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MEMORANDUM

January 18, 2024

TO: TFW Policy Committee

FROM: Lori Clark, Adaptive Management Program Administrator (AMPA)
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SUBJECT: Outside Science/ Non-CMER Science Guidance

Why are we addressing Outside Science/ Non-CMER Science now?

The State Auditor's Office (SAO) completed a Performance Audit¹ of the Forest Practices Adaptive Management Program (AMP) in January 2021. In response to the SAO audit, the Forest Practices Board (Board) approved an implementation plan for 11 of the AMP recommendations to support improving program performance and becoming more effective in decision-making. Two of the recommendations involved implementing decision making to help caucuses see a "win" from compromising on a project package² and developing a decision criterion up front to eliminate indecision by having participants agree to what results mean³. TFW Policy recommended and the Board-approved 5 net gains approaches to address SAO Recommendation 5, including Net Gains Option 2²: Clarify Process for Outside Science. This memo summarizes a process for evaluating outside science that might be considered for AMP decision making.

Best Available Science versus Outside Science

WAC 12-22-045 has assigned to CMER the task of advancing the science needed to support the program. This rule requires CMER to develop a process by which TFW Policy approval is obtained for research projects including the use of external information (Best Available Science). The rule further clarifies that external information may also be reviewed through the Independent Scientific Peer Review Process (ISPR). This is the current process that CMER uses to advance the science needed to support the AMP. The AMP is mandated by law to incorporate the best available science and information into the process of evaluating the effectiveness of current forest practices rules (RCW 76.09.370). The practice of using Best Available Science (BAS) to inform research and products directly produced or supervised by CMER is clearly defined in the Board Manual chapter 22 (BM22) and reiterated in CMER's Protocols and Standards Manual (PSM) as "...relevant science from all credible sources including peer-reviewed government and university research, other published studies, and CMER research products." ISPR is the neutral, third-party reviewer to ensure CMER studies are scientifically sound and technically reliable. The ISPR process was established to provide advice on the scientific basis or reliability of CMER study designs and reports.

Board Manual 22 (BM22) says that "external science may be brought to CMER, as needed,

- As part of the body of science reviewed by CMER in addressing work plan tasks; or

¹ [Performance Audit of the Adaptive Management Program](#)

² **SAO Recommendation 5:** Implement a "net gains" approach to each proposal, project, and decision that benefits more than one caucus by considering packages of projects instead of individual projects. Five Net Gains Options were approved. Net Gains Option 2 - Clarify Process for Outside Science.

³ **SAO Recommendation 6:** Adopt decision criteria for determining actions that will occur depending on project results before those results have been found.

- Directly in the form of specific technical reports to be reviewed and reported on by CMER as directed by the Policy Committee or the Board”

Outside science is any scientific effort, report or product that is not directly produced or supervised by CMER. The current version of BM22 provides a detailed six-step process for managing program proposals (Proposal Initiation). It defines a “proposal” as “any form of request, question, task, project, sub-program, etc., whose end product may affect changes in forest practices or otherwise meet one of the program’s goals and objectives” and sets the minimum level of standards and protocols expected for successful participation in a multi-stakeholder, cooperative, and consensus-driven process. However, BM 22 lacks sufficient clarity on how to incorporate outside science in the AMP **for decision making**.

CMER’s Role

The quality and relevance of completed outside science is vast and varies considerably. While CMER has developed guidance for best available science, detailed process guidance on using external information or accepting their findings for decision making is not currently incorporated in CMER’s Protocols and Standards Manual (PSM). This ambiguity is a key source of contention pertaining both to conditions that would warrant the need to use outside science as well as to whether the program’s dispute resolution can be applied to outside science. Nearly half of recently concluded TFW Policy disputes were either on the use of completed outside science or on the request to incorporate completed outside science through the Proposal Initiation (PI) process.

Policy’s Role

TFW Policy can clarify the role of outside science in the AMP as part of the net gains options allowing the program to benefit from forestry and aquatic resources interaction research that may be happening outside the program. The rule-outlined purpose of CMER means that the route to incorporating outside science in the AMP would need to go through CMER. Advancing the science for use in the AMP is the purpose of CMER as stated in WAC 12-222-045. To resolve the issue of outside science and to provide clarity on using outside science, TFW Policy would clarify the following:

- Policy will need to identify conditions or situations that would warrant the use of outside science.
 - Review of outside science would require dedicated time and resources from the AMP. One way to manage this would be to limit the annual review time to annually.
 - Policy could establish priorities for gaps in knowledge that would warrant review of outside science.
 - There are concerns that this process would be burdensome and “jump the que” taking up AMP time. If TFW Policy identifies a gap in knowledge, one pathway could/should be to prioritize this work within the program and, if needed, advocate for adequate funding to address this gap within the AMP.
 - How might TFW Policy handle information from (approved) outside science that contradicts current management practices that have been set up through the AMP CMER science process.
 - In considering where outside science would be useful to the AMP, caution must be used when there is (caucus) intention to potentially influence or inform decision making. It could be problematic when a caucus brings in their science to inform a decision that they are asking the AMP to consider.
 - Solid science is built on the quality of the questions that are being asked. Currently, our process involves all stakeholders collaborating in the development of scientific questions. Bringing in outside sciences precludes the AMP from involvement with the questions the science is trying to answer.

