

Timber, Fish, & Wildlife Policy Committee  
September 10 & 11, 2015 Meeting Summary

Decisions & Actions from Meeting

Decision	Notes
1. Agreed to hold the 2016 Policy meetings on the first Thursday of every month at the Department of Ecology, with the following exceptions: 2-day May meeting in Spokane (hold May 4, 5, & 6 for now); 2-day June meeting in Mt. Vernon (hold June 2, 9, & 10 for now); and September 8 instead of September 1 due to Labor Day.	
2. Accepted the August meeting summary with edits.	Consensus by all caucuses present; the County caucus which was not present will verify the edits after the meeting.

Action	Assignment
1. Verify August meeting summary edits; finalize.	Kendra Smith, Claire Chase
2. Revise Type F Pathway Matrix; add as much content and dates as possible.	Adrian Miller
3. Revise the Co-Chair Selection Process & Duties document for review at October meeting.	Adrian Miller, Mary Scurlock, & Dick Miller
4. Finalize proposal review packet on off-channel habitat for approval at October meeting.	Hans Berge
5. Review off-channel habitat proposal review packet and come to October Policy meeting prepared to vote.	All caucuses
6. Update the AMP training PowerPoints and share with caucus representatives.	Hans Berge
7. Draft September meeting summary.	Claire Chase

-----**Day 1: Friday, September 10**-----

**Welcome & Introductions** – Adrian Miller, Co-Chair of the Timber, Fish, & Wildlife Policy Committee (Policy), welcome participants and led introductions (*please see Attachment 1 for a list of participants*). Adrian suggested a few changes to the agenda to accommodate schedules. The first day of this two-day meeting was intended to focus on discussions and decision items on Type F topics, though due to the lack of materials provided before the meeting there will likely be little decision-making at this meeting.

*Announcements*

- Rich Doenges is the new representative to Policy from the Department of Ecology; he will be working with Terry Jackson as the caucus co-lead for the Departments of Ecology and Fish & Wildlife. His role at Ecology is as the Section Manager for the Water Quality Program in the Southwest Region, which includes 12 counties from the Olympic Peninsula to the Columbia

River. He noted that while he may have a learning curve for the issues and history of the Policy Committee, Ecology is still fully committed to this process.

- Lucy Edmondson is the new Director of the Environmental Protection Agency's Washington Operations Office.
- The Department of Natural Resources (DNR) has made interim changes to their staffing to cover roles while they seek a new Division Manager. Marc Engel is currently the Acting Division Manager, Donelle Mahan has moved from Operations to cover Marc's role, and Sue Casey has moved to cover Donelle's role. Additionally, Leslie Lingley retired on September 2 so the head of the Surface Mining Program has temporarily stepped into her position. The wildfire season throughout the state has been an additional strain on DNR and they thanked everyone for patience during this time.
- Policy recognized Nancy Sturhan's commitment to the program and being an excellent role model and leader for how to work collaboratively. She was thanked by everyone for her participation over the years and will be missed, though the participants wished her well in her retirement.

#### *Updates*

- August Forest Practices Board (Board) meeting
  - The Board received a revised version of Section 16 of the Board Manual, which still requires some work to finish the delivery section (focusing on shallow rapid slides). The Board also asked DNR to specifically work on wording in the Manual, which DNR will do with the stakeholder group. They aim to have a complete new version for the Board's November 2015 meeting, and since the Policy caucuses have been well represented in the stakeholder group, DNR will not bring the updated version to Policy before going to the Board.
  - The Board took Policy's recommendation to take no action on both the Wetlands Research and Monitoring Strategy and the Wetlands Literature Synthesis.
  - The Board accepted Policy's Type F matrix, which shows how Policy plans to respond to the Board's February 2014 motions as well as address the remaining water typing issues. The Board asked Policy to complete their recommendations for the Board's November 2016 meeting, and asked the Policy Co-Chair(s) to provide regular updates at each Board meeting before November 2016.
  - The Board requested that all committees reporting to the Board (including Policy) identify a Co-Chair selection process and duties, and report back to the Board at the November 2015 meeting.
- Board Manual Section 16 updates
  - The stakeholder group is on track to provide a revised version to the Board at the November 2015 meeting.
  - They will do a field test in mid-September to see how the newly-written Manual works in the field, and will focus the September 30 stakeholder group meeting to work on specific language as the Board requested.
- The Board members will do a field trip on October 27 to preview the issues that could come before them in the 2016 calendar year. They will likely tour on Port Blakely's land near Olympia. DNR is putting together the agenda for that field tour, and took suggestions from Policy caucuses

