

Special Board Meeting (Field Tour) – November 7, 2017
Camas Center for Community Wellness, 1821 North LeClerc Road, Cusick, WA

Please note: The field tour provides the opportunity for Board members to learn about ongoing and future topics including the permanent water typing system rule, pesticide applications, tribal cultural resources and fire salvage. The field tour will not be recorded. **No public comment will be taken and no Board action will occur during the tour.**

Notice to Public: Members of the public who wish to attend the field tour are encouraged to make a reservation by calling Patricia Anderson at 360-902-1413 by **November 3, 2017.**

*Since a limited number of vehicles can be accommodated on the narrow forest roads, carpools and driving appropriate vehicles for terrain are encouraged. Public attendees are responsible for their own transportation, lunch, hard hat and safety vest. A hard hat and safety vest will be **required** to walk through the forested environment. Tour maps will be available on the morning of the tour. Breakfast and lunch will be available to purchase at the Camas Center for Community Wellness.*

AGENDA

8:30 a.m.	Welcome and Introductions
8:45 a.m. – 9:30 a.m.	Welcome from the Kalispel Tribe – Curt Holmes, Tribal Council Member
9:45 a.m. – 11:45 a.m.	Stop #1 - Tribal Cultural Resources – Kevin Lyons and Ray Entz, Kalispel Tribe
	Stop #2 - Water Typing – Joe Maroney, Kalispel Tribe and Hans Berge, DNR
12:15 p.m. – 1:15 p.m.	Stop #3 – Pesticides – JD Marshall, Hancock Forest Management, Kelly McLain, Department of Agriculture and Ray Entz, Kalispel Tribe
1:45 p.m. – 2:15 p.m.	Lunch - Kalispel Community Forest
2:30 p.m. – 3:30 p.m.	Stop #4 - Small Forest Landowner Issues – Patti Playfair, Washington Farm Forestry Association
	<i>(time permitting)</i> Stop #5 Water Typing – Joe Maroney, Kalispel Tribe
	<i>(time permitting)</i> Stop #6 Pesticides on Kalispel Land
4 p.m.	End of Field Tour <i>(Those carpooling from the Camas Center for Community Wellness will need to return there to pick up vehicles.)</i>

Future FPB Meetings

Next Meeting: February 7, 2018

Special Meeting: TBD

Check the FPB Web site for latest information: <http://www.dnr.wa.gov/>

E-Mail Address: forest.practicesboard@dnr.wa.gov

Contact: Patricia Anderson at 360.902.1413

Regular Board Meeting – November 8, 2017

Northern Quest Resort & Casino, 100 North Hayford Road, Airway Heights, Spokane

Please note: All times are estimates to assist in scheduling and may be changed subject to the business of the day and at the Chair’s discretion. The meeting will be recorded.

DRAFT AGENDA

8:30 a.m. – 8:40 a.m.	Welcome and Introductions Safety Briefing – Patricia Anderson, Department of Natural Resources (DNR)
8:40 a.m. – 9:05 a.m.	Public Comment on Field Tour
9:05 a.m. – 9:35 a.m.	Recap of Field Tour – Forest Practices Board
9:35 a.m. – 9:45 a.m.	Approval of Minutes <i>Action: Approval of August 9, 2017, meeting minutes.</i>
9:45 a.m. – 9:55 a.m.	Report from Chair
9:55 a.m. – 10:20 a.m.	Public Comment – This time is for public comment on general Board topics. Comments on Board action items will occur prior to each action taken.
10:20 a.m. – 10:35 a.m.	Break
10:35 a.m. – 10:45 a.m.	Northern Spotted Owl Conservation Advisory Group – Marc Engel, DNR
10:45 a.m. – 10:55 a.m.	Public Comment on Conservation Advisory Group
10:55 a.m. – 11:05 a.m.	Northern Spotted Owl Conservation Advisory Group – Marc Engel, DNR <i>Action: Consider retaining NSO Conservation Advisory Group</i>
11:05 a.m. – 11:15 a.m.	Public Records Fee Schedule Rule Making – Marc Ratcliff, DNR
11:15 a.m. – 11:25 a.m.	Public Comment on Public Records Fee Schedule Rule Making
11:25 a.m. – 11:35 a.m.	Public Records Fee Schedule Rule Making – Marc Ratcliff, DNR <i>Action: Consider initiating rule making by filing a CR-102 Proposed Rule Making.</i>
11:35 min – 12:35 p.m.	Lunch
12:35 p.m. – 12:55 p.m.	Public Comment – This time is for public comment on general Board topics for those that were not able to be at the earlier public comment period.
12:55 p.m. – 2:25 p.m.	Potential Habitat Break Update – Hans Berge, Adaptive Management Program Administrator
2:25 p.m. – 3:00 p.m.	Board Subcommittee Update on Efficiency and Effectiveness Improvements for the Adaptive Management Program – Lisa Janicki, Board Subcommittee Chair and Hans Berge, AMPA
3:00 p.m. – 3:15 p.m.	Break
3:15 p.m. – 3:50 p.m.	Clean Water Act Assurances Annual Report - Mark Hicks, Department of Ecology

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3:50 p.m. – 4:05 p.m.	<p>Staff Reports</p> <p>A. Adaptive Management Update – Hans Berge, AMPA</p> <p>B. Board Manual Update – Marc Ratcliff, DNR</p> <p>C. Compliance Monitoring – Garren Andrews, DNR</p> <p>E. Northern Spotted Owl Implementation Team Update on a Safe Harbor Agreement – Lauren Burnes, DNR</p> <p>F. Rule Making Activity – Marc Engel, DNR</p> <p>G. Small Forest Landowner Advisory Committee and Small Forest Landowner Office Update -Tami Miketa, DNR</p> <p>H. TFW Policy Committee Priorities – Ray Entz and Scott Swanson, TFW Policy Committee Co-Chairs</p> <p>I. Upland Wildlife Update – Gary Bell, Washington Department of Fish and Wildlife</p>
4:05 p.m. – 4:35 p.m.	<p>2018 Work Planning and 2017 Work Plan Review - Marc Engel, DNR</p> <p><i>Action: Approve the 2018 work plan.</i></p>
4:35 p.m. – 5:10 p.m.	<p>Executive Session</p> <p>To discuss anticipated litigation, pending litigation, or any other matter suitable for Executive Session under RCW 42.30.110.</p>

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1 **FOREST PRACTICES BOARD**

2 August 9, 2017

3 Natural Resources Building, Room 172

4 Olympia, Washington

5
6 **Members Present**

- 7 Stephen Bernath, Chair, Department of Natural Resources
- 8 Bob Guenther, General Public Member/Small Forest Landowner
- 9 Brent Davies, General Public Member
- 10 Carmen Smith, General Public Member/Independent Logging Contractor
- 11 Dave Herrera, General Public Member
- 12 Heather Ballash, Designee for Director, Department of Commerce
- 13 Joe Stohr, Designee for Director, Department of Fish and Wildlife
- 14 Noel Willet, Timber Products Union Representative
- 15 Patrick Capper, Designee for Director, Department of Agriculture
- 16 Paula Swedeen, General Public Member
- 17 Rich Doenges, Designee for Director, Department of Ecology
- 18 Tom Nelson, General Public Member

19
20 **Members Absent**

- 21 Lisa Janicki, Elected County Official

22
23 **Staff**

- 24 Joe Shramek, Forest Practices Division Manager
- 25 Marc Engel, Forest Practices Assistant Division Manager
- 26 Patricia Anderson, Rules Coordinator
- 27 Phil Ferester, Senior Counsel

28
29 **WELCOME AND INTRODUCTIONS**

30 Stephen Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.

31
32 **APPROVAL OF MINUTES**

33 **MOTION:** Bob Guenther moved the Forest Practices Board approve the May 9 & 10,
34 2017 meeting minutes as amended.

35
36 **SECONDED:** Noel Willet

37
38 Discussion:

39 Noel Willet and Tom Nelson noted that the May 10 meeting minutes listed their predecessor as
40 present for the day.

41
42 **ACTION:** Motion to accept minutes as amended passed unanimously.

1 **PUBLIC COMMENT**

2 Ray Entz, Kalispel Tribe, invited the Board to eastern Washington for a field tour. He said he
3 would commit to working with DNR staff and the Kalispel Tribe to ensure that the field tour
4 focuses on eastside issues.

5
6 **REPORT FROM CHAIR**

7 Stephen Bernath reported on the following:

- 8 • Forest Practices program operating budget passed by the Legislature on June 30;
9 • Adaptive Management Program budget passed by the Legislature with requested funds for
10 this biennium;
11 • Legislature’s failure to pass the State Capital budget ends funding for the Forestry Riparian
12 Easement Program, Family Forest Fish Passage Program and Rivers and Habitat Open Space
13 Program;
14 • Passage of HB 1595 amending the Public Records Act will require rule making; and
15 • A leadership letter is being prepared to re-engage the discussion on tribal cultural resources.

16
17 **WATER TYPING SYSTEM, SCIENCE/TECHNICAL EXPERT GROUP**
18 **RECOMMENDATIONS**

19 Bernath provided a brief summary on the Board’s decision to convene an expert scientific panel
20 (Panel) to develop and present recommendations for potential habitat breaks (PHB) for inclusion
21 in the fish habitat assessment method (FHAM). He reminded Board members that the Panel was
22 convened by the Adaptive Management Program Administrator (AMPA) and tasked with
23 providing a report on PHB criteria for consideration at this meeting. The recommendations also
24 included the development of a study plan for validation of the recommended PHB criteria.

25
26 Hans Berge, AMPA, provided a PowerPoint that outlined the process used to form the Panel, the
27 work done to gather data, and the analysis done to evaluate the various data sets. He explained
28 how time was provided for stakeholders to provide feedback about the Panel’s recommendations.
29 He reminded the Board that it approved the FHAM framework in May 2017, and that the Panel’s
30 task was to recommend appropriate PHB criteria for inclusion in the FHAM.

31
32 Dr. Phil Roni, Panel member, reiterated the Panel’s mission and listed the members assigned to
33 the Panel. The areas of focus for PHB criteria consideration included a review of current
34 literature, an evaluation of approved Water Type Modification Forms (WTMF) data sets, and
35 professional field experience. From their assessment, they concluded the three key components
36 needed to gain useful, repeatable and sound outcomes are changes in stream gradient changes,
37 decreases in bankfull width and a determination of what are permanent barriers.

