

1 **FOREST PRACTICES BOARD**  
2 **Regular Board Meeting – May 13, 2020**  
3 GoToWebinar  
4

5 *Meeting materials and subject presentations are available on Forest Practices Board's website.*  
6 <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>  
7

8 **Members Present**

9 Stephen Bernath, Chair, Department of Natural Resources  
10 Ben Serr, Designee for Director, Department of Commerce  
11 Bob Guenther, General Public Member/Small Forest Landowner  
12 Brent Davies, General Public Member  
13 Carmen Smith, General Public Member/Independent Logging Contractor  
14 Dave Herrera, General Public Member  
15 Jeff Davis, Designee for Director, Department of Fish and Wildlife  
16 Kelly McLain, Designee for Director, Department of Agriculture  
17 Noel Willet, Timber Products Union Representative  
18 Paula Swedeen, General Public Member  
19 Rich Doenges, Department of Ecology  
20 Tom Nelson, General Public Member  
21 Vicki Raines, Elected County Commissioner  
22

23 **Staff**

24 Joe Shramek, Forest Practices Division Manager  
25 Marc Engel, Senior Policy Planner  
26 Mary McDonald, Forest Practices Assistant Division Manager  
27 Patricia Anderson, Rules Coordinator  
28 Phil Ferester, Senior Counsel  
29

30 **WELCOME AND INTRODUCTIONS**

31 Chair Bernath called the Forest Practices Board (Board) meeting to order at 9:05 a.m. Roll call of  
32 Board members was made.  
33

34 **GOTOWEBINAR FORMAT BRIEFING**

35 Marc Engel, DNR, described how the open public meeting will function through the GoToWebinar.  
36

37 **REPORT FROM CHAIR**

38 Chair Bernath reported on:

- 39 • DNR's objectives for continuing essential work during Covid-19: (1) keep DNR employees safe,  
40 (2) keep the partners we work with safe, (3) provide continuity of essential programs and (4)  
41 communicate regularly as things change. The region offices are closed, but DNR has provided  
42 drop boxes for Forest Practices Applications (FPA) and staff is routinely checking incoming mail.  
43 • The Forest Practices Division has considered processing FPAs essential work. To avoid risks,  
44 members of the Washington Forest Protection Association (WFPA) and Washington Farm  
45 Forestry Association (WFFA) were asked to temporarily submit only necessary FPAs at this time  
46 and to consider the timing of complex FPAs which typically need coordination between DNR staff  
47 and Timber, Fish and Wildlife partners.

- 1 • Field work for the programs under the Small Forest Landowner Office, Adaptive Management  
2 Program (AMP) field projects and Compliance Monitoring Program visits are not considered  
3 essential work at this time. DNR is assessing phase one of the Governor's plan to see if staff can  
4 safely perform work with social distancing and use of personal protective equipment.
- 5 • Senate Bill 6488 relating to herbicides did not pass and the budget proviso for related work was  
6 vetoed. Additionally, the final budget did not resolve the forest practices shortfall. The small  
7 amount of money provided to provide additional on-the-ground technical assistance in the Small  
8 Forest Landowner Office will be implemented later in the biennium because it wasn't enough to  
9 fund a full-time position.

## 10 11 **APPROVAL OF MINUTES**

12 **MOTION:** Noel Willet moved the Forest Practices Board approve the February 12, 2020 meeting  
13 minutes as amended.

14  
15 **SECONDED:** Tom Nelson

16  
17 Board Discussion:

18 Chair Bernath requested the word “public” be added before “safety” in the last line under the Report  
19 from the Chair.

20  
21 **ACTION:** Motion passed. (12 Support / 1 Abstention (Sweden))

## 22 23 **CMER MASTER PROJECT SCHEDULE REVIEW AND FY 2021 CMER BUDGET** 24 **RECOMMENDATION**

25 Mark Hicks, Adaptive Management Program Administrator (AMPA), requested Board approval of  
26 the updated [Master Project Schedule](#) budget as recommended by the TFW Policy Committee  
27 (Policy). He acknowledge Policy’s hard work to achieve a consensus recommendation under a  
28 challenging budget situation. They were faced with making substantial cuts to the budget before the  
29 end of the current biennium and have one year to bring spending into alignment with what is  
30 available. He said the total reduction to the AMP is \$1.9 million – a substantial portion of the budget.

