

Timber, Fish, & Wildlife Policy Committee
 March 13, 2015 Meeting Summary

Actions & Decisions from Meeting

| Decision | Notes |
|--|---|
| 1. Accepted the draft meeting summary as final with the condition that one edit be confirmed by Dr. Paul Adamus. | Claire Turpel to confirm Paul's language with him before the April meeting. |
| 2. Accepted the February 5, 2015 draft meeting summary as final, with edits. | Consensus by all caucuses |
| 3. Approved RSAG's recommended proposal to have Dr. Monika Moskal develop a feasibility study for remote sensing tools. | Consensus by all caucuses |
| 4. Agreed that some Policy members would participate in an optional first day of the eastside off-channel habitat in April (meaning they would attend the afternoon of April 8 in addition to the 9 and 10). | |
| 5. Agreed to move forward on creating a flowchart of the electrofishing permitting process. | Consensus by all caucuses |

| Action | Assignment |
|---|--|
| 1. Share DNR's expectations for how to complete recommendations from Policy on unstable slopes. | Chris Hanlon-Meyer |
| 2. Summarize Policy's recommendations for unstable slopes and the action items for Policy, CMER, and UPSAG. | Mary Scurlock |
| 3. Bring biennial budget proposal to Policy in April, including statuses of CMER projects. | Hans Berge |
| 4. Bring recommendation to Policy in April for small forest landowners' proposal initiation. | Hans Berge |
| 5. Draft areas of agreement on off-channel habitat. | Adrian Miller |
| 6. Identify inconsistencies in the water typing rules and Board Manual. | Ray Entz and Dick Miller, by March 26 (then share with Policy caucus leads to review prior to April meeting) |
| 7. Draft the flowchart outlining the electrofishing permitting process. | Adrian Miller, DNR, WDFW, others as needed |
| 8. Develop a proposal for a literature review on electrofishing and bring back to Policy. | Adrian Miller & Hans Berge |

Welcome & Old Business – Stephen Bernath and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*).

Announcements

- Jim Peters shared several brief announcements:

- Dave Herrera of the Nisqually Tribe and a Forest Practices Board member was hospitalized at the beginning of the week for a heart attack. He seems to be on the mend but thoughts are with him and his family in this healing time.
- The Squaxin Island Tribe designated March 9 as Billy Frank, Jr. Day.
- The Squaxin Island Tribe was successful in getting land acquisition re-acquired from the Department of Natural Resources (DNR). DNR staff was thanked for their help in getting this successful land acquisition.
- Stephen Bernath shared that he will leave the Co-Chair position at the end of this month. He and Adrian Miller are working to identify his replacement, though Stephen will remain the Policy lead for the Department of Ecology. Finding a new Co-Chair rests with the current Co-Chairs. They are looking for someone who has time and support from their employer, and that the rest of the Policy Committee caucuses are agreeable to.

Updates

- CMER Science Conference (February 11 & 12)
 - Hans Berge shared that the two-day CMER science conference went well and was a great opportunity to hear from CMER's various Principal Investigators. The first day was focused on reviewing the hard rock study, and the second day reviewed several projects in varying stages of completion. There was good participation from Policy and Board members in addition to CMER members.
 - The conservation and industrial landowner caucuses co-lead an effort to have an event on the evening of the first day for legislators, which gave a good opportunity to interact with legislators and demonstrate the value of the Adaptive Management Program (AMP).
 - CMER was thanked for putting together the conference, and specifically Patti Shramek was thanked for her efforts to successfully convene the conference.
- AMP Funding
 - The AMP funding request for \$5.9 million is in the Governor's proposed budget (both Book 1 and Book 2), and several caucuses have met with key legislators about the importance of keeping this program funded. The House and Senate will come out with their budget proposals in the final weeks of March. Until those budgets come out, it is uncertain how much additional effort will be needed to ensure the AMP is fully funded.
 - A caucus noted that even if the AMP funding is included in the House and Senate budgets, caucuses are encouraged to continue talking with legislators about the importance of this program because it is not currently clear how all the needs will be funded without using contentious sources for new revenue (e.g., the gas tax).
- Current Legislation
 - Most of the bills identified at last month's Policy meeting have lost support and are no longer alive.
 - ESSB 5996 – Would remove the ability for WSDOT to use excess mitigation funds for the Family Forest Fish Passage Program and the Forestry Riparian Easement Program.
 - SB 5622 – Would require WDFW and the Department of Ecology to use empirical science in making agency rule decisions.

