

1 **Forest Practices Board**
2 **Regular Board Meeting – November 9 & 10, 2022**
3 Zoom Webinar and Room 172, Natural Resources Building, Olympia
4

5 **November 9, 2022**

6 **Members Present:**

7 Alex Smith, Chair, Department of Natural Resources
8 Ben Serr, Designee for Director, Department of Commerce
9 Chris Conklin, Designee for Director, Department of Fish and Wildlife
10 Cody Desautel, General Public Member
11 Dave Herrera, General Public Member
12 Kelly McLain, Designee for Director, Department of Agriculture
13 Meghan Tuttle, General Public Member
14 Pene Speaks, General Public Member
15 Rich Doenges, Designee for Director, Department of Ecology
16 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner
17 Wayne Thompson, Timber Product Union Member
18 Vickie Raines, Elected County Commissioner

19
20 **Members Absent:**

21 Frank Chandler, General Public Member/Independent Logging Contractor
22

23 **Staff**

24 Mary McDonald, Acting Forest Regulation Division Manager
25 Karen Zirkle, Forest Regulation Assistant Division Manager
26 Marc Engel, Senior Policy Advisor
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **WELCOME AND INTRODUCTIONS**

31 Chair Alex Smith called the Forest Practices Board (Board) meeting to order at 9:00 a.m.
32 Introductions of Board members and staff was made.
33

34 **REPORT FROM CHAIR**

35 Chair Smith said the Board received the Type Np water buffer majority and minority reports at the
36 Board's meeting on October 31 as well as detailed presentations by TFW Policy caucus
37 representatives. The Board also visited a field site on November 1 and observed the proposals as laid
38 out on an actual Type Np streams in comparison to the current Type Np buffer rules.
39

40 Chair Smith also provided an update on employee transitions including Joe Shramek retiring and
41 Saboor Jawad replacing Shramek as the Division Manager.
42

43 **APPROVAL OF MINUTES**

44 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the August 10, 2022
45 meeting minutes.
46

47 **SECONDED:** Meghan Tuttle
48
49

1 Discussion:

2 None.

3

4 **ACTION:** Motion passed unanimously.

5

6 **TYPE NP WATER BUFFER: BACKGROUND ON FINDINGS OF THE TYPE N STUDIES**

7 Saboor Jawad, Adaptive Management Program Administrator (AMPA), reviewed the five Type N
8 studies, presented a summary of the findings for the Hard Rock Phase I and II and Soft Rock studies
9 as well as a summary of the Np Workgroup recommendations and majority and minority
10 recommendations.

11

12 CMER studies included:

13 • Buffer integrity – Shade Effectiveness (Amphibian), 2018

14 • Westside Type N Buffer Characteristics, Integrity and Function (BCIF), 2019

15 • Extensive Riparian Status and Trends Temperature Monitoring – Type N/F (Westside and
16 Eastside), 2019

17 • Type N Experimental Buffer Treatment in Hard Rock Lithology, Phases 1 and 2, 2018 and 2022

18 • Type N Experimental Buffer Treatment in Soft Rock Lithology, 2022

19

20 Summary of the Hard and Soft Rock Studies findings related to temperature:

21 • Studies provided two temperature response metrics: Maximum Monthly Temperature Response
22 (MMTR) and Seven Day Temperature Response (7DTR).

23 ○ 7DTR increased in all buffer treatments.

24 • The studies showed temperature responses were due to harvest.

25 • Shade was the main driver of temperature response.

26

27 Summary of Np Workgroup Recommendations for Policy consideration:

28 • Recommended and encouraged Policy to consider the adoption of a combination of the following
29 three alternatives which the workgroup evaluated for stream temperature, economic impact, and
30 wind throw:

31 1. A continuous 75-foot buffer with managed outer 25 foot;

32 2. A continuous buffer that varied from 25-to-75 feet based on stream orientation;

33 3. A site-specific buffer that retains that portion of buffer that provides effective shade.

34 • The workgroup noted that alternatives 2 and 3 are experimental and that not all landowners would
35 be able to apply them without assistance.

36 Summary of Majority and Minority Type Np Buffer Recommendations to the Board

37 • Minority

38 ○ Prescription A: 75-foot, two-sided, unmanaged continuous buffer when an Np basin greater
39 than 30 acres is to be harvested 85 percent or more over a five year period.

40 ○ Prescription B: 75-foot, two-sided, unmanaged buffer for the first 500 feet upstream of the
41 Type F/N Water break and a 50-foot wide, two-sided, unmanaged buffer for the next 500 feet.

42 • Retain the equipment limitation zone (ELZ) and sensitive site buffers

43 • Additional 50-foot buffers would be required if an operating area is 2,000 feet upstream of
44 Type F/N Water break and the Type Np stream length is more than 2,000 feet and if 50-
45 percent buffer objective is not met within the ELZ and sensitive site buffers.

- 1 • Majority
- 2 ○ **Option 1:** 75-foot wide, two-sided, no-harvest buffer on all Type Np streams for the first 600
- 3 feet upstream of Type F/N Water break or for the lowest 600 feet for isolated Type Np
- 4 streams.
- 5 ○ Upstream from the first 600 feet, bankfull width (BFW) determines the width of a two-
- 6 sided buffer:
 - 7 ■ Two option for Type Np streams greater than 3 feet BFW:
 - 8 1. Two-sided 75-foot buffer with the outer 25 feet manageable; or
 - 9 2. A 65-foot, two-sided, fixed-width, no-harvest buffer.
- 10 1. For Type Np streams less than 3-foot BFW, a two-sided, 50-foot, fixed-width, no-harvest
- 11 buffer.
- 12 2. All existing ELZ, sensitive sites, forest practices hydraulic project, roads, yarding
- 13 corridors and unstable slope rules will continue to be applied to the full length of the Type
- 14 Np stream.
- 15 ○ **Option 2:** A 75-foot, two-sided, unmanaged continuous buffer when a Type Np Water basin
- 16 greater than 30 acres is to be harvested 85 percent or more over a five year period.
- 17

18 Jawad stated that the process at TFW Policy has now concluded and the matter is now before the
19 Board to make the final determination regarding dispute resolution.