31  
32 Hicks stated that over the previous month, AMP staff and cooperators had identified changes in  
33 planned ongoing research that would meet this targeted reduction by the end of the current biennium.  
34 In making the recommended changes, Policy acknowledged general program priorities:

- 35 • Retain projects already in the implementation phase with approved study designs;
- 36 • Clean Water Act Assurance projects;
- 37 • Type Np rule alternative proposal implementation projects; and
- 38 • Deep seated landslide research implementation projects.

39  
40 Hicks conveyed that the revised Master Project Schedule is Policy’s best effort to reduce  
41 expenditures while minimizing long-term detriment to existing and planned research. He said this  
42 approach will delay many important projects, and stressed that it will be important to correct the  
43 budget shortfall as soon as possible.

44  
45 He said some of the \$1.9 million cost reductions will come from administrative adjustments:

- 46 • Postponing the hiring of two vacant Cooperative Monitoring, Evaluation and Research  
47 Committee (CMER) positions until next biennium;

- 1 • Delaying the CMER Science Conference;
- 2 • No longer retaining set-aside money for Policy Committee facilitation; and
- 3 • Needing to pay less indirect costs because of the reduced number of positions funded for the
- 4 remainder of the biennium.

5  
6 Project managers were also able to identify AMP savings by:

- 7 • Eliminating the use of contractors and using internal resources for the unstable slopes projects;
- 8 • Eliminating additional sample sites for the Eastside Type N Riparian Effectiveness Project
- 9 (ENREP);
- 10 • Eliminating the \$552,000 allocated for the second half of the biennium to be used for the potential
- 11 habitat break (PHB) validation study design and for developing study designs for default
- 12 physicals and the lidar model;
- 13 • Moving field implementation of the Riparian Characteristics and Shade Response Study out
- 14 another year; and
- 15 • Delaying implementation of the Forested Wetlands Effectiveness Study.

16  
17 He said the two million dollar cumulative balance shown on the bottom of the spreadsheet (row 80,

18 column J) is really the cuts to the program, not a surplus.

19  
20 Chair Bernath asked if the elimination of study sites for ENREP will affect the power of the study.

21  
22 Hicks said both the research team and CMER members believe there is an adequate sample size to

23 make solid inferences.

24  
25 Board member Nelson said he is generally supportive of the changes. He asked if approving the

26 changes today would prohibit the Board from re-adjusting the Master Project Schedule if another

27 round of budget cuts is needed after Department of Revenue’s June economic forecast.

28  
29 Hicks said Policy did discuss the potential need to make future adjustments. He said Policy strived to

30 ensure that flexibility was built into their decisions and to better position themselves to make

31 additional changes if needed.

32  
33 Board member Swedeen asked how a negative revenue forecast and additional agency budget cuts

34 will be addressed.

35  
36 Chair Bernath said there is talk of a special legislative session, but no firm decision has been made. If

37 the Forests & Fish Support Account (FFSA) revenue forecast falls below \$8.5 million for the

38 biennium, additional adjustments may need to occur.

39  
40 Board member Doenges asked Hicks to address how the funding prioritization addressed the Clean

41 Water Act (CWA) assurances projects.

42  
43 Hicks highlighted some of the CWA projects and said prioritization and cost savings were addressed

44 by:

- 45 • recommending no funding reductions to the hard rock or soft rock studies;
- 46 • performing some of the work for the unstable slopes projects with current UPSAG cooperators and
- 47 CMER science staff;

- 1 • continuing the Roads Prescriptions Scale Study, but delaying some of the internal parameterization  
2 experiments; and
- 3 • delaying the Forested Wetlands Effectiveness study.

4  
5 **PUBLIC COMMENT ON CMER MASTER PROJECT SCHEDULE REVIEW AND FY 2021**  
6 **CMER BUDGET RECOMMENDATION**

7 Jim Cahill, Office of Financial Management (OFM), said his agency appreciates the hard work to  
8 address the budget reductions and that OFM will continue to work with DNR by looking at the  
9 revenue forecast to address changes. He values the approach taken by DNR.

10  
11 Jim Peters, Northwest Indian Fisheries Commission, said the western Washington tribes support the  
12 budget recommendations. He encouraged TFW stakeholders to work together to educate legislators  
13 on the importance of the AMP and the program’s connection to the Forest Practices Habitat  
14 Conservation Plan. This reminder needs to occur every year and they have been successful when  
15 everyone teamed up. He suggested stakeholders, DNR and state budget folks work together on  
16 budget issues to ensure salmon habitat restoration and water quality remain priorities. He also  
17 suggested Policy representatives remain proactive in the process and monitor trends rather than  
18 coming in late when cuts are being proposed.