38
39 Roni outlined the different data sets provided by various caucuses and the process used to
40 evaluate the data. He said the data sets were collected for various purposes and not all data sets
41 met the purpose for the Panel’s analysis. Approximately 1,500 points provided the needed data
42 and were adequate for analysis. All the data analyzed was from western Washington. He said
43 there was no data available for eastside analysis.

44
45 Roni described how the report, specifically Table 3, showed performance results for the tested
46 metrics applied to the data. He explained how they looked for WTMFs containing a high

1 percentage of Type F/N Water breaks where the end of fish habitat was extended past the last
2 detected fish consistent with the modeled end of fish habitat point and a low percentage of those
3 containing errors where the WTMF point was consistent with the last detected fish point.

4
5 Roni outlined the Panel's recommended criteria for PHBs as: a change in average upstream
6 gradient of greater than or equal to 5%; a reduction in upstream channel width, measured at
7 bankfull width, to less than or equal to 70% of the downstream width; and a fish barrier as a
8 stream gradient greater than or equal to 20% with an elevation gain through the length of the
9 barrier greater than or equal to the bankfull width above the barrier. Roni stated these PHB
10 metrics captured 92% of the end of fish points.

11
12 Roni further explained the Panel's assessment of channel width and described how a proportion
13 change in channel width supported changes in fish use, rather than how a simple width metric
14 alone does not indicate high probability of a lack of fish use. He described how a change in
15 bankfull width usually indicates other geomorphic changes that can limit fish use. He also said
16 that their barrier evaluation indicated that a gradient of 20% prevents most fish from moving
17 upstream and that elevation change is generally related to channel width. To conclude, he
18 outlined the Panel's recommendations that any one of the following elements would be a PHB:

- 19 • A change in gradient greater than or equal to 5%
- 20 • A reduction in bankfull width greater than or equal to 30%
- 21 • A stream gradient greater than or equal to 20% with an elevation change over barrier length
22 which is greater than the upstream bankfull width

23
24 Berge described how one might apply the FHAM in a typical stream segment using the
25 recommended criteria. He said the starting point would begin above the upper most point of
26 known fish or at the modeled Type F/N break, not in the stream's lowest reaches. He also said
27 the Panel believes that a follow up validation study is needed for continued assessment and
28 effectiveness for the PHBs.

29
30 Bernath invited Joe Maroney, Panel member and Kalispel Tribe Director of Fishery and Water
31 Resources, to provide his perspective on the availability of eastside data. Maroney expressed
32 concern regarding the lack of data available for evaluating the PHB criteria. He said WTMF data
33 does exist, but it does not meet the intent of the study design. He mentioned the Panel recognized
34 the lack of available data and given the time constraints to establish PHB criteria, the Panel was
35 restricted to only using data provided by the landowners. He suggested that with more time, a
36 study design could be developed to use additional data from different eco-regions to validate
37 potential PHBs.

38
39 Several Board members acknowledged the lack of data representing other geographical locations
40 and asked how additional data could be used to inform PHB recommendations. Roni said that
41 data from other geographical locations could be analyzed if it was provided in the same format.
42 The time constraint prevented the group from gathering data from other sources and locations.

1 **PUBLIC COMMENT ON PHB REPORT**

2 Scott Anderson, National Marine Fisheries Service and representing US Fish and Wildlife
3 Service, recommended the Board adopt a system that does not rely on fish presence but uses fish
4 habitat. He said the Forest Practices Habitat Conservation Plan addresses fish habitat.

5
6 Kevin Godbout, Weyerhaeuser Company, recommended the Board act with urgency to establish
7 a permanent water typing rule for the 2018 field season to avoid inconsistencies in the field. He
8 said an updated board manual could alleviate some uncertainty.

9
10 Scott Swanson, Washington State Association of Counties (WSAC), said he supports using best
11 available science and urged the Board to accept the Panel’s recommendations outlined in their
12 report.

13
14 Jim Peters, Northwest Indian Fisheries Commission, said the western Washington tribes request
15 the Board to adopt option #9 in the PHB report and suggested an opportunity for tribal scientists
16 to discuss the recommendations with Panel members.

17
18 Adrian Miller, Pope Resources, encouraged the Board to use the tools available to them within
19 CMER that would address the data issues before them. He also echoed Godbout’s comments on
20 the need for consistency in the application of the existing rule.

21
22 Marc Gauthier, Upper Columbia United Tribes, cautioned that the use of a simple 5% increase in
23 stream gradient or a 30% reduction in stream width as PHBs does not address all situations that
24 prevent fish from moving upstream.

25
26 Jamie Glasgow, Conservation Caucus, said he is concerned about the limitations of data
27 available for use in the Panel’s recommendations. He recommended the Board defer action until
28 November and if the Board did make a decision, they would support an option for PHBs with
29 more stringent criteria.

30
31 Chris Mendoza, Conservation Caucus, said best available science needs to be included in the
32 PHB evaluation, which requires an inclusion of data from all eco-regions. He suggested that a
33 random sample from each eco-region would eliminate bias.

34
35 Peter Goldman, Washington Forest Law Center, urged the Board to delay adoption of the Panel’s
36 PHB recommendations. He advised the Board to adopt a rule that addresses fish habitat in order
37 to avoid an environmental impact statement when the draft rule is evaluated under the State
38 Environmental Policy Act. He requested the Board implement an action to review more data sets
39 for evaluating PHB criteria.

40
41 Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), recounted the process
42 Policy used to bring consensus recommendations to the Board and the Board’s decision to direct
43 the AMPA to assemble the Panel to develop PHB recommendations. He said WFFA supports the
44 Panel’s recommendations including a follow-up validation study element.

1 Ken Miller, WFFA, asked the Board to ensure that the Small Business Economic Impact
2 Statement address the disproportionate economic impacts on small forest landowners. He asked
3 the Board to provide technical assistance for small forest landowners resulting from the final
4 rule, and requested the Board not include drainage ditches as natural waters in the water typing
5 rule. He concluded by asking the Board to approve the WFFA-supported small forest landowner
6 low impact riparian template.

7
8 Karen Terwilleger, Washington Forest Protection Association (WFPA), cautioned the Board to
9 make decisions consistent with the tenets of Forests and Fish. She said WFPA supports the
10 recommendations in the PHB report. She said a section of the Forest Practices Board Manual
11 cannot be updated before a rule is developed.

12
13 On the Board Chair's request, Terwilleger described how contributing landowners collected and
14 submitted their data to the Panel for review. She stated it was a difficult task to provide the data
15 within the extremely tight timeline given by the Board. She said that the request for data was not
16 specific, nor were any data standards provided. It was also costly for landowners to assemble: it
17 cost landowners approximately \$25,000. She concluded by stating that the WTMF data was
18 collected in the short time made available and in a manner requested even though they had little
19 influence on the process established by the Board.

20
21 **BOARD DIRECTION FOR PHBs AND NEXT STEPS FOR THE WATER TYPING**
22 **SYSTEM RULES AND GUIDANCE**

23 Bernath acknowledged the extremely tight timelines placed on the Panel to review the data and
24 establish PHB recommendations, the AMPA and Panel's good work, and WFPA's assistance to
25 provide their data. He said more time could provide the Panel the ability to explain the nuances
26 with the data and augment the existing data to include other eco-regions. He also said a delay in
27 accepting the Panel's recommendations would not prevent continued work on draft rule and
28 board manual, nor prevent the Panel from developing a study design for validation.

29
30 **MOTION:** Stephen Bernath moved the Forest Practices Board delay approval of Potential
31 Habitat Break (PHB) recommendations until the February 2018 Board
32 meeting. This action will provide time to gather and analyze eastern
33 Washington data, provide transparency by daylighting the data and QA/QC
34 used to provide data to the science Panel and to build understanding around
35 the PHB report.

36
37 He further moved that the Forest Practices Board direct the AMPA to work
38 with the Washington Forest Protection Association to provide documentation
39 of how data was selected and provided to the science Panel by September 20,
40 2017. The AMPA will work with the science Panel to add an addendum that
41 includes the documentation from WFPA and others who provided data and
42 publish the data used in the analyses to determine the recommendation for
43 PHBs.

44
45 **SECONDED:** Paula Swedeen
46

1 Discussion:
2 Board Members expressing support for the motion were Paula Swedeen, Heather Ballash, Joe
3 Stohr, Patrick Capper, Brent Davies and Rich Doenges.
4
5 Board Members expressing opposition for the motion were Tom Nelson, Noel Willet, Bob
6 Guenther, Carmen Smith, and Dave Herrera.
7
8 Nelson stated he felt that the Board had an obligation to move forward with the
9 recommendations because the Panel had produced recommendations as directed by the Board.
10 He said the Panel had met the Board's goal by using best available science and he felt the
11 recommended PHB criteria proved better than the default physical criteria.
12
13 Paula Swedeen expressed concern about the completeness of the WTMF data suggesting the
14 unrepresented geographic or spatial location of the data points showed a systematic data bias and
15 does not represent best available science because it is only a partial data set.
16
17 Noel Willet said he supports the PHB recommendations contained in the Panel's report. He
18 added his concern with the Panel's analysis to determine PHB based on potential differences
19 between eastern and western Washington stream characteristics.
20
21 Joe Stohr said the motion did not include any clarity for input from field staff by the Panel in the
22 analysis of the data. He also questioned whether the establishment of PHBs would cause a SEPA
23 determination of significance and therefore potentially delay rule adoption until the 2019
24 protocol survey season.
25
26 Carmen Smith said she does not support a delay to a Board decision to approve PHBs and
27 suggested there may be the need for two water typing system rules—one for eastern and one for
28 the western Washington.
29
30 Dave Herrera said he could not support any motions, and suggested a delay is needed due to
31 outstanding unanswered questions regarding the current WTMF data. He concurred with the
32 Federal Service's concerns voiced during public comments that the current WTMF data focuses
33 on fish presence. He indicated a need to focus on fish habitat, and expressed concern regarding
34 whether the Federal Services would approve of a rule based on data collected to establish fish
35 presence.
36
37 Nelson again stated he prefers to start the process to establish PHBs based on science followed
38 by a validation study. He said the validation study might reveal new science and at that point, the
39 Board could update the rules and/or guidance accordingly.
40
41 Swedeen was concerned with adopting a rule based on a partial data set. She added that through
42 analyzing additional data sets and performing QA/QC, the Board will have produced a product
43 that most folks will be more comfortable with.
44
45 After discussion Bernath and Swedeen agreed to revise the motion as follows:
46

1 **MOTION:** Stephen Bernath moved the Forest Practices Board delay approval of Potential
2 Habitat Break (PHB) recommendations until the February 2018 Board
3 meeting. This action will provide time to gather and analyze eastern
4 Washington data, provide transparency by daylighting the data and QA/QC
5 used to provide data to the science panel and to build understanding around
6 the PHB report.

