

Timber, Fish, & Wildlife Policy Committee
 July 7, 2016 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Accepted the draft June 10, 2016 meeting summary with one edit.	Consensus from all caucuses.
2. Approved the FY17/19 biennial budget with the note that if project(s) do not get completed as planned in FY17, they will be first in line for funding in FY18 (see page 2).	Consensus from all caucuses.
3. Finalized the request to the small group tasked with reviewing the protocol survey method.	

Action	Assignment
1. Prepare recommendations to TFW Policy Committee for the August 4 th meeting on the Unstable Slopes Proposal Initiation.	Marc Engel, Mary Scurlock, & Karen Terwilleger
2. Upon receiving the Off-Channel Technical Group's draft report on or around July 18, read and prepare for discussions at the August 4 th meeting.	All caucuses
3. Aggregate and share a synthesis of all caucus comments on the electrofishing template.	Claire Chase
4. Convene the small technical group to create recommendations to Policy by August 15 th for how to revise the protocol survey method.	Hans Berge
5. Share a summary of the CMER meetings and a schedule of when CMER is reviewing Hard Rock chapters.	Doug Hooks

Welcome, Introductions, & Old Business – Adrian Miller, Co-Chair of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*). The main objectives for this meeting included making a recommendation on the FY17/19 biennial budget, hearing a presentation and update on unstable slopes, and continuing to make progress on the water typing discussions.

Announcements

- The Department of Natural Resources (DNR) is working on convening a meeting of the caucus principals. The Board Chair, Stephen Bernath, has been talking individually with each of the caucuses. There were no dates yet identified at the time of this meeting and the meeting agenda had not yet been developed. Separately, the Policy Committee Co-Chairs provided feedback on behalf of the Policy Committee based on the caucuses' ideas for a principals meeting expressed at the June 10th meeting.
- Jim Peters invited Policy participants to attend the annual canoe journey which will be ending in the south Puget Sound around the August Policy meeting (July 30 – August 6).

Meeting Summary – After reviewing one edit, Policy accepted that version of the June 10, 2016 draft meeting summary as final.

Ground Rule of the Month – Adrian Miller reviewed ground rule A.5, “Participants commit to address all aquatic resource management issues raised in the adaptive management process.” While noting that this rule is broad, Adrian highlighted the necessity of Policy addressing all aquatic resource issues while also maintaining some discretion as to when and how those resources will get addressed.

FY17/19 Biennial Budget – The Co-Chairs and Adaptive Management Program Administrator (AMPA) reminded Policy that they needed to approve a version of the biennial budget at this meeting that can be recommended to the Forest Practices Board (Board) to recommend to DNR to submit to the legislature. At this point, Policy is not asked to authorize spending because no funding yet exists for this biennium.

Policy focused on bringing the differences in funding and expenditure totals in both FY18 and FY19 to \$0, which meant balancing FY18 to have more spending and FY19 to reduce spending. Policy also acknowledged that moving projects into future years could impact those future budgets and/or the project trajectory.

Policy reviewed most line items to see how to increase or decrease spending appropriately without negatively impacting the project. Points of agreement and/or changes to the biennial budget included:

- All caucuses agreed that if a project does not get completed in FY17 as currently predicted, it should be first in line for funding in the next biennium.
- Policy corrected some redundancies in the budget. Removing the repetitive lines impacted the projected bottom line.
- There was new information about the Type F Riparian Prescription Monitoring study. The Technical Writing & Implementation Group (TWIG) had met the day before to discuss future spending, and felt that \$250,000 in both FY18 and FY19 would match their timeline well. After this clarification, Policy agreed to maintain this funding total.
- Policy re-named a line item to more accurately capture the intent, which is “Glacial Deep Seated – strategy execution”. They agreed to put \$100,000 in FY18 and \$200,000 in FY19, with a note that doing this work will require a check-in with UPSAG and then an update to Policy thereafter.
- The LWAG Amphibians in Intermittent Streams was moved out one year into the future, with a note that the forthcoming Hard Rock study could inform this study.
- The Van Dykes Salamander Project was shifted out one biennium into the future. While some caucuses believe this project is important, others do not see it as a priority for limited funds. However, it is listed in the settlement agreement and therefore remains on the Master Project Schedule. Due to lack of agreement around the project’s importance, Policy reduced the amount in the first year to \$169,000. WDFW offered that Marc Hayes can provide a presentation to Policy prior to Policy making a decision about moving forward with the next phase.
- Policy agreed to keep the budget in FY17/19 for the *Type N Experimental Buffer Treatment in Hard Rock Lithologies – Extended (Analysis and Summary Report)* project.
- Policy agreed to add a line for water typing work, similar to what they approved for the FY17 budget.

