

1 **FOREST PRACTICES BOARD**  
2 **MEETING MINUTES**  
3 February 22, 2008  
4 Natural Resources Building  
5 Olympia, Washington  
6  
7

8 **Members Present:**

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

20 **Absent Members:**

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

24 **Staff:**

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

31 **WELCOME**

32 Vicki Christiansen called the meeting to order at 9:00 a.m., she then announced that the Forest  
33 Practices Board (FPB or Board) would convene for an Executive Session to discuss on-going and  
34 pending litigation.  
35

36 The public meeting reconvened at 9:40 a.m.  
37

38 **INTRODUCTIONS**

39 Danielle Sayers, Department of Natural Resources (DNR or Department), provided an emergency  
40 safety briefing.  
41

42 **APPROVAL OF MEETING MINUTES**

43 Christiansen delayed the approval of the July 25 and September 11 meeting minutes until the May  
44 Board meeting so that all Board Members have the opportunity to review.  
45

46 **MOTION:** Tom Laurie moved to approve the November 14, 2007 meeting minutes.

47  
48 **SECONDED:** Doug Stinson

1  
2 **ACTION:** Motion passed. Christiansen abstained.  
3

4 **PUBLIC COMMENT REGARDING DECEMBER STORM**

5 Chris Mendoza stated he thinks there is pressure to gain answers to the flooding issues through  
6 CMER. CMER will be effective in answering slope stability issues; other flood issues such as the  
7 interaction between flood plains and slope stability CMER cannot answer. He also addressed  
8 timeliness as an issue by stating that it would more than likely take two years to complete a  
9 project. He also spoke of the Stillman Creek forest practices application (FPA). He said that the  
10 FPA approval was based on the presence of old growth stumps on some of the steep slopes that  
11 these stumps served as a surrogate for slope stability. He said that there is a critical time period  
12 when the root strength of a stump is at its lowest and if that time frame has passed the risk of  
13 failure is low, however using stump presence for slope stability is inconsistent with the science.  
14 There may not have been a storm within the initial root strength period after the first harvest of  
15 this slope. Mendoza thanked all of the CMER members who spoke at the February 13<sup>th</sup> Board  
16 meeting; they did a great job explaining what CMER is all about. He also thanked Christiansen for  
17 going to the CMER conference on February 21<sup>st</sup>.  
18

19 Lenny Young, DNR, clarified one of Mendoza's remarks, stating that he did not intend to  
20 communicate at the February 13<sup>th</sup> Board meeting that the Weyerhaeuser application was approved  
21 contingent upon the type of field marks that Mendoza described. He was attempting to relay that  
22 old growth stumps was one indicator that the Weyerhaeuser geologist used and considered during  
23 their inspection. He then stated that DNR did not base their decision to approve the application on  
24 an observation by a Weyerhaeuser geologist of the presence of old growth stumps on the site.  
25

26 Karl Forsgaard, Washington Forest Law Center, followed up on Young's point that the FPA form  
27 has a box to check to answer whether there are any potential unstable slopes within this FPA? On  
28 the FPA for Stillman Creek the "no" box was checked. On a different page in the FPA form there  
29 is a box that requests the applicant to list the steepest slope within the FPA area, Weyerhaeuser  
30 listed the steepest slope as 120%, this is twice as steep as the SEPA trigger for potentially unstable  
31 slopes. The Conservation Caucus advocates that the Board take a hard look at the screening in  
32 place for the processing of FPA's. We know that there are limited resources to check the high  
33 volume of FPA's but are there some screening tools that could be added that would single out  
34 FPA's with a high potential for unstable slopes? In addition, the Conservation Caucus believes  
35 that there is a loop-hole for watershed analysis areas that exempts application of the Forests and  
36 Fish rules. Forsgaard suggested that the Board look at the watershed analysis loophole and  
37 whether the assumptions underlying watershed analysis are still valid. The Conservation Caucus  
38 also urged the Board to appoint some type of task force or an ad hoc committee of Board members  
39 to answer various questions like: Is there a watershed analysis loophole? Do the old watershed  
40 analysis rules accomplish the same as the new rules? Are the DNR screening tools too coarse to  
41 screen what is a good or bad FPA? And, are the buffers to protect unstable slopes adequate?  
42

43 Sherry Fox asked Forsgaard if he could expand on what his perception is of what the watershed  
44 analysis loophole is.  
45

46 Forsgaard replied that the FPA process under the Forests and Fish rules requires SEPA analysis  
47 when slopes reach a designated steepness. In the case of the Stillman Creek FPA there was a

1 watershed analysis done under the old rules. This analysis was too coarse and not as good as what  
2 the Forests and Fish rules would require in an analysis of the slope.

