.
22

23 **AMENDMENT:** Sherry Fox moved to amend the motion to sunset the 325 basal area rule by
24 2010 if no other options are brought forward to the Board.
25

26 **SECONDED:** Doug Stinson
27

28 Young asked for clarification on “2010”, on the term “brought forward”, and if that meant to
29 incorporate the sunset date into all three alternative rule proposals.
30

31 Fox said staff would bring viable options to the board by May 2010.
32

33 Young suggested that the Board decide on that concept after staff has convened the workshop and
34 returns in August to report to the Board which of the seven options are deemed reasonable. Some
35 may take up to four years to develop and if the Board adds sunset rule language some of the seven
36 alternatives are automatically rejected.
37

38 Moran said she could not support Fox’s motion.
39

40 Fox said that without a guarantee she could not support the motion.
41

42 Schaaf said he did not support the sunset but the Board needs a definite commitment to continue to
43 look for acceptable approaches.
44

45 Laurie said he didn’t agree with adopting a sunset date as a means to achieve reaching the right rule.
46

47 Dobbs said she also would not be able to support a sunset amendment because what works for the
48 industrial landowners may not work for small forest landowners.
49

1 **WITHDRAWN:** Fox withdrew the amendment.

2
3 **ACTION:** Motion passed. 8 support / 1 abstention (Sherry Fox)

4
5 **MOTION:** Vicki Christiansen moved that the Forest Practices Board directs staff to
6 evaluate and compare the following alternatives to address DFC in the longer
7 term: the original proposal #2 including the thinning table, the fixed-width /
8 no-entry buffer proposal, and the alternative proposals developed by
9 University of Washington. Staff's evaluation shall include a single workshop
10 for interested stakeholders. Staff shall consider the feasibility, credibility,
11 complexity, and metrics of each proposal, as well as ability of the department
12 to comply the proposed approach, total time and cost to develop and
13 implement the proposed approach, and overall ease of implementation. Staff
14 shall form a recommendation for the Board as to which of the proposals shall
15 be pursued, and shall present that recommendation to the Board at its August
16 2008 meeting.

17
18 **SECONDED:** Tom Laurie

19
20 **ACTION:** The motion passed unanimously.

21
22 **UPLAND WILDLIFE PLANNING**

23 David Whipple and Bridget Moran, DFW, provided a written presentation that explained how the
24 Wildlife Work Group continues to work on revising the Board's Wildlife Work Plan. The current
25 plan is described in four elements:

- 26 1. An assessment of the current rules intended to protect wildlife.
- 27 2. A landscape-level wildlife assessment.
- 28 3. Implementation mechanisms and incentives for wildlife habitat management.
- 29 4. Adaptive management.

30
31 They requested direction regarding options for moving the project forward. They explained that the
32 Wildlife Work Group recommends the option (Option 5) in which a model is built for each at-risk
33 and not-at-risk species guild, as was originally intended for this project. Whipple and Moran also
34 discussed the project funding (\$440,000 additional funding needed for the recommended approach),
35 a "pilot landscape" approach to test early completed habitat models, and the status of the work
36 group's discussions and needs regarding developing landowner incentives to encourage upland
37 wildlife habitat.

38
39 Stinson asked Whipple where the expertise for incentives will come from.

40
41 Moran said they've looked into existing incentive mechanisms, and realize they need help from an
42 outside source to help build an incentives program, possibly led by DNR. This would require a
43 budget request supported by the Board.

44
45 Fox commented that working with Whipple and Moran on this project was very rewarding and
46 good problem solving had taken place.

1 Schaaf asked about the timeline.

2

3 Whipple said the technical group projected that 32 guilds (24 at-risk and 8 not-at-risk) can be
4 completed by the end of next year which gets us nearly half way.

5

6 Dobbs commented that she had the opportunity to sit in on a meeting and was very impressed with
7 the enthusiasm and creativity.

8

9 **MOTION:** Sherry Fox moved that, following the unanimous recommendation of the
10 Landscape Level Wildlife Assessment Policy group, as well as the Wildlife
11 Work Group, the Forest Practices Board endorses Option 5 as described in
12 the May 2, 2008 Washington Department of Fish and Wildlife memo to the
13 Board. The Board therefore directs the above named groups to move forward
14 with implementing Option 5, including pursuing the necessary funds to fully
15 implement the project. This option is consistent with the project scope
16 originally approved by the Forest Practices Board in the original Wildlife
17 Work Plan.

18

19 **SECONDED:** Carolyn Dobbs

20

21 **ACTION:** Motion passed unanimously.

22

23 **NORTHERN SPOTTED OWL UPDATES**

24 Lenny Young, DNR, stated that the final federal Northern Spotted Owl recovery plan was signed
25 and released the week before this Board meeting. He provided a copy of the recovery plan and a
26 report prepared by Sustainable Ecosystems Institute for each Board member.

27

28 He explained that the most significant change from the draft recovery plan is a change in the
29 conservation strategy for the eastside, recognizing wildfire-prone provinces and managing that
30 ecosystem in a more dynamic manner.

31

32 Schaaf asked if the plan contained recommendations on the states' contributions.

33

34 Young said that information could be found in the index under Conservation Support Areas (CSAs).
35 He said the heavy burden for recovery is on federal lands but certain non-federal landscapes (the
36 CSAs) are recognized as playing an important role.

37

38 Young added that the plan describes what needs to happen to recover the owl, and estimates a cost
39 of half a billion dollars over 30 years, with \$169 million of that in the first ten years. He explained
40 that a large portion of that half billion dollars is associated with developing and putting in place the
41 management regimes for federal lands in the dry provinces.

42

43 **WORK PLAN FOR DECEMBER 2007 STORM FOLLOW-UP AND JUNE 10 FIELD TOUR**

44 Lenny Young, DNR, recapped follow-up work that the Board requested at the February 13, 2008
45 meeting related to the December 2007 storm event. He and Chuck Turley proposed the following
46 work plan:

47

- 1 • Convene a group of experts to determine the appropriate role for watershed analysis
2 prescriptions in the processing of forest practices applications. Turley recommended that the
3 Board charter a small group of technical experts including the forest practices science team and
4 other scientists representing the Forests and Fish caucuses. This group would look at an explicit
5 short list of questions that would answer: Given the state of science today, are the watershed
6 analysis prescriptions for mass wasting and unstable slopes still appropriate, or should that
7 portion of the rules be revised or replaced in some way? Turley said he would facilitate that
8 process and report the results to the Board at the November meeting.
- 9 • Conduct a review of how applications involving unstable landforms are processed, and the
10 current rules and guidance on processing those applications. Gary Graves, DNR, would lead this
11 effort. The review would include how often and under what conditions forest practices foresters
12 are requesting geologist expertise, the process and success of office reviews, and the forest
13 practices rule structure and guidance.
- 14 • Review the adaptive management strategies related to unstable slopes. Are the right studies on
15 CMER's list, are they prioritized correctly? Turley said Policy has discussed this, and staff
16 could report to the Board at the August meeting. He added there were also discussions about the
17 use of LIDAR, and that staff in conjunction with University of Washington held a remote
18 sensing workshop a few months ago and would like to have someone from that group come in
19 and talk to the Board about that workshop. He believes it's also important that the Board is
20 provided the most current information about climate change coming from the University of
21 Washington and the Governor's Climate Action Team.

22

23 Young told the Board that staff is finalizing the selection of stops for the June 10th field tour on
24 storm damage.

25

26 **ADJOURNMENT**

27 Meeting adjourned at 4:00 p.m.

28