20 21 **PUBLIC COMMENT ON TYPE NP WATER BUFFER ALTERNATIVES**

22 Dan Brown, Environmental Protection Agency (EPA) said that EPA is ultimately responsible for the
23 implementation and enforcement of the Clean Water Act CWA, however EPA is not weighing in on
24 any of the proposals. He said he is providing comment to affirm what anti-degradation means in the
25 context of the CWA. The CWA and associated regulations require states to implement a
26 comprehensive approach to water quality that must include anti-degradation requirements and
27 methods. Washington State has established anti-degradation rules and implementing procedures
28 consistent with the CWA.

29
30 Mike Warjone, Port Blakely Timber Company, said that any changes to buffer requirements should
31 include extensive monitoring, in particular for water temperature.

32
33 Ken Miller, Washington Farm Forestry Association (WFFA), said the tour last week hardly
34 mentioned the county proposal including a 50-foot buffer just for small forest landowners. He said
35 he hoped the Board was struck by the incredible complexity of the two proposals shown, particularly
36 to small forest landowners. Their response to all the confusion and complexity is a simple 50-foot
37 buffer that is partially managed for desired future condition.

38
39 Peter Goldman, Washington Forest Law Center, representing the conservation caucus, said they
40 support the majority report as it meets the water quality requirements as determined by Department of
41 Ecology.

42
43 Alec Brown, Conservation Caucus, provided comments regarding the negotiation perspective. He
44 said his caucus quickly latched on to the one response that said 100% of the time meet the water
45 quality standard. He explained how the process then evolved once they presented it to TFW Policy to
46 go forward with this option. The other caucuses had other ideas which led to the reports before the
47 Board. Their belief is that if the Board believes the water quality standards need to be met then a full
48 length buffer all the way up the Np stream should be approved.

1 Darin Cramer, Washington Forest Protection Association, said he supports the Board moving the
2 landowner and counties proposal forward. Proposals include a full length buffer prescription and
3 includes a small landowner component that increases buffer area protection but allows for a
4 management option and maintains the 50-foot width to address the economic hardship associated
5 with small forest landowners. He said he does not oppose the majority's recommendation and
6 supports the Board consider all three proposals.

7
8 Elaine Oneil, WFFA, said both the majority and minority recommendations include a correction that
9 limits harvest of cold basins, which is a rare situation that is likely to result in triggering both the
10 threshold and exceedance of the beneficial use standard of 16 degrees centigrade. She said the sites of
11 the hard rock and soft rock studies exceeded the beneficial use standards but believes that could be
12 managed through this rule making process. She also noted that the small landowners have stepped up
13 even though it's going to cost a lot of money they care about the resource and trying to meet the
14 needs of everyone else.

15
16 Robert Mitchell said he commended the use of error bars in many of the graphs in the minority report
17 but questioned why it was not included other graphs like figure 1. He concluded it was because it
18 would not support their argument.

19
20 Ray Entz, Kalispell Tribe of Indians, said the dispute resolution process was one of the better ones
21 that TFW Policy has engaged in. He believes there was a true vetting of interest based negotiations
22 and a willingness for all caucuses to engage in concession related changes to recommended
23 outcomes. TFW Policy did a great job of participating in an attempt to try to resolve issues from a
24 difference of opinion and perspective.

25
26 Jason Spadero, WFPA, expressed the need for monitoring data of stream temperatures and extensive
27 monitoring of water quality. He said the Forest Practices Habitat Conservation Plan recognizes that
28 temporary increased in stream temperatures could occur but did not create persistent or permanent
29 changes in water temperature.

30
31 Kendra Smith, Skagit County, urged the Board to accept the large landowner proposal as well as the
32 monitoring. She said the impacts are too great on the timber resource counties, especially to the jobs.

33
34 Court Stanley, Washington Association of Counties, said he agreed with Entz that TFW Policy did an
35 exemplary job working through the dispute resolution process. He said they support the minority
36 report because it is an incremental approach to increasing the protections on non-fish bearing streams.
37 They also support extensive monitoring of the new prescriptions.

38
39 Jim Peters, Northwest Indian Fisheries Commission (NWIFC), said they support the majority report.
40 He said he also agrees that the dispute resolution process went very well.

41
42 Kevin Godbout, Weyerhaeuser Company, urged the Board to accept the large and small landowner
43 and county proposal. He said the only consensus recommendation from TFW Policy is the area
44 control or whole basin approach. He said if the Board did not recognize that, it would send a poor
45 message that consensus does not matter. He urged the Board to make it a stand-alone option.

46
47 **TYPE NP WATER BUFFER RULE MAKING**

48 Marc Engel, DNR, provided a brief summary of the Type Np Water buffer alternatives and presented
49 next steps for the Board to consider.

1 Next steps for the Board to consider include:

- 2 • Accept the majority or minority recommendations;
- 3 • Mix elements from both alternatives; or
- 4 • Consider additional buffer alternatives

5

6 Board member Dave Herrera expressed his concerns with the recommendations that do not support
7 the science. He believes it is a process foul that caucuses not in support of the majority
8 recommendations were allowed to develop a different product and bring it forward. It does not seem
9 like a legitimate project because it has not been through CMER and it appears DNR is enabling this
10 to happen. He questions the next time a CMER study is completed and what that process would look
11 like.

12

13 **MOTION:** Dave Herrera moved to approve the majority report and move that forward for rule
14 making.

15

16 **SECONDED:** Rich Doenges

17

18 Discussion:

19 Board member Alex Smith described DNR's position which is to move elements of both proposals
20 forward which would be Option 1 of the majority report and prescription Type B from the minority
21 report as well as inclusion of an operational study on current harvest practices within Type Np
22 streams and a proposal for extensive monitoring. DNR is concerned that neither proposal struck the
23 right balance between ensuring water quality protection and taking into account the economic impact
24 to landowners and analyzing both will shed light that would be helpful to the Board when adopting
25 the rule. She also believes everyone will still be invested and engaged if both move forward.

26

27 Board member Meghan Tuttle expressed disappointment with Board members expressing concern
28 now when TFW Policy was regularly reporting to the Board on the disputes and ongoing work. She
29 said TFW Policy potentially could have changed direction if Board members would have voiced their
30 concerns when TFW Policy was reporting on the disputes rather than now at the end. She voiced her
31 concern that the Board needs to ensure they are giving TFW Policy clear direction and signal when
32 there are concerns with their process. She also said the Board needs to recognize areas of agreement
33 and be sensitive to the kind of message they send to the TFW participants. This report includes two
34 options, one of which is a consensus from all TFW Policy caucuses.