3  
4 Fox added that most watershed analysis had been performed under different rules and regulations  
5 and they should have to come up to the current rules and regulations that are in place today. Since  
6 watershed analysis is still available under the new rules, the Board would need to take a look at the  
7 rules that guide watershed analysis.

8  
9 Miguel Perez Gibson, Conservation Caucus, summarized his thoughts of the February 13, 2008  
10 meeting by addressing climate change, growth management, construction in flood plains, and  
11 whether forest practices models address the situation. He thanked the Board for putting on the  
12 February 13 meeting. He then submitted written comments on the proposed changes for the  
13 desired future conditions (DFC) rule making and stated that the Board should immediately move  
14 forward to adopt the 325 basal area targets.

15  
16 Peter Heide, Washington Forest Protection Association (WFPA), reminded the Board that  
17 watershed analysis is designed for specific landscape areas whereas the Forest Practice rules are  
18 broad rules to be applied throughout the state. All approved watershed analysis are required to go  
19 through SEPA analysis and be reviewed every five years or when major changes occur such as  
20 natural disasters, floods, or climate change.

21  
22 **FOLLOW-UP TO THE DECEMBER 2007 RELATED MEETING ON FEBRUARY 13,**  
23 **2008**

24 Lenny Young, DNR, discussed alternate plans for small forest landowners and how the  
25 Department is looking into resources to assist small forest landowners needing help in the  
26 preparation of alternate plans. The Department is continuing on post storm efforts by working with  
27 Department of Ecology (DOE), and Department of Fish and Wildlife (DFW) to iron out  
28 differences and not slow down the preparation and approval of alternate plans. He also spoke  
29 about focused workshops which have been scheduled as educational opportunities to help people  
30 prepare for storm damage related alternate plans.

31  
32 Chuck Turley, DNR, discussed the focused workshops in detail and provided dates and locations  
33 of future workshops. He explained that the Department's Stewardship and Small Forest  
34 Landowner Offices (SFLO), the Farm Forestry Association and the Washington State University  
35 extension service have all been involved in designing the workshops. He also added that the  
36 Department will be and is willing to provide more hands on help with the FPA process.

37  
38 Bridget Moran suggested that DNR, DFW and DOE develop a strike team with two individuals  
39 from each agency to provide guidance to the small forest landowners who need assistance.

40  
41 Christiansen clarified that the Board has to consider the adaptive management process to change  
42 rules when they are tied to Forests and Fish. She added that the SFLO is not regulatory within  
43 DNR so they certainly can go out and provide assistance to small forest landowners.

44  
45 Fox stated that the approach to help small forest landowners is great because they cannot do it all  
46 themselves.

1 Norm Schaaf is looking ahead to when compliance monitoring reviews storm salvage FPA's, he  
2 feels that due to the difficulty and danger involved that there has to be allowances for being in or  
3 out of compliance. It cannot be done with the same degree of precision as under regular  
4 circumstances.

5  
6 Chuck Turley, DNR, added that safety is first and that it will be addressed at every meeting with  
7 landowners. He added that different hazards and solutions for storm related FPA's have been  
8 brought up at the Timber/Fish/Wildlife (TFW) meetings to assure that people are not being put in  
9 hazardous situations. He then stated that compliance monitoring has also been discussed at the  
10 TFW meetings and that every application that comes in related to storm damage needs to be  
11 clearly marked "storm damage" to notify the compliance monitoring team.

12  
13 Christiansen added that at best, the riparian rules are complicated even when you have an  
14 undamaged forest, applying an alternate approach that considers different functions under unique  
15 physical circumstances are complex and lengthy. This is a different approach that everyone is  
16 learning together. She assured the Board that this process will not cut corners on resource  
17 protection. She commended the work done by all of the landowners and agencies.

18  
19 Young requested potential agenda topics for the Board field tour.

20  
21 Christiansen asked the Board what they would like to accomplish and achieve on the field tour,  
22 and if it is a high enough priority that they would adjust their schedules to attend.

23  
24 Doug Stinson would like to visit Stillman Creek, and get more information on the age of the old  
25 growth stumps, and the method that was used to log it in the 1940's.

26  
27 Fox was supportive of going out into the field and would like to see both a completed and active  
28 small forest landowner alternate plan. She would also like to have a discussion on how the Board  
29 will set policy and prepare for future storms.

30  
31 Schaaf agreed with Fox and Stinson and added that he would also like to see examples of  
32 completed road maintenance and abandonment planning within the areas where the heaviest  
33 precipitation occurred during the December storm.