- There is a strong effort to fix culverts at the City and County levels, mimicking the Road Maintenance and Abandonment Program (RMAP). If supported by the legislature, state funding would be available at the local level for improving fish passage.
- The \$80 million deficit in the Model Toxics Control Act (MOTCA) program will affect the funding landscape as well.
- Board Manual Section 16 Revisions
 - The stakeholder group, convened by DNR, has been meeting regularly to review and revise the Board Manual, and a revised version of the Board Manual is shared with caucus leads after each meeting. The next meeting is March 18.
 - They have gone through Parts 1-6 and Part 7 preliminarily.
 - For the second phase, they will look at how to incorporate run-out and delivery into the Board Manual, and will use mostly technical geologists in those discussions as opposed to policy-focused participants. Once that is complete they will have another policy review and look at the full Section 16. That is anticipated to be in June to prepare for bringing this to the Board at their August meeting.
 - The group has considered models that Oregon and British Columbia use for shallow rapid landslides. While these models only deal with shallow rapid landslides, the group is focused on having the Board Manual Section include information for all types of mass wasting events.
 - DNR's science team is preparing a presentation on mass wasting and is planning to present statewide at all TFW meetings.
- February Forest Practices Board Meeting
 - The Board adopted the rule changes for unstable slopes which will become effective on March 29, 2015.
 - The Board accepted the proposal initiation from the small forest landowners to initiate an AMP review of their low-impact template, which was discussed later in the Policy meeting.

Meeting Summaries

- January 8, 2015 meeting summary – Policy accepted the draft meeting summary as final with the condition that one sentence be confirmed by Paul Adamus, the speaker at the January meeting. It was asked that the final version of the meeting summary be shared with the mail-out for the April meeting, though it does not need to be reviewed by Policy again.
- February 5, 2015 meeting summary – Policy debated a couple of sections and provided some edits to the draft meeting summary, and accepted that version as final. A few discussion points that expanded on information in that meeting summary are captured here:
 - For the Bull Trout Overlay Final Report, Policy had agreed in November 2014 to convene a small group within a timeline of 60 days to figure out next steps. When the timeline ran out and the small group had not gotten to agreement on next steps, Policy no longer had consensus to continue the effort of the small group. This means that Policy defaults back to no action on the Final Report.
 - For the Type N TWIG work on intermittent streams: Policy had discussions on this study on multiple dates over the past year and a half. Policy had asked that the TWIG consider

experimental treatments but only within the existing rule requirements. The TWIG did so by targeting streams in the study that would allow a clear-cut on the intermittent section.

RSAG Progress Report – Joe Murray, Chair of the Riparian Scientific Advisory Group (RSAG), provided an update to Policy on a recent effort related to remote sensing.

Previously, Policy asked RSAG to put together thoughts on alternatives to evaluate riparian forest conditions and their change over time. RSAG developed a matrix to compare alternatives and asked Dr. Monika Moskal from the University of Washington to help complete the matrix, which she greatly expanded. Policy considered Monika's proposal (approved by RSAG and CMER) to refine the draft matrix of remote sensing alternatives, which would design a literature review with the idea that it should answer the question of what information is needed for the AMP to make decisions about riparian forest conditions.

Discussion

- This is a feasibility study. The proposal from Monika is intended to talk about the tools, not the data sets (e.g., the software used to review images). Then it would be validated with minimal field review. The data sets would come from Policy, so Policy can consider: what data sets are desired? What information is desired? What information is needed about stand density?
- The study could also provide other information on these tools that can be used in other pilots Policy is trying to do, like the stream typing pilot. The ability for this information to help other potential pilots is dependent on the level of resolution used.
- This study will inform a lot of decisions based on what information will be useful where. This is the first step in likely multiple directions of applying remote sensing data.