35

36 Board member Rich Doenges supports the motion. He believes this is the best path forward as it is
37 soundly rooted in science and will ensure that the water stays clean and cool which is the goal with
38 this rule making.

39

40 Board member Steve Barnowe-Meyer said his interests are to make sure that the best decision
41 possible for the resource is made by the Board. He said the one commonality of the majority and
42 minority recommendations is prescription A of the minority report and whole basin harvest in the
43 majority recommendations. He supports moving option B of the minority report forward.

44

45 Board member Pene Speaks said she supports the motion as it is based on science and provides for
46 resource protection.

47

48 Board member Vickie Raines supports moving both the majority and minority recommendations
49 forward.

1
2 Board member McLain said she appreciates all of the attention and energy that has gone into the
3 collaboration of the design of the studies; however she cautioned the Board that one of the variables
4 that was identified by CMER was using site specific information to drive statewide change which is
5 difficult to do. She encouraged future science to address the type of variability seen in the forest
6 landscape across the state as that will be the most valuable for the landowners that are charged with
7 helping regulate and protect the resources.

8
9 Board member Wayne Thompson said based on a labor perspective he agrees with Board member
10 Barnowe-Meyer and Tuttle. He supports moving all recommendations forward.

11
12 **MOTION TO**

13 **AMEND:** Vickie Raines moved to amend the motion to include moving the minority report
14 forward.

15
16 **SECONDED:** Steve Barnowe-Meyer and Wayne Thompson

17
18 Board member Barnowe-Meyer said part of the rationale to move both the majority and minority
19 recommendation is to have a fair comparison of the alternatives and would be more efficient.

20
21 **ACTION:** Motion failed. 6 Support (Thompson, Chandler, Tuttle, Raines, Smith, Barnowe-
22 Meyer / 7 Oppose (Speaks, Doenges, Herrera, McLain, Conklin, Desautel, Serr)

23
24 **ORIGINAL**
25 **MOTION**

26 **ACTION:** Motion passed. 7 Support (Speaks, Doenges, Conklin, Herrera, McLain, Desautel,
27 Serr) / 6 Oppose (Tuttle, Raines, Smith, Barnowe-Meyer, Chandler, Thompson)

28
29 **MOTION:** Alex Smith moved the Forest Practices Board direct TFW Policy Committee and
30 CMER to prioritize and begin scoping both an effectiveness (prescription scale) study
31 and an extensive (landscape) scale monitoring study, including a systematic literature
32 review, as part of their Type N and Type F rule-group studies and to follow the Board
33 manual guidance for the development and implementation of these studies.

34
35 **SECONDED:** Kelly McLain

36
37 **Discussion:**

38 Board member Barnowe-Meyer recommended a friendly amendment to add “TFW Policy
39 Committee” after “direct”.

40
41 Board member Tuttle recommended a friendly amendment to include “and Type F” after “Type N”.

42
43 Board member Doenges asked how long it will take before any results. Jawad responded that until
44 the full scoping is completed there is no way of knowing. He said it will be a costly endeavor and
45 will take many years to complete.

46
47 Board member Ben Serr asked if the Board is a prioritizing effective monitoring then what will not be
48 done. Jawad said the extensive monitoring is among the priorities of the Master Project Schedule that
49 the Board has approved.

1
2 **ACTION:** Motion passed unanimously.
3

4 **MOTION:** Meghan Tuttle moved the Forest Practices Board advance prescription B and the small
5 forest landowner option of the minority report for analysis in preparing the CR102 rule
6 making packet.
7

8 **SECONDED:** Wayne Thompson and Vickie Raines
9

10 **ACTION:** Motion failed. 6 Support (Thompson, Barnowe-Meyer, Smith, Raines, Tuttle,
11 Chandler) / 7 Oppose (Serr, McLain, Conklin, Herrera, Doenges, Speaks, Desautel)
12

13 **GENERAL PUBLIC COMMENT**

14 Peter Goldman, WFLC, explained how the Forests and Fish negotiations occurred and why the Board
15 is making the decisions they are today. He said there were a lot of things that the Forests and Fish
16 Report could not agree on like the width of a buffer for fish bearing streams and non-fish bearing
17 streams. So they put these really open items in a “parking lot”. The parking lot is a place where
18 really difficult issues that required more study would sit until time to study those. He said they are
19 not here to make life more difficult, more expensive for the forest industry. They believe that if we
20 have 50 year permits are the Clean Water Act and the Endangered Species Act assurances they want
21 to have confidence that the system is going to work, it will follow the science, be informed by TFW
22 Policy and signed off by the agencies.
23

24 Ken Miller, WFFA, said it’s the small forest landowner reality to often feel under represented or
25 mere afterthoughts in the Adaptive Management Program (AMP). He mentioned several moments
26 when their caucus has felt slighted within the process. They appreciate the next days meeting when
27 the focus will be on small landowner issues. He encouraged the Board to read through all of the
28 email they received from small landowners.
29

30 Ray Entz, Kalispel Tribe of Indians, said the Board’s discussion regarding the Type Np rules has
31 them concerned regarding potential conflicts of interest to potential process fouls to the high
32 likelihood of continued disenfranchisement of AMP participants. He encouraged everyone to pass the
33 message along to their respective leadership. He is concerned the principals have not met for some
34 time and there has been no communication on the principal’s process. He said they continue to
35 engage and wait patiently for communication and progress and are ready to continue to participate
36 when it is found to be important to all interested parties.
37

38 James Peters, NWIFC, said they prefer to have consensus going forward with everybody feeling
39 satisfied. However, they knew going into Forests and Fish that was not always going to be the case.
40 He expressed concern for when DNR’s TFW Policy representative was pulled from completing the
41 majority report at the last minute and learning today that DNR had their own proposal. For TFW and
42 Forests and Fish to work you need to know who you are working with.
43

44 Jason Spadaro, WFFA, he said he agree with Entz and is concerned about the future of TFW and
45 about collaboration. He said the most important thing they can do with all the controversial natural
46 resource issues is work together finding solutions to the problems. The forest industry will remain
47 committed to that.
48
49

1 **CMER MEMBERSHIP**

2 Saboor Jawad, AMPA, said the Upper Columbia United Tribes (UCUT) have nominated Hans Berge
3 to serve as their voting member on the Cooperative Monitoring, Evaluation and Research Committee
4 (CMER). Jawad reminded the Board that CMER voting members are approved by the Board as
5 required by WAC 222-12-045, and the rule requires that CMER members have expertise in a
6 scientific discipline.