7
8 ~~He further move that the Forest Practices Board direct the AMPA to work
9 with the Washington Forest Protection Association to provide documentation
10 of how data was selected and provided to the science panel by September 20,
11 2017. The AMPA will work with the science panel to add an addendum that
12 includes the documentation from WFPA and others who provided data and
13 publish the data used in the analyses to determine the recommendation for
14 PHBs.~~

15
16 Discussion:

17 Swedeen clarified her intention that this amendment to the original motion will allow for
18 different ways to consider, describe and collect additional data.

19
20 Bob Guenther proposed an amendment to the motion. Guenther's proposed motion language
21 included Nelson's language regarding the validation study. The motion's effect was to propose a
22 replacement of the original motion with a new, different motion.

23
24 Guenther and Nelson moved to amend the motion as follows:

25 **MOTION:** Bob Guenther moved the Forest Practices Board strike the original motion and
26 approve the Potential Habitat Break (PHB) recommendations presented to the
27 Board this morning. A potential habitat break will be identified at a point
28 along a stream channel where one or more of these changes in stream
29 character is identified:

- 30 • A gradient increase > 5 %
- 31 • Bankfull channel width decrease > 30 %
- 32 • A potential fish passage barrier = an abrupt step in the stream channel
33 with at least 20% slope and minimum elevation change greater than or
34 equal to 1 upstream channel width.

35 Tom Nelson further moved the Board direct the AMPA/Science Panel to
36 develop a study plan for validation, to be presented at the February 2018
37 meeting. This study plan shall be designed to:

- 38 1. Validate the effectiveness of the proposed changes from data included in
39 the science Panel report;
- 40 2. Augment and validate new data from geographical areas not represented
41 in current data.

42
43 **SECONDED:** Carmen Smith
44
45

1 Discussion:

2 Several Board members questioned whether the friendly amendments were congruent with the
3 original motion.

4
5 Phil Ferester explained that the Guenther/Nelson amendment was basically like a “striker”
6 amendment in the legislature, and that a vote passing the amendment would supersede the
7 original motion and a “no pass” vote would return discussion to the original motion.

8
9 Guenther stated that in order for the process to move forward he supported the motion. He said
10 there is no way landowners are trying to impede the survival of fish.

11
12 Nelson said that forest industry assembled a science team to respond to the request for data
13 because the Board projected a need for urgency and to delay would send the wrong message.

14
15 Swedeen quoted a statement from page 14 of the PHB report:

16 We cannot emphasize enough that the data are not perfect and have a number of limitations
17 including having only small number of points from eastern Washington and were collected
18 largely by landowners on their lands, and should be used with caution.

19 She said this does not seem adequate enough for the Board to move forward.

20
21 Herrera said the Board needs to have the right rule to protect fish. He said the tribes still have
22 concerns that the water typing recommendations still do not do enough to protect fish, the
23 resources, or the property of the tribes. By delaying the Board’s decision on PHBs, an analysis
24 process using best available science can be used to fill in the gaps.

25
26 Smith quoted a statement from page 14 of the PHB report that followed the paragraph quoted by
27 Swedeen:

28 However, they do represent the only high quality data available at the time of our analysis
29 and have largely been reviewed and accepted through a regulatory concurrence process.
30 These data indicate that the proposed criteria perform better than the current interim criteria
31 of 2-ft. bankfull width and 20% gradient (Table 3). The proposed criteria also appear to
32 out-perform other combinations of criteria we examined. Fourth, these criteria, a difference
33 in gradient of 5% and a 30% reduction in channel width, were originally recommended by
34 the Timber, Fish and Wildlife Water Typing Committee in 1999 and were successfully
35 applied in a research study. Thus, the proposed interim criteria appear to be implementable.

36
37 Nelson said he believes the Board is not being fair to those companies who put forth the data
38 used in the PHB analysis. He asked if DNR was willing and able to put forth the effort to
39 evaluate additional WTMFs, and if the data collection and analysis could be completed and a
40 new Panel PHB report prepared for the Board’s February 2018 meeting.

41
42 Joe Shramek, DNR, responded yes, if the Board chooses this path, DNR will commit staff
43 resources to provide the data. Whether it can be completed by February would depend on how
44 many data points were required and from what source. Bernath said the data will be collected in
45 a manner similar to the way the data was provided by the landowners.

1 Herrera said he never questioned the validity of the data but whether it was robust enough. He
2 expressed concern that the motions being discussed would establish the PHB based on the
3 preferred and recommended PHB from the Panel. He stated the tribes would prefer option #9 in
4 the PHB report and, as such, proposed an amendment to the motion.

5
6 **MOTION:** Dave Herrera moved to amend the amended motion by replacing “a gradient
7 increase > 5%” with “a gradient increase of > 10%” and “bankfull channel
8 width decrease > 30 %” with “bankfull channel width decrease > 70 %.”

9
10 **SECONDED:** Brent Davies

11
12 Discussion:
13 None.

14
15 Bernath clarified that voting would start with the last proposed amendment to the original
16 motion. To be clear, he said Herrera’s amendment replaces the use of the Panel recommended
17 PHB criteria in option #7 in the PHB report with option #9 listed in the PHB report and includes
18 the validation study language offered in Guenther’s motion. A vote for Herrera’s amendment is a
19 vote for option #9.

20
21 **ACTION ON HERRERA’S AMENDMENT TO**

22 **AMENDMENT:** Amendment to Gunther and Nelson’s motion failed. 5 Support (Davies,
23 Guenther, Smith, Stohr, Herrera) / 6 Oppose (Bernath, Swedeen, Capper,
24 Doenges, Willet, Nelson) / 1 Abstention (Ballash)

25
26 **ACTION ON GUNTHER AND NELSON’S**

27 **AMENDMENT:** Amended motion failed. 4 Support (Guenther, Smith, Nelson, Willet) / 8
28 Oppose (Herrera, Capper, Davies, Bernath, Swedeen, Stohr, Doenges,
29 Ballash)

30
31 **ACTION ON ORIGINAL**

32 **MOTION:** Motion passed. 8 Support (Herrera, Capper, Davies, Bernath, Swedeen, Stohr,
33 Doenges, Ballash) / 4 Oppose (Smith, Nelson, Willet, Guenther)

34
35 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to
36 facilitate the gathering of data for eastern Washington and in those areas of
37 western Washington not represented currently and work with the
38 Science/Technical Expert Panel to incorporate this data into their analyses to
39 determine PHBs. The AMPA must work with the Panel to identify the QA/QC
40 criteria for the data and coordinate the compilation of the data from a random
41 sample of existing approved WTMFs. All stakeholders are invited to
42 participate in the collation of the data. AMPA and or science Panel will report
43 progress on collecting the data for eastern Washington and those parts in
44 western Washington that need augmenting at the November 2017 meeting.

45
46 **SECONDED:** Heather Ballash

1 Discussion:
2 Swedeen requested a friendly amendment to the motion adding “or other appropriate sources of
3 data”, which would amend the second sentence to read, “**The AMPA must work with the Panel**
4 **to identify the QA/QC criteria for the data and coordinate the compilation of the data from a**
5 **random sample of existing approved WTMFs or other appropriate sources of data.”**
6

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

9 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to
10 validate the original analyses that resulted in the recommendations included in
11 the PHB report to the Board. The AMPA will facilitate the gathering of a
12 random sample of approved western Washington WTMFs and work with the
13 Science/Technical Expert Panel to analyze the data, and compare the results to
14 those of the original analyses. This work is to be completed for inclusion in
15 the PHB recommendations to the Board at the February 2018 meeting.
16

17 **SECONDED:** Brent Davies
18

19 Discussion:
20 Bernath said the purpose of this motion is to acknowledge the work completed to date, and to set
21 up quality control criteria for a better random sample.
22

23 Nelson said he felt the motion created oversight on the work completed by industry to provide
24 data to the science Panel and did not feel this was the Board’s role.
25

26 Berge said it will be difficult to find some magical data set that would change the answer, but
27 acknowledged that validating and supplementing the current data would be a useful analysis.
28

29 **ACTION:** Motion passed. 8 Support (Swedeen, Davies, Stohr, Bernath, Herrera, Capper,
30 Ballash, Doenges / 4 Oppose (Smith, Nelson, Guenther, Willet)
31

32 The Board agreed that the AMPA will work with the Panel to have additional meetings with the
33 stakeholder technical group to invite input and to hear an operational perspective on the analyses
34 and results as the Panel prepares recommendations for the Board.
35

36 **MOTION:** Stephen Bernath moved the Forest Practices Board direct the AMPA to work
37 with the Science/Technical Panel to develop a validation study design and
38 complete ISPR review of the study design to be completed by the February
39 2018 meeting. The study will be completed within two field seasons and
40 reported to the Board prior to the next field season.
41

42 **SECONDED:** Heather Ballash
43

44 Discussion:
45 Rich Doenges asked about the cost estimates associated with a study design and questioned
46 subsequent adjustments to the Adaptive Management Program budget as a result.

1 Berge mentioned that costs and adjustment are uncertain at this time, but that any related cost
2 projections could be provided at the Board’s February 2018 meeting.

3
4 **ACTION:** Motion passed unanimously. (Davies not available for vote.)

5
6 **MOTION:** Stephen Bernath moved the Forest Practices Board direct Board staff to
7 present all Board approved elements without PHB metrics of a water typing
8 system rule and supporting board manual guidance at the February 2018
9 meeting.