34  
35 Brent Bahrenburg stated that a field tour is a priority and it would be a terrific learning experience  
36 for the Board.

37  
38 Young stated that it is time to take a look at the watershed analysis process and the role it plays in  
39 Forests and Fish regulations. He recommended that Department staff consult with representatives  
40 of the TFW caucuses and develop a work plan to bring to the Board. Young listed three key  
41 questions that the analysis should address;

- 42 1. Do watershed analysis prescriptions continue to provide equal or better protection for public  
43 resources and safety than the current rules?
- 44 2. Should the Board continue to allow forest practices to be carried out following watershed  
45 analysis prescriptions in lieu of the current rules?
- 46 3. If so, what infrastructure needs to be rebuilt in order to continue to use watershed analysis with  
47 confidence and perceived credibility?

1 Fox asked Young how many watershed analysis have been prepared in the state and if the  
2 prescriptions are different in each prepared watershed analysis. .

3  
4 Young replied that there are about 80 completed watershed analysis and that the prescriptions  
5 differ between them.

6  
7 Moran appreciated the idea of developing a work plan to address the issue. She commented that  
8 the questions are only focused on watershed analysis when there are other storm related questions  
9 that need to be addressed. She provided a written list of storm related questions from DFW to the  
10 Board.

11  
12 Young stated that the DFW questions could be raised as part of the review of the CMER studies.

13  
14 Tom Laurie added that the question of how to incorporate climate change into the forest practices  
15 regulations should also be addressed.

16  
17 Moran asked Young if he could develop recommendations to go along with the work plan.

18  
19 Young stated that a single recommendation listing the pros and cons will be provided with the  
20 work plan.

21  
22 Christiansen requested that Board staff take a series of questions generated by staff regarding  
23 watershed analysis, in writing from DFW and from the Board discussion and package them into a  
24 work plan. She also requested the work plan be presented in categories:

- 25 • Watershed analysis to address the series of questions around this process
- 26 • Slope stability, to provide to the Board how CMER and other science relative to unstable  
27 slopes are proceeding. The Board can review what work is occurring, what work is in the  
28 planning stages and then identify those gaps that need to be addressed. Policy was also asked  
29 to look at all of these studies together to determine what questions they ask and how they inter-  
30 relate with each other.
- 31 • Review the issues that the December storm event brought to the attention of the Board. Make  
32 recommendations of reviews or audits on how to answer the operational questions to the  
33 Board. Include in the recommendations how the Board should address adaptation measures to  
34 climate change.

35  
36 Staff will present the initial outline of the Work Plan to the Board at the May meeting with  
37 recommendations presented to the Board in six months.

### 38 39 **PUBLIC COMMENT**

40 Terry Franklin stated that she is concerned that the water table near her residence is being  
41 adversely impacted because Grays Harbor County has not been enforcing the Forest Practice rules.  
42 She would like the Board to look at the accumulative effect of forest practices activities on each  
43 sub-basin and to uphold the laws of the state.

44  
45 Steve Stinson, Family Forest Foundation, stated that to maintain a viable family landscape,  
46 solutions must be found to address the disproportionate impacts that the Forests and Fish rules  
47 have had on family forest ownership.

1 Ken Miller, Washington Farm Forestry Association, feels that the adaptive management program  
2 is failing family forest landowners. He feels that any valid science that lowers the regulatory  
3 hurdles and supports the economic viability goals for small forest landowners in the Forests and  
4 Fish rules should be embraced.

5  
6 Peter Heide, WFPA, reminded the Board that there is information that has come from CMER  
7 regarding the analysis of the model implementation tool. The second part of that study will go to  
8 Forests and Fish Policy soon and has good information regarding the implementation of DFC. He  
9 encouraged the Board to move the proposed DFC rules forward as quickly as possible.

10  
11 Heath Packard, Audubon Washington, stated that he supports both the permanent and emergency  
12 rule proposals regarding the Northern Spotted Owl (NSO). He urged the Board to adopt both  
13 proposals. He also requested that the Board make it a priority this calendar year to consider new  
14 NSO information including demographic statistics and the Federal Recovery Plan. The Board  
15 should also look at what the Plan tells us about the state and private lands contribution to spotted  
16 owl recovery. New demographic information about the NSO population indicates that the  
17 precipitous decline is continuing if not at a more rapid rate than initially understood. The  
18 Conservation caucus believes that we can work together to balance the states and private lands  
19 contribution toward owl recovery and a healthy timber economy.

