

Timber, Fish, & Wildlife (TFW) Policy Committee  
August 4, 2016 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Approved July meeting summary with no edits.	Consensus from all caucuses
2. Move forward with Phase 1 and the first task for Phases 2 and 3 for the Physicals Proposal Initiation.	Consensus from all caucuses
3. Move forward with the edited recommendations on the Unstable Slopes Proposal Initiation.	Consensus with the following votes: the eastside tribal, westside tribal, federal, and counties caucuses voted sideways and the remaining caucuses voted thumbs up.

Action	Assignment
1. Send comments on the OCH draft report to Hans by noon on Thursday, August 11. Hans will then batch comments and send out to all caucuses that afternoon.	All caucuses as interested
2. Send comments on the OCH draft report to report authors (August 12).	Hans Berge
3. Check in with caucuses about the OCH recommendations.	Adrian Miller & Ray Entz
4. Schedule time to determine a way to deliver Hard Rock chapters to Policy.	Adrian Miller, Ray Entz, Todd Baldwin, Doug Hooks, Hans Berge, & Claire Chase

**Welcome, Introductions, & Old Business** – Ray Entz and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*). There were no changes to the draft agenda.

*July Meeting Summary* – Policy reviewed the draft meeting summary and accepted it as final with no edits. The industrial timber landowner caucus did note some of their members’ surprise at how the presentation given to Policy at the July meeting on the Glacial Deep-Seated Landslides Literature Synthesis was different than the findings in the report.

**Ground Rule of the Month** – Marty Acker reviewed ground rule #C.4, “If a caucus does not agree with statements or positions from other caucuses, participants offer reasons why and alternatives.” Marty shared that he values this ground rule because it concerns participation and the importance of every caucus participating wholly and transparently.

**Forest Practices Board** – Marc Engel reviewed several agenda topics for the August Forest Practices Board (Board) that are relevant to Policy, which included:

- FY17/19 biennial budget (including the CMER Master Project Schedule);
- Policy’s recommendations regarding the Unstable Slopes Proposal Initiation;
- Update on Clean Water Act assurances and milestones; and

- Policy's ongoing discussions on the delineation of Type F and Type N waters.

Marc also noted that all groups reporting to the Board, including Policy, were asked to provide the Board with an annual report of what they have done this year and plans for next year.

#### *Discussion*

- The industrial timber landowner caucus asked if DNR or the AMPA could clarify which version of the FY17/19 budget is correct, since the version that came out of Policy's July meeting and the version shared with the Board show different bottom lines. The AMPA will determine the answer after the meeting and follow up with this caucus directly.
- Since the AMPA did not have enough information on Policy's water typing discussions to include in his report to the Board in mid-July, DNR is willing to follow up with the Board via email after this August Policy meeting to provide a written status update.

**Type F: Off-Channel Habitat** – The AMPA noted that the draft report from the Off-Channel Habitat (OCH) Technical Group was provided before this meeting, and he hoped that Policy caucuses could provide comments or questions for consideration by the authors to include or address before they finalize the report. Policy asked and the AMPA agreed to give caucuses a week to provide the written comments or questions to the authors via the AMPA; he also agreed to batch all Policy comments/questions and send around to Policy caucus representatives the day before he sends the comments/questions to the report authors.

#### *Discussion on the Draft OCH Report*

- The conservation caucus noted a lack of clarity about the authors' assumptions on the characteristics of streams that they deemed to be the streams where the OCH rules apply.
- The conservation caucus also suggested the next version of the report clarify some statements about missing habitat that bankfull elevation (BFE) would somewhat capture but that the authors could not further explain without additional study.
  - The AMPA explained that that relationship is asymptotic; BFE is on a continuum and a practitioner can get really close to fully defining OCH but never will completely define the extent of it. The question for Policy would then be how important it is to protect that small amount at the extent of OCH.
- The conservation caucus also requested that the next version of the report clarifies the identification of the OCH feature/unit and the identification of the outward extent of OCH.
  - The eastside tribal caucus suggested that Policy strongly consider how valuable it is to do additional study to understand how to capture that last piece of the extent of OCH.
- The industrial timber landowner caucus agreed with the finding that the current system for protecting OCH is largely effective, though they also support the idea of future study if there are other questions necessary to answer.
  - The AMPA noted that the authors' recommendations for future studies were articulated in an intentional order: they thought that first the Adaptive Management Program (AMP) would need to see how common the problem is (identifying the scale), and then check with Policy to determine if/how to move forward on the other studies they have in the report.