10
11 **SECONDED:** Heather Ballash

12
13 Discussion:

14 Nelson questioned the ability to move forward with staff work without specific PHB metrics.

15
16 Engel acknowledged that the Board’s approved elements for rule, guidance and the FHAM
17 framework could be presented by staff, but that the cost benefit analysis, small business
18 economic impact statement and SEPA analysis could not be done until the Board approved the
19 final PHB metrics. Bernath clarified that when the metrics are approved by the Board, they
20 would be incorporated into proposed rule.

21
22 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

23
24 **BOARD SUBCOMMITTEE UPDATE ON EFFICIENCY AND EFFECTIVENESS**
25 **IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM**

26 Hans Berge, AMPA, presented the subcommittee’s recommendations on Adaptive Management
27 Program (AMP) improvements. Recommendations included:

- 28 • Begin the process to hire a facilitator for principles meetings through a Request for Proposal;
29 • Use up to \$150,000 from the AMP contingency fund for the contract;
30 • Request both the TFW Policy Committee (Policy) and the Cooperative Monitoring,
31 Evaluation and Research Committee (CMER) document roles and expectations for members
32 and co-Chairs, as well as document the budget process; and
33 • Form a small group to discuss how to secure and maintain potential sites for conducting
34 future field studies.

35 Bernath proposed that these items be discussed and completed by November.

36
37 **PUBLIC COMMENT ON SUBCOMMITTEE RECOMMENDATIONS**

38 Ray Entz, Kalispel Tribe, said he did not believe Policy could successfully write and document
39 the roles and expectations for its own members and develop an AMP budget process. As co-
40 Chair, he said he would give it his best effort.

41
42 Scott Swanson, Washington Association of Counties, said he supports the subcommittee’s efforts
43 and recommendations.

1 **BOARD DIRECTION ON NEXT STEPS FOR THE ADAPTIVE MANAGEMENT**
2 **PROGRAM**

3 **MOTION:** Stephen Bernath moved the Forest Practices Board authorize the use of the
4 AMPA budget line item for contingencies up to \$150,000 to use in hiring a
5 facilitator to bring together at least three principals meeting(s).
6

7 He further moved the Board accept the recommendations from the sub-
8 committee for the draft scope of work for a facilitator and authorize Board
9 staff to move forward with Request for Proposal and the contract process for
10 hiring a facilitator.

11 He further moved the Board direct Policy/CMER to:

- 12 • Identify in writing roles and expectations of participants in the
13 CMER/Policy process including co-chairs (where it does not already
14 exist);
- 15 • Document the budget process and expectations for Policy/CMER;
- 16 • Identify what updates are necessary for the PSM and timelines to update;
- 17 • Identify a process and incentives and/or commitments to work with
18 landowners on future CMER projects for site selection and certainty of
19 retaining those sites during the length of a CMER study; and
- 20 • Present the documentation/processes to the Board at the November 2017
21 meeting.
22

23
24 **SECONDED:** Heather Ballash
25

26 Discussion:

27 Berge said he is confident with how the AMP funding will be spent over the biennium and that
28 the budget will not allow for contingency funding to be spent for other projects.
29

30 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)
31

32 **ELECTRONIC SIGNATURE RULE MAKING**

33 Patricia Anderson and Marc Ratcliff, DNR, requested the Board initiate rulemaking to create in
34 rule the authority to accept electronic submissions of forest practices applications, signatures,
35 and payment once DNR has developed the means to conduct electronic business.
36

37 **PUBLIC COMMENT ON ELECTRONIC SIGNATURE RULE MAKING**

38 None.
39

40 **ELECTRONIC SIGNATURE RULE MAKING**

41 **MOTION:** Stephen Bernath moved the Forest Practices Board approve the draft
42 electronic business rule language and direct staff to initiate rule making by
43 filing a CR-102 with the Office of the Code Reviser.
44

45 **SECONDED:** Bob Guenther
46

1 Discussion:
2 None.

3
4 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

5
6 **PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

7 Bernath stated that the legislature passed HB 1595, which amended the Public Records Act. He
8 said that the bill changed how agencies collect fees associated with public record requests. There
9 are two options for fee collection, and staff recommended the Board adopt the statutory fee
10 method. He said this is the same option DNR intends to adopt as an agency, and would allow
11 use of the default fee schedule set in RCW 42.56.120 for public record requests pertaining to the
12 Board.

13
14 **PUBLIC COMMENT ON PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

15 None.

16
17 **PUBLIC RECORDS FEE SCHEDULE RULE MAKING**

18 Marc Ratcliff, DNR, asked the Board to direct staff to file a CR-101 to notify the public of the
19 Board consideration of rulemaking.

20
21 **MOTION:** Stephen Bernath moved the Forest Practices Board direct staff to file a CR-
22 101 Preproposal Statement of Inquiry indicating the Board's intent to consider
23 rule making relating to the collection of fees associated with public record
24 requests.

25
26 **SECONDED:** Noel Willet

27
28 Discussion:
29 None.

30
31 **ACTION:** Motion passed unanimously. (Davies and Stohr not available for vote.)

32
33 **TFW POLICY COMMITTEE PRIORITIES**

34 Scott Swanson, co-Chair, said Policy's priorities are flexible and change frequently. He said
35 they will update their priorities for the November Board meeting.

36
37 **PUBLIC COMMENT (PM)**

38 Steve Barnowe-Meyer, WFFA, provided a written comment regarding compliance monitoring
39 and said he will provide his comment again at the November meeting.

40
41 **2017 WORK PLAN**

42 Marc Engel, DNR, reviewed changes to the work plan as a result of the meeting's decisions
43 which included the initiation of rulemaking on public records fee schedule, changes to the
44 timeline for the Panel's completion of PHB recommendations to the Board, presentation of the
45 compliance monitoring report to the Board, and a Washington Geologic Survey presentation on a
46 newly developed publicly accessible portal to view LiDAR.

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MOTION: Carmen Smith moved to accept the changes to the 2017 work plan.

SECONDED: Patrick Capper

Discussion:
None.

ACTION: Motion passed unanimously. (Davies not available for vote.)

NEW BUSINESS

Stephen Bernath suggested the November meeting be a 2-day meeting, held on the eastside of the state, featuring a one-day field tour followed the next day by the regular meeting. Board members agreed; however, a few members would not be available in November.

COMPLIANCE MONITORING 2014-2015 BIENNIAL REPORT (W/ISPR REVIEW)

Due to time constraints this report was delayed to November 2017.

STAFF REPORTS

Due to the length of today's meeting no time was added to the agenda to highlight key points or answer questions regarding the following staff reports:

- Adaptive Management Update
- Board Manual Update
- Compliance Monitoring (including 2016 Annual Report)
- Northern Spotted Owl Implementation Team Update on a Safe Harbor Agreement
- Rule Making Activity
- Small Forest Landowner Advisory Committee and Small Forest Landowner Office Update
- Upland Wildlife Update
- Review of the Implementation of Board Manual Section 16

EXECUTIVE SESSION

None.

Meeting adjourned at 5:15 p.m.




**DEPARTMENT OF
NATURAL RESOURCES**

Forest Practices Division
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Olympia, WA 98504

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October 3, 2017

MEMORANDUM

TO: Forest Practices Board 

FROM: Marc Engel, Assistant Division Manager, Policy and Services
Forest Practices

SUBJECT: Spotted Owl Conservation Advisory Group Update

Each year, per WAC 222-16-010, the Board evaluates the need to maintain the Spotted Owl Conservation Advisory Group. This group is convened when needed to evaluate the need, based on available habitat, to maintain spotted owl site centers while the Board completes its evaluation of rules affecting the owl.

The group would be convened to conduct evaluations when the Washington Department of Fish and Wildlife (WDFW) approves surveys demonstrating the absence of spotted owls within the suitable habitat supporting an owl site center.

Within the last year there were no northern spotted owl surveys submitted for review and approval to WDFW; as such, the group did not meet.

At your November meeting, I will request you confirm the Board's support of the Spotted Owl Conservation Advisory Group.

Should you have any questions please feel free to contact me at 360-902-1309 or marc.engel@dnr.wa.gov.

ME



DEPARTMENT OF
NATURAL RESOURCES

FOREST PRACTICES DIVISION
1111 WASHINGTON ST SE
OLYMPIA, WA 98504

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MEMORANDUM

October 18, 2017

TO: Forest Practices Board
FROM: Patricia Anderson, Rules Coordinator
SUBJECT: Rule Making on Public Records Fee Schedule

At your November meeting, staff will request your approval to file a CR-102 *Notice of Rule Making* with the enclosed draft language. This will initiate public review of the proposed amendments to chapter 222-08 WAC that incorporates the fee scheduled outlined in the Public Records Act. This rule making is a result of legislation passed amending the Public Records Act.

The amendments to the Public Records Act set forth two methods agencies could use when collecting fees during public records requests – charge actual costs or use the rates provided in statute. The Board selected the default fee schedule as outlined in the statute. Not only is this option cost effective, it also is consistent with DNR’s practice. As you will see from the draft language, all other provisions for requesting records and responding to requests remain the same.

This rule making does not trigger the “significant legislative rules” described in RCW 34.05.328 of the Administrative Procedure Act, therefore a cost benefit analysis and small business economic impact statement are not required. These rules are also exempt from SEPA, as they do not affect the environment.

The anticipated timeline for the rule making is:

- January 2018: Conduct public hearing
- February 2018: Staff request for adoption of rules
- March 2018: Rules become effective

If you have any questions, please let me know at patricia.anderson@dnr.wa.gov or 360.902.1413.

PA
Enclosure (1)

FOREST PRACTICES BOARD
Public Records Fee Schedule Rule Making
Proposed Rule
August 2017

1 **WAC 222-08-025 Definitions.**

- 2 ...
- 3 (5) "Public record" as defined in RCW 42.56.010(23), means any writing containing information
4 relating to the conduct of government or the performance of any governmental or proprietary
5 function prepared, owned, used, or retained by any state or local agency regardless of physical
6 form or characteristics.
- 7 (6) "Writing" as defined in RCW 42.56.010(34), means handwriting, typewriting, printing,
8 photographing, including, but not limited to, letters, words, pictures, sounds, and all papers,
9 maps, magnetic or paper tapes, photographic films and prints, video recordings, diskettes,
10 sound recordings, and other documents including existing data compilations from which
11 information may be obtained or translated.