such as ensuring that the tour highlights both typical and atypical land features. While DNR has some ideas that could highlight how the water typing process works, they also have to be mindful of the logistics and physical limitations to make sure the Board members all get to see as much as possible as safely as possible. DNR will “host” the field tour, but welcomed other stakeholders to join the tour. More information will follow about joining the tour, as DNR needs to make sure that the tour follows the landowners’ conditions. Policy members were encouraged to make additional suggestions through their Board member if they have more ideas.

**Off-Channel Habitat Proposal Initiation** – DNR submitted the proposal initiation to the Adaptive Management Program Administrator (AMPA) on September 9. Additionally, DNR produced Appendix A which outlines how the two rules (222-16-030 and 222-16-031) compare. DNR’s proposal initiation asks that the Adaptive Management Program (AMP) first undergo a review of the current rule (031). Now that the proposal initiation has been submitted, it is up to the AMPA to provide recommendations to Policy on whether the issues should be addressed via a science track, a policy track, or both. His recommendations will include more specific points as appropriate. That will likely be reviewed by Policy at the October meeting.

Policy reviewed Appendix A. Discussion included:

- There was concern about how off-channel habitat is currently being identified and protected, which is why DNR proposed a review of the current rule.
- 030 and 031 are similar in some ways and different in others, which is why DNR is asking the AMP to review the rule language.
- It was noted that DNR sees Type 2 and Type 3 waters as Type F due to the way 031 is written.
- The Co-Chair clarified where Policy was in the adaptive management process. Possible outcomes of that process could include changes in rule language, Board Manual guidance, or other products. After full implementation of the adaptive management process is complete, formal rule-making would begin which could include an economic analysis, among other work.
  - It was noted that though Policy would attempt to gain consensus for any of those rule changes, if no consensus was possible then they could bring majority/minority opinions to the Board.
  - The proposal initiation step may seem formal to some, but allows Policy to follow the structure outlined in Board Manual Section 22.
- It was suggested to incorporate the work previously done this year by Ray Entz and Dick Miller to review the current rule language and propose changes.

Policy also reviewed the final proposal initiation submitted by DNR. Some language was further tweaked to better reflect questions from Policy members at the August meeting, including:

- Clarified the language on page 3 about bankfull elevation, and clarified that the field reviews were requested by the Board.
- Added additional pieces as requested from other caucuses (part 2 on page 3).

Next steps:

- The AMPA will provide a proposal review packet to Policy likely at the October meeting, which will include his recommendations for Policy to approve or change.

- The AMPA noted that his recommendations will likely include a strong technical review of technical definitions and best available science to clarify meaning. Also likely will be a Policy review of rule language, and incorporating recommendations from a technical team for additional scientific review. It was unclear at the time whether his recommendations would include a separate technical team, or if it would use an existing technical group.
- The timeline for the reviews will likely be coordinated to help accomplish the Board's direction to have Type F completed by November 2016. Whether the technical review is done by a newly-convened team, a contractor, or an existing group would affect the timeline. Once Policy receives a technical review from the team or contractor, the process would follow the outlines in the Board Manual for accepting a report, having a timeline to decide to take action or no action on it, and then deciding what the action would be.
- Policy considered the idea to have a work program fund for Type F-related issues, separate from the contingency fund in the Forests & Fish Support Account. The AMPA will provide more information on this at the October meeting so that he can present it to the Board at the November meeting.
- The AMPA expected to have the off-channel habitat proposal review packet sent in the meeting materials for the October meeting. The Co-Chair asked all caucuses to come to the October meeting ready to make a decision on the next steps so that the momentum keeps moving forward.