20  
21 Miguel Perez Gibson, Conservation Caucus, stated that the Desired Future Condition (DFC) issue  
22 goes back to 1996- 1997 when the Habitat Conservation Plan (HCP) was first being considered.  
23 Initially establishing no touch buffers were considered, ultimately the current rules were adopted  
24 allowing some harvest within the riparian buffers. The issue is how to bring riparian areas closer  
25 to the natural riparian conditions found in old growth stands. One of the reasons that the  
26 Conservation Caucus has taken issue with the DFC rule making is that they do not believe the  
27 recommended basal area numbers were not properly vetted or confirmed. He said the CMER study  
28 found that the basal area numbers used in forest practices harvests were wrong; that they are too  
29 low and that there should be more trees left within the riparian zones. The Conservation caucus  
30 believes that DFC alternative #2 needs more development time and that the Board should proceed  
31 with DFC alternative #1. The Conservation Caucus is also looking at how well the adaptive  
32 management program is working; we consider the program is not proceeding at pace that we  
33 consider is a sign of success. We recommend that the Board adopt a motion to proceed with the  
34 environmental and economic analysis for DFC alternative #1.

35  
36 Court Stanley, Port Blakely Tree Farms, urged DNR staff to keep working on the DFC rule. He  
37 feels that good progress has been made on DFC rule alternative #2. Progress has been made  
38 towards validating the thinning table to maintain fully stocked stands. We believe that DFC rule  
39 alternative #2 balances riparian protection and simplifies the rules for those landowners that  
40 choose the thinning option.

#### 41 42 **STAFF REPORTS**

43 Darin Cramer, DNR, provided an update on the Adaptive Management Program and how Forests  
44 and Fish Policy is engaged in an effort to review the CMER research strategy and project  
45 prioritization.

1 Gary Graves, DNR, provided a written report on Proposed Harvest Activities in Spotted Owl  
2 Special Emphasis Areas (SOSEAs). The report summarized the total number of FPA's received  
3 to harvest in SOSEAs for years 1999-2002 compared to FPA's received during 2006 and 2007.

4  
5 Moran stated that she would like DNR and DFW to provide an analysis on what the table means.

6  
7 Chuck Turley, DNR, provided a written update on the Board's rule making efforts. The report  
8 included a projected time line and status update for each rule making.

9  
10 David Whipple, DFW, provided a written report that updated the Board on the Wildlife Work Plan  
11 and Landscape Level Wildlife Assessment. The update includes the steps being taken by the TFW  
12 group working on the Wildlife Work Plan.

13  
14 Christiansen asked Whipple for an update on the revised Wildlife Work Plan.

15  
16 Moran replied that it has not moved at all and that there is no desire to revise it.

17  
18 Leslie Lingley, DNR, provided a written report on the status of the compliance monitoring  
19 adjustments that are being made to the program design in response to the completed independent  
20 technical review.

21  
22 Darin Cramer, DNR, provided a written update on the Compliance Monitoring Independent  
23 Technical Review which included the make-up of the committee and the questions that were  
24 addressed during the review.

25  
26 The Board requested that staff make a more specific recommendation at the May meeting.

27  
28 Marc Engel, DNR, provided a written update on Board Manual Section 21, Guidelines for  
29 Alternate Plans. The revised section will be presented to the Board for approval at the May  
30 meeting.

31  
32 Mary McDonald, DNR, provided a written report updating the Board on the Small Forest  
33 Landowner Advisory Committee (SFLC) and Small Forest Landowner Office (SFLO). Highlights  
34 included progress on the long-term application program, forestry riparian easement program and  
35 the family forest fish passage program. The SFLC is working on revising Board Manual Section  
36 21.

37  
38 Fox asked how many long-term forest practices applications have been submitted and approved.

39  
40 Jeff Gallagher, DNR, replied that there has been one application approved, six more are under  
41 review, and fifteen small forest landowners have contacted the DNR for preliminary consultation.

42  
43 Fox commended the SFLO for their dedication and hard work.

#### 44 45 **LEGISLATIVE UPDATE**

46 Lenny Young, DNR, went over a number of legislative bills that could affect the forest practices  
47 program. The DNR was not successful in the budget request seeking funding for the

1 environmental review of the DFC rule making. There has been success with mobilizing the funds  
2 from the Forests and Fish account.

3  
4 **CONVERSION ACTIVITY RULE MAKING**

5 Marc Engel, DNR, requested the Board's approval to file a CR-102, Proposed Rule Making to  
6 initiate rule making to define "conversion activities". Public hearings would be scheduled for  
7 sometime in June.

8  
9 **MOTION:** Brent Bahrenburg moved that the Forest Practices Board direct staff to file  
10 the CR-102 with the Office of the Code Reviser to initiate rule making that  
11 will implement Second Substitute Senate Bill 5883 by adding a definition in  
12 WAC 222-16-010 that defines conversion activities.