- The DNR caucus suggested that Policy's biggest role is to find methodology that gives practitioners the clarity so they know where to look in the field, and that should be the focus of Policy's work. They also noted that the OCH rules are important to consider along with other rules, particularly those for wetlands.
- The WDFW representative agreed that the rules and guidance need to be implementable, repeatable, and enforceable. For that to happen, she suggested that the rules and guidance could be based on BFE (considering that BFE captures the majority of OCH), then use Interdisciplinary Teams (ID Teams) to deal with the exceptions to the rules. She suggested the importance of capturing the uncertainties in what OCH might be missed with future defined research (and to include in the recommendations for the Board). DNR clarified that ID Teams cannot be used for exceptions to the rule, only for implementing the existing rule.
- The westside tribal caucus also noted the importance of having clearly written rules and guidance; they shared an example from the Northwest Cascades region where their implementation issues are largely with low-energy places higher in the watershed where a flood frequency approach may not help because the feature could be on a terrace.

*Discussion on the Co-Chairs' Recommendations on OCH* – Next, Policy discussed the Co-Chairs' draft recommendations on OCH rule and guidance. Discussion included:

- The draft includes information about a timeline to get to rule language by November 2016; the Co-Chairs clarified that they are not focused on that but rather getting to conceptual agreement on what the rule and guidance will include so that they can report that to the Board in November.
  - The DNR caucus suggested that Policy use the Type F matrix as the "holding place" to put conceptual agreements, as they get agreed to throughout the water typing conversations.
  - DNR clarified that once there are several conceptual agreements, the recommendations will go to the Board, which will direct DNR to file CR-101 under the Administrative Procedures Act, which publically announces that the Board intends to begin rule-writing. Then the CR-102 will be filed which includes: fully-vetted draft rule language, a cost-benefit analysis, a more specific cost-benefit analysis for small landowners, and a draft environmental assessment (SEPA).
  - The Co-Chairs suggested that if Policy has gotten conceptual agreements on several but not all components, the AMP could still move forward with the rule writing process for those components.
  - The industrial timber landowner caucus noted that their caucus is committed to addressing all the elements in the Type F matrix (including OCH, electrofishing, and the default physical criteria).
- The federal caucus suggested adding language about the importance of doing the first scoping study under the Additional Research section, before doing any other studies.
- The Co-Chairs and AMPA agreed to work more with the westside tribal caucus to fully understand their concern about certain implementation issues and make sure it is reflected in the report and/or OCH recommendations.
- The industrial timber landowner caucus suggested that the rule should not address a lot of exceptions, but focus on clearly defining what OCH should be protected.

- The federal caucus clarified that some issues that caucuses thought were going to be addressed in re-writing the OCH rule are now described by DNR as being wetlands instead of OCH. Wetlands are managed under separate rules and DNR encouraged Policy to consider these as separate concepts.
  - To address concerns expressed by the federal caucus, Policy was encouraged to also address methods to determine whether a forested wetland is a Type F water.
  - The AMPA noted that the Forested Wetlands Effectiveness Project is doing that now, so Policy members were encouraged to track that TWIG's work if interested.

The Co-Chairs agreed to talk to all caucuses about the recommendations before the next meeting.

**Type F: Physicals** – The AMPA introduced his recommendations in response to the Physicals Proposal Initiation, submitted by the industrial timber landowner caucus. In his preparation, he researched the negotiations that created the default physical criteria over 20 years ago. Overall, his recommendations suggested that the research-focused Phase 1 is not necessary, while Phases 2 and 3 (as outlined in the Proposal Initiation) could happen together, though split into initial and longer-term tasks. The AMPA suggested that the technical group to accomplish Phases 2 and 3 could be the newly re-forming Instream Scientific Advisory Group (ISAG) which would be within the regular CMER process, or a group of outside experts like the OCH Technical Group.