7
8 **PUBLIC COMMENT ON CMER NOMINEE**

9 Ray Entz, Kalispel Tribe, said they appreciate the opportunity to proffer another quality scientist to
10 the CMER committee with the intent of continuing to have quality science come out of the program
11 and inform Board decisions.

12
13 Jim Peters, representing Western Washington Tribes, Northwest Indian Fisheries Commission, said
14 that the credentials speak for themselves. Peters said that any caucus that proposes someone to
15 represent them at the CMER level with the necessary credentials should be approved.

16
17 **CMER MEMBERSHIP**

18 **MOTION:** Cody Desautel moved the Forest Practices Board approve Hans Berge as a voting
19 member of CMER.

20
21 **SECONDED:** Dave Herrera

22
23 Discussion:
24 None.

25
26 **ACTION:** Motion passed unanimously.

27
28 **TFW POLICY COMMITTEE’S RECOMMENDATIONS ON A NET GAINS APPROACH**
29 **(#5 OF THE STATE AUDITOR’S REPORT)**

30 Saboor Jawad, AMPA, said that the memo included in the Board packet provides a status on progress
31 to address the SAO’s January 2021 Performance Audit recommendations and provides consensus
32 recommendations for five net-gains options, which are in response to SAO recommendation #5 for
33 Board consideration for approval.

34
35 Jawad reported that the principals have met twice to discuss the decision-making process (SAO
36 Recommendations #1 and #2). Jawad said the status of these action items have changed from on-
37 track to delayed, primarily because any changes to the decision-making model would require a rule
38 change. The Principals will continue to work on these recommendations in 2023.

39
40 Jawad said that the net-gains options developed and recommended by consensus through the TFW
41 Policy workgroup and the AMPA are:

- 42 • Adopt Multi-Criteria Decision Making
- 43 • Clarify Process for Outside Science
- 44 • Set Clear AMP Priorities
- 45 • Initiate Reform Dialogue with CMER
- 46 • Develop Guidance or Manual for TFW Policy

1 Jawad stated that TFW Policy requests Board approval to fully develop all options for
2 implementation of a net-gains approach. Jawad said that work would likely return to the Board for
3 consideration of all the options in the form of a proposed amendment to Board Manual Section 22.
4

5 **PUBLIC COMMENT ON TFW POLICY COMMITTEE’S RECOMMENDATIONS ON A**
6 **NET GAINS APPROACH (#5 OF THE STATE AUDITOR’S REPORT)**

7 None.
8

9 **TFW POLICY COMMITTEE’S RECOMMENDATIONS ON A NET GAINS APPROACH**
10 **(#5 OF THE STATE AUDITOR’S REPORT)**

11 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve TFW Policy’s net
12 gains options and direct TFW Policy to fully develop each option and bring forward,
13 for the Board’s review and approval, an amended Board Manual Section 22 Guidance
14 for Adaptive Management Program.
15

16 **SECONDED:** Meghan Tuttle
17

18 Discussion:

19 Board member Barnowe-Meyer commended TFW Policy on a good work product and thanked Jawad
20 for his assistance. He supports the motion.
21

22 Board member Tuttle agreed with Barnowe-Meyer. She said this project and responding to the audit
23 is more important to get correct than to do fast. Appreciates the extra time that was taken to reach
24 consensus within the program.
25

26 **ACTION:** Motion passed unanimously. (Chandler not available for the vote.)
27

28 **OVERSIGHT OF THE CMER WATER TYPING STUDIES TO TFW POLICY**

29 Saboor Jawad, AMPA, said the TFW Policy Committee (TFW Policy) is requesting the Board to
30 assign oversight responsibilities of CMER’s water-typing group of projects back to TFW Policy. He
31 said the water-typing projects are currently supervised directly by the Board after assigning to CMER
32 in November 2019 the responsibility of developing the study designs for the PHB validation, default
33 physical characteristics, and Lidar based model studies.
34

35 If the Board approves, TFW Policy would review scoping documents, recommend budgets for the
36 Master Project Schedule, and receive findings reports from CMER on the water-typing studies and
37 then TFW Policy would make recommendations to the Board.
38

39 Jawad said there is a broad understanding within TFW Policy that Policy oversight would not re-start
40 the work, it would start from where the projects stand now.
41

42 **PUBLIC COMMENT ON THE TFW POLICY OVERSIGHT OF CMER WATER TYPING**
43 **STUDIES**

44 Ray Entz, Kalispel Tribe of Indians, said the Board would have not had to make this decision had
45 TFW Policy at the time understood how long it would take to complete the permanent water typing
46 rule. TFW Policy would have taken the time to thoughtfully go through and create opportunities for
47 success for the rule and the products that would come to the Board. Remanding it back to TFW
48 Policy is both a good and bad.
49

1 Chris Mendoza, Conservation Caucus, said CMER has made a lot of progress on the potential habitat
2 break study design and other related projects and will be going through the ISPR review. He said
3 CMER goes through a rigorous process of offering alternative to TFW Policy on study designs.
4 CMER also looks at outside science in the context of our study designs.

5
6 **OVERSIGHT OF THE CMER WATER TYPING STUDIES TO TFW POLICY**

7 **MOTION:** Kelly McLain moved the Forest Practices Board assign oversight of the CMER water
8 typing studies to the TFW Policy Committee to be administered and completed under
9 the established process as outlined in Board Manual Section 22: Guidance for the
10 Adaptive Management Program.

11
12 **SECONDED:** Steve Barnowe-Meyer

13
14 Discussion:

15 None.

16
17 **ACTION:** Motion passed unanimously. (Chandler not available for vote.)

18
19 **STAFF REPORTS**

20 There were no questions on the following reports.

- 21 • Adaptive Management Program Update
- 22 • Small Forest Landowner Office Update
- 23 • TFW Policy Committee Update
- 24 • Upland Wildlife Update

25
26 **EXECUTIVE SESSION**

27 None.

28
29 Meeting adjourned at 2:05 p.m.

