

Timber, Fish, & Wildlife Policy Committee
 June 9 & 10, 2016 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Accepted May 2016 meeting summary with one edit.	Consensus from all caucuses present.
2. Approved Policy's Task List.	Consensus from all caucuses present.

Action	Assignment
1. Consider and plan a caucus principals meeting; work with DNR to plan the agenda.	Ray Entz & Adrian Miller
2. Update the Master Project Schedule for July meeting to include information on new projects and the "hold list".	Hans Berge
3. By June 17, send additional questions to Claire (if any) for the Off-Channel Habitat Technical Group's report.	Each caucus representative, as interested
4. Develop a draft of off-channel habitat rule/guidance updates to share with Policy.	Ray Entz & Adrian Miller
5. By June 29, fill out the attached matrix of "how, when, and where" electrofishing rule/guidance, and send to Claire (or schedule a phone call).	Each caucus representative
6. By June 21, fill out the Doodle poll to indicate availability to add a half-day to the August meeting (August 3, afternoon).	Each caucus representative

Welcome, Introductions, and 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*). The draft agenda was slightly revised to switch the presentation on off-channel habitat and the biennial budget discussion.

Announcements

- The federal caucus noted that June 5th was the 10-year anniversary of the Forests & Fish Habitat Conservation Plan (HCP). The caucus shared their optimistic views about the implementation of the HCP and that it remains a great model of how to self-govern. Since this is only the 10-year mark of a 50- or 100-year plan, they encouraged Policy to think of current challenges as growing pains and not fatal flaws. The federal caucus congratulated Policy members for being a part of a program that is a leading example nationwide.
- The westside tribal caucus shared that the Northwest Indian Fisheries Commission (NWIFC) is finalizing their five-year update of the State of the Watersheds Report. This report includes space for each western Washington tribe to discuss their critical issues. The tribes' comments on the Road Maintenance & Abandonment Program (RMAP) were largely positive, except in the Quinault area. The caucus shared that this is another example of how the Adaptive Management Program (AMP) is working. The report has not been published yet but should be soon.
- The conservation caucus shared that the Washington Forest Law Center (WFLC) has filed a lawsuit, on behalf of Sumas Mountain Community for Landslide Residents and Paul Kennard,

against the Department of Natural Resources (DNR) Forest Practices Board Manual Section 16 on unstable slopes. This is a petition of review of agency action filed in King County Superior Court. The conservation caucus noted that while WFLC is associated with their caucus, the conservation caucus declined to participate in this suit when approached. If Policy members have questions about the lawsuit, the conservation caucus asked that they contact Peter Goldman.

May Meeting Summary – There was one edit suggested to the draft meeting summary and with no other changes, the draft was accepted as final.

Ground Rule of the Month – Rich Doenges highlighted ground rule C.3 “Participants state needs, problems, and opportunities first and positions last, and avoid hidden agendas.” He encouraged Policy members to think about the difference between positions and principles, and that while it is natural to not compromise on principles, positions should be thought of differently. He also suggested that hidden agendas destroy trust and the more Policy members can be transparent with one another, the better the program will be.

Forest Practices Board Update – The DNR caucus shared that the Board’s last meeting on May 11 included many things outside the realm of the AMP. Of the related topics, the Board heard an update on the Small Forest Landowners’ (SFLOs) westside alternate template proposal. The Policy subgroup is still working on whether the proposed prescriptions meet the definition of a “template”. The next step is to complete the science track with a riparian functions literature synthesis to determine whether the prescriptions meet the approval standard for an alternate plan as meeting equal or greater protection to the current rules. Another topic was the Board’s approval of revised Board Manual Section 16. The Board also approved the FY17 CMER budget and acknowledged awaiting the FY17/19 biennial budget at their August meeting. Finally, the Board discussed the Clean Water Act (CWA) assurances and DNR and Ecology will work together in preparation for a more substantive update to the Board at the August meeting.

Policy’s Task List – One Co-Chair summarized that a subgroup updated the task list and in response to the May Policy meeting, re-formatted the list to reflect tasks under way, tasks to do, and completed tasks. This subgroup also suggested updates to the parking lot. The subgroup worked to ensure that the list does not reflect everything Policy is or will be working on, but focuses attention on high-priority activities. Policy agreed with the subgroup’s recommendations on the re-formatted list, the parking lot updates, and the old tasks that were removed from the list due to being out of date or not a priority issue.

The Ecology representative suggested that the task list should help Policy move back to focusing on the priority tasks and balance workload issues. He shared that this type of list addresses Ecology’s comment to the Board at the May meeting, which was that one of the CWA assurances is to have a task list for Policy.

Decision: With consensus from all caucuses present, Policy approved the task list as drafted (v.6-1-16), and Policy agreed to periodically update the list.

The Co-Chairs noted that one of the tasks, to convene the caucus principals, was moved off Policy’s Task List so the Co-Chairs can work on that first. They plan to develop a strategy and then share that with Policy at a later date. DNR noted that they are also working on that at the request of the Board Chair, so the Co-Chairs agreed to work with DNR in this effort. The conservation caucus suggested that the Co-Chairs talk with each caucus to understand the caucus’s internal structure/organization. The WDFW representative also mentioned that it was important for Policy representatives to be kept in the loop so that they can effectively communicate with their principals.

Type F: Off-Channel Habitat – The Adaptive Management Program Administrator (AMPA) introduced Dr. Phil Roni, who on behalf of Policy convened a small group of experts to answer Policy’s questions about off-channel habitat (OCH). Points from the presentation included:

- The overall goal of the technical group is to review the OCH rules to determine if OCH is being omitted from Forest Practices Applications (FPAs) and if yes, to describe the habitats in a manner that would facilitate coverage. They plan to write and present a report to Policy.
- The four basic tasks of the technical group are to:
 - Review current literature;
 - Review existing definitions;
 - Determine if OCH is being omitted from the forest practices rules and FPAs (under the existing definition in the interim water typing rule); and
 - Define the flood return interval that defines 95% of OCH.
- The group is looking at literature related to: the importance of OCH to fish and aquatic productivity; bankfull width and depth; bankfull elevation and the flood return interval; and the 5% gradient and connectivity (from the rule language).
 - The existing literature has a lot of information on these topics, and the group also found that the existing Board Manual language is well written.
 - The group has not yet found any documentation for how the 5% gradient part of the rule was derived, so they are looking at if there are cases where the 5% rule excludes important OCH.
- Their findings to date include:
 - The literature clearly demonstrates the importance of OCH;
 - Bankfull width/depth is supported by the literature, though bankfull depth is important only insofar as to define bankfull elevation;
 - Unsure so far of the importance of high flows in determining OCH; and
 - Would need further study (including physical monitoring of OCH across the state) to determine:
 - The flood return interval that defines 95% of OCH;
 - Whether bankfull elevation or some other elevation is needed to fully capture important OCH function; and
 - The biological benefit or harm in protecting 75%, 95%, or 100% of OCH.
- Their next steps include:
 - A field tour for the technical group members only is planned for July 6, and
 - They hope to have a draft report to DNR by the beginning of July, then a draft report to Policy in August, then a final report to Policy in September.

Policy members had some questions and discussion after the presentation, including:

- Discussion:
 - Whether OCH is a nutrient sink or source for nutrients will depend on the habitat.
 - The challenge of fish use is seasonality.
 - The group is having difficulty finding a study that looks at the 5% gradient question for smaller streams with limited floodplain.
 - One Co-Chair mentioned a paper about worldwide stream belt widths, which will be shared with Policy for reference.
 - The technical group also noted that OCH can