19  
20 Darin Cramer, WFFPA, acknowledged the consensus budget achievement and said it is a win that  
21 should be celebrated. It was a result of the AMPA and his staff’s hard work in getting folks prepared  
22 to reach a conclusion. He said the process shed a light on three things that need addressing: (1) Policy  
23 should have a good understanding of the FFSA balance and expenditures in front of them at all times  
24 – perhaps a review each quarter, (2) the disparities in participation grants to non-government  
25 organizations (NGO) and (3) additional work is needed to stay proactive during the legislative  
26 session to support the AMP.

27  
28 Elaine O’Neal, WFFA, said it was tough to make these cuts and acknowledged that the AMPA was  
29 able to facilitate reaching a consensus recommendation to cut costs without cutting value. She is  
30 pleased the budget retains the NGO participation grants to ensure small forest landowners remain at  
31 the table. She recommended the Board approve the budget. She added that she was surprised to learn  
32 of the inequities in participation grants between NGOs and the conservation caucus and will be  
33 asking for equal funding for the next biennium.

34  
35 **CMER MASTER PROJECT SCHEDULE REVIEW AND FY 2021 CMER BUDGET**  
36 **RECOMMENDATION**

37 **MOTION:** Vicki Raines moved the Forest Practices Board approve the adjustments to the FY  
38 2019-2021 Adaptive Management Program Biennial Budget.

39  
40 **SECONDED:** Bob Guenther

41  
42 Board Discussion:  
43 None.

44  
45 **ACTION:** Motion passed unanimously.  
46  
47  
48

1 **NORTHERN SPOTTED OWL UPDATE**

2 Joe Buchanan, Department of Fish and Wildlife (WDFW), provided a [presentation](#) on the status of  
3 the northern spotted owl (NSO) in Washington. The presentation included the status of the owl,  
4 species distribution, an overview of the rules and the owl's preferred habitat. The NSO was classified  
5 as endangered in Washington State in 1988 and listed as threatened in 1990. The owl's range in  
6 Washington includes the Olympic Peninsula, the Cascade Range and lands extending east of the  
7 Cascade crest into the Yakama Nation.

8  
9 Buchanan presented a brief history of how the NSO forest practices rules evolved over time. He said  
10 the purpose of the rules are to minimize impacts to the owl by establishing a process for evaluating  
11 FPAs that involve critical habitat – the rules are not intended to be a recovery action or recovery plan.  
12 The limiting habitat factors for owl recovery include habitat loss from timber harvest and fire. One of  
13 the biggest threats now is the presence of the barred owl in traditional NSO habitats. The current  
14 NSO status is being monitored in a series of large landscapes throughout Washington, Oregon and  
15 California. He said all indicators show that NSO populations are declining significantly in most study  
16 areas.

17  
18 Buchanan said the barred owl arrived in Washington state in the 1960s and then quickly spread south  
19 through the entire range of the NSO. There is work being done to conduct barred owl removal  
20 experiments including both removal sites and control areas. The studies indicate some success for  
21 barred owl removal, but given the barred owl's general habitat needs and opportunistic  
22 characteristics, it is not feasible to remove all barred owls. Some models show that even if NSO  
23 habitat is protected and barred owls remain at their current densities, the population of spotted owls  
24 will still decline in a fairly short period of time.

25  
26 Board Member Swedeen asked Buchanan to expand on the importance of habitat maintenance in  
27 light of the barred owl threat.

28  
29 Buchanan said the barred owl impact is a dramatic situation. The modeling indicates that if the barred  
30 owl is not addressed, it will not matter how much NSO habitat is protected because the barred owl  
31 population has saturated the landscape. For recovery to occur, the NSO needs landscapes with a  
32 lower density of barred owls and the appropriate quality and distribution of habitat to support  
33 breeding populations of the spotted owl.

34  
35 **PETITIONERS' REQUEST FOR RULE MAKING RELATING TO THE NORTHERN**  
36 **SPOTTED OWL**

37 Todd Thorn, North Central Washington Audubon Society, provided a summary of their initial  
38 petition for rule making that the Board reviewed and subsequently denied in November 2019. That  
39 petition requested a review of spotted owl special emphasis areas (SOSEA) in eastern Washington, a  
40 moratorium be imposed on timbers harvests in Eastern Washington and verification that the current  
41 SOSEA habitat rules were being adhered to by DNR.