1 November 10, 2022

2 **Members Present**

3 Alex Smith, Chair, Department of Natural Resources

4 Ben Serr, Designee for Director, Department of Commerce

5 Chris Conklin, Designee for Director, Department of Fish and Wildlife

6 Cody Desautel, General Public Member

7 Dave Herrera, General Public Member

8 Kelly McLain, Designee for Director, Department of Agriculture

9 Meghan Tuttle, General Public Member

10 Pene Speaks, General Public Member

11 Rich Doenges, Designee for Director, Department of Ecology

12 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner

13 Vickie Raines, Elected County Commissioner

14 Wayne Thompson, Timber Product Union Member

15
16 **Members Absent:**

17 Frank Chandler, General Public Member/Independent Logging Contractor

18
19 **WELCOME AND INTRODUCTIONS**

20 Chair Alex Smith called the Forest Practices Board (Board) meeting to order at 9 a.m. Introductions
21 of Board members and staff was made.

22
23 **REPORT FROM THE CHAIR**

24 Chair Smith stated that at the August, 2022 Board meeting, the Board recognized a number of small
25 forest landowner issues that should be discussed in a dedicated Board meeting. Today, the Board will
26 hear from small forest landowners and from TFW Policy caucuses on small forest landowner policy
27 disputes and issues.

28
29 **TFW POLICY CONSENSUS RECOMMENDATIONS TO RESOLVE THE CRITERIA FOR**
30 **SFL LOW IMPACT ALTERNATE PLANS DISPUTE**

31 Saboor Jawad, AMPA, said the dispute centered on a proposal initiation request, submitted by
32 Washington Farm Forestry Association, that indicated a definition of relatively low impact alternative
33 plans is required and be available only to small landowners. Three criteria were developed and
34 requested to be included in Board Manual Section 21.

35
36 Criteria to define the relatively low impact included:

- 37
- 38 • an activity with short-term impact which produces a better long-term outcome;
 - 39 • an activity beyond the point of diminishing returns for resource protection; and
 - 40 • smaller harvest units with stream reaches that are relatively smaller, and shorter in length than
41 typical large land owner harvests.

42 Jawad said the mediation process concluded with the consensus recommendation on July 20, 2022.

43 The key points of the consensus recommendation from TFW Policy include:

- 44
- 45 • Amend Board Manual Section 21 Alternate Plans through a stakeholder group comprised of field
46 staff and identification team (ITD) members.
 - 47 • Provide guidance on how to access the Small Forest Landowner office for online assistance.
 - 48 • Restore the Board approved imminent mortality guidance that was erroneously deleted.

1 **PUBLIC COMMENT ON THE TFW POLICY CONSENSUS RECOMMENDATIONS FOR**
2 **THE CRITERIA FOR SFL LOW IMPACT ALTERNATE PLANS**

3 Ken Miller, Washington Farm Forestry Association (WFFA), said he did not have high hopes for this
4 process but believes there is the potential of coming out better than what was done in the Small
5 Forest Landowner Advisory Committee. He said the alternate plan process is intimidating to small
6 landowners and the steps they envision taking will help.

7 Elaine Oneil, WFFA, said she is grateful for the consensus product and is hopeful it may help more
8 small landowners to consider the option of an alternate plan.

9 John Hendrickson urged the Board to accept the recommendations that will give a path forward and
10 make it easier for small landowners to be better stewards.

11
12 **CRITERIA FOR SFL LOW IMPACT ALTERNATE PLANS RECOMMENDATIONS**

13 **MOTION:** Kelly McLain move the Forest Practices Board approve TFW Policy Committee’s
14 consensus recommendation to address small forest landowner alternate plans, and for
15 the Board to affirm the key points of agreement. She further moved that the Board
16 request the Board chair to direct DNR staff to convene a stakeholder group to amend
17 Board Manual Section 21 following the process outlined in WAC 222-12-090.

18
19 **SECONDED:** Steve Barnowe-Meyer

20
21 Board Discussion:

22 Board member Meghan Tuttle said she found the process complicated and a little intimidating when
23 she participated on an IDT for an alternate plan for WFPA’s smart buffer project last summer. She
24 said it's exciting to hear that the small forest landowner office is getting staffed up, and that
25 everybody is coming together to work on these issues and make it easier. She also applauded TFW
26 Policy in using the processes that are in the board manual and the tools at their disposal to go through
27 the dispute resolution process to solve issues and get them moving forward.

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

30
31 **SUMMARY OF MAJORITY AND MINORITY REPORTS: SMALL FOREST**
32 **LANDOWNER BUFFER WIDTH DISPUTE**

33 Saboor Jawad, AMPA, provided a summary of the small forest land owner buffer width dispute
34 which was presented to the Board at their August 2022 meeting. The Washington from Forestry
35 Association submitted a proposal initiation request in 2015 asking for alternate plan templates for
36 small forest landowners. The Board accepted TFW Policy’s plan to address that proposal by directing
37 TFW Policy to determine whether that proposal meets the criteria of an alternative plan template as a
38 listed in the WAC. TFW Policy formed three work groups:

- 39 1. In 2013 the alternate plan template work group was formed and they delivered their
40 recommendation to TFW Policy in 2019. The Board accepted TFW Policy’s recommendation that
41 the proposal did not meet the criteria for a template.
- 42 2. In 2020, the Board formed two additional work groups - alternate harvest prescription work group
43 and small forest landowner prescription technical work group that were tasked to determine under
44 what site-specific conditions using 75 foot and 50 foot buffers would be acceptable prescriptions.
45 The technical work group could not meet consensus and dispute resolution was invoked. The
46 majority and minority report recommendations is a result of the dispute resolution process.

1 **PUBLIC COMMENT ON MAJORITY AND MINORITY REPORTS: SMALL FOREST**
2 **LANDOWNER BUFFER WIDTH DISPUTE**

3 Darin Cramer, WFPA, said the Legislature set up a lot of commitments for small landowners under
4 Forests and Fish that were never fully realized. He said there is concern about resource risk and doing
5 things different than the current rules, however there is an opportunity to set it up that will manage
6 the risk. He said WFPA is not willing to go as far as some of the specifics in the proposal but there is
7 an opportunity to explore the issue.

8
9 Ken Miller, WFFA, shared part of a presentation he made to TFW Policy five years ago in support of
10 their template. “We are joined at the hip with the industry on many issues. We rely on their expert
11 counsel, the markets, the infrastructure they help create that benefit our survival. We live in the
12 counties who benefit from our taxes, whose citizens benefit from our scenic viewscapes, recreational
13 opportunities and jobs. . . . We strongly believe we are the preferred land use for the environment. The
14 future of Washington’s natural resources requires we work together in win-win relationships. . . .”