Decision: With the changes edited in real time, Policy approved the FY17/19 biennial budget with consensus from all caucuses.

Glacial Deep-Seated Landslides Literature Synthesis – Dr. Dan Miller presented to Policy about the outcome of the literature synthesis. This was not a decision item for Policy at this meeting, but CMER is working on the Findings Report (6 Questions) and Policy can expect that at a meeting in early fall 2016.

Presentation Highlights

- The purpose of the literature synthesis was to develop recommendations related to the regulation of forest practices on glacial deep-seated landslides. Policy directed CMER and the Upland Scientific Advisory Group (UPSAG) to do a literature synthesis, and they hired Dr. Dan Miller to do so, though he coordinated with UPSAG and other experts. UPSAG proposed 8 questions to guide the direction of the literature synthesis. Through the synthesis, it was clear that some of those questions can be answered through the literature, and some are left unanswered.
- Few studies examine the glacial deep-seated landslide (GDSL) issue specifically, so the synthesis included related studies in hydrology, groundwater, geotechnical engineering, landslide case studies, computer models, mapping methods, and landslide runout. The synthesis also reviewed 88 geotechnical reports associated with Forest Practices Applications (FPAs).
- Given the region’s glacial history, the synthesis found that landslides in Washington fail in blocks.
- The research review synopsis included:
 - Harvest-related changes in evapotranspiration fall within a defined range.
 - Geotechnical properties of glacial deposits fall within a defined range.
 - Glacial deposits promote intermittent movement of large blocks.
 - Movement is triggered by increased pore pressure.
 - Pore pressures respond to seasonal and multi-year recharge.
 - Preferential flow paths can cause rapid pore-pressure responses.
 - Response to pore pressures depends on landslide geometry.
 - Block, intermittent movement can persist for long periods.
 - Large landslides may fail catastrophically.
 - Empirical statistical models can be used to evaluate runout potential.
 - Sensitivity to forest practices is poorly constrained.
 - Advances in techniques for assessing sensitivity, availability of high-resolution LiDAR elevation data, and more powerful computers offer new opportunities for identifying hazards and assessing sensitivity.
- The synthesis identified general recommendations and goals for moving forward:
 - General recommendations:
 - Set additional specific reporting and analysis standards for geotechnical reports; and
 - Capitalize on current data and computational methods to provide analysts with standard tools (for site characterization and assessing landslide stability and sensitivity).
 - Goals:
 - Consistency across analysts;

- Comparability across sites;
 - Replicability; and
 - Collection of data for development of statistical models.
- The recommendations from the synthesis include (these are available in the PowerPoint presentation, not in the report provided in advance of the meeting):
 - Standardize observations, measurements, analyses, and terminology;
 - Standardize GIS-based tools;
 - Apply tools to a representative sample of field-verified landslides;
 - Use statistical models for level of landslide activity;
 - Standardize quantitative methods; and
 - Each new report should add to the database.

Discussion

- The geotechnical properties are often similar between deep-seated landslides and GDSLs due to the clay in soils. However, there are some differences mostly due to groundwater response.
- Using GIS or a similar tool could create a multi-layer map showing the potential run-out due to a catastrophic failure and the potentially affected features (public resources or public safety).
- Dan Miller's suggested next step is to create a group of Qualified Experts (QEs) to determine the list of considerations for what information is needed to justify conclusions in a geotechnical report. Then a tool or guidance could be built to complement those considerations for QEs.
- Measuring pore pressure includes drilling a hole and installing a well, which is expensive.
- The recommendation for looking for risk outside forest practices means at least to looking beyond the vicinity of where the slide would be.
- The recommendations also include seeing if the QE can resolve a change of probability of activity associated with the proposed forest practice.
- Because each landform is somewhat unique, Dan suggested utilizing ways of combining information about likely stability, then looking at the frequency distribution of the attributes to see how they differ between active and inactive slides. Alternatively, specific GPS technology could find the outline of the slide then run models to look at sensitivity to changes in pore pressure and potential changes in pore pressure, and then to model those data to find modeled sensitivity and modeled frequency. However, that would require standardization of some type of tool, which has not been done yet by the Adaptive Management Program (AMP).
- Due to the extent of existing data, the recommendations do not suggest collecting more data.
- Software could be developed to define the slip surface given a set of materials properties, which could also help distinguish between active and inactive slides.
- Identifying insensitive landforms should be done quantitatively.
- Dan suggested that the implementation of the set of next steps outlined in the presentation could take one year.