42  
43 He stated that since the original petition was denied and that their issues were not resolved at the  
44 February 2020 Board meeting, Audubon felt they should submit a second petition. They looked at the  
45 rules and identified several shortcomings and provided several new recommendations. He said their  
46 petition will lead to increased effectiveness of SOSEAs as a mechanism for protecting the NSO and  
47 as stated in Buchanan's presentation, the need to maintain suitable NSO habitat across the landscape.

1 Mark Johnston, North Central Washington Audubon Society, said they are pleased that WDFW is  
2 working to find ways to resolve the nesting owl pair situation their petition referenced. However, he  
3 said they are disappointed to see that WDFW recommends against the Board acting to strengthen the  
4 rules. He outlined their updated requests:

- 5 1. Expand the scope of their petition to apply to the entire state;
- 6 2. Assess if the issues within the Blewett SOSEA exist in other SOSEAs;
- 7 3. The petition addresses the barred owl concern by seeking to prevent NSO habitat fragmentation;
- 8 4. Develop plans to remedy the habitat shortfalls listed in WAC 222-10-041;
- 9 5. DNR to provide documentation that mitigation measures in WAC 222-10-041 are being  
10 considered;
- 11 6. Maximize the potential critical habitat that SOSEAs offer to the NSO; and
- 12 7. Develop management plans for each SOSEA across the state for promoting habitat.

13  
14 He said they hope the Board will consider acting on the recommendations outlined in their petition  
15 and thanked the Board for allowing them to state their concern.

16  
17 Board Member Swedeen thanked Thorn and Johnston for submitting their petition and asked if they  
18 have information about situations in other SOSEAs, especially in the Eastern Cascades where stands  
19 just missing habitat definitions are being harvested.

20  
21 Johnston said they are not aware of any other situations.

22  
23 Board Member Davies asked about other harvest trends that might be occurring in other SOSEAs.

24  
25 Gary Bell, WDFW, said there doesn't seem to be a trend in other SOSEAs – the habitat conditions in  
26 the Blewett SOSEA seem to be unique. He said DNR and WDFW work with landowners to ensure an  
27 adequate review of habitat conditions occurs during a FPA review. Depending on the habitat  
28 situation, DNR may request additional habitat data or vegetation plot information to confirm habitat  
29 or stand characteristics when reviewing proposal FPAs.

30  
31 **PETITION FOR RULE MAKING RELATING TO THE NORTHERN SPOTTED OWL**

32 Marc Engel, DNR, summarized the [petition for rule making](#) process and provided for the Board's  
33 consideration a staff recommendation to deny the petition for rule making. The petition requests  
34 changing the definition of suitable habitat, expanding the administration of the SEPA rule and  
35 repealing the small parcel exemption from lands designated as critical habitat. The petition also  
36 requests actions to provide a review of current suitable habitat and a survey to determine the extent of  
37 suitable habitat within each circle and to establish long-term plans for each SOSEA.

38  
39 He said a coordinated effort by DNR and WDFW is needed to address the complex issues raised in  
40 the petition and to make concerted recommendations – he referenced the [WDFW recommendation](#)  
41 provided to the Board. He stated DNR supports WDFW's findings that the barred owl, not the Forest  
42 Practices habitat definition in rule, is the main issue threatening the NSO. DNR and WDFW have  
43 found that there have been no recent FPAs that have proposed harvesting within suitable owl habitat  
44 and that DNR has adhered to the rule requirements for environmental review under the SEPA  
45 policies.

46  
47 Engel said DNR recommends the Board deny the petition and not amend the rules related to NSO  
48 habitat. DNR also recommends that DNR and WDFW continue to work with interested landowners

1 to develop conservation options for the area of concern and report on the progress at the August 2020  
2 meeting. He also recommended that the agencies commit to exploring what kind of effort it would  
3 take to review whether the habitat goals for the North Blewett SOSEA have been achieved over the  
4 last 25 years and report back to the Board on the process, timing and resources needed for this  
5 evaluation.