15
16 Jason Spadaro, WFPA, requested the Board give serious consideration to the template proposal the
17 small landowners need. Small forest landowners are our brothers and sisters, they are an integral part
18 of this industry.

19
20 John Gold requested the Board advance all the alternative buffer prescriptions as recommended by
21 WFFA. Compromises and promises were made to gain support such as offset the disproportionate
22 impact on small landowners and follow the science to adjust the rules. He said the Board has a chance
23 to restore the Forests and Fish legacy to promote effective policy, to honor commitments, follow the
24 science and to reduce impacts on small landowners without compromising the environmental
25 benefits.

26
27 Dave Switzer, Washington Hardwoods Commission, said since Forest and Fish was implemented the
28 following 20 years has not been good for harvest particularly on DNR land. Therefore, the burden
29 was put upon the small or the private landowners to harvest enough to support the mills. There are
30 only a handful of mills now and not enough wood to keep them economically viable at capacity. He
31 said it boils down to economics and the environmental. Wood sequesters carbon for the life of the
32 lumber. He urged the Board to approve the science produced template.

33
34 Elaine Oneil, WFFA, stated the Board received upwards of 250 letters from small forest landowners
35 from across the state. Some letters made you laugh, some made you cry but all made WFFA proud to
36 represent a group of people that is committed to doing the right thing, knowing that this may be the
37 last of the family farm. She highlighted comments from some of the letters –“Why not allow vested
38 timberland owners manage more of their riparian lands?” “Raising timber should be encouraged,
39 awarded, and applauded and it must be sustainable from both an economic and resource perspective.”

40
41 Cody Thomas, Upper Columbia United Tribes, said they do not believe the alternative plan template
42 is the correct vehicle for the regulatory relief sought by the small forest landowners. He said template
43 prescriptions are designed to address situations and prescriptions that are repeatedly proposed in
44 alternative plans. He also said they do not believe any of the proposed templates would protect public
45 resources at least equal in overall effectiveness to the protections offered by current rule as required.
46 They do empathize with the frustrations the small forest landowners are experiencing and look
47 forward to continue to work with them to find solutions.

1 Tom Westergreen, WFFA, said the letters the Board received shows a disconnect between what
2 actually is happening on the family forest land compared to what the decisions are being made in
3 Olympia. He said it's been painful to watch WFFA jump through the adaptive management process.
4 He said the Board should be promoting a viable timber industry and protecting our forest resources
5 by providing landowners with incentives.

7 **SMALL FOREST LANDOWNER BUFFER WIDTH PANEL DISCUSSION**

8 Marc Engel, DNR, stated the majority caucus does not support the proposal because:

- 9 • The eligibility requirements are way too broad. They lack that site specific element that is
10 required for an alternate plan template;
- 11 • The proposal is for Western Washington only;
- 12 • The prescriptions do not provide protection to public resources at least equal to those required in
13 the rule; and
- 14 • The science used to support the prescriptions does not conclusively demonstrate that any of the
15 prescriptions will provide protection for public resources.

16
17 The majority caucus recommends the development of alternate plans, specifically designed to be
18 included in Board Manual Section 21 to address site-specific conditions to facilitate small forest
19 landowner land management of riparian management zones and recommends the Board direct TFW
20 Policy to review and refine the experimental alternate harvest prescriptions for conifer restoration and
21 conifer thinning.

22
23 Ken Miller and Elaine Oneil, WFFA, said the goal of their presentation is to summarize the reasons
24 the Board should approve the buffer width proposals as written.

25
26 Oneil said they have been working hard to ensure a successful proposal that would address legislative
27 requirement for harvest restrictions that are equal in overall effectiveness to the current rule. She
28 reviewed the four prescriptions within their proposal on how the prescriptions did or did not provide
29 equal and overall effectiveness for large woody debris and shade.

30
31 She said it costs landowners about \$17 million a year for those that own designated forest land and
32 costing the counties about \$800,000 a year, and lost revenue from small forest land on a harvest. If a
33 75-foot buffer is approved, the cost burden is reduced to about \$8 million a year with virtually no
34 impact on function. If a 50-foot buffer is approved, cost is reduced by 64% with a 6% loss of
35 deadwood and 8% loss of shade. According to both our science and the adaptive management
36 program science. She urged the Board to read all of the letters as they provide a testament to the
37 strength of these people that want to do the right thing.

38
39 Miller summarized the pros to approve their proposal initiation:

- 40 • The current buffers were the result of definitive science rather than a simple negotiated settlement
41 of one tree length that resulted in an overly complex set of rules to match the negotiated
42 settlement.
- 43 • Assumptions they made are current buffers are based on science. Despite multiple RCW and
44 WAC references to low impact options, the proposal relies only on equal and overall
45 effectiveness.
- 46 • Cumulative impacts on resources are low, if at all.
- 47 • Cumulative impacts on landowners is huge.
- 48 • Non-template forms are extremely complex or intimidating for small forest landowners.

1 He requested the Board to:

- 2 • Embrace the common sense notion of variable width buffers already allowed in some other rules.
- 3 • Return buffer width decision to TFW Policy for recommendations about management within the
- 4 buffers to address desired future conditions.
- 5 • Reconsider proposal to approve template prescriptions that will reduce the demand for the
- 6 underfunded Forestry Riparian Easement Program.

7

8 Court Stanley, Washington Association of Counties (Counties), said the Counties went their own way
9 because they believe there is a middle ground that simplifies the rules and lessens the economic
10 impact to small landowners. The counties support the 75-foot and 50-foot buffers but prefers a 30-
11 foot buffer rather a 25-foot buffer. He said the science is solid and believes some caucuses are
12 hesitant of any amount of risk. He suggested the Board send the discussion back to a subset of TFW
13 Policy using a subset of the county's proposal as a basis to continue working.

14

15 Board member Barnowe-Meyer asked Brandon Austin and Alec Brown for additional rational for
16 supporting the majority recommendations or objecting to the minority.

17

18 Austin responded that the primary issue was with the scientific justification through the reviews. The
19 science used was not complete and did not fully support the buffer widths that were proposed. He
20 said the shade model is also not effective for the forest environment because it assumes the riparian
21 areas grow without the input of uplands. Brown said he agreed with Austin on the incomplete science
22 and the level of regulatory relief that was promised did not materialize.