#### *Discussion*

- The industrial timber landowner caucus shared their perspective that Phase 1 is important and not too heavy of a lift, though the AMPA's perspective is that Phase 1 would have to start with the work starting in 1991 with the Quinaults' original work and data.
- The AMPA heard directly from the Quinault that the default physical criteria were developed to predict fish presence (distinct from fish habitat, fish use, or fish absence).
- Since the goal is to use well-vetted data designed to answer certain questions, the AMPA was skeptical that the Water Type Modification Forms (WTMFs) would be the best place to mine data. Therefore, he suggested designing the research study from the ground up, though he would remain open to pulling as much useful information from existing reports as possible.
- The westside tribal caucus expressed some concern about the funding requirement to do this, and whether the budget had room to do this effectively.
  - The AMPA's funding estimate for the longer-term task to answer Phases 2 and 3 depends on the outcome of the first task of Phases 2 and 3, so the funding need could change.
  - The AMPA also noted that there may be some savings in FY17 that could be put towards funding this physicals work.
- The eastside tribal caucus noted that they have fish populations above waterfalls in some circumstances. They also suggest using a CMER-led process (such as ISAG) for the technical group to run this process.
- The westside tribal caucus expressed discomfort when Policy refers to fish presence and not fish habitat. The AMPA noted that the physicals were based on fish presence, but if Policy wanted to change that, now is the time.
- Policy discussed some increasing agreement around doing the initial task of Phases 2 and 3. There was some discussion about the value of doing Phase 1 or not.

Policy discussed but did not formally agreed to move forward with Phase 1 concurrent with Item 1 for Phases 2 and 3. [Note: This decision topic was discussed at subsequent Policy meetings in September and October 2016; please refer to those meeting summaries for more specificity.]

### **Type F: Overall Water Typing Package**

*Protocol Survey Method Technical Group* – The AMPA will convene this group’s first meeting on August 16, following the direction from Policy’s July meeting. The AMPA hopes to have recommendations from the group to Policy by the second September meeting (September 21), but could not guarantee that before the group has their first meeting.

*Water Typing Model Pilot Project* – The AMPA shared that the pilot project is being wrapped up. The Precision Forestry Cooperative at the University of Washington will provide a presentation to the Board at their August meeting. In the presentation they will highlight that they looked at one westside and one eastside basin, and looked at the original model’s outputs, updated the original model, and then compared the 10-meter, 3-meter, and 1-meter square LiDAR data. They found that a lot of effort went towards helping the model interpret how to move the water through the flat places, such as culverts.

The industrial timber landowner caucus flagged for the AMPA that at least one Board member may ask about the accuracy of the water typing system. The AMPA noted that the intent of this pilot project was to see if there was a possibility of improving the map with new LiDAR data, and the answer will likely be nuanced. So the question for the Board will be about trade-offs: if they consider eliminating the model, they will have to figure out what to do because there were some previous agreements based on the assumption of the model.

*Progress on Water Typing Discussions to Date* – Each caucus shared their perspectives on the water typing discussions to date.

- Federal Caucus:
  - Interested in developing or improving tools focused on measuring habitat for protection under the rule, as opposed to using fish presence to determine the regulatory break.
  - Seasonality and recoverable habitat are important. Recoverable habitat is documented in the Habitat Conservation Plan (HCP); that habitat includes the areas that: 1) could be re-accessed through passage improvements, or 2) have degraded levels of function based on prior land use. The assumption is that this recoverable process could take over 100 years.
  - The “fish plus” part is important and the AMP should demonstrate how that is defined in practice.
  - The HCP includes a surrogate for fish habitat, which are the default physical criteria. This assumes that concurrently there will be the development of an even better tool, the model.
- Non-Industrial Timber Landowner Caucus:
  - Need to settle the return interval confusion for OCH; both bankfull width and BFE are specific to what happens on a year-to-year interval, not a legacy of 50- or 100-year floods.