6  
7 **PUBLIC COMMENT ON PETITION FOR RULE MAKING**

8 Doug Hooks, WFFPA, highlighted the role private landowners play in contributing to spotted owl  
9 habitat conservation. He clarified a couple of points made in the petition related to the status of the  
10 habitat determination – habitat determinations did not occur on the site located by the owl in 2017  
11 and harvest activities did not occur in the same area the owl occupied. He said WFFPA supports  
12 DNR’s recommendation to deny the rule petition and appreciates the recognition and by both DNR  
13 and WDFW on the value of the relationships and collaboration with the landowners. He said WFFPA  
14 supports a re-evaluations of habitat and requested the work be done in coordination with affected  
15 landowners.

16  
17 Steve Barnowe-Meyer, WFFA, said they support the staff recommendation to deny the petition. He  
18 also supports many of the points made by Doug Hooks.

19  
20 Vic Musselman, WFFA, said that small forest landowners support protecting NSO habitat and are  
21 definitely interested in the potential benefits of the Safe Harbor Agreement currently being worked  
22 on within DNR through stakeholder outreach. However, the current draft of the agreement is not  
23 considered usable by WFFA members and most small forest landowners and look forward to working  
24 with DNR to improve it in the future.

25  
26 **PETITION FOR RULE MAKING RELATING TO THE NORTHERN SPOTTED OWL**

27 **MOTION:** Jeff Davis moved the Forest Practices Board deny the petition for rulemaking related  
28 to the northern spotted owl. I further move the Board encourage DNR and WDFW to  
29 continue to work with landowners to develop conservation options for the area of  
30 concern and report progress to the Board at the August 2020 meeting. He further move  
31 that DNR and WDFW meet to develop a path forward.

32  
33 **SECONDED:** Kelly McLain

34  
35 Board Discussion:

36 The Board discussed friendly amendments to the motion based on public comment. Board members  
37 agreed that additional language be included – “timing and resources” and “reconvening the NSO  
38 Implementation Team to examine what actions can be taken to implement the  
39 recommendations”. Board members also agreed based on the Joe Buchanan’s presentation, that the  
40 word “habitat” before the word “conditions” be removed.

41  
42 **REVISED**

43 **MOTION:** Jeff Davis moved the Forest Practices Board deny the petition for rule making related  
44 to the northern spotted owl. Davis further moved the Board encourage DNR and  
45 WDFW to continue to work with landowners to develop conservation options for the  
46 area of concern and report progress to the Board at the August 2020 meeting. He  
47 further moved that DNR and WDFW meet to develop a path forward for reviewing the

1 success in achieving the goals of the North Blewett Pass SOSEA over the last 25 years  
2 and report back to the Board on process, timing and resources required.

3  
4 He further moved that DNR re-convene the northern spotted owl Implementation  
5 Team to discuss incentive programs to improve conditions in areas identified by NSO  
6 technical team's report to the Board.

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

9  
10 **WATER TYPING RULE COMMITTEE UPDATE**

11 Committee Chair Guenther provided an update on the Committee's progress to provide  
12 recommendations to the Board on the anadromous fish floor (AFF) and whether there is suitable  
13 additional data available for the PHB spatial analysis in eastern Washington.

14 He said the Committee approved at their April 17 meeting the AFF scope of work to include in a  
15 contract for services to provide specific GIS data for use by the AFF workgroup. The initial scope of  
16 work recommended the GIS analysis be performed through a sole source contract by a specific  
17 company. However, another company indicated to DNR that they might challenge an award of a sole  
18 source contract. As a result, DNR will advertise the GIS work as an open competitive contract.

19 He said the eastern Washington technical group is continuing to assess available data to supplement  
20 the existing 18 fish points used in DNR's initial PHB spatial analysis. A quality assurance/quality  
21 control group was formed to evaluate existing CMER data for suitability to bring forward as  
22 additional points. The process involves screening data to determine end of fish points highest in the  
23 stream system and points not influenced by anthropogenic barriers or woody debris barriers.  
24 Although supported by a majority, he said not all group members support the screening process.

25 The two perspectives for using CMER fish data include:

- 26 • Screening fish data: screening data would eliminate using end of fish points located at  
27 anthropogenic barriers, transient woody barriers or points captured when fish were seasonally  
28 downstream; screening identifies criteria consistent with how PHBs will be used with the fish  
29 assessment method; and the screening is consistent with how the screening occurred for the initial  
30 PHB spatial analysis.
- 31 • Using all fish data (not eliminating points): removing certain data points would compromise a  
32 representative sample of end of fish points within a watershed; screening out data ignores an  
33 unbiased approach to get a complete census of fish habitat; and screening out data has the  
34 potential for eliminating useful fish points.