23

24 Chair Smith asked Austin what about the science that gave him pause. Austin responded both the
25 template review and ISPR review did not have agreement and there were comments that there was
26 not a completed literature review on the subject.

27

28 Board member Conklin said he noticed the tree data in Oneil's presentation was not addressed and
29 asked for clarification. Oneil said she did not do the modeling but understands control variables and
30 provided specific examples on Ecology's shade model.

31

32 Board member Pene Speaks asked for clarification on hardwood conversion in the RMZ. Engel
33 explained the rules allow for the conversion of hardwood or deciduous trees back into conifer trees
34 within the RMZ provides an opportunity for a landowner to bring their riparian forests back into
35 conifer production.

36

37 Board member Speaks said that there are obvious concerns about the proposed buffer widths and
38 suggested a review of solutions to find better support for small forest landowners.

39

40 Chair Smith said the Legislature increased funds for FREP as they recognize that we want to keep
41 small forest landowners on the landscape.

42

43 Board member Tuttle asked if a forest practices application (FPA) is required if a template is
44 approved. Engel responded that the template is an alternate harvest plan and a FPA is still required.

45

46 Miller said the idea of an alternate plan is that it does not follow the rules but needs to provide equal
47 and overall effectiveness.

48

1 Board member Barnowe-Meyer asked what would improve the proposal in eligibility criteria and site
2 specificity. Alec Brown confirms there were discussions about the definition of small forest
3 landowner and not prescriptive enough for a template. He said he is not sure if his caucus would be
4 ready to support the framework that the Counties proposed.

5
6 Panel members discuss the nature and variability of alternate plans and the concern that one size does
7 not fit all. Engel summarizes how sites are not created equal and there are many factors at play that
8 give alternate plans a variety of complex situations that they are trying to address.

9
10 Board member Barnowe-Meyer asked for more detail on variable versus fixed width templates.
11 Miller explained the concerns for the majority caucus on the variable width being subjective. He said
12 agreement was not achievable on where they looked for the specificity on the site and felt that the
13 subjective ability to make that decision was a barrier.

14
15 Miller concluded by saying in the small landowner world this is an intimidating process. The concept
16 the Legislature had for a template is between the rule and full meal deal and they just want to use the
17 process and let the profession make the decision.

18 19 **SMALL FOREST LANDOWNER BUFFER WIDTH RECOMMENDATIONS**

20 **MOTION:** Steve Barnowe-Meyer moved that the 25-foot template width buffer prescription for
21 Type S and F waters less than 5 feet bankfull width for small forest landowners
22 originally proposed by Washington Farm Forestry Association's (WFFA) Alternate
23 Plan (AP) Template proposal initiation be rejected.

24
25 **SECONDED:** Meghan Tuttle

26
27 Board Discussion:

28 Board member Barnowe-Meyer clarified the intent of the motion is to have it on record that the
29 Board does not need to consider this prescription due to lack of supporting science.

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

32
33 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve a 75-foot template
34 variable width buffer prescription for Type S and F waters greater than 15 feet
35 bankfull width for small forest landowners. He further moved to direct DNR to add
36 this 75-foot template width buffer prescription to Board Manual Section 21 to be
37 available to small forest landowners while further management options are reviewed
38 by the TFW Policy Committee, with TFW Policy to deliver, by no later than one year
39 after approval of this motion, their recommendations for "variable width" parameters
40 and metrics, as well as additional management recommendations that focus on user-
41 friendly, outcome-based low impact prescriptions intended to facilitate long-term
42 Desired Future Condition / Outcome.

43
44 **SECONDED:** Vickie Raines

45
46 Board Discussion:

47 Board member Herrera asked what the intent is with "one year after approval". Board member
48 Barnowe-Meyer said it is to confine the discussion and review for one year.

1 Board member Doenges questioned whether TFW Policy would be able to complete the task within
2 the year. Engel responded that is discussion for the Board during the work plan topic and a matter of
3 prioritization of the Board.

4
5 Board member Barnowe-Meyer said the motion applies to Western Washington only.

6
7 **ACTION:** Motion fails. 4 Support (Raines, Barnowe-Meyer, Tuttle, Thompson) / 8 Oppose
8 (Smith, Serr, McLain, Desautel, Speaks, Herrera, Conklin, Doenges)

9
10 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve a 50-foot template
11 variable width buffer prescription for Type F waters up to 15 feet bankfull width for
12 small forest landowners. He further moved to direct DNR to add this 50-foot template
13 width buffer prescription to Board Manual Section 21 to be available to small forest
14 landowners while further management options are reviewed by the TFW Policy
15 Committee, with TFW Policy to deliver, by no later than one year after approval of
16 this motion, their recommendations for “variable width” parameters and metrics, as
17 well as additional management recommendations that focus on user-friendly,
18 outcome-based low impact prescriptions intended to facilitate long-term Desired
19 Future Condition / Outcome.

20
21 **SECONDED:** Meghan Tuttle

22
23 **Board Discussion:**

24 None.

25
26 **ACTION:** Motion fails. 4 Support (Raines, Barnowe-Meyer, Tuttle, Thompson) / 8 Oppose
27 (Smith, Serr, McLain, Desautel, Speaks, Herrera, Conklin, Doenges)

28
29 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve a 30-foot template
30 fixed-width full-length buffer prescription for all Type Np waters for small forest
31 landowners. He further moved to direct DNR to add this 30-foot template width buffer
32 prescription to Board Manual Section 21 to be available to small forest landowners
33 while further management options are reviewed by the TFW Policy Committee, with
34 TFW Policy to deliver, by no later than one year after approval of this motion, their
35 recommendations regarding a potential consideration of a 50-foot template managed
36 Type Np prescription option and / or other potential changes that focus on user-
37 friendly, outcome-based low impact prescriptions intended to facilitate long-term
38 Desired Future Condition / Outcome. Any such user-friendly options should consider
39 simplification opportunities such as eliminating (for small forest landowners only)
40 “intermittent dry portions”, and the potential of using the same buffer width
41 prescription for smaller Type F and Np waters.