**Electrofishing Technical Group** – The AMPA updated Policy on the status of the electrofishing technical group. He received names from many caucuses for technical experts to participate in the group, and reached out to all those people to set the date of the first meeting which will be October 5 in Olympia. The goal of that first meeting will be to identify a purpose statement for the group, which will likely be provided back to Policy at the November meeting.

It was noted that there might be additional technical groups convened for other issues related to Type F, such as off-channel habitat. At this time the AMPA has only been directed to convene the electrofishing technical group, but if others are needed in the future they might need expertise specific to those areas, so time will tell if the groups will overlap membership or not.

**Type F Pathway Matrix** – The Co-Chair presented the Type F matrix that was presented to the Board at their August meeting. Policy should consider the matrix as a time management tool, so as deadlines are identified or the process is tweaked, the matrix will be updated to reflect those changes. The hope is to have the matrix be a general process outline, not including many specific details or long narratives.

Policy discussed additions to the matrix, including:

- Other potential components of fish habitat that are not addressed by off-channel habitat as defined in rule.
  - It was noted that if no caucus disagrees with keeping features like ponds and impoundments as Type F features, Policy does not have to review or evaluate them – they can just be confirmed as Type F features so Policy just has to evaluate the pieces that are in disagreement.
- All fishes will be addressed by the AMPA's recommendations on off-channel habitat or related process.

- One caucus suggested adding language:
  - Observations of fish (or fish plus), i.e., visual observations and protocol surveys;
  - Rule-specified criteria;
  - On-site ID Team process using non-lethal methods; and/or
  - Other methods.
- A caucus recommended adding a row to the matrix that outlines how to come to agreement on an interim risk-reduction strategy. Another caucus suggested that in order to do that, Policy would need information related to the risks and the level of importance for each of the risks.
- A caucus noted that the language related to physicals characteristics could be modified. They suggested several questions to include in the discussion on physicals, including:
  - Is the current extent of fish use historic?
  - How much fish habitat has been recovered?
  - Does fish distribution vary by season or year?
- A caucus suggested that Policy review the current maps and think about how to update those using data from recent Water Type Modification Forms or Forest Practices Applications.
  - It was noted that the original intent of the model was to get a regulatory map.
- DNR suggested that Policy keep track of all the pieces that they agree on so that when it comes time to compile the final product, the pieces are all together.
- Policy agreed that they are still aiming to meet the November 2016 deadline as requested by the Board, but the regular updates to the Board at each meeting will help everyone understand how reasonable that timeline is.
  - A caucus cautioned that Policy can often hamper its own progress. A way to reduce this is to allow the technical/scientific pieces to happen independently of Policy, and let those solutions speak for themselves instead of getting policy discussions in the way of science.

**CMER Update** – Doug Hooks, CMER Co-Chair, provided an update on recent CMER work:

- The Hard Rock study is continuing to be reviewed by CMER, and then will be sent to Independent Scientific Peer-Review (ISPR).
- CMER discussed whether to send the Westside Type F Extensive Monitoring (Temperature) project to Policy or ISPR. The conclusions section had not yet been sent to ISPR though many of the other pieces were reviewed previously.
  - Without consensus, they agreed to discuss again at the September CMER meeting and expect that it will go to ISPR before moving to Policy.
  - Doug is ready to work with landowners to get study sites, though that work will involve private information from CMER that is not yet available and may include a waiver.
- CMER is continuing to revise the Protocols & Standards Manual.
- CMER is also reviewing the Lean Process, which has been used for over two years now. Since this is an adaptive management program, CMER hopes to recommend some improvement changes to the Lean Process which will be sent to Policy in the next few months. They are building from the summary Amy Kurtenbach provided after she reviewed the whole process.
- The Eastside Type N Forest Hydrology project is back from ISPR so CMER will soon look at those comments.
- The Riparian Scientific Advisory Group is working on a budget for the remote sensing pilot project.