35 Committee Chair Guenther said the Committee has requested the technical group finish the screening  
36 process and then bring forward the data to the Committee. The Committee will then decide the next  
37 steps or actions at that time. He concluded by stating that when the data set is agreed upon, the Board  
38 will need to request DNR seek funds to purchase the spatial data from a private entity.

39 Committee member Herrera voiced concerns for further delay using a competitive process. He asked  
40 how much longer a competitive bid process would extend the timing.

41 Marc Engel, DNR, acknowledged that the competitive bid process is a longer process and may be up  
42 to a couple of weeks longer. He added that DNR will work with the AFF technical team to select a  
43 contractor.



1 **UPDATE ON CMER’S TASK TO DEVELOP STUDY DESIGNS FOR THE PHB**  
2 **VALIDATION, PHYSICAL CHARACTERISTICS, AND MAP-BASED LIDAR MODEL**  
3 **STUDIES**

4 Mark Hicks, AMPA, Chris Mendoza, CMER Co-chair and Jason Walter, Instream Scientific  
5 Advisory Group (ISAG) Co-chair provided an update to the Board’s request to have CMER develop  
6 study designs for the PHB validation, default physical stream characteristics and map-based lidar  
7 model studies. This was requested at the Board’s November 2019 meeting with recommendations to  
8 be prepared for today’s meeting. Hicks said that the recommendations are a consensus product.  
9

10 Mendoza acknowledge the hard work by ISAG and CMER to provide the recommendations. CMER  
11 voted to have ISAG be the lead in drafting a response to the Board motions by developing a water  
12 typing strategy (recommendations) for CMER approval.  
13

14 Recommendation # 1 – authors will incorporate best available science and other steps outlined in the  
15 CMER Protocol and Standards Manual when developing study designs.  
16

17 Recommendation # 2 – collect initial data from a single set of unbiased and representative field sites  
18 to potentially inform at least some elements of all three studies.  
19

20 Recommendation # 3 – coordinate implementation of the default physical stream criteria and PHB  
21 studies to use common elements while maintaining their separate study-specific elements.  
22

23 Recommendation # 4 – postpone the implementation of the lidar model study until after completion  
24 of the default physical stream criteria and PHB studies and after the development of a statewide lidar-  
25 derived stream network.  
26

27 Recommendation # 5 – consider the potential for an environmental DNA element to be included into  
28 the other studies, but not necessarily limited to the work within these other studies.  
29

30 Recommendation # 6 – structure the studies so that the eastside and westside portions of each study  
31 function independently in order to allow for as much flexibility as possible.  
32

33 Recommendation # 7 – have CMER develop and ensure approval of the final study designs for the  
34 individual approaches to find potential efficiencies and cost savings.  
35

36 Mendoza suggested that for potential cost savings, they are recommending that some of the work can  
37 be completed ‘in-house’. For example, have CMER staff, ISAG members and AMP project team  
38 members assist where feasible. He stated that the current budget amounts in the CMER Master  
39 Project Schedule for Fiscal Years 2020 and 2021 will not be expended and it is possible that as  
40 projects are implemented costs will likely be spread out over several years.  
41

42 Mendoza clarified that the in-house work is specific to the scoping and study design development,  
43 not for contracting or implementing the work. Additionally, he said eastern Washington elements  
44 could be targeted first if requested by the Board.  
45

46 Walter said they agreed that the process should be a phased approach and they had considered a  
47 phased approach in the development of the recommendations in order to take advantage of  
48 efficiencies where available.

1 **WATER TYPING RULE STAFF UPDATE**

2 Mark Engel, DNR, provided an update on the staff work for the permanent water typing system rule.  
3 He said the contractor hired to perform the economic analysis conducted a fish effects workshop in  
4 April. The focus of the workshop was to present the formula used to determine the fish response to  
5 the changes in habitat from each PHB option and gain feedback from stakeholders. DNR plans to  
6 review the received comments and follow up with responses to the comments. DNR will schedule an  
7 economic advisory workgroup meeting to further discuss the fish model and the economic effects to  
8 fish. He said DNR plans to schedule additional economic advisory workgroup meetings to initiate  
9 conversations regarding how to approach the qualitative effects of the water typing rule options for  
10 the cost/benefit analysis.

11  
12 Board member Swedeen asked Engel to provide an estimated time for completion for the cost/benefit  
13 analysis and SEPA analysis.