Decision: After some discussion, Policy unanimously approved the proposal from Dr. Monika Moskal to expand the matrix of remote sensing tools. There was some concern raised about \$11,000 in the proposal for supervisory work, but did not change Policy's decision.

AMPA's Quarterly Report – Hans Berge, the Adaptive Management Program Administrator (AMPA), reviewed several items that will be brought to Policy at the April meeting:

- The status of CMER projects will be tied in with the biennial budget. In going through budget line items, Hans will update Policy on the status of the projects.
- The biennial budget proposal is being drafted now and will go to CMER for review at the end of the month.
- The stream typing modeling effort is beginning now that the AMPA position has been filled. Hans has met with numerous people working on various pieces and some people who worked on the original model in the early 2000's. Points included:
 - The model uses binary logistic regression, which DNR's State Lands Division has used to predict where streams are located. Hans is developing a draft scope for how to use that binary logistic regression in the same application of the old model approach and compare the two outputs.

- Hans is currently gathering existing information. Next he will develop a scope that will give Policy a model to predict F/N breaks somewhat accurately (recognizing that no model is perfect and each is only so useful).
- The revised model will be broken down into 1 meter by 1 meter pixels. Each pixel will be interpolated so the data point reflects the median across that pixel.
- Hans hopes to have a scope of work and send it out to bid within the next six weeks. He hopes to have something done by the end of the fiscal year but that may be unrealistic. If that is the case, it will be included in the biennial budget proposal.
- The model will likely mean less fish sampling is necessary, but it might miss some barriers.
- Hans will report progress on this to the Board at their May meeting.

Discussion

- The Board directed this assignment to DNR, so once there is a product it could go in multiple directions. If it is to be used in the regulatory process, it would have to come through the AMP in a yet-undetermined form.
- The budget will likely zero out before the model is fully refined, and there will be additional basins needed to validate the model, so there is still some work and decisions yet to come. The pilot basins have not yet been selected but are being considered in the information-gathering phase Hans is currently doing.
- A caucus encouraged Hans to work with people like Brian Fransen and Chris Mendoza who worked on the previous iteration of the model.
- It is uncertain whether they will use the training data leading to the existing F/N breaks in the 2005 maps or get new data for the F/N breaks. It depends on the pilot basins and the quality of existing data. That will be determined before the scope of work is finalized. If there is higher-resolution fish distribution data, they will try to use that in the pilot basins, and create a proof concept.

Small Forest Landowners Proposal Initiation – At the February 2015 Board meeting, the AMPA was directed to look at the proposal put forward by the small forest landowners. Since then, Hans has been studying the rules and understanding the basis for the proposal. There are several tracks the proposal could go down; Hans is considering those and will have a recommendation for Policy about this at the April meeting. Hans is also considering whether the proposal meets the definition of a template. At the minimum, a few caucuses expressed appreciation at the amount of work that went into creating this proposal.

Next Steps

- One piece that is known now is that a literature review on RMZ functions would almost certainly help to address the question the small forest landowners identify in their proposed template.
- Hans will bring a recommendation to Policy at the April meeting. This will likely include questions for Policy. A caucus encouraged Hans to separate the tasks for Policy that can be done on a separate timeline from CMER's work and will not hinder CMER from making progress.
- One caucus mentioned that in addition to the question on the definition of "template", the definition of "low impact" should also be addressed.

- The small forest landowners were planning to bring a similar template proposal for the eastside later this year, but have decided to delay bringing that to the AMP by at least six months.

CMER Update – Mark Hicks, CMER Co-Chair, provided an update on various CMER projects:

- Hard Rock Study – Almost all the chapters have gone through CMER review, except Chapter 17 which hasn't been written yet since they are deciding whether to write that before or after the study goes to ISPR.
- Unstable Slopes Criteria TWIG – The TWIG is finalizing the problem statement and critical questions and will likely bring that to Policy for review at the April meeting.
- Protocols & Standards Manual – CMER is working on reviewing Chapter 7 and thinking about how to reduce conflicts around issues in that chapter.
- Eastern Washington Riparian Assessment Program – Hope to have a draft of the full report back to the SAG in April, which will then go to CMER and ISPR before it goes to Policy.
- Eastside Type N Riparian Effectiveness Study – Rick Woodsmith will provide an update to CMER on this study, similar to what he provided to Policy last month.
- Westside Type F Riparian Effectiveness Study – The TWIG produced the best available science and alternatives analysis, which has been sent to CMER for review.
- BMP Road Effectiveness Study – The TWIG is pulling together more meetings to get back on track.
- Forested Wetlands Effectiveness Monitoring Project – The TWIG has been formed and is beginning to work just now.

