

**Timber/Fish/Wildlife Cultural Resources Roundtable Meeting
March 18, 2014**

**Host: Department of Natural Resources (NRB Room #372)
1111 Washington St. SE
Olympia, WA 98501
Phone: (360) 902-1400**

Attendees:

Jeffrey Thomas, Co-Chair	Puyallup Tribe of Indians
Karen Terwilleger, Co-Chair	Washington Forest Protection Association
David Powell	Yakama Nation
Chad McCrea	Spokane Tribe of Indians
Gideon Cauffman	Jamestown S’Klallam Tribe
Lee Stilson	Dept. of Natural Resources - Lands
Marc Ratcliff	Dept. of Natural Resources – Forest Practices
Jerry Bustamante	Navajo Nation

FINAL NOTES

1. Introductions

Everyone introduced their selves. Sherri Felix was sick so Marc Ratcliff attended for Forest Practices. We all welcomed Marc Ratcliff with DNR Forest Practices and Jerry Bustamante with the Navajo Nation.

2. Agenda

Jeff Thomas provided an agenda prior to the meeting: 1) Introductions, 2) Agenda review, 3) Discuss approved notes for January 21, 2014, 4) Co-Chairs opening remarks, 5) WAC 222-20-120 FPA Conditioning, 6) FPARS & cultural resources, 7) Update topics: SEPA Advisory Committee & Logo, 8) Work Groups: Guidance documents, 9) Report to FPB for May 13, 2014 meeting, 10) CRPMP & WAC 222-20-120 Survey Planning, 11) Action Item List, and 12) Agenda for May 20, 2014 meeting. The Notes for the January meeting were approved a month after they were sent out as was agreed to at the July meeting. Due to the small turnout and missing key participants, some agenda items were dropped or limited to a brief discussion: FPARS, Update Topics, and CRPMP & WAC Survey. The agenda was accepted as modified.

3. Notes for January 21st meeting

At the July 16, 2013 meeting everyone agreed that three months was too long to go before having Notes finalized. David suggested sending the draft Notes to only the attendees of the meeting with a one-month deadline for responding with edits and additions. Everyone agreed to this method of approving Notes and this is how the January Notes were approved and posted on the Forest Practices Board website. Copies of the Final Notes were provided to the attendees.

4. Co-Chair Opening Remarks

Karen said the legislative session had been intense and consumed much of her time. She did a lot of work on Adaptive Management Funding and there was diverse support but the bill

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did not even get a hearing. It would have moved funds from the General Fund to help fund CMER projects. A fire liability bill, SB5972, did pass. It adds cultural resources to the kinds of resources that there is liability for damaging. We will need DAHP to explain the system for evaluating cultural resources. Jeff said it was vital to know what system is used for identifying cultural resources during emergencies. He wondered how the TFW Cultural Resources Roundtable is connected to Adaptive Management.

5. WAC 222-20-120 FPA Conditioning

David asked for this issue to be on the agenda. On Friday, March 14, 2014, he sent out a draft section to be considered for the guidance documents based on his recent experience trying to get plans agreed to by the Yakama Nation and landowners an operational condition of approved FPAs. David provided the draft section with supporting documentation. He explained that for years DNR Forest Practices made plans an operational condition of approved FPAs. For two recent FPAs, 2705496 and 2705545, SE Region DNR Forest Practices says they do not have the authority to condition FPAs with plans even though WAC 222-20-120(4) explicitly states, "The department may condition the application in accordance with the plan". On March 3, 2014, David provided Forest Practices Division in Olympia six examples of older FPAs where the DNR had made the plan an operational condition along with the statements from SE Region that they do not have authority to condition FPAs with cultural resources plans now. SE Region approved FPA 2705545 in advance of the decision date on March 6, 2014, without making the agreed upon plan a condition and in disregard for WAC 222-20-020(4), even though snow cover prevents a proper review. David provided all of the documents to the Division of Forest Practices again on March 14, 2014. The Division put out a statement that there has been no change and that they honor and implement all provisions of WAC 222-20-120. The documents provided by the Yakama Nation demonstrate that assertion is inaccurate.

Sherri Felix was sick, so Marc Ratcliff attended the Roundtable for DNR Forest Practices to listen to concerns and recommend actions for further understanding of the rule and DNR's conditioning authority. David read him the TFW goal for archaeological and cultural resources from the February 1987 agreement. Others explained the definition of a cultural resource. Marc said for a plan to be made a condition it had to have a known cultural resource, not just the opportunity to look for something. David asked if Forest Practices was now asking for a cultural resources polygon to be defined. It had always been stated that Forest Practices did not need to know or even want to know what or where a cultural resource was located. David pointed out that Forest Practices does not employ any staff with the expertise to identify cultural resources and WAC 222-20-120 is the only thing Forest Practices did toward meeting the TFW archaeological and cultural goal. David stated that virtually all FPAs have cultural resources. Even known archaeological sites need their boundaries determined by field examination without snow cover.