42
43 **SECONDED:** Wayne Thompson

44
45 **Board Discussion:**

46 Board member Barnowe-Meyer clarified that this motion is for a fixed width, no-cut buffer
47 prescription.

1 **ACTION:** Motion fails. 4 Support (Raines, Barnowe-Meyer, Tuttle, Thompson) / 8 Oppose
2 (Smith, Serr, McLain, Desautel, Speaks, Herrera, Conklin, Doenges)
3

4 Chair Smith introduced a motion to recognize the value of the small forest landowners and all the
5 work that has gone into trying to find a mutually acceptable way to reduce the regulatory burden on
6 them as well as recognize TFW Policy for work on the development of the experimental harvest
7 prescriptions.
8

9 **MOTION:** Alex Smith moved the Forest Practices Board makes the final determination on the
10 SFL Buffer Width Dispute. The Board recognizes the value of small forest landowners
11 and keeping them on the landscape, as well as the disproportionate economic impact
12 forest practice rules have on small forest landowners, Therefore the Board:

- 13 ■ Requests the Board chair to direct DNR to convene a stakeholder group to identify
14 common situations that warrant the development of alternate plans or alternate
15 harvest prescriptions that provide, at the same time, an opportunity to manage
16 forests within the riparian management zone while meeting public resource
17 protection standards; and

18 She further moved the Board direct the TFW Policy Committee to complete their
19 development of experimental alternate harvest prescriptions for conifer restoration and
20 conifer thinning which would be available only to small forest landowners in Western
21 Washington.
22

23 **SECONDED:** None.
24

25 **ACTION:** Motion withdrawn
26

27 Board member Barnowe-Meyer states because of the late presentation of the motion it is not enough
28 time to review and consider. He suggests taking it up at the February 2023 Board meeting. Chair
29 Smith accepted the suggestion and will share concepts with caucuses in advance of the February
30 meeting in order to present a motion for the Board to consider at the February 2023 meeting.
31

32 **GENERAL PUBLIC COMMENT**

33 Darin Cramer, WFPA, said his observation is that the processes and standards are inconsistently
34 applied depending on the topic and depending on the caucus promoting the idea. He said there is no
35 risk tolerance—any idea that even looks like risk on paper is stomped on. He said he is not sure
36 whether the dispute resolution process is a benefit to the adaptive management process. It should be
37 conceptually but his opinion is that TFW Policy does not resolve the issues because they don't talk
38 about them; they would rather avoid them and compete to win. He believes the Board should
39 exemplify the values and principals of Forests and Fish. The actions the Board took today sends a
40 clear message to landowners.
41

42 Elaine Oneil, WFFA, expressed her disappointment with the Board's unwillingness to consider
43 options or look at any of the criteria sent to them. She said she doesn't know what her caucus will do
44 as it is clear that small forest landowners are coming to the end of their patience. The alternative to
45 forest land management is never their choice but now may be their decision since there is so little
46 flexibility for them to manage their land in way that they think will support or improve habitat for the
47 creatures that live on their property. She wants to find a kernel of useful information to use to move
48 forward and believes the opportunity to come to a consensus is not being taken advantage of.
49

1 Ken Miller, WFFA, recited a chant of shared Forests and Fish commitments. He said they don't know
2 what the next steps will be; perhaps being disruptive would be effective. Miller continued to express
3 his extreme disappointment of the Board's actions, stated he was not leaving his seat at the table and
4 began to repeat the chant.

5
6 Due to the interruption of the meeting and unwillingness of Miller to leave his seat,
7 Chair Smith moved to adjourn the meeting and reconvene in another location per RCW 42.30.050.

8
9 Motion passed. 8 Support (Speaks, Barnowe-Meyer, Doenges, Herrera, Conklin, Serr, Mclain, Smith)
10 / 3 Oppose (Raines, Tuttle and Thompson) / Desautel not available for vote.

11
12 The Board reconvened at 2:15 p.m. in room 411 of the Natural Resources Building without public
13 attendees.

14 15 16 **WATER TYPING SYSTEM RULE MAKING**

17 Marc Engel, DNR, presented rule elements the Board has approved or agreed to complete as well
18 Board decisions to be made. The elements include: clarifying the goals and targets for the water
19 typing system rule; confirming the goals and targets of an anadromous fish floor (AFF); and whether
20 a map-based modeled water typing will be included in the permanent water typing system rule.

21
22 Chair Smith said at the August 2022 meeting, the Board accepted two AFF alternatives for inclusion
23 in the water typing system rule. The Board allowed an additional three months for the principals to
24 reach consensus on one AFF alternative that could be presented to the Board and that did not happen.
25 Based on the August motion staff will move forward with the two AFF alternatives approved for
26 analysis in the draft water typing system rule.

27
28 Board member Barnowe-Meyer reported on the principals group working on the AFF. He said they
29 are moving towards consensus on one AFF alternative rather than two.

30
31 Board member Dave Herrera agreed with Barnowe-Meyer and stated he was unclear when a decision
32 could happen and wants staff to start working on the rule making now.

33
34 Chair Smith said the Board needs to address the last few elements listed by Engel for the rule making
35 to move forward.

36
37 Board member Barnowe-Meyer said the map-based model is critical to small forest landowners. A
38 commitment to create the model based maps when the CMER water typing studies are completed and
39 the statewide high resolution Lidar coverage exists was made.

40 41 **PUBLIC COMMENT ON THE WATER TYPING SYSTEM RULE MAKING**

42 None due to moving the meeting location.

43 44 **WATER TYPING SYSTEM RULE MAKING**

45 Board member Tuttle said she takes the public process extremely seriously and is why she voted
46 against relocating the meeting. She is uncomfortable making any decision since the Board is not
47 having public comment.

1 Chair Smith said the Board can adjourn prior to taking any action and hold a special meeting to
2 address this topic.

3
4 **MOTION:** Steve Barnowe-Meyer moved to table water typing system rule discussion.

5
6 **SECONDED:** Meghan Tuttle

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

9
10 **2023 BOARD WORK PLAN**

11 Marc Engel, DNR, presented the draft work plan for calendar year 2023. He also reviewed the
12 updates to the work plan as a result of the meeting today.

13
14 Chair Smith requested staff to present an action plan for rule making and board manual at the
15 February 2023 meeting.

16
17 The Board agreed to start on Type Np rule and have progress reports on each rule making at each
18 regular meeting. Staff will present a timeline for each rule making that will indicate tasks that can be
19 done concurrently.

20
21 No action was taken by the Board on the 2023 Board Work Plan.

22
23 The next meeting is scheduled for November 28, 2022, 9 a.m. – 11 a.m.

24
25 **EXECUTIVE SESSION**

26 None.

27
28 Meeting adjourned at 3:35 p.m.