14  
15 Engel said the outstanding items needed for completing the cost/benefit and SEPA analyses include  
16 the work to gather additional eastern Washington data, continuation of the economic model to assess  
17 the effects to fish and the work for completing the AFF project. The delay for the completion of AFF  
18 recommendation to the Board includes not only GIS work discussed previously, but also AFF  
19 workgroup analysis and deliberation leading to a recommendation to the Committee. Given that those  
20 elements are not complete, he said it is not practical to provide a firm deadline.

21  
22 **UPDATE ON WFPA'S PROPOSAL INITIATION FOR HEADWATER STREAM SMART**  
23 **BUFFER PILOT PROJECT**

24 Chair Bernath reminded Board members that Darin Cramer provided a [proposal](#) by WFPA to  
25 evaluate smart buffers at the February 2020 Board meeting and indicated he would submit a Proposal  
26 Initiation (PI) to the AMPA. The PI was received in April 2020.

27  
28 Darin Cramer, WFPA, clarified their intent for the PI. He said they submitted the PI along with a  
29 smart buffer pilot rule-making request in order to facilitate implementation of the WFPA proposal.  
30 He said the initial AMPA recommendation was to reject the proposal. He said WFPA is still  
31 discussing options and have since clarified that their proposal would include a CMER technical  
32 review. The revised PI is still moving ahead and scheduled for a decision at the June Policy meeting.  
33 Based on the feedback from Policy participants and conversations with DNR, WFPA has decided to  
34 withdraw the pilot petition request at this time.

35  
36 Mark Hicks, AMPA, said he has delivered a recommendation package to Policy for their deliberation  
37 and they intend to make a decision at their June 2020 meeting. He said his initial rejection of the PI  
38 was based on his interpretation that the proposal was not intended to follow the typical AMP process.  
39 Follow-up discussions with WFPA indicated that WFPA did intend for the proposal to go through  
40 established AMP protocols that in the case would include a CMER review. With that clarification,  
41 Hicks said he will amend his recommendation to Policy in time for their June 2020 meeting. Given  
42 that exploring site-specific methodologies to preserve riparian shade is a relevant scientific  
43 undertaking for the AMP, he is going to suggest to Policy that the PI warrants a renewed  
44 consideration and acceptance.

45  
46 Board member Davis thanked industry for addressing his concerns because he too had an  
47 understanding that the proposal was not intended to go through a scientific review. He said he

1 appreciates the clarification and understands the importance of the project and appreciates the timber  
2 industry for putting resources into providing some scientific alternatives to consider.

3  
4 Board member Doenges said he appreciates WFFA's efforts to use science to better understand  
5 buffers to protect streams and for getting an appropriate review by Policy and CMER.

6  
7 Chair Bernath thanked Darin Cramer, contributing WFFA members and Hicks for the added  
8 clarification and said he looks forward to the proposal going through the system.

9  
10 **GENERAL PUBLIC COMMENT**

11 Ken Miller, WFFA, provided an update on the process for the small forest landowner westside  
12 riparian template proposal by stating that it is unlikely the workgroup will reach consensus. He said  
13 their caucus initiated formal dispute resolution at the May 2020 Policy meeting – the process will  
14 begin in June to ensure Policy has recommendations ready for the February 2020 Board meeting. He  
15 asked the Board to request DNR include mediation oversight by the Center for Conservation Peace  
16 Building into the dispute resolution process. He encouraged Board members to accept the statute  
17 intent and the science that formed the basis for their riparian template proposal.

18  
19 Darin Cramer, WFFA, asked Board members to review his [written comments](#). He said the process to  
20 move the permanent water typing rule forward is full of challenges and the concepts contain a lot of  
21 disagreement. He said until the policy issues get resolved to gain acceptance on what is important for  
22 this rule, wasted time and relationship strain will continue. He suggested Board members and  
23 stakeholders pay close attention to how the state's projected revenue forecasts play out because that  
24 will have consequences on program work. He reiterated his opinion that the policy issues must be  
25 resolved before technical folks can be successful.

26  
27 Chris Mendoza, Conservation Caucus, referring to the February 2020 Board meeting minutes,  
28 provided clarification on the review of proposal initiations. He said that the AMPA is responsible to,  
29 and in fact did, address the six questions submitted in WFFA's smart buffer proposal, and that this is  
30 not a role for CMER members.

31  
32 Meeting adjourned at 2 p.m.