- SAGE is looking for a Co-Chair.
- The Uplands Scientific Advisory Group is close to finalizing the contract for the Glacial Deep-Seated Literature Synthesis.
- The Wetlands Effectiveness Project TWIG will likely have the critical questions, objectives, and problem statement to Policy at the October meeting.
- The Eastside Type N Riparian Effectiveness Project (ENREP) TWIG will come to the next CMER meeting with proposed study design alternatives, and is working towards getting the field coordinator position filled. They hope to finalize the contract for that soon.

Policy also discussed the AMP budget. With the new budget from the legislature, the AMP has two sources of funding: the Forests & Fish Support Account (FFSA), and the General Fund-State. The FFSA is more flexible in that any leftover funds at the end of the year carry over into the next year, while the General Fund-State funds have to be used each fiscal year (not biennium) or it zeroes out. Discussion on this included:

- The AMPA is concerned that the AMP is currently underspending and at this rate would forfeit a significant amount of money by June 30, 2016.
- CMER will identify options within projects to spend the unspent funds, and Policy will review that at an upcoming meeting.
- Policy asked to re-instate the periodic budget updates from the AMPA to Policy, so Policy knows earlier when there is a problem or if Policy is being a bottleneck.
  - The AMPA asked that when Policy receives those budget updates, Policy should be ready to make quick decisions so that changes can be made sooner since there are only 12 months to spend down the budget.
  - A caucus suggested flagging a date soon after CMER meetings to dedicate to time-sensitive issues, so that CMER may be able to get answers from Policy sooner than waiting for the Policy meeting.
- A caucus noted that the underspending could be the beginning of an ongoing challenge, or just the start-up costs of getting going with the new, bigger budget.

**Policy Co-Chair Selection Process & Duties** – Adrian Miller, Mary Scurlock, and Dick Miller drafted a selection process and duties for Policy Co-Chairs. While the need for this came up organically within Policy, the Board directed all committees to identify this process, so Policy will need to finalize this to report to the Board in November.

Policy reviewed the draft and caucuses provided the following suggestions:

- Maybe the Terms of Service; Vacancies section isn't necessary.
- Add language about the challenge to find people to serve in these positions.
- Change the "minimum two-year term" requirement.
- Make duties aspirational, but not mandatory.
- Re-work the last paragraph.

Adrian, Mary, and Dick will use these suggestions and provide a new draft to Policy for approval at the October meeting.

The Co-Chair recessed the meeting at 4pm.

-----**Day 2: Friday, September 11**-----

**Adaptive Management Program Training** – The AMPA presented to Policy about the rule language and Board Manuals for the AMP. The PowerPoint presentations are available separately. The discussion included:

- The main purpose of Technical Writing Implementation Groups (TWIGs) is to have a smaller group than a Scientific Advisory Group (SAG) identify the problem statement, objectives, critical questions, best available science, and study design alternatives.
- The Lean Process report from three years ago indicated that there was redundancy in the SAG process, which is why the TWIG process was started.
- The Forest Practices Board is an independent agency, but DNR staffs the Board as well as the Department.
- Petitions from an identified stakeholder group can go to Policy, but public petitions can only go to the Board (which can then remand issues to Policy).
- There are some things that go directly from CMER to the AMPA that don't go through ISPR, such as:
  - Data summaries (like status and trends);
  - Outside science, if it has been peer-reviewed; and
  - Science from CMER-approved journals.
- It was clarified that Policy directs CMER, though the relationship between the two groups is important to clarify.
  - Policy discussed the importance of having a “firewall” between CMER (science) and Policy so that the policy agendas do not influence the scientific process or findings.
  - A caucus noted that confusion often arises when Policy asks CMER or a SAG/TWIG to do something without fully explaining the direction or the context, so CMER or the SAG/TWIG has to interpret the direction or the questions to answer. The more explicit Policy can be, the higher chance there will be of Policy receiving the information they want. Another caucus noted that it can sometimes be challenging to be more specific without more technical information.
  - The AMPA noted that part of CMER's job is to make sure that the study design alternatives are fully fleshed out (including a budget, timeframe, metrics, etc.) so that Policy can compare all the alternatives and pick the one that most effectively answers the question.
  - CMER's role is to be as focused on objective science as possible.
- Policy discussed how to do a review of the CMER workplan. Comments have continually been added so that the document captures history. Policy discussed changing that so that the workplan outlines the work to be done, and still captures the historical notes but perhaps in an appendix so that it does not distract from the overall plan.
- If Policy has ideas on what the Board Manual should say, Policy can bring those suggestions to the Board, which can then direct DNR staff to follow up on. Policy is not responsible for directing DNR staff.