Jeff said the Puyallup Tribe's experience with South Puget Sound Region was that a resource had to be in the DAHP database to be made an operational condition of an approved FPA. To Jeff's knowledge, they have never made a plan an operational condition of an FPA under WAC 222-20-120.

Marc suggested that the Roundtable write some questions about WAC 222-20-120 and submit them to Forest Practices to answer. He felt this would be a way for everyone to understand the rule. David said the Yakama's issue goes beyond the Roundtable and the mistakes on the two specific FPAs need to be corrected. Karen offered to draft some questions and send them out to the group to start the process.

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6. FPARS & cultural resources

Joenne McGerr is out sick but she was hoping to talk with the Roundtable about FPARS. She is hosting a panel discussion at the Cultural Resources Protection Summit in May. She wants to let people know that they can have access to FPAs. Tribes should know they can screen FPAs for cultural resources. Jeff asked, "What do Cultural Resources Specialists need to know about FPAs?" David mentioned that Forest Practices wrote to all Washington Tribes to notify them about FPARS and asked them who their cultural resources contact person was for FPAs. Whatever list was created should be the most up-to-date list for the Guidance documents too. The Roundtable should request that list.

7. SEPA Advisory Committee

The draft rules are posted on Ecology's web site. The Advisory Committee is done meeting and the deadlines for Tribal comments and Public comments are over. The final rules will be out in April.

The proposed rule language and supporting documentation are available at:

<http://www.ecy.wa.gov/programs/sea/sepa/rulemaking2013.html>

8. Guidance Documents

A work group met on February 18, 2014. Previously it was decided to separate regulatory and voluntary categories. The group began to separate the different sections and determined that several were in both. We decided to drop the term "guidance" because it has a particular meaning in forest practices rules. We think "Tips and Tool" covers the intent. Gretchen plans to turn the documents into third person and correct the typos. David wrote a new section for what to expect from a voluntary landowner-tribal meeting. Sherri wrote an introductory paragraph and came up with a new organizational format so sections that are both regulatory and voluntary would not be repeated.

9. Staff Report to the Forest Practices Board and Action Item List

Karen provided copies of the January memo to the Board to be utilized as a rough draft for the April memo. The Action Item List will continue to be utilized as the quarterly report. Everyone agreed the format was fine. The Roundtable's accomplishments and progress on continuing work should be stressed. Karen took notes on the suggestions. Karen brought copies of the Action Items List with revisions made for the February Forest Practices Board meeting and suggested revisions for the May meeting. There were only minor revisions from the January report.

10. CRPMP & WAC 222-20-120 survey

Gretchen is out sick and she has helped with the survey the most. The annual report on the CRPMP is required by the rules but we wondered if the success of WAC 222-20-120 was also an annual report. Karen looked up the Forest Practices Board (FPB) minutes and confirmed that the May 2012 minutes asked for an annual report on the effectiveness of WAC 222-20-120. David suggested we inform the FPB how much preparing, conducting and reporting on the survey costs. Since DAHP pays for Survey Monkey, maybe Gretchen will be able to help us determine a cost to give to the FPB. We thought it might be a good idea to ask that the WAC 222-20-120 report be every other year.

11. Next Meeting

The next regular meeting is scheduled for: **May 20, 2014 at DAHP in Olympia from 9 a.m. – 2 p.m.** The agenda will include: 1) Introductions 2) Approve agenda, 3) Discuss approved March 18th Notes, 4) Co-chair remarks, 5) SEPA Advisory Committee update, 6) report on May Forest Practices Board (FPB) meeting 7) Update on Logo, 8) Review and Approve Tips

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and Tools document, 9) CRPMP Survey Review, 11) Action Item List and 12) Agenda for July 15th, 2014 meeting.

Note:

Beginning January 2014 the Timber/Fish/Wildlife Cultural Resources Roundtable meets every other month on the third Tuesday of January, March, May, July, September and November at the Department of Archaeology and Historic Preservation unless otherwise noted. Additional work groups are scheduled as needed in other months.

Meeting agendas, notes and action item lists are on the [Forest Practices Board](#) website. Scheduled meetings through 2014 are: 5/20, 7/22, 9/16, and 11/18.