- The most important part of the AMP discussions is settling on an alternate template, to end with prescriptions that are acceptable and part of what they were originally promised in this agreement.
- Counties Caucus:
  - As conceptual agreements get made, it is important to keep moving forward and that the AMP does not move backwards on a conceptual agreement.
  - Interested in defining terms that Policy has been using throughout these discussions.
- WDFW/Ecology State Caucus:
  - Water quality standards are for beneficial uses. In the forested landscape, they are most concerned about water temperature.
  - Interested in getting to a permanent rule that all caucuses can live with and that maximizes the needs of all caucuses.
  - Want to protect habitat “likely to be used by fish” rather than fish presence/absence.
    - Tools to get to “likely to be used” could include recommendations from the Protocol Survey Method Technical Group. Policy could also identify where there is a need for better guidance.
  - Interested in small tweaks to the current system, not a large overhaul.
  - Would like to add protocol surveys to the Type F matrix.
- Conservation Caucus:
  - Interested in a significant move away from a fish presence/absence based system.
  - Would like to use permanent natural barriers as a starting place for protocol surveys and use the default physical criteria after the first fish has been found.
  - If their caucus does not get to where they think the system should be through the AMP discussions, their caucus is willing to push for action outside of the AMP (where their caucus may take a tougher position).
  - Uninterested in re-negotiating the Type F buffers.
  - Due to the Electrofishing Technical Group’s final report and the risks of improper stream classification, they understand that the starting point of consideration of fish absence should begin higher in the watershed than the current system allows.
- Industrial Timber Landowner Caucus:
  - When the HCP was adopted, the Board also adopted the current rule (“interim rule”) as the baseline, which for their caucus means that the protocol survey is a valid way of typing water.
  - The water typing objectives (largely intended for the model) include high accuracy, minimization of error, and balance of remaining error.
  - The Biological Opinion and the Forests & Fish Report show that operational electrofishing would be eliminated for water typing purposes except for certain purposes, but only after adoption of the model, which has not happened yet.
  - Interested in keeping the protocol survey until there is a balanced and precise alternative to the protocol survey. Need assurance that the regulatory break is accurate, minimizes error, and shares the remaining uncertainty.

- Westside Tribal Caucus:
  - Understand that the program will never be 100% accurate or precise in identifying all fish habitat (which to them includes restored habitat, habitat that helps protect other habitat, and the habitat that is not always used).
  - Recovery plans for ESA-listed salmonids could be helpful in identifying how to protect fish habitat.
  - Mapping is really important but good maps will take some time.
  - Shared risk is weighted against the resources the AMP is trying to protect. When there were stronger stocks, shared risk seemed reasonable but now with more depleted stocks, they suggest the AMP might have to re-think that.
- DNR State Caucus:
  - Need recommendations to the Board for a program that is implementable, repeatable, and enforceable. Repeatable means that if different people follow the same rule, they will independently get similar results (not a “cookie cutter” approach).
  - Need to achieve a balanced and equitable approach.
  - Want to work on solutions for the unmapped streams.
  - Trying to think about how to address the needs of small forest landowners due to their unique position.
- Eastside Tribal Caucus:
  - The eastside habitat often is irreparably damaged, so the hope is that the AMP’s work will support habitats to improve enough so that in 100 years it might support fish again. While the eastside no longer has salmon, it used to support those species. Now, they have other important fish issues they are working on.
  - There is a huge gap on the eastside (relationships, personal knowledge, and representation).
  - Recoverability is viewed differently on the eastside, specifically for the upper Columbia basin.

Some caucuses were asked and answered questions, including:

- The federal caucus asked the industrial timber landowner caucus how fish presence would equally protect the resources. The industrial timber landowner caucus noted that the statistical analysis has a point at which there is equal opportunity above and below the point. The modeled system was supposed to be 95% accurate, with equal probability of over- and under-protection.
- The Co-Chairs asked the industrial timber landowner and federal caucuses if they feel there is a hard line in establishing the regulatory break.
  - The federal caucus noted that they are unable to support a system that is based only on fish presence/absence without good surrogates. To date they do not see shared risk because they see the potential for reaches of streams beyond fish presence as potential fish habitat.
  - The industrial timber landowner caucus has a concept of recoverable habitat that may be different than other caucuses, and suggested the AMP seek shared definitions.
- The conservation caucus suggested institutionalizing the “fish plus” part that some landowners are using but is not yet standardized.

The facilitator summarized potential solutions that came out of these perspectives:

- Clarify definitions or ask someone to help define them. Use clarified terms in rule and guidance.
- Get to a comprehensive package of conceptual agreements without last-minute changes.
- Clarify the interpretation of the HCP in terms of operational electrofishing.
- Guarantee higher precision at the regulatory break.
- Reduce electrofishing and protocol surveys with a more accurate and equitable model.
- Standardize the “fish plus” practice that some companies employ.
- Send a letter to the Board or elsewhere to ask other industries to do their part in riparian protection and restoration.