UPSAG Update – Nancy Sturhan updated Policy on UPSAG's most recent work. UPSAG is pursuing the draft proposal that was brought to Policy a few months ago. The project design has been approved by CMER. Since the request to do this literature review was initially brought by Policy, there is no need for a Policy approval at this time, so UPSAG will begin the process to hire a contractor for the literature review.

Off-Channel Habitat – Policy reviewed what was seen and discussed the day before at the westside off-channel habitat field trip. Points included:

- Policy agreed that reviewing the rules and Board Manual prior to the eastside off-channel habitat field trip would be helpful.
- Policy discussed the following topics, which Adrian Miller will turn into a proposal for review. This proposal would include generally agreed-upon statements of facts, plus:
 - Definition of off-channel habitat
 - Definition of connectivity to off-channel habitat
 - Functionality of off-channel habitat
 - How to determine fish use (from connectivity, functionality, and/or appropriate surveys)
 - How to establish the edge of off-channel habitat and where the RMZ begins
 - Temporal factors:
 - Seasonality of flow
 - When it is appropriate to review and define off-channel habitat
 - Identify a potential tool to help flesh out these areas of uncertainty

- A caucus asked when Policy might review water type modification forms and how those affect off-channel habitat designation, though the answer was unknown at the time.
- Policy discussed defined channels and wetlands, and how the nature of off-channel habitat and wetlands often means that there is not an easily defined channel. It was noted that the reason the AMP talks about typed waters as defined channels is from the Forests & Fish negotiations. There might be existing guidance on how to establish an RMZ that could be applied to off-channel habitat situations.
- It was noted that the RMZ is usually established at the edge of the off-channel habitat feature.
- A caucus noted that Policy will likely need technical/scientific assistance to define these uncertainties.
- A caucus noted concern in having too much specificity in the Board Manual which could be constraining to those in the field.
- A caucus encouraged Policy to consider two types of timing issues: when fish use the habitat, and when the forester makes the proposal or does the review. This might affect the guidance for when to review FPAs.
- Policy noted that the term “habitat likely to be used by fish” has its own baggage and Policy needs to address that at some point.
 - A caucus noted that it is unclear how to identify what off-channel habitat is used by fish.
- A caucus noted that off-channel habitat is different on the eastside than on the westside, which is partly the reason for a field trip on both sides. A lot of the off-channel habitat on the eastside is currently flooded due to dams, but the habitat still occurs on the eastside.
- A caucus noted that some off-channel habitat on the eastside is already protected because it falls within a CMZ, so Policy should emphasize that they are focused on “non-CMZ off-channel habitat on the eastside”. Another caucus noted that CMZ designation as provided in the Board Manual may have some gaps, and protection is also implemented inconsistently, so this should be considered with caution.
- It was noted that plants can indicate where off-channel habitat is, so that could be used in the guidance.
- Ray Entz and Dick Miller agreed to take on the first step of reviewing the rules and Board Manual section for inconsistencies, which will then be shared with Policy for review. To continue making progress, Policy caucus leads were encouraged to come to the April meeting prepared to talk about the preliminary work Ray and Dick will do.

Electrofishing – Policy reviewed the draft proposal that the Co-Chairs revised based on comments from the caucuses. There are three sections of the proposal, and discussion on two of them included:

- Step 1 – Outline permit processes.
 - It was encouraged to include USFWS’s Section 10 permits in the scientific collection permitting process outline.
 - The Water Type Modification Form process outline could include the Water Type Review Team efforts.
 - Next steps: Adrian Miller will work with DNR, WDFW, USFWS, and Mary Scurlock to begin outlining the process and hope to have a draft by the April Policy meeting.
- Step 2 – Complete an evaluation of literature to develop electrofishing best practices.