13  
14 **SECONDED:** Tom Laurie

15  
16 **ACTION:** Motion passed unanimously

17  
18 **HISTORIC SITES RULE MAKING**

19 Sherri Felix, DNR, requested approval to file a CR-102, Proposed Rulemaking, along with a  
20 preliminary economic analysis, for rule making on historic sites.

21  
22 **MOTION:** Norm Schaaf moved that the Forest Practices Board direct staff to file the  
23 CR-102 with the Office of the Code Reviser to initiate rule making relating  
24 to historic sites. The rule proposal will amend WAC 222-16-010 and 222-  
25 16-050 by removing the historic sites definition, clarifying historic sites as a  
26 Class IV-special SEPA trigger and addressing ambiguities in and  
27 inconsistencies between Class IV-special and Class III.

28  
29 **SECONDED:** Bridget Moran

30  
31 **ACTION:** Motion passed unanimously

32  
33 **PILOT RULE MAKING FOR THE TYPE N EXPERIMENTAL BUFFER PROJECT**

34 Darin Cramer, DNR, requested the Board's approval to submit a CR-101, Pre-proposal Statement  
35 of Inquiry, for a pilot rule on the even aged harvest study.

36  
37 **MOTION:** Tom Laurie moved that the Forest Practices Board approve the Type N  
38 Experimental Buffer pilot rule making and direct staff to file the pre-notice  
39 of inquiry (CR 101) with the Office of the Code Reviser to inform the  
40 public.

41  
42 Pilot riparian management zone (RMZ) and sensitive site rules were  
43 previously approved by the Board on February 14, 2007 in order to apply  
44 the riparian treatments to four of the non-fish bearing streams included in  
45 this study. In addition to the previously granted pilot RMZ rule, a pilot  
46 even-aged harvest rule is required in order to apply the designated treatment  
47 at one site included in this study. The pilot will test the effectiveness of  
48 riparian management approaches that differ from the current rules in



1 providing riparian functions along non-fish bearing streams in western  
2 Washington. The research could result in new rules developed through the  
3 adaptive management process.  
4

5 Forest practices will be processed and conducted in accordance with the  
6 study plan and the CR101.  
7

8 **SECONDED:** Sherry Fox  
9

10 **ACTION:** Motion passed unanimously  
11

## 12 **CMER MEMBERSHIP UPDATE**

13 Darin Cramer, requested Board approval to make changes to the CMER membership roster.  
14

15 **MOTION:** Tom Laurie moved that the Forest Practices Board approve Table 2 as the  
16 current CMER roster that reflects Kirk Krueger and Nancy Sturhan as  
17 alternates and Julie Dieu as a core member.  
18

19 **SECONDED:** Norm Schaaf  
20

21 **ACTION:** Motion passed unanimously  
22

## 23 **DESIRED FUTURE CONDITION RULE MAKING**

24 Chuck Turley, DNR, provided a status report on the DFC rule making and the associated work  
25 done by program staff and stakeholder representatives. He explained that the preliminary  
26 economic analysis was revised to include Alternative #2, but that much work on the rule proposal  
27 still needed to be accomplished. A review group of stakeholder representatives concluded that the  
28 first thinning table in alternative 2 needs significant improvement, and there are several problems  
29 with the current DFC model which uses the ORGANON growth modeling program. We now  
30 understand the model estimates the growth of hemlock at too high a rate, and it wouldn't run  
31 correctly when the target numbers were changed from the five current site class numbers to the  
32 one target basal area number.  
33

34 Moran asked whether the current model runs consistently and correctly using the five site class  
35 numbers. Turley responded that it does, but revising the target basal area number caused an  
36 inadvertent change and we don't know why.  
37

38 He said DNR is negotiating a contract with Dr. Eric Turnblom, College of Forest Resources at the  
39 University of Washington (UW), to offer significant help in three areas:

- 40 • Determine why the current model does not operate consistently and accurately and how to fix  
41 it;
- 42 • Determine if there is an appropriate alternative to the current DFC model process and metrics,  
43 and if so how the alternate pathway can be used;
- 44 • Fix the problems with the current model and put it onto a server to run it.  
45

46 Turley said Dr. Turnblom estimated the time it would take to research what it would take to fix the  
47 three issues; he said he could report back to DNR in time to provide information to the Board at  
48 the May meeting He asked the Board for direction: Should DNR start the environmental analysis

1 on both of the DFC alternatives before the issues are addressed, try to accomplish some of the  
2 fixes before starting the environmental analysis, or does the Board have some other preference?  
3