12
13 **WAC 222-08-032 Function, organization, and office.**

- 14 ...
- 15 (6) Staff support is provided to the board as provided in RCW 76.09.030(65). Staff shall perform
16 the following duties under the general authority and supervision of the board:
- 17 (a) Act as administrative arm of the board;
 - 18 (b) Act as records officer to the board;
 - 19 (c) Coordinate the policies and activities of the board; and
 - 20 (d) Act as liaison between the board and other public agencies and stakeholders.

21 ...

22
23 **WAC 222-08-040 Operations and procedures.**

- 24 (1) The board holds quarterly scheduled meetings on the second Wednesday of February, May,
25 August, and November, at such times and places as deemed necessary to conduct board
26 business. At regularly scheduled board meetings, agenda time is allotted for public comment
27 on rule proposals and board activities, unless the board has already set public hearings on the
28 rule proposals. Special and emergency meetings may be called anytime by the chair of the
29 board or by a majority of the board members. Notice of special and emergency meetings will
30 be provided in accordance with RCW 42.30.070 and 42.30.080. All meetings are conducted
31 in accordance with chapter 42.30 RCW and RCW 76.09.030(43). A schedule of meetings
32 shall be published in the *Washington State Register* in January of each year. Minutes shall be
33 taken at all meetings.
- 34 (2) Each member of the board is allowed one vote on any action before the board; pursuant to
35 RCW 42.30.060(2), secret voting is not allowed. All actions shall be decided by majority
36 vote. A majority of the board shall constitute a quorum for making decisions and
37 promulgating rules necessary for the conduct of its powers and duties. When there is a
38 quorum and a vote is taken, a majority vote is based upon the number of members
39 participating. The chair, designee, or majority of the board may hold hearings and receive
40 public comment on specific issues such as rule making that the board will consider in its
41 actions.
- 42 (3) Rules marked with an asterisk (*) pertain to water quality and are adopted or amended with
43 agreement from the department of ecology. See WAC 222-12-010.

FOREST PRACTICES BOARD
Public Records Fee Schedule Rule Making
Proposed Rule
August 2017

- 1 (4) The chair or majority of board members shall set the meeting agenda. Public requests for
2 topics to be included in the board's quarterly public meeting agenda must include the name of
3 the requester, and be received at the office at least fourteen days before the scheduled
4 meeting. Topics requested may be added to the meeting agenda at the chair's discretion or by
5 a majority vote of the board members. Pursuant to RCW 42.30.077 agendas of each regular
6 meeting will be available online no later than twenty-four hours in advance of the published
7 start time of the meeting.
- 8 (5) Written materials for the board which are not provided in advance of the meeting date will not
9 be distributed during the meeting unless fifteen copies are provided to staff.

10
11 **WAC 222-08-050 Public records--Availability.**

12 The board's public records are available for inspection and copying except as otherwise exempted
13 under RCW 42.56.210 through 42.56.480470, any other law, and this chapter.

14
15 **WAC 222-08-090 Disclosure of public records.**

16 Public records may be inspected or copies of such records obtained, upon compliance with the
17 following procedure:

- 18 (1) A request shall be made in writing, by fax or electronic mail, to the public records officer or
19 designee. The request shall include the following information:
20 (a) The name of the person requesting the record;
21 (b) The calendar date of the request; and
22 (c) A description of the record(s) requested.
- 23 (2) Within five business days of receiving a public records request, as required by RCW
24 42.56.520, the office shall respond by:
25 (a) Providing the record; or
26 (b) Acknowledging that the office has received the request and providing a reasonable
27 estimate of time required to respond; or
28 (c) Denying the request.
- 29 (3) The office may request additional time to provide the records based upon the need to:
30 (a) Clarify the intent of the request;
31 (b) Locate and assemble the information requested;
32 (c) Notify third persons or agencies who may be affected by the request; or
33 (d) Determine whether any of the information requested is exempt and that a denial
34 should be made for all or part of the request.
- 35 (4) The public records officer may, if it deems the request is unclear, ask the requester to clarify
36 the information the requester is seeking. If the requester fails to clarify the request, the
37 office need not respond to it.
- 38 (5) Public records shall be available for inspection in the office from 9:00 a.m. to noon and
39 from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and during
40 board meetings.
- 41 (6) No fee shall be charged for the inspection of public records. ~~For printed, typed and written~~
42 ~~public records of a maximum size of 8 1/2" by 14", the board shall charge twenty-five cents~~
43 ~~per page to reimburse the board for the actual costs of providing the copies and the use of~~
44 ~~copying equipment. Copies of maps, photos, films, recordings, and other nonstandard~~
45 ~~public records shall be furnished at the board's actual costs. The board shall charge the~~

FOREST PRACTICES BOARD
Public Records Fee Schedule Rule Making
Proposed Rule
August 2017

1 ~~current rate for tax and shipping on all disclosure copying requests~~ The board's charges for
2 producing public records shall follow the fee schedule established in RCW 42.56.120,
3 because calculating the actual costs associated with records production would be unduly
4 burdensome. The public records officer may waive the fees ~~when the expense of processing~~
5 ~~the payment exceeds the cost of providing the copies for de minimus requests.~~ Before
6 releasing the copies, the public records officer may require a deposit not to exceed 10
7 percent of the estimated cost.

- 8 (7) The public records officer may determine that all or a portion of a public record is exempt
9 under the provisions of chapter 42.56 RCW. Pursuant to RCW 42.56.070(1) and
10 42.56.210(1), the public records officer may ~~delete-redact~~ portions of public records. The
11 public records officer will explain the reasons for such ~~deletion-redaction~~ in writing,
12 including the exemption that applies.
- 13 (8) Any denial of a request for public records shall be in writing, specifying the reason for the
14 denial, including the specific exemption authorizing the nondisclosure of the record, and a
15 brief explanation of how the exemption applies to the records withheld.
- 16 (9) Any person who objects to a denial of a request for a public record may request review of
17 such decision by submitting a written request to the public records officer. The written
18 request shall specifically refer to the written statement by the public records officer or
19 designee which constituted or accompanied the denial.
- 20 (10) Immediately after receiving a written request for review of a decision denying disclosure of
21 a public record, the public records officer or designee denying the request shall refer it to
22 the chair of the board. The chair shall consider the matter and either affirm or reverse such
23 denial.
- 24 (11) Administrative remedies shall not be considered exhausted until the chair of the board or
25 designee has returned the request for review with a decision or until the close of the second
26 business day following receipt of the written request for review of the denial of the public
27 record, whichever occurs first.




STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

Memorandum

October 24, 2017

TO: Forest Practices Board

FROM: Mark Hicks, Ecology Forest Practices Lead 

SUBJECT: Clean Water Act Milestone Update

The Washington State Department of Ecology (Ecology) committed to provide the Forest Practices Board (Board) with periodic updates on the progress being made to meet milestones established for retaining the Clean Water Act 303(d) Assurances (Assurances) for the forest practices rules and associated programs. Our last update to the Board occurred at your August 2016 Board meeting.

Under Washington state law (Chapter 90.48 RCW and 76.09.040 RCW) forest practices rules are to be developed so as to achieve compliance with the state water quality standards and the federal Clean Water Act (CWA). The Assurances establish that the state's forest practices rules and programs, as updated through a formal adaptive management program (AMP), will be used as the primary mechanism for bringing and maintaining forested watersheds in compliance with the state water quality standards. The Assurances were originally granted in 1999 as part of the Forests and Fish Report (FFR) and spell out the terms and conditions of how Section 303(d) will be applied to lands subject to the FFR. Those original Assurances were to last for only a ten year period. After conducting a review of the program and hearing from stakeholders that they were committed to making the program work, Ecology conditionally extended the assurances for another ten years. This extension was based on the expectation that the program meet a list of process improvements and performance objectives. These are the milestones reported on in this update.

The 2009 milestones were established to create a path of steady improvement in gathering information critical for assessing the effectiveness of the rules in protecting water quality as mandated by state law. Equally important, was the intent to encourage process changes that would lead to cooperators working more productively together to create a more effective research program to test and adjust the rules long-term.

Enclosed are two tables showing the milestones and summarizing their current status. The first table shows the non-CMER project milestones. These milestones are implemented outside of the Cooperative Monitoring, Evaluation, and Research (CMER) program and are largely within the control of the Forest Practices Operations Section of the Department of Natural Resources (DNR) or the Timber Fish and Wildlife Policy Committee (Policy). **Changes in status since our last briefing and points of note are highlighted in red font.**

Since the Board's August 2016 meeting, the TFW Policy Committee has restarted work to develop guidance for identifying the uppermost point of perennial flows in Type Np (perennial non-fish-bearing) waters, and DNR is taking steps to arrange independent fiscal and performance audits for the AMP and has established a biennial sampling program to assess compliance with the unstable slopes rules. Within the CMER research program, work has begun to scope a landscape scale mass wasting study, scoping completed and a study design sent to Independent Scientific Peer Review (ISPR) for a study examining the effectiveness of the (Rule Identified Landforms (RILs) in identifying slopes at risk of mass wasting, scoping completed and a draft study design underway on a forested wetlands effectiveness monitoring study. Ecology is particularly pleased to see the Type N Hard Rock study through ISPR and approved by CMER, and its companion study in soft rock lithology expected to be completed in 2018. These milestones were high priorities for our agency.

While progress is being made on other projects important to the Assurances, some such as the eastside Type Np effectiveness monitoring study continue to be delayed and off schedule. The CWA research milestones were initially set to distribute the effort and costs across Science Advisory Groups (SAGs) and across time in order to make attainment of the milestones feasible. This initial schedule was reflected in the approved CMER budget and work plan. The continued and often long-term delay in advancing the milestone projects has contributed to a situation where remaining milestones need to be completed during a period of time when projected expenditures exceed revenues. Policy has assembled two budget subcommittees to suggest options to reduce future budget deficits and prioritize the projects on the Master Project Schedule (MPS). Ecology has and will continue to work with its TFW partners to consider changes to the CWA milestones based on new understandings of the relative ability of a specific research project to effectively inform rules set to protect water quality. However, a budget shortfall, which is in part due to not being able to prioritize and complete the planned projects on schedule, will not be viewed by Ecology as a sound basis alone for changing or removing milestones.