- Review/approve CMER guidance process for evaluation and use of completed outside science including developing review templates separate from the ones used for CMER (BAS) science but including elements that are relevant to a TFW Policy question which may include relevance, quality of science, and applicability to Washington forests.
 - This guidance could be developed with the recognition that not all outside science will lead to, influence or be used in rule changes. Outside science could, however, be effectively used to reduce uncertainty and add to the growing body of knowledge within the program. Management change may result if warranted in certain well-defined conditions.
- Determine whether completed outside science could be subjected to the dispute resolution process. TFW Policy will need to consider the resource implications of disputing completed outside science. BM22 currently states that “as a body, CMER may have to conduct dispute resolution on issues presented by a Scientific Advisory Group or on issues originating in CMER”.
- Propose amendments to BM22 and seek the Board’s approval.

Amending the WAC does not appear to be needed if the changes are made without affecting the standard PI process. If, however, it is the intent of TFW Policy to amend the standard PI process for outside science then relevant WAC sections would also need amendment. TFW Policy would then need to propose a rule-making alternative to the Board.

Proposed Timeline*

Document	Review Committee	Review Timeline	Action/ Approval
Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program	CMER	January 16-February 6, 2024	January 23, 2024 (discussion)
Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program	CMER	January 16-February 6, 2024	February 27, 2024 (discussion on edits/comments)
Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program	CMER	January 16-February 6, 2024	March 26, 2024 (approval)
Outside Science/ Non-CMER Science Guidance AMPA Memo	Policy- SAO Workgroup	January 12 – February 1, 2024	N/A
	Policy	January 19 – February 1, 2024	February 1, 2024 (discussion about Policy guidance)
Outside Science/ Non-CMER Science – Policy Guidance	Policy- SAO Workgroup	February 1– February 14, 2024	N/A
	Policy	February 1 – February 22, 2024	March 7, 2024 (approval)
Outside Science/ Non-CMER Science – Policy Guidance	Policy	March 28 – April 4, 2024	April 4, 2024 (approval)
CMER-approved Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program			
1. Outside Science/ Non-CMER Science – Policy Guidance	Forest Practices Board	May 1-8, 2024	May 8, 2024

2. Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program			
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**Review timelines will be discussed in January CMER and February Policy meetings. Once review timelines have been set, they will be adhered to. Dispute resolution may be used to resolve an impasse.*

Attachments:

- Proposal Initiation AMPA Review Guidance Summary
- Evaluation Process for incorporation of non-CMER Science into the Forest Practices Adaptive Management Program (*under development*)

Proposal Initiation AMPA Review Guidance Summary

The PI process outlined in BM22 begins with the AMPA's assessment to evaluate:

- a) The affected forest practices rule, guidance, or DNR product;
- b) The urgency based on scientific uncertainty and resource risk;
- c) Any outstanding TFW, FFR, or Policy Committee agreements supporting the proposal;
- d) How the results of the proposal could address AMP key questions and resource objectives or other rule, guidance, or DNR product; and
- e) Available literature, data and other information supporting the proposal.

In addition, the following are evaluated:

1. Adaptive Management Program Applicability

The AMPA is to assess a proposal for its applicability and relevance to the AMP, i.e., whether it would affect how forest practices are conducted with respect to aquatic resources, or whether it is a directive from the Board to include within the AMP. In this step the AMPA is also to consider outstanding agreements including any formal agreements from TFW (1987), FFR (1999), or current Policy agreements related to the issue, and determine if they are interpreted correctly in the proposal. The Board Manual further provides that proposals "are initiated as requests for investigation of potential changes to forest practices rules, guidance, or DNR products." In general, the types of proposals considered for the AMP are requests for:

- research and monitoring of scientific uncertainty and resource risks;
- policy interpretations and modifications to improve forest practices management and aquatic resource protection; and
- review of completed technical studies or issue analyses for consideration in the adaptive management program.

2. Assessment of Management and Resources Implications

To inform Policy and the FPB of the applicability and relevance of a PI to the AMP, the AMPA is to provide a coarse level assessment of management implications using the Framework for Successful Policy Committee/CMER Interaction. The questions that comprise the Framework establish the standard process for assessing a proposal's applicability:

- a. **Is the proposal intended to inform a key question, resource objective, or performance target from Schedule L-1?**
- b. **Is the proposal intended to inform the forest practices rules, guidance, or DNR product? Is the specific rule, board manual section, DNR product, or effectiveness of compliance monitoring cited and key language provided correctly? If the proposal is for a new forest practices rule, does it fill a gap? If so, would it fit within the current forest practices structure?**
- c. **If the proposal includes a completed study, was the study carried out using protocols and standards similar to CMER (i.e., study design, peer review)?**

- d. What would/does the study tell us?
- e. What would/does the study not tell us?
- f. What is the relationship between this proposal and any other studies that may be planned, underway, or recently completed?
- g. How much of an incremental gain in understanding would/do the proposal results represent? Explain how the proposal's results might affect the current rules, numeric targets, performance targets, or resource objectives.

3. Assessment of the Proposal's Development Track

For each proposal, the AMPA recommends a proposal development track to the Policy Committee based on the nature of the proposal and amount of information provided.

Science track: The science track evaluates currently available science, collects new information through research and monitoring, and synthesizes the best available information into a technical summary for Policy's consideration. In all cases CMER is responsible for conducting synthesis of research and monitoring information and for producing reports to Policy. Proposals requiring scientific assessment or analysis are to be directed toward the science track.

Policy track: Proposals recommended for Adaptive Management Program development following the policy track are those related to interpretation and implementation of the TFW Agreement or the FFR. Proposals seeking to change or clarify policies or change the way existing science is implemented in the rules are to be directed toward the policy track.