4 Schaaf noted that Dr. Turnblom had been asked to determine if there is an appropriate alternative  
5 to the current model and metrics used, and asked whether that meant a potential deviation from  
6 using basal area as the metric. Turley said yes.  
7

8 Schaaf then asked if the target basal area of 325 square feet per acre was derived using a number  
9 of different studies and if the target number represented a mix of species including hardwoods.  
10 Turley answered that was correct, that there was not a differentiation between the species in the  
11 DFC validation report; however the basal area number didn't come from the validation report –  
12 that report indicated that the current basal area numbers are too low. Schaaf said he would like to  
13 see more work to change the modeling process to achieve a species oriented basal area target  
14 number. We are trying to apply a fir basal area target to hemlock and vice versa. If we are going  
15 to split by species in terms of determining how basal area grows in achieving the targets, it seems  
16 that we should determine the appropriate target by species. Turley said that was certainly  
17 something that could be looked at.  
18

19 Laurie said he was for determining if there is an appropriate alternative to the current DFC model  
20 process, and developing it. He said he didn't believe ORGANON would need to be fixed. Turley  
21 answered that fixing the model is necessary so that we have something to measure a different  
22 paradigm against.  
23

24 Christiansen reviewed why the Board is dealing with this situation today. The Forests and Fish  
25 negotiators used the information that was available to them at the time to create the DFC model.  
26 Though it has been said that the adaptive management process is not working in the development  
27 of DFC rules, the Board has taken the DFC validation study to try to get to the right spot. The  
28 study informed the Board of needed changes, and Policy did not provide the Board with any  
29 alternatives, so the Board requested alternatives to consider. The Board has requested analysis of  
30 those alternatives that have come forward. These analyses have found issues that are binding us  
31 from achieving the recommendations of the validation study. We are trying to keep some options  
32 in play knowing that the Board wants to get the right ecological targets in place at the least  
33 economic cost to the industry. To do DFC rule Alternative #1 is problematic because the model  
34 does not work with the one target basal area of 325, and the issue of ORGANON needs to be fixed  
35 so that the look-up tables in the model can be fixed. Furthermore, in Alternative #2 there are some  
36 assumptions about the relationships of the different functions of riparian protection that will  
37 require environmental analysis.  
38

39 In the adaptive management process we have several options. One is to wait for complete CMER  
40 studies and another, which the Board has decided to do, is to analyze the inner relationships of the  
41 proposal to see that riparian functions are maintained in whole. We currently don't have a working  
42 DFC model to run that analysis and there are questions in confirming the pathway of the thinning  
43 table.  
44

45 The Board needs to figure out how to get the best options to complete the last step of adaptive  
46 management. The Board is trying very hard to use the validation study recommendations to get us  
47 to an end point where we can have achievable results on the ground.  
48

1 Dobbs said there have been real process problems and that she supported efforts to determine if an  
2 appropriate alternative to the current DFC model process. She recommended that no  
3 environmental or economic analysis of either alternative rule proposal take place until we figure  
4 out the best pathway to pursue.

5  
6 Moran said she agreed and found the process to be discouraging. She recommended no  
7 environmental or economic analysis of the rule alternatives because of the problems with the  
8 model, and Alternative #2 will significantly more time and effort.

9  
10 Stinson recommended that the Board go slowly because of the complexities of the issues.

11  
12 Fox said it's very important for t to correctly resolve the DFC issue because improper resolution  
13 could increase the economic impacts to the timber industry. The current model needs to be fixed  
14 and put onto a server that landowners can access.

15  
16 Christiansen acknowledged what members had expressed, and said she didn't want anything  
17 slowed down but wanted the experts to be allowed to develop recommendations that may expedite  
18 the process or provide a simplified model.

19  
20 Moran said she agreed and was glad to see that the possibility of researching being a third  
21 alternative, and the number one priority of the UW contract.

22  
23 Schaaf said under current rules there are relatively few applications that would be eligible for the  
24 DFC thinning option, and of those applications that have been thinned, most resulted in leaving  
25 the basal area target of 325 square feet per acre. This is because of the other thinning requirements  
26 in current rule. So in terms of risk management, there should not be a great deal of concern by  
27 moving judiciously to come up with the right DFC solution. He said he supported trying to fix the  
28 problems with the DFC model.

29  
30 Moran reminded the Board that because the DFC model is based on a flawed version of  
31 ORGANON that we don't know if our efforts will result in reaching the target basal area of 325  
32 square feet per acre.

33  
34 Christiansen noted that even though the process would continue to be delayed, the underlying  
35 issues needed to be addressed to get to the right policy place.