Please contact me if you have any questions or concerns (360) 407-6477.

Enclosure

Summary of CWA Assurances Milestones and current status:

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of October 2017¹
2009	July 2009: CMER budget and work plan will reflect CWA priorities.	Completed October 2010
	September 2009: Identify a strategy to secure stable, adequate, long-term funding for the AMP.	Completed October 2010
	October 2009: Complete Charter for the Compliance Monitoring Stakeholder Guidance Committee.	Completed December 2009
	December 2009: Initiate a process for flagging CMER projects that are having trouble with their design or implementation.	Completed November 2010 The product developed that met this milestone is complicated and not being used. The Adaptive Management Program Administrator has stated his intention to refine the process. Any remedy that ensures problems are identified and resolved efficiently would continue to satisfy this milestone.
	December 2009: Compliance Monitoring Program to develop plans and timelines for assessing compliance with rule elements such as water typing, shade, wetlands, haul roads and channel migration zones.	Completed March 2010
	December 2009: Evaluate the existing process for resolving field disputes and identify improvements that can be made within existing statutory authorities and review times.	Completed November 2010
	December 2009: Complete training sessions on the AMP protocols and standards for CMER, and Policy and offer to provide this training to the Board. <u>Identify and implement changes to improve performance or clarity at the soonest practical time.</u>	Completed May 2016
2010	January 2010: Ensure opportunities during regional RMAP annual reviews to obtain input from Ecology, WDFW, and tribes on road work priorities.	Completed September 2011

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of October 2017¹
	February 2010: Develop a prioritization strategy for water type modification review.	Completed March 2013
	March 2010: Establish online guidance that clarifies existing policies and procedures pertaining to water typing.	Completed March 2013
	June 2010: Review existing procedures and recommended any improvements needed to effectively track compliance at the individual landowner level.	Completed November 2010
	June 2010: Establish a framework for certification and refresher courses for all participants responsible for regulatory or CMP assessments.	Completed September 2013
	July 2010: Assess primary issues associated with riparian noncompliance (using the CMP data) and formulate a program of training, guidance, and enforcement believed capable of substantially increasing the compliance rate.	Completed August 2012
	July 2010: Ecology in Partnership with DNR and in Consultation with the SFL advisory committee will develop a plan for evaluating the risk posed by SFL roads for the delivery of sediment to waters of the state.	Off Track Described below for 2013 report stage.
	July 2010: Develop a strategy to examine the effectiveness of the Type N rules in protecting water quality at the soonest possible time that includes: a) Rank and fund Type N studies as highest priorities for research, <u>b) Resolve issue with identifying the uppermost point of perennial flow by July 2012</u> , and c) Complete a comprehensive literature review examining effect of buffering headwater streams by September 2012.	Underway TFW Policy has reactivated work to complete this milestone. After reaching a tentative agreement on how to handle identification of the Upper Most Point of Perennial Flow during the wet season, Policy agreed to recommend the Board direct DNR to establish a technical work group to resume development of Board Manual 23.
	October 2010: Conduct an initial assessment of trends in compliance and enforcement actions taken at the individual landowner level.	Completed November 2010

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of October 2017¹
	October 2010: Design a sampling plan to gather baseline information sufficient to reasonably assess the success of alternate plan process.	<p>Completed December 2014</p> <p>DNR satisfied this milestone by releasing an Alternate Plan <u>Guidance memo (12-10-14) designed to strengthen the overall process for issuing alternate plans.</u></p> <p>Efforts remain pending for DNR to conduct a review of the Informal Conference Notes associated with Alternate Plan Forest Practices Applications over the last year to assess whether the guidance is being effectively used.</p>
	December 2010: Initiate process of obtaining an independent review of the Adaptive Management Program.	<p>Underway</p> <p>DNR has begun working with the state auditor's office and will meet in the fall about conducting a performance audit.</p>
2011	December 2011: Complete an evaluation of the relative success of the water type change review strategy.	<p>Completed March 2013</p> <p>DNR rechecked the current status of the review process used in the regional offices. They found differences in the extent the original processes had been maintained. No assessment was made of whether this affected cooperators ability to contribute to an effective review.</p>
	December 2011: Provide more complete summary information on progress of industrial landowner RMAPs.	<p>Completed September 2011</p>
2012	October 2012: Reassess if the procedures being used to track enforcement actions at the individual land owner level provides sufficient information to potentially remove assurances or otherwise take corrective action.	<p>Completed June 2012</p>
	Initiate a program to assess compliance with the Unstable Slopes rules.	<p>Completed October 2017</p> <p>The DNR Compliance Monitoring Program has begun biennial field</p>

Non-CMER Project Milestones		
	Summarized Description of Milestone	Status as of October 2017¹
		sampling to assess compliance with unstable slopes rules.
2013	November 2013: Prepare a summary report that assesses the progress of SFLs in bringing their roads into compliance with road best management practices, and any general risk to water quality posed by relying on the checklist RMAP process for SFLs.	<p>Off Track</p> <p>DNR's efforts to satisfy this milestone have been unsuccessful. This is due to low participation by SFLs and a lack of authority to otherwise enter onto their properties to conduct a survey. Satisfying this milestone no longer seems feasible, and the ability to rely on checklist Road Maintenance and Abandonment Plans to ensure small forest landowner roads are not creating a water quality problem remains uncertain.</p>

CMER Research Milestones		
	Description of Milestone	Status as of October 2017¹
2009	Complete: <u>Hardwood Conversion – Temperature Case Study</u> (Completed as data report)	Completed June 2010
	Study Design: <u>Wetland Mitigation Effectiveness</u>	Completed October 2010
2010	Study Design: <u>Type N Experimental in Incompetent Lithology</u>	Completed August 2011
	Complete: <u>Mass Wasting Prescription-Scale Monitoring</u>	Completed June 2012
	Scope: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Underway A CMER staff member and Project Manager have been assigned to lead scoping efforts for this study.
	Scope: <u>Eastside Type N Effectiveness</u>	Completed November 2013
2011	Complete: <u>Solar Radiation/Effective Shade</u>	Completed June 2012

CMER Research Milestones		
Description of Milestone		Status as of October 2017¹
	Complete: <u>Bull Trout Overlay Temperature</u>	Completed May 2014
	Implement: <u>Type N Experimental in Incompetent Lithology</u>	On Track
	Study Design: <u>Mass Wasting Landscape-Scale Effectiveness</u>	Earlier Stage Underway Described above for 2010 scoping.
2012	Complete: <u>Buffer Integrity-Shade Effectiveness</u>	Underway This study has been delayed since concerns were identified in 2013. The report went through two rounds of ISPR review, and must get their approval on the current revised draft before it can go to CMER for final approval.
	Literature Synthesis: <u>Forested Wetlands Literature Synthesis</u>	Completed January 2015
	Scoping: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Completed April 2017

CMER Research Milestones		
Description of Milestone		Status as of October 2017¹
	Study Design: <u>Eastside Type N Effectiveness</u>	<p style="text-align: center;">Underway</p> <p>Completed supplemental field work in 2014 to help in developing a study design. TWIG submitted two draft study designs for CMER consideration. Issues of concern were raised in 2015-2016 over what is being measured and the prescriptions proposed for testing.</p> <p>A formal dispute was ended without substantive resolution at the June 28, 2016 CMER meeting. Further disagreements over technical elements may have been resolved at a special meeting held on July 12. CMER agreed at their July 26 meeting to send the study design to ISPR. ISPR was not willing to support the study design until they knew more about the study sites. The Technical Writing and Implementation Group (TWIG) then conducted data collection to facilitate a follow-up review meeting with ISPR. That meeting has not occurred.</p>
2013	Scoping: <u>Forested Wetlands Effectiveness Study</u>	Completed December 2016
	<u>Wetlands Program Research Strategy</u>	Completed January 2015
	Scope: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Completed March 2016
	Study Design: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting.</u>	Underway Draft study design in CMER review.
	Implement: <u>Eastside Type N Effectiveness</u>	Earlier Stage Underway Discussed above for 2012 study design.
2014	Complete: <u>Type N Experimental in Basalt Lithology</u>	Underway Findings report is being drafted for CMER approval for delivery to Policy.

CMER Research Milestones		
Description of Milestone		Status as of October 2017¹
	Study Design: <u>Road Prescription-Scale Effectiveness Monitoring</u>	Underway Back from ISPR.
	Scope: <u>Type F Experimental Buffer Treatment</u>	Complete December 2015
	Implementation: <u>Examine the effectiveness of the RILs in representing slopes at risk of mass wasting</u>	Earlier Stage Underway Discussed above for 2013 study design.
	Study Design: <u>Forested Wetlands Effectiveness Study</u>	Underway Expected to CMER in November 2017.
2015	Complete: <u>First Cycle of Extensive Temperature Monitoring</u>	Underway Undergoing final post ISPR revision.
	Scope: <u>Watershed Scale Assess. of Cumulative Effects</u>	Off Track This project was intended to follow and be built on the lessons learned from other effectiveness monitoring studies which remain behind schedule.
	Scope: <u>Amphibians in Intermittent Streams (Phase III)</u>	Not Progressing Project milestone exists only if needed to fill research gaps left from Type Np Experimental in Basalt Lithology. The Type Np Basalt study is expected to be completed in 2018, so Policy established 2019 as a date to begin this study; if questions were not addressed.
2017	Study design: <u>Watershed Scale Assess. of Cumulative Effects</u>	Off Track Discussed above for 2016 Scoping.
	Study Design: <u>Amphibians in Intermittent Streams (Phase III)</u>	Not Progressing Discussed above for 2015 scoping.
2018	Complete: <u>Roads Sub-basin Effectiveness</u>	Earlier Stage Underway
	Implement: <u>Watershed Scale Assess. of Cumulative Effects</u>	Off Track Discussed above for 2016 Scoping.
	Complete: <u>Type N Experimental in Incompetent Lithology</u>	On Track

CMER Research Milestones		
Description of Milestone		Status as of October 2017¹
2019	Complete: <u>Eastside Type N Effectiveness</u>	Earlier Stage Underway Discussed above for 2012 study design.