- Policy agreed that having a technical group to do the review would be helpful, though it was not suggested that a formal group such as ISAG be convened. It could be an informal group convened by the AMPA.
- A caucus encouraged the review to include direct and indirect take under electrofishing.
- Policy discussed whether species covered in the Incidental Take Permit (federally listed species) are the only species to consider, or if other HCP-covered species should be considered, too. There was interest in covering more than less.
- Next steps: Adrian Miller and Hans Berge will develop a proposal for how to move forward on the literature review and bring that to Policy.

Next Steps

- Policy reviewed topics for the April meeting, which include:
 - Biennial budget and CMER project statuses
 - Unstable Slopes Criteria TWIG problem statement and critical questions
 - Type F
 - Off-channel habitat (debrief eastside field trip and watch video)
 - Electrofishing
 - AMPA's recommendation on small forest landowners' proposal initiation
 - AMPA's update on the water typing model
 - Review UCUT's herbicide project scoping document
- Policy reviewed the general plans for next month's eastside off-channel habitat field trip:
 - The meeting will be at the Kalispel's casino, near the airport. They blocked hotel rooms under "TFW Policy Committee".
 - On Thursday, April 9, Policy will vanpool to the Pend Oreille River to look at a DNR sale and then Hancock land. This will likely be a small stream network created by beaver ponds.
 - If people are interested in seeing off-channel habitat on a bigger river system, Marc Gauthier and Jim Matthews are willing to lead a group on Wednesday afternoon on the I-90 corridor. Some people were interested in this option so this will be an additional component for those who have the time and interest.

The Co-Chairs adjourned meeting at 3:30pm.

Attachment 1 – Participants by Caucus at 3/13/15 Meeting

Conservation Caucus

Chris Mendoza (phone)
*Mary Scurlock

County Caucus

*Kendra Smith, Skagit County

Federal Caucus

*Marty Acker, USFWS

Industrial Timber Landowners (Large)

Adrian Miller, Olympic Resource Management,
Co-Chair
*Karen Terwilleger, WFPA

Non-Industrial Timber Landowners (Small)

*Dick Miller, WFFA

Others

Hans Berge, AMPA
Joe Murray, Merrill & Ring
Claire Turpel, Triangle Associates

State Caucus – DNR

Marc Engel, DNR
*Chris Hanlon-Meyer, DNR
Shane Martinez, DNR
Marc Ratcliff, DNR

State Caucus – Ecology and Fish & Wildlife

*Stephen Bernath, Ecology, Co-Chair
Mark Hicks, Ecology
*Terry Jackson, WDFW

Tribal Caucus – Eastside

*Ray Entz, Kalispel Tribe & UCUT
Marc Gauthier, UCUT

Tribal Caucus – Westside

Doug Couvelier, Upper Skagit Tribe
*Jim Peters, NWIFC
Nancy Sturhan, NWIFC (phone)
Curt Veldhuisen, SRSC (phone)

Attachment 2 – Ongoing Priorities Checklist

| Priority | Assignment | Status & Notes |
|--|---|--|
| Type N | Type N policy subgroup | On hold until other workload lessens. |
| Type F | Policy | Eastside off-channel habitat field trip: April 8/9/10 |
| Unstable Slopes | Policy | Board accepted Policy's recommendations; now DNR/UPSAG are working on implementing those recommendations. UPSAG is working on hiring a contractor to do a literature review. |
| Bull Trout Overlay | Policy | |
| Adaptive Mgmt Program Reform Rule Changes | | Accepted by Board at August 2013 meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings. |
| Ongoing CMER reports reviewed by Policy | Mark Hicks & Todd Baldwin, CMER Co-Chairs | CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy |

*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

| Entity, Group, or Subgroup | Next Meeting Date | Notes |
|-------------------------------|---|--|
| TFW Policy Committee | April 9 & 10 (April 8 is optional) | <u>April 8/9</u> : eastside off-channel habitat field trip (April 8 is optional) <u>April 10</u> : regular monthly Policy meeting |
| CMER | March 24 | |
| Type N Policy Subgroup | TBD | On hold due to workload constraints. |
| Type F | April 9/10: eastside off-channel habitat field trip | |
| Forest Practices Board | May 12 | |