36  
37 Dobbs said the path being discussed was outside of the historically used adaptive management  
38 process. She said she was concerned that if the development of a third alternative doesn't play out  
39 the Board will need to get back onto a more traditional track of adaptive management, and  
40 suggested that Policy and possibly the CMER groups be pulled back to the table while we are  
41 working on technical issues.

42  
43 Christiansen suggested that Policy and even the Board need to take a collective look at the larger  
44 picture of the riparian studies that are under way including the questions that the studies are  
45 researching. Are they the right questions, are we doing the right protections that were intended,  
46 and are the rules working accordingly?

47

1 Cramer said there is no on-the-ground study of type F streams in western Washington because the  
2 rule prescriptions may be in flux. Before CMER can do work, they need a riparian prescription  
3 that they can study. There is one type F study in the very early stages looking at riparian  
4 effectiveness.

5  
6 Schaaf said he was not against looking at other paradigms or alternatives but he felt there are three  
7 things needed first: Fix the hemlock growth rate model; fix the DFC model to be used with both  
8 proposed DFC rule alternatives; and have peer review done on the thinning table of DFC rule  
9 Alternative #2. He also said he supported the contracted work by Dr. Turnblom to potentially  
10 develop a third DFC rule alternative.

11  
12 Moran commented that though she wanted the UW to put a priority on developing a third  
13 alternative she also supported fixing the issues associated with the current DFC model.

14  
15 Christiansen summarized that the Board's response to the DNR is to continue with all initiated  
16 work, to pursue the contracted work from the UW to fix the DFC model, and to research a  
17 possible third DFC alternative that is easier to use. She said she wanted Dr. Turnblom to present a  
18 pathway to the Board at the May meeting, including a timeline and work plan including the costs  
19 to fix the model and develop a third alternative.

20  
21 Dobbs asked Turley if he knew when Oregon State University (OSU) will fix the hemlock growth  
22 modeling problems in ORGANON. Turley said he hadn't talked to OSU, but as soon as he finds  
23 out he will let the Board know of the timing.

24  
25 Christiansen requested that staff prepare a letter for the Chair's signature to send to OSU  
26 requesting an official update on the status of the ORGANON program.

27  
28 Schaaf recommended adding a clause to the UW contract requiring them to meet their contractual  
29 timelines or if they don't we have the right to seek answers elsewhere.

30  
31 Young asked for clarification that the Board does not want DNR to work on either the  
32 environmental or economic analysis for either of the DFC rule alternatives or to hold public  
33 hearings on the two proposed rule alternative until all other issues are resolved.

34  
35 Christiansen said that was correct.

### 36 37 **NORTHERN SPOTTED OWL UPDATE**

38 Lenny Young, DNR, told the Board that the comment period on the draft federal recovery plan  
39 was twice extended. The U.S. Fish and Wildlife Service (USFWS) contracted with the Sustainable  
40 Ecosystems Institute (SEI) to review all of the received comments and prepare potential responses.  
41 The USFWS will use expert panels to augment its own staff to review the input from SEI and  
42 begin the process of translating that into a final recovery plan. The old interagency support team,  
43 the supporting players that actually did the heavy lifting for the recovery team, will be writing the  
44 recovery plan for the USFWS. The regional director of the USFWS has requested that Young  
45 assist as a liaison between the former and new recovery team. The final recovery plan may be  
46 issued as soon as the end of April or early May.

1 Young stated the purpose for the Board’s two Northern Spotted Owl (NSO) rule making proposals  
2 are to extend the rule to maintain the moratorium on decertifying NSO site centers. This will allow  
3 the Board time to wrestle with the substantive conservation questions that were originally deferred  
4 until the draft federal recovery plan became available. If adopted, the permanent rule will extend  
5 the moratorium until December 31, 2008. This will give the Board until the November 12, 2008,  
6 regular Board meeting to review and change any NSO rules.

7  
8 Bridget Moran, DFW, presented an update on the Wildlife Work Plan. She said the predominant  
9 species are being covered by a landscape level wildlife assessment. The assessment is a modeling  
10 exercise looking at all existing rules and protections. The wildlife workgroup met a couple of  
11 times to discuss possible incentives and mechanisms for landowners. Moran asked the Board  
12 members what type of conservation approach they wanted the group to look at; multi-species  
13 conservation, single species conservation, or to pursue endangered species coverage.

14  
15 Christiansen said the Board’s motion requested DFW to work in a collaborative process with  
16 stakeholders to develop research strategies to evaluate the USFWS Protocol Survey and to  
17 evaluate future conservation strategies by December 31, 2008. The Board had discussed the  
18 voluntary nature of data management and the fact that the data is not up to date. She asked if DFW  
19 plans to evaluate that and to define a strategy in a collaborative manner with stakeholders.