- When a proposal initiation occurs at the Policy level, it is up to Policy to look at their current workload and figure out how to add the additional work effort from the proposal initiation or determine what effort comes off their workload.
- Policy agreed to make charts of the AMP processes so that they can be easily referenced in meetings.
- A few issues to have in future discussions:
  - Funding; and
  - If/how to have AMP work published in the gray literature.

**Small Forest Landowners' (SFLOs) Template Subgroup** – Marc Engel and Dick Miller have been preparing for the first SFLOs Template Subgroup meeting. Points included:

- Marc and Dick have developed a “straw dog” for the subgroup, including a matrix that identifies the prescription number for Type F and Np streams, associated width, bankfull width, and conifer/hardwood composition. Now that that has been developed, they will convene the first subgroup meeting and discuss:
  - What criteria should be used to assess individual prescriptions and be recommended to Policy for use in a template?
  - Would any of the prescriptions meet performance standards?
  - Which prescriptions are valid?
- There are three suggested criteria to assess prescriptions:
  - Compare each prescription against rule requirements,
  - Compare modeled estimates of after-harvest shade and large-wood recruitment to streams for each prescriptions vs. rule prescription, and/or
  - Note if similar prescriptions have been frequently applied in previous alternate plans that have been reviewed and accepted by ID Teams.
- A caucus suggested that the SFLOs Advisory Committee should be involved with this work, in addition to the Policy caucuses who volunteered to participate in the subgroup.
- Next steps:
  - Convene the subgroup for the end of September.
  - Report back to Policy at the October meeting.
- The subgroup should understand that Policy’s first priority is on Type F, and this issue does not have a deadline associated with the Board direction to work on it so it will be secondary to all Type F work.
- WFFA noted that they are working on a corresponding template for the eastside, and will apply what they are learning from this westside effort.

**2016 Policy Committee Meetings** – Policy reviewed logistics for meetings in 2016. In general, they agreed to keep standing meetings on the first Thursdays of every month at the Department of Ecology headquarters in Lacey. Exceptions are:

- Hold a 2-day meeting in May in Spokane (hold May 4, 5, and 6 for now).
- Hold a 2-day meeting in June in Mt. Vernon, to be hopefully in conjunction with the Demming Log Show (hold June 2, 9, and 10 for now).
- Switch the September meeting at Ecology from September 1 to September 8.



**Public Disclosure Training** – Phil Ferester from the Washington State Attorney General’s office, Natural Resources Division, presented on how public disclosure influences the Policy Committee. His presentation is available separately. Points included:

- The Policy Committee, as an entity of the Forest Practices Board, is subject to the Public Records Act and the Open Public Meetings Act.
- Generally speaking, all records are open unless there is an exemption, and the burden is on the agency to show why the record is not open to the public. Exemptions often include:
  - Personal information (like Social Security Numbers);
  - Preliminary drafts; and/or
  - Trade secrets, terrorist response plans.
- If the agency does not demonstrate compliance with the public records requests, a fee is owed to the requester.
- A public record is any form of electronic or paper record relating to the conduct of government (which can include text messages on a personal cell phone).
- Though it has never been tested in court, TWIGs and SAGs would likely be subject to a public records request because they would be considered under the umbrella of CMER.
- Policy has never been requested for records before so there is no “method of responding” established thus far.
- A non-state employee does not have to disclose notes unless they disclose to a state employee or share with the rest of the Policy Committee.
- Policy members should consider:
  - Keeping all electronic records in their native format (Word documents in Word, Excel documents in Excel, etc.)
  - Being willing to assist the Board staff to comply quickly to the public record request

**August 6, 2015 Meeting Summary** – Policy thanked the guest note-taker for the great notes, though had several edits. All were agreed to except one, which will be confirmed by the County caucus before the October meeting.

**AMPA Update** – Hans shared that the new contract for facilitation and note-taking was won by Triangle Associates, Inc. The scope of work is to continue the services that have been provided and to add the options for facilitation and mediation, which will be on an as-needed basis. There is a \$50,000/year not-to-exceed clause, and the contract is through June 30, 2017.

The Co-Chair adjourned the meeting at 2:45pm.

Attachment 1 – Participants by Caucus at 9/10/15 and 9/11/15 Meeting

**Conservation Caucus**

Chris Mendoza  
\*Mary Scurlock

**County Caucus**

\*Kendra Smith, Skagit County

**Federal Caucus**

\*Marty Acker, USFWS  
\*Jo Henszey, EPA

**Industrial Timber Landowners (Large)**

Doug Hooks, WFPA  
Adrian Miller, Olympia Resource Management,  
Co-Chair  
\*Karen Terwilleger, WFPA

**Non-Industrial Timber Landowners (Small)**

\*Dick Miller, WFFA

\*caucus leads

**Others**

Hans Berge, AMPA  
Claire Chase, Triangle Associates

**State Caucus – DNR**

\*Marc Engel, DNR  
Marc Ratcliff, DNR

**State Caucus – Ecology and Fish & Wildlife**

\*Rich Doenges, Ecology  
Mark Hicks, Ecology  
\*Terry Jackson, WDFW

**Tribal Caucus – Eastside**

\*Ray Entz, Kalispel/UCUT  
Marc Gauthier, UCUT

**Tribal Caucus – Westside**

Mark Mobbs, Quinault Indian Nation  
\*Joseph Pavel, Skokomish  
\*Jim Peters, NWIFC  
Nancy Sturhan, NWIFC  
Curt Veldhuisen, SRSC (phone)

Attachment 2 – Ongoing Priorities Checklist

<b>Priority</b>	<b>Assignment</b>	<b>Status &amp; Notes</b>
<b>Type N</b>	Type N policy subgroup	Caucuses encouraged to talk offline.
<b>Type F</b>	Policy	Policy completed the off-channel habitat field trips and now is discussing both electrofishing and off-channel habitat to respond to the February 2014 Board motions.
<b>Small Forest Landowners Westside Template</b>	SFLOs Template Subgroup	To set first meeting in late September or early October.
<b>Unstable Slopes</b>	Policy	Board accepted Policy's recommendations; now DNR and UPSAG are working on implementing those recommendations. UPSAG is hiring a contractor to do a literature review.
<b>Adaptive Mgmt Program Reform Rule Changes</b>		Accepted by Board at August 2013 meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings.
<b>Ongoing CMER reports reviewed by Policy</b>	Mark Hicks & 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

<b>Entity, Group, or Subgroup</b>	<b>Next Meeting Date</b>	<b>Notes</b>
<b>TFW Policy Committee</b>	October 1	
<b>CMER</b>	September 22	
<b>Type N Policy Subgroup</b>	TBD	
<b>Type F</b>		To be addressed at regular Policy meetings.
<b>Forest Practices Board</b>	November 10	
<b>Small Forest Landowners Template Subgroup</b>	TBD (late September or early October)	