Unstable Slopes Proposal Initiation – After the AMPA presented his recommendations for how to address the Unstable Slopes Proposal Initiation at the April 2016 meeting, three caucus representatives agreed to review the AMPA's comprehensive recommendations and compare with UPSAG's input for more specific next steps recommendations back to Policy.

- Karen Terwilliger, Mary Scurlock, and Marc Engel have met twice and gotten to a few preliminary agreements:
 - Follow the Proposal Initiation and AMPA's recommendations to conduct a literature review to address questions on the mechanics of GDSLs, the impacts of forest practices, groundwater recharge areas, reactivation potential, run-out, etc. The results of the literature review would be presented to Policy to determine next steps.
 - Improve understanding of relict and dormant landslides.
- So far, the small group has not come to agreement about how to deal with shallow-rapid rule-identified landforms (RILs).
- The small group is also considering other topics such as climate change and atmospheric rivers. For those, the AMPA suggested that they consider some bounds and a confidence interval about precipitation regimes.
- Policy noted that there are some issues in the Proposal Initiation that overlap with the lawsuit filed recently by the Washington Forest Law Center. Some questions that existed before the lawsuit are now in the lawsuit.
- The small group briefly discussed how to address risk to public safety vs. public resources, and discussed that their focus is to identify what is at the top of the slope, understanding that it has implications to what is at the bottom of the slope. While Policy's role is not to address risk to public safety, the small group recognizes that this work is related.
- The small group will continue developing recommendations and hope to have an update to Policy and the Board at the August meetings.

Type F: Off-Channel Habitat – The Co-Chairs were hoping to lead a discussion about the next steps on off-channel habitat, but realized that since the Off-Channel Habitat Technical Group will deliver their draft report the week of July 18, Policy can discuss more at the next meeting. Therefore, they asked that all caucuses closely read the draft report and come prepared to discuss it at the August meeting. Questions raised at the August meeting will be forwarded to the group to be addressed in the final report, which is anticipated to come out in September. The Co-Chairs did not anticipate providing recommendations specific to this subject prior to the next meeting.

Type F: Electrofishing

Electrofishing Brainstorm – The Co-Chairs had asked at the June meeting that all caucuses could offer their input on how, when, and where electrofishing can be used assuming limited use. They did not receive responses from all caucuses in time to provide the synthesis by this meeting, but hope to provide the synthesis before the next meeting. They recognized that at least one caucus felt restricted by the construct of the brainstorm template, and noted that the objective was not to make caucuses feel that by filling out the template they were automatically agreeing to using electrofishing. The Co-Chairs hope that the synthesis can identify the most significant pieces about the electrofishing tool that caucuses want addressed. The WDFW representative asked that the matrices from the caucuses be shared with the small group reviewing the protocol survey method.

How to Establish the Regulatory Break – The Co-Chairs presented an approach for how to discuss establishing the regulatory F/N break, or what has sometimes been referred to “where to hang the flag”.

To begin the discussion on establishing the regulatory break based off the work of the Electrofishing Technical Group, the Co-Chairs presented the following logic:

- The Co-Chairs presume that electrofishing could stay an option as part of the larger water typing system. Assuming that, they suggested that the conversation on establishing the regulatory break could be focused on when electrofishing is chosen to be the tool.
- If the Co-Chairs' presumptions are correct, they then suggest that Policy could identify a way to establish the regulatory break. There are a number of paths and while several have been discussed, none have gotten much initial agreement. One path with potential is to address many of the concerns about electrofishing that have been raised.
 - This path, which would be a field-focused process, would include the following steps: 1) gather information, 2) present information, 3) explain and justify the proposed F/N break, and 4) use ID Team resources.
 - The information gathered would include: where the default physical criteria show the habitat ends, where the DNR maps show the habitat ends, and where the last upstream fish was found using one of many tools (electrofishing included).
- The federal caucus noted concern about this because there remains a focus on electrofishing despite their past comments that fish presence has not been shown to be a reliable indicator of seasonally-used and/or recoverable habitat and is not considered part of the HCP-covered water typing system. They are concerned that this may maintain the challenges to delineating fish habitat that are currently concerning to them if the new system looks like it will still be based on fish presence/absence instead of fish habitat.
 - The Co-Chairs shared that their hope is to outline the “do’s” and “don’ts” of when/how/where to use electrofishing so that Policy can have the broader conversation about how to delineate fish habitat. The federal caucus noted that this maintains the assumption that the AMP is focused on protecting the fish presence standard.
 - One westside tribal caucus representative reminded Policy to honor the language of the Habitat Conservation Plan, which outlines that the AMP will manage for fish habitat.
 - The AMPA suggested that if the federal services believe that a system based on fish presence is fundamentally out of bounds, Policy needs to address that before any more progress can be made, except perhaps progress on off-channel habitat.
 - The federal caucus noted that Policy could make recommendations that are not currently covered by the HCP, which would require a modification of the HCP if the methods result in any unauthorized take, unanticipated effects, or delineate Type F habitat as anything other than “fish habitat” as that term is defined in the HCP and forest practices rules. The fact that the federal services provide a representative to the Policy Committee does not substitute for the federal agency’s permit issuance procedures.
 - The federal caucus provided onscreen four considerations if a fish presence standard continues to be used:
 - Fish use has previously not been documented;
 - Riparian areas and aquatic habitat structure is fully functional in the subject reach and in upstream and downstream reaches;
 - Fish populations are robust in terms of abundance and diversity; and
 - A logical reason that fish would not use the subject reach can be articulated (e.g., existence of a permanent natural barrier, natural water quality conditions, etc.).

Note: presence of non-native predatory fish is not a suitable reason to presume a reach is not fish habitat.

- The federal caucus also noted that this proposal from the Co-Chairs unduly burdens ID Teams to participate in more regulatory break discussions.
- The WDFW representative expressed concern about the lack of clarity concerning this proposal and that it would slow progress. She noted that Policy has the Type F matrix that defines components needing to be addressed as well as the larger scope of the protocol survey. She supported the move forward with the small group to review the protocol survey method.
- The conservation caucus representative agreed that in order to establish the regulatory break, Policy should consider how, when, and where electrofishing should be used in the water typing system. She also suggested that at some point (and probably soon), Policy will need to integrate the compartmentalized pieces of this discussion.
- The industrial timber landowner caucus representative suggested that the Electrofishing Technical Group's *Recommendations* report should be the baseline for writing the water typing Board Manual.
- The Co-Chairs challenged Policy to think of how to move forward in the regulatory construct Policy imagines for the future, while also thinking of how other caucuses' needs compare to your own.

Direction to the Protocol Survey Method Small Group – Policy reviewed the request the AMPA preliminarily sent to a small group of technical staff, most of whom participated in the Electrofishing Technical Group. While this request was sent before it was reviewed by full Policy at a meeting, the AMPA and Co-Chairs felt that the request about capacity was a good use of time with the approaching deadline. The hope was to finalize the request to the small group with full Policy discussion at this meeting.

- The AMPA asked that if assuming fish presence is a part of the water typing system is a problem, the small group needs to know that. The federal caucus, while noting their concerns about fish presence as listed above, stated that they do not plan to veto a proposal just because it has a fish presence element.
- The industrial timber landowner caucus asked that accuracy, seasonality, and recoverability all be equally weighed as important considerations.
- The conservation caucus asked that if the rule is to be changed, it has to be established in rule how and where fish presence is used in stream typing.
- The AMPA suggested that the outcome from this group will be a recommendations memo that does not require consensus, authored by the AMPA with input from all the technical invitees.

Policy revised the request to read:

To Brandon Austin, Brian Fransen, Jamie Glasgow, Derek Marks, Joe Maroney, Don Nauer, and Sara Zaniewski:

On behalf of the TFW Policy Committee and Co-Chairs Ray Entz and Adrian Miller, we appreciate your participation in the Electrofishing Technical Group and your overall commitment to the Adaptive Management Program. I write today to ask you to continue your support of the Policy Committee's efforts to compile new rule and guidance language for a permanent water typing rule.