20  
21 Moran stated that a draft protocol for the Wildlife Work Plan may be written up by next spring,  
22 and was asking for a general conservation strategy.

23  
24 Dobbs said the Board should not be so focused on a single species, but on determining broader  
25 habitat issues for multiple species.

26  
27 Stinson said he thought the Board should steer away from a single species approach and focus on  
28 the species present of the landscape today.

29  
30 Bahrenburg said he supported the management of overall healthy habitat for multiple species and  
31 didn’t want the Board to only manage for spotted owl habitat.

32  
33 Fox also supported the landscape level habitat approach. She said that on each ownership habitat  
34 can be provided for a different species. She said she felt frustrated about continuing the emergency  
35 spotted owl rule because the focus should not be just on the spotted owl.

### 36 37 **NORTHERN SPOTTED OWL RULE MAKING**

38 Gretchen Robinson, DNR, summarized the two potential Northern Spotted Owl rule makings  
39 before the Board. She requested the Board adopt the permanent rule proposal which would  
40 continue a moratorium on decertification of Northern Spotted Owl site centers until December 31,  
41 2008. She added that if the Board adopted the rule, an emergency rule would be needed to  
42 continue the current moratorium until the permanent rule became effective.

43  
44 **MOTION:** Bridget Moran moved that the Forest Practices Board adopt the permanent  
45 rule proposal that amends the “Northern Spotted Owl site center” definition  
46 and direct staff to file a CR-103 Rule Making Order with the Office of the  
47 Code Reviser. The permanent rule amends WAC 222-16-010 by extending

1 the moratorium on decertifying Northern spotted owl site center to December  
2 31, 2008.

3  
4 **SECONDED:** Carolyn Dobbs

5  
6 Board Discussion:

7 Stinson said he felt the Board was putting a heavy burden on landowners who own the land  
8 containing the owl site centers, wasn't comfortable moving forward with this motion.

9  
10 Fox stated that the Board has to be smarter on how conservation measures are moved for all  
11 species, not just owls. The species-by-species approach is not in the best interest of the forest  
12 industry or the species.

13  
14 Ann Wick said she agreed with Sherry Fox and Doug Stinson.

15  
16 Dobbs stated that she was supportive of the motion.

17  
18 Christiansen said there many other components that the Board is trying to work through other than  
19 just habitat.

20  
21 **ACTION:** Motion passed. 6 support / 3 oppose (Schaaf, Stinson and Fox) / 1 abstention  
22 (Hagiwara)

23  
24 **MOTION:** Vicki Christiansen moved that the Forest Practices Board direct staff to file a  
25 CR-103 Rule Making Order with the Office of the Code Reviser by February  
26 28, 2008, to change the definition of "Northern Spotted Owl site center" in  
27 WAC 222-16-010 to extend the moratorium on decertifying Northern spotted  
28 owl site centers to June 27, 2008. The Board finds that this immediate rule  
29 change is necessary for the preservation of the public general welfare  
30 because:

- 31 1. the amount of suitable habitat within Spotted Owl Special Emphasis  
32 Areas, outside areas that are being managed under the aegis of a  
33 habitat conservation plan or similar agreement, has declined by an  
34 average of 16 percent since this rule was adopted,
- 35 2. habitats recently occupied by spotted owls are potentially important to  
36 spotted owl recovery and should be maintained until a draft recovery  
37 plan has been completed and the Board has had the opportunity to  
38 consider ramifications of decertifying additional sites in light of  
39 recovery strategies and goals,
- 40 3. fewer plans to conserve spotted owl habitat at a landscape level have  
41 been developed than was anticipated when this rule was adopted, and  
42 4. with few landscape-level plans, the forest practices rules continue to  
43 rely heavily upon the regulation of timber harvest at individual spotted  
44 owl sites to provide habitat conservation.

45  
46 **SECONDED:** Bridget Moran

1 **ACTION:** Motion passed. 7 support / 1 oppose (Stinson) / 2 abstentions (Fox and  
2 Hagiwara)  
3

4 **SEPTEMBER RETREAT PLANNING**

5 Chuck Turley, DNR, asked the Board to choose the dates for the September retreat which would  
6 focus on DFC. He added that a tentative agenda will be provided at the May 21, 2008 meeting.  
7

8 The decision was to schedule it on September 24<sup>th</sup> & 25<sup>th</sup> in the Pacific Cascade Region, within  
9 the Capitol Forest and surrounding areas.  
10

11 **ADJOURNMENT**

12 Meeting adjourned at 4:00 p.m.  
13  
14