

To: Timber Fish and Wildlife Policy Committee Members

From: Meghan Tuttle and Marc Engel, TFW Policy Co-Chairs

7/28/2021

RE: Dispute Resolution Proposal and Request for Forest Practices Board Funding

At the July 1st policy meeting, we discussed having a facilitator at the TFW Policy meetings to ensure good clear communication, to help stay with the formal process, and be familiar with TFW processes for future policy disputes. This puts future dispute resolution facilitators in a position to understand the issues and caucus concerns in advance of needing to serve as a mediator (the default) or arbitrator (may be chosen) to settle any disagreements that may arise. This is expected to allow dispute resolution proceedings to be conducted effectively within the time frame established by WAC. Tasks needed to meet policy's current work load needs and potential future disputes would include ongoing policy committee participation and mediation/arbitration services.

Furthermore, the January 2021 State Auditor's Office (SAO) Performance Audit also recommended that the Adaptive Management Program use dispute resolution more quickly to resolve impasses in the AMP. Having a contracted facilitator will help TFW policy meet this SAO recommendation.

The current adaptive management budget does not address ongoing policy meeting participation. **We respectfully request that policy approve the tasks outlined below and ask the Forest Practices Board for additional funding to provide policy with a facilitator to assist with policy committee meeting participation and mediation/arbitration services.**

If policy approves this request at the August 5th policy meeting the co-chairs will present this proposal to the FPB at the August 11th meeting.

Specific Tasks:

Task 1: Policy Committee meeting participation

- Participate in Policy Committee meetings (Policy Committee meetings are typically 9 am- 4 pm) held on the first Thursday of every month).
- Become familiar with issues as they arise, requesting assistance from the co-chairs as needed to identify helpful background information.
- Model and ensure Policy Committee participants understand, accept and follow FFR ground rules at all times - promoting respectful communication among Policy members.

- Identify and curtail unproductive behavior or approaches.
- Anticipate and pre-empt problems before they arise.
- Assist Policy Committee co-chairs in resolving impasses, and developing and presenting trial proposals for Policy's consideration.
- Participate in Policy Committee monthly pre-meeting planning/agenda development.
- Determine, along with Policy Committee co-chairs, what presentations and information is needed by the Policy Committee as a knowledge base for each topic on the agendas.
- Contact each of the participating (up to nine) caucuses prior to meeting to understand perspectives on meeting topics, and use this information to inform the Policy co-chairs and to prepare for more effective facilitation
- Work with Policy Committee members between meetings to resolve differences and ensure work assignments are being done.
- Improve Policy Committee members' knowledge of each other's interests and issues
- Create and maintain a spirit of mutually supportive collaboration within Policy Committee.
- Ensure progress is being made by sub-committees of the Policy Committee.

Task 2: Mediation/Arbitration Services

Background Information:

- Research the dispute resolution process in WAC and Board Manual
- Research for the specific issues in dispute, if needed.
- Hold one on one meetings with caucuses, if needed, to understand perspectives in advance of conducting formal mediation/arbitration.
- Communicate with Policy Committee members focused on logistics, as needed.

Meetings:

- Attend both the informal and formal dispute resolution meetings.
- Serve as facilitator at the informal dispute resolution meetings with the goal of promoting clear communication.
- Serve as mediator, or arbitrator if this option is chosen by Policy, in the Formal Stage 2 dispute resolution process. The goal of mediator is to help bring about a consensus remedy for the dispute or to help the parties clarify their concerns and needs in advance of their developing position papers to pass up to the Board for decision. The goal of arbitrator is to hear all sides, understand the guidance and rules affecting the process and the topic in dispute, and to make an unbiased judgment on the course of action/decision Policy will be required to take if the dispute proceeds.
- Produce meeting summaries that focus on the key points and process steps that led to the outcome.

Communication:

- Phone calls, email correspondence, and in-person meetings with Policy Committee members, Co-Chairs, Science Staff and CMER participants, and AMPA - as needed to facilitate an effective discussion and issue resolution.