This short-term effort includes:

1. *Revising the protocol survey methodology based on the Electrofishing Technical Group's work and final report;*
2. *Identifying when it is appropriate to use electrofishing; and*
3. *Providing draft recommendations to the AMPA by August 15, 2016 (for discussion at the September 8th Policy meeting).*
4. *Additional comments from Policy:*
 - a. *Use the definition of fish habitat in the WAC (this includes the terms: recoverable habitat, potential habitat likely to be used by fish, off-channel habitat, etc.);*
 - b. *Other ideas you may have that are relevant to the water typing system;*
 - c. *Use caucuses' notes on how/when/where to use electrofishing (electrofishing synthesis);*
 - d. *#1 above does not mean to limit you to the ETG report;*
 - e. *This request is intended to be "described recommended changes" to the Board Manual Section 13, not revising the language itself; and*
 - f. *Include water typing goals.*

Decision: Policy agreed to have the AMPA send the small group this revised request.

CMER Update – Doug Hooks, one of the CMER Co-Chairs, provided a brief summary from the last CMER meeting. He will also follow up with a written summary soon.

- CMER developed a schedule for reviewing the Hard Rock chapters, which they can share with Policy.
- There is currently no formal dispute on ENREP, but despite the process dispute having been resolved, there seems to be some outstanding technical disputes that ENREP is working on resolving. If CMER can resolve the issues, the study design will be completed and go to ISPR. If those disputes are not resolved, someone will likely invoke the formal dispute resolution process.

SFLOs Template Subgroup – Marc Engel and Dick Miller, Co-Chairs of the Small Forest Landowners' Template Subgroup, are continuing to work on this and will have more of an update at the next meeting.

Clean Water Act Assurances – Rich Doenges and Marc Engel are working on an update to the Board, which will likely be color-coded (red/yellow/green) to signify what has and has not made progress. The industrial timber landowner caucus representative asked if they will be ready to talk with the Board about why certain studies that are on the Master Project Schedule are shown in the Clean Water Act Assurances as "off track".

The Co-Chairs adjourned the meeting at 5:00pm.

Attachment 1 – Participants and 7/7/16 Meeting

Conservation Caucus

Chris Mendoza, Mendoza Environmental
*Mary Scurlock, M. Scurlock & Associates

County Caucus

Kendra Smith, Skagit County
*Scott Swanson, Washington State Association
of Counties

Federal Caucus

*Marty Acker, USWFS

Industrial Timber Landowner Caucus

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

Non-Industrial Timber Landowner Caucus

*Dick Miller, WFFA

*caucus representatives

Others

Hans Berge, AMPA
Howard Haemmerle, DNR
Claire Chase, Triangle Associates

State Caucus – DNR

*Marc Engel, DNR
Marc Ratcliff, DNR
Joe Shramek, DNR

State Caucus – Ecology and Fish & Wildlife

*Rich Doenges, Ecology
Mark Hicks, Ecology
*Terry Jackson, WDFW
Don Nauer, WDFW

Tribal Caucus – Eastside

*Ray Entz, Kalispel Tribe/UCUT, Co-Chair
(phone)
Marc Gauthier, UCUT (phone)

Tribal Caucus – Westside

Mark Mobbs, Quinault Indian Nation
*Joseph Pavel, Skokomish Tribe
*Jim Peters, NWIFC
Ash Roorbach, NWIFC
Curt Veldhuisen, Skagit River System
Cooperative

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
Type F	Policy	At regular meetings, Policy is working towards responding to the February 2014 Board motions (specific to off-channel habitat and electrofishing) in addition to other related water typing issues (such as default physical criteria, recovery, habitat, etc.).
Small Forest Landowners Westside Template	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Dick Miller.
Unstable Slopes	Policy	UPSAG hired a contractor to do a glacial deep-seated literature synthesis. Policy is also considering how to respond to the AMPA’s recommendations on the unstable slopes proposal initiation, presented to the Board in February 2016.
Ongoing CMER reports reviewed by Policy	Doug Hooks & 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/Subgroup	Next Meeting Date	Notes
TFW Policy Committee	August 4	
CMER	July 26	
Type N Policy Subgroup	TBD	
Type F		To be addressed at regular Policy meetings.
Forest Practices Board	August 10	
Small Forest Landowners Template Subgroup	TBD	As workload allows.