Status terminology:

- “Completed”** - milestone has been satisfied (includes those both on schedule and late).
- “On Track”** - work is occurring that appears likely to satisfy milestone on schedule.
- “Underway”** - work towards milestone is actively proceeding, but likely off schedule.
- “Earlier Stage Underway”** – project initiated, but is at an earlier stage (off schedule) than the listed milestone.
- “Not Progressing”** - no work has begun, or work initiated has effectively stopped.
- “Off Track”** - 1) No work has begun and inadequate time remains, 2) key stakeholders are not interested in completing the milestone, or 3) attempt at solution was inadequate and no further effort at developing an acceptable solution is planned.



DEPARTMENT OF
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October 3, 2017

TO: Forest Practices Board
FROM: Marc Ratcliff *MR*
Forest Practices Policy Section
SUBJECT: Board Manual Development Update

This memo provides information on anticipated development of the Forest Practices Board Manual.

Section 23, Guidelines for Field Protocol to Locate Mapped Division Between Stream Types and Perennial Stream Identification. At the August 2017 Board meeting, the Board delayed acceptance of potential habitat break (PHB) recommendations until the scientific panel could conduct more analysis and perform QA/QC on additional data. The Board directed staff to present draft Board Manual concepts at the February 2018 meeting by incorporating Board approved elements to date, but without the guidance related to PHBs. That work is currently being done and includes the Policy-approved and Board-accepted fish habitat assessment methodology (otherwise known as FHAM) framework and improved practices for conducting electrofishing protocol surveys as outlined in the electrofishing technical group's report.

Focused development of Section 23 (Part 1, guidance for locating the division between Type F and N waters) will occur once the Board accepts the final PHB criteria. Final approval will coincide with the adoption of the permanent water typing rule.

MR



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

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MEMORANDUM

TO: Forest Practices Board

FROM: Garren Andrews, Compliance Monitoring Program Manager

SUBJECT: Current status of the Compliance Monitoring Program

Fall 2017 Standard field data collection commenced September 2017.

Unstable Slopes prescription data collection commenced September 2017.

Forest Practices Hydraulic Project pilot study data collection commenced September 2017.

If you have any questions please contact me at (360) 902-1366 or garren.andrews@dnr.wa.gov

GA/



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October 4, 2017

TO: Forest Practices Board 
FROM: Marc Engel
Forest Practices Assistant Division Manager, Policy and Services
SUBJECT: Rule Making Activity

Permanent Water Typing

At the August 2017 meeting, the Board chose not to accept the scientific panel's recommendations on potential habitat break (PHB) criteria needed for the permanent water typing rule. The result delayed Board approval of the PHB's until the February 2018. Also at the February meeting the Board has asked staff to prepare an outline of the draft water typing rule based on based on previously Board-approved elements at their May 2017 meeting.

It is anticipated the Board will receive the draft permanent water typing rule and associated draft cost-benefit analysis/small business economic impact statement and SEPA for review and decision to initiate formal rulemaking.

Electronic Signature and Payment

The Board approved draft rule language for the electronic business rulemaking at the August 2017 meeting. Staff filed the CR-102 *Proposed Rule Making* in September. This rule provides prospective applicants notification that electronic signature and payments will be an accepted method once the Forest Practices Program launches the new electronic business system.

Public Records

Legislation passed this July amended the Public Records Act, providing agencies two options for collecting fees for public record requests. The amended rule will adopt the fee schedule outlined in statute, resulting in amendments to WAC 222-08-090.

At the August meeting, the Board requested staff file a CR-101 *Preproposal Statement of Inquiry* to notify the public the Board's intention of rule making. Staff has drafted rule language and will request your approval to initiate rule making at the November 2017 meeting.

I look forward to answering any questions you may have on November 8.

ME



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October 5, 2017

TO: Forest Practices Board

FROM: Tami Miketa, Manager, Small Forest Landowner Office – Forest Practices

SUBJECT: Small Forest Landowner Office and Advisory Committee

Small Forest Landowner Office Advisory Committee (SFLOAC)

Since my last report, the Small Forest Landowner Office Advisory Committee held meetings on July 26, and September 20, 2017. Discussions focused on the following topics:

- Review of FPA/N Application and Instruction Forms
- Summary of FREP and FFFPP accomplishments for FY15-17
- Discussion regarding a SFLOAC report of activities to the Forest Practices Board
- Update of SFLOAC Action Plan

New Committee Member

John Henrickson has accepted an appointment to the SFLOAC by Commissioner of Public Lands Hilary Franz. As a small forest landowner and resident of southwest Washington, John has been a very active participant in the Washington Farm Forestry Association and the Washington Tree Farm Program (former Chair). Please join me in thanking Tammie Perreault for her years of service on the committee and welcoming John Henrickson to his new role representing WFFA.

SFLO Technical Assistance Forester

Our Technical Assistance Forester, Josh Meek, ended his SFLO service on October 13, 2017, to pursue an opportunity in the private sector. Since Josh started in July 2016, he provided assistance regarding the Forest Practices Application process to over 200 small forest landowners in western Washington. Although his departure will create a large gap in the SFLO's ability to provide technical, consultative services to small forest landowners, we celebrate the opportunity for Josh to expand his expertise in natural resource management.

Forestry Riparian Easement Program (FREP), Family Forest Fish Passage Program (FFFPP), and Rivers and Habitat Open Space Program (RHOSP)

As you are aware, the legislature adjourned earlier this year without providing for a Capital Budget, which historically has funded the FREP, FFFPP, and the RHOSP programs. This shortfall has impacted employees of the SFLO. Fortunately, the agency has identified certain positions within the agency for these valuable staff members to be reassigned until the Capital Budget is finalized and funding is allotted.

Long Term Applications (LTA)

There are now a total of 245 approved long term applications, which is an increase of 3 approved applications since the end of the last reporting period (07/06/2017).

LTA Applications	LTA Phase 1	LTA Phase 2	TOTAL
Under Review	5	1	6
Approved	2	245	247
TOTAL	7	246	253

Upcoming Landowner Events

Hands-on Chainsaw Safety and Maintenance Workshop

November 15, 2017

9:00 a.m. - 2:00 p.m.

Chelan County Fire District #3

228 Chumstick Hwy, Leavenworth, WA 98826

26th Annual Family Foresters Workshop

Friday, January 19, 2018

8:30 a.m. to 5:00 p.m.

Coeur d'Alene Inn (Best Western Plus)

Intersection of I-90 & Hwy 95

Coeur d'Alene, Idaho

5th Forest Owners Winter School

Jan. 27 or Feb. 10, 2018 (TBD)

Community Colleges of Spokane

985 S Elm St, Colville, WA 99114

Forest Stewardship Coached Planning –

WSU's flagship class teaches landowners how to assess their trees, avoid insect and disease problems, attract wildlife, and take practical steps to keep their forest on track to provide enjoyment and even income for years to come. In this class landowners will develop their own Forest Stewardship Plan, which brings state recognition as a Stewardship Forest and eligibility for cost-share assistance, and may also qualify them for significant property tax reductions. For more information on these courses go to <http://forestry.wsu.edu/>

The following are scheduled Forest Stewardship Coached Planning courses:

- Enumclaw, Mondays, March 19 – May 7, 2018. Enumclaw Ranger Station
- Stevens County, location and date to be announced, Fall of 2017

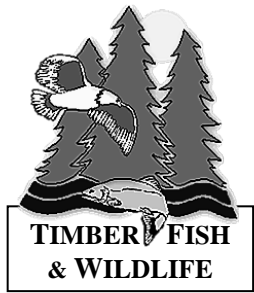
Forest Practices Board

October 5, 2017

Page 3

Washington State University is recruiting a Southwest WA Forest Stewardship Educator whose area includes Thurston, Lewis, Pacific, Cowlitz, Mason, Jefferson, Grays Harbor, and Wahkiakum Counties with a focus on the Chehalis River Basin Lowlands. This is a full-time, 12-month, temporary Administrative Professional position, within WSU Extension Agriculture and Natural Resources Unit (ANR) in the College of Agricultural, Human and Natural Resource Sciences (CAHNRS). The position is headquartered at the WSU Lewis County Extension Office in Chehalis, Washington but serving surrounding counties that are a part of the Chehalis River Basin.

Please contact me at (360) 902-1415 or tamara.miketa@dnr.wa.gov if you have questions.
TM/



**Timber, Fish & Wildlife Policy Committee
Forest Practices Board**

PO BOX 47012, Olympia, WA 98504

Policy Co-Chairs:

Ray Entz, Kalispel Tribe

Scott Swanson, Washington Association of Counties

October 23, 2017

TO: Forest Practices Board

FROM: Ray Entz, Co-Chair
Scott Swanson, Co-Chair

SUBJECT: Policy Committee Update

The Timber, Fish, & Wildlife Policy Committee (Policy) continues to manage a workload driven by internal process deadlines and priorities directed by the Forest Practices Board. The major topics are summarized below.

Existing Priorities

Permanent Water Typing Rule

Policy continues to monitor the Adaptive Management Program Administrator's (AMPA) work group convened to gather additional data from water type modification forms for determining potential habitat breaks (PHB). This effort is the remaining technical effort and will be included in the conceptual fish habitat assessment method framework (FHAM). It is anticipated that the group's recommendations will be shared with Policy and provided the Board in February.

Small Forest Landowners' Alternate Template

Policy has reconvened the subcommittee on the SFL Alternate Plan template proposal. This subcommittee has worked with a contractor on a literature synthesis and is considering questions submitted this month by the Westside Tribes on potential prescriptions. The subcommittee continues to report monthly to Policy and a recommendation should be forthcoming during the beginning of 2018.

CMER

Type N Hard Rock

Policy was given presentations of the majority of chapters on the Type N Hard Rock study during its October 2017 meeting. Questions from the different caucuses were developed and given to the AMPA, Project Manager, and the study authors. These questions are being answered under the existing CMER process and will be brought back to Policy. The Findings Report and 6 Questions on

the entire study is being developed and should be brought to CMER during the next couple of months before being presented to Policy. The Westside Tribes also requested a separate Findings Report and 6 Questions covering Chapter 7. Policy and CMER co-chairs continue working with the AMPA on how best to facilitate both the flow of technical information and the Policy response timeframe.