**Unstable Slopes Proposal Initiation** – A small group of Mary Scurlock, Karen Terwilleger, and Marc Engel have talked a few times over the summer to identify recommendations to Policy on how to move forward on the AMPA’s response to the Unstable Slopes PI. Their recommendations include:

- Conduct a literature review to address questions related to the mechanics of non-glacial deep-seated landslides failure and reactivation and the impacts of forest practices on the same.
- Convene one UPSAG meeting to evaluate Board Manual Section 6.2 and report back to Policy.
- Ask CMER to propose a way to address the evaluation of runout tools.
- Additionally, they agreed to take out all public safety pieces.

It was noted that there is placeholder money in the FY17 budget to apply to this work. The AMPA estimated that the literature review would cost \$75,000 or less; the UPSAG meeting would not have an additional cost; and the request to CMER has an uncertain cost because it could be contracted out.

**Decision:** With the edits done in real-time to the small group’s recommendations to Policy, Policy agreed to move forward with those next steps. The eastside tribal, westside tribal, federal, and counties caucuses voted sideways and the remaining caucuses voted thumbs up.

**CMER Update** – Doug Hooks, CMER Co-Chair, referred to his written summary of the previous CMER meeting. He will work to share a similar summary at future Policy meetings.

The Eastside Type N Riparian Effectiveness Project (ENREP) had had dispute resolution triggered; a small group within CMER found a solution for the process piece of the dispute. There remain some questions about the technical aspects and now that has gone to dispute resolution. They have not yet scheduled a meeting to start addressing that dispute so the timeline was unknown at this meeting.

Doug also noted that some of the Hard Rock study chapters are not coming back from ISPR as expected, but so far CMER is dealing with that as issues arise.

**SFLOs Template Subgroup** – Marc Engel and Dick Miller, Co-Chairs of the Small Forest Landowners (SFLOs) Template Subgroup, shared some recommendations from their perspectives though the full subgroup had not met since the July Policy meeting. Since this topic was more of a discussion rather than a quick update, the Co-Chairs suggested carving out time to discuss this at the next Policy meeting.

The Co-Chairs adjourned the meeting at 5:15pm.



Participants at 8/4/16 Policy Committee Meeting

**Conservation Caucus**

\*Mary Scurlock, M. Scurlock & Associates

**County Caucus**

Kendra Smith, Skagit County

\*Scott Swanson, WSAC

**Federal Caucus**

\*Marty Acker, USFWS

**Industrial Timber Landowner Caucus**

Brian Fransen, Weyerhaeuser

Ken Godbout, Weyerhaeuser

Doug Hooks, WFPA

Adrian Miller, Olympic Resource Management,  
Co-Chair

\*Karen Terwilleger, WFPA

**Non-Industrial Timber Landowner Caucus**

\*Dick Miller, WFFA

**State Caucus – DNR**

\*Marc Engel, DNR

Marc Ratcliff, DNR

Joe Shramek, DNR

**State Caucus – WDFW/Ecology**

\*Rich Doenges, Ecology

Mark Hicks, Ecology

\*Terry Jackson, WDFW

Don Nauer, WDFW

Amy Windrope, WDFW

**Tribal Caucus – Eastside**

\*Ray Entz, Kalispel/UCUT, Co-Chair

Marc Gauthier, UCUT (phone)

**Tribal Caucus – Westside**

\*Jim Peters, NWIFC

Ash Roorbach, NWIFC

Curt Veldhuisen, SRSC (phone)

\*Caucus representative

**Others**

Hans Berge, AMPA

Howard Haemmerle, DNR

Claire Chase, Triangle Associates

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
<b>Type N</b>	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
<b>Type F</b>	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.).
<b>Small Forest Landowners Westside Template</b>	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Dick Miller.
<b>Unstable Slopes</b>	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.
<b>Ongoing CMER reports reviewed by Policy</b>	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
<b>TFW Policy Committee</b>	September 8	Note that this has been rescheduled from September 1.
<b>CMER</b>	August 23	
<b>Type N Policy Subgroup</b>	TBD	
<b>Type F</b>		To be addressed at regular Policy meetings.
<b>Forest Practices Board</b>	August 10	
<b>Small Forest Landowners Template Subgroup</b>	TBD	As workload allows.