New Priorities

A Policy subcommittee continues to meet and discuss criteria necessary to prioritize Policy's future work in relation to the Master Project Schedule. These priorities will also help Policy develop future AMP budget recommendations.

At the same time, Policy began a parallel effort to the Board's AMP Improvement Subcommittee efforts, capturing the 'low hanging fruit' improvements under discussion. Giving just one example, the co-chairs and AMPA have proposed a group exercise during the December Policy meeting to embrace and enhance ways towards future collaboration.

- Type N – In conjunction with the initial presentations of the chapters on the Hard Rock CMER study, Policy conducted a field tour visiting several Type Np/Ns regulatory water type break sites on landowner property in western Washington on October 6. **Also, a consensus by Policy occurred as follows:**
 - Policy recommends to the Board resolution of the Type Np/Ns regulatory break methodology, through the DNR's stakeholder process, for development of the Board Manual 23 to determine in-field method(s) and remote method(s) for locating the uppermost point of perennial flow.
- Policy Handbook – At the Board's request, a Policy Handbook was completed by compiling existing rules, regulations, and procedures that govern its processes. Each caucus member, as well as the Board, will be given a Handbook. This is a living document and will be revised on a continuous basis.

Budget Review

Policy continues to support the work of the existing budget subgroup as they review the expenses of the AMP, with the AMPA, as an ongoing process throughout the biennium. If necessary, budget updates will be brought to the Board by their May 2018 meeting.



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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November 8, 2017

M E M O R A N D U M

To: Forest Practices Board
From: Gary Bell, Wildlife Biologist, Forest Habitats Section
Subject: Upland Wildlife Update

The following provides a brief status update for ongoing or pending actions pertaining to priority wildlife species in forested habitats.

Marbled Murrelet

1992: Federally listed as Threatened
1993: State listed as Threatened
1996: Federal critical habitat designated by USFWS
1997: FPB enacted State Forest Practices Rules
2017: State up-listed to Endangered

The up-listing of the Marbled Murrelet from state threatened to endangered became effective on February 4, 2017. With an observed 4.4% annual population decline since 2001 the status of the Marbled Murrelet in Washington has worsened since state listing in 1993. Without strategies to address threats to the species it is likely the Marbled Murrelet could become functionally extirpated in Washington within the next several decades. WDNR, in consultation with WDFW, recommended that the Forest Practices Board (Board) support WDFW's initiation of a Marbled Murrelet rule assessment involving a diverse group of stakeholders, which will be convened in early 2018. The group will evaluate rule effectiveness in protecting Murrelet habitat, identify weaknesses in rule language and/or on-the-ground implementation, consider potential habitat conservation incentives, and strive to bring consensus recommendations to the Board.

WDFW continues working with partners to conduct at-sea monitoring surveys and pursuing other critical research regarding sea diet. USFWS and WDFW are also revisiting the Federal Recovery Plan and considering possible recovery actions for protection of the Murrelet.

Canada Lynx

1993: State listed as Threatened
1994: FPB enacted voluntary management approach
2000: Federally listed as Threatened
2017: State up-listed to Endangered

Future Updates to the Board

The forest practices rules require that when a species is listed by the Washington Fish and Wildlife Commission and/or the U.S. Secretary of the Interior or Commerce, DNR consults with WDFW and makes a recommendation to the Forest Practices Board as to whether protection is needed under the Critical Habitat (State) rule (WAC 222-16-080). WDFW and DNR continue to coordinate in order to anticipate federal actions and/or state action in response to changes in the status of any given species.

cc: Hannah Anderson
Penny Becker
Stacy Polkowske
Marc Engel
Sherri Felix
Joe Shramek



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October 24, 2017

TO: Forest Practices Board
FROM: Marc Engel, Assistant Division Manager, Policy and Services
SUBJECT: 2018 Work Plan

At your November 8 meeting, I will present the staff recommended priorities for the Board's 2018 Work Plan (attached). The Work Plan incorporates TFW Policy Committee priorities, recommendations from the Adaptive Management Program, and recommendations for rule making and board manual development. The Work Plan also includes standing agenda items and/or tasks of the Board. Upon your approval, this Work Plan will establish the Board's priorities for completion of work by the Adaptive Management Program and Board staff in calendar year 2018.

The meeting dates for 2018 are February 14, May 9, August 8, and November 14, which occur on the 2nd Wednesday of those months. It is anticipated the February meeting may be a two-day meeting. Once these dates are scheduled, staff will notify the Office of the Code Reviser for publication in the Washington State Register.

Also attached for your review is the work accomplished this past year.

I look forward to discussing the 2018 priorities at the upcoming meeting. If you have questions please do not hesitate to contact me at (360) 902-1390 or marc.engel@dnr.wa.gov.

ME

**FOREST PRACTICES BOARD
2017 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Adaptive Management Program	
• Small Forest Landowner Western Washington Low Impact Template: Recommended Review Process & Timeline*	2018
• Buffer/Shade Effectiveness Study (amphibian response)	2018
• CMER Master Project Schedule Progress*	February- Completed & November - 2018
• Hardwood Conversion Study	2018
• 2017-2019 CMER Master Project Schedule Review*	May - Completed
• Final 2017-2019 CMER Master Project Schedule Approval*	August- Completed
• Development of OCH, physicals recommendations*	May- Completed
• TFW Policy Committee's funding decisions*	February- On-going
• PHB recommendation from science/technical experts	February 2018
Annual Reports	
• Clean Water Act Assurances	November
• Compliance Monitoring 2014-2015 Biennial Report (w/ISPR Review)	2018
• Compliance Monitoring 2016 Annual Report	2018
• Northern Spotted Owl Conservation Advisory Group	November
• Taylor's Checkerspot Butterfly Report	May- Completed
• TFW Cultural Resources Roundtable including WAC 222-20-120	August- No Action
• TFW Policy Committee Priorities*	August- Completed
• Western Gray Squirrel	May- Completed
• 303D Listing Update	February- Completed
Board Manual Development	
• Section 23 Field Protocol to Locate Mapped Divisions Between Stream Types and Perennial Stream Identification*	August 2018
CMER Membership	
Critical Habitat - State/federal species listings and critical habitat designations	As needed
Field Tour	
Forest Chemicals	February- Completed
Washington Geologic Survey Presentation	
	2018
Rule Making	
• Water typing System	August 2018
• Electronic FPA/N, Signature and Payment	2018
• Public Records Fee Schedule	2018
Subcommittee Recommendations on AMP Improvements	
TFW Cultural Resources Roundtable Recommendations on Cultural Resources Protection	No action
Cultural Resources	
	No action

**FOREST PRACTICES BOARD
2017 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Upland Wildlife - Northern Spotted Owl	On-going
Quarterly Reports	
• Adaptive Management Program*	Each regular meeting- Completed
• Board Manual Development	Each regular meeting- Completed
• Compliance Monitoring	Each regular meeting- Completed
• Clean Water Act Assurances	February- Completed
• Legislative Activity	February & May- Completed
• NSO Implementation Team	Each regular meeting
• Rule Making Activities	Each regular meeting- Completed
• Small Forest Landowner Advisory Committee & Office	Each regular meeting- Completed
• TFW Cultural Resources Roundtable	Each regular meeting- No Action
• TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting- Completed
• TFW Policy Committee Progress Report on Unstable Slopes Recommendations, (<i>Board approved through Proposal Initiation</i>)	On-going as needed
• Upland Wildlife Working Group	Each regular meeting- Completed
Work Planning for 2018	November

**FOREST PRACTICES BOARD
PROPOSED 2018 WORK PLAN**

TASK	COMPLETION DATE/STATUS
Adaptive Management Program	
• Buffer/Shade Effectiveness Study (amphibian response)	May
• CMER Master Project Schedule Review*	May
• CMER Master Project Schedule Compliance Review*	August
• Hardwood Conversion Study	May
• PHB recommendation from science/technical experts	February
• TFW Policy Committee Progress Report on Unstable Slopes Recommendations from the Board approved Proposal Initiation	As needed
• Small Forest Landowner Western Washington Low Impact Template: TFW Policy Recommended Review Process & Timeline*	May
Annual Reports	
• WAC 222-08-160 Continuing review of FP rules (Annual Evaluations), <i>by tradition the Board has received an annual evaluation of the implementation of cultural resources protections</i>	August
• Clean Water Act Assurances	August
• Compliance Monitoring 2014-2015 Biennial Report (w/ISPR Review)	February
• Compliance Monitoring 2016-2017 Biennial Report	August
• Northern Spotted Owl Conservation Advisory Group	August
• Taylor's Checkerspot Butterfly Report	May
• TFW Policy Committee Priorities*	August
• Western Gray Squirrel	May
Board Manual Development	
• Section 12 Forest Chemicals	May
• Section 23 (Part 1) Field Protocol to Locate Mapped Divisions Between Stream Types*	August
• Section 23 (Part 2) Perennial Stream Identification*	November
CMER Membership	
Critical Habitat - State/federal species listings and critical habitat designations	As needed
Field Tour	<i>To be Determined</i>
Washington Geologic Survey Presentation	February
Rule Making	
• Water typing System	August
• Electronic FPA/N, Signature and Payment	February
• Public Records Fee Schedule	February
Subcommittee Recommendations on AMP Improvements	
Cultural Resources Recommendations from Facilitated Process (progress reports)	On-going
Quarterly Reports	
• Adaptive Management Program*	Each regular meeting
• Board Manual Development	Each regular meeting
• Compliance Monitoring	Each regular meeting
• Clean Water Act Assurances	February

Italics = proposed changes
 *= TFW Policy Committee

Updated May 2017

FOREST PRACTICES BOARD
PROPOSED 2018 WORK PLAN

TASK	COMPLETION DATE/STATUS
• Legislative Activity	February & May
• NSO Implementation Team	Each regular meeting
• Rule Making Activities	Each regular meeting
• Small Forest Landowner Advisory Committee & Office	Each regular meeting
• TFW Cultural Resources Roundtable	<i>To be determined</i>
• TFW Policy Committee Work Plan Accomplishments & Priorities*	Each regular meeting
• Upland Wildlife Working Group	Each regular meeting
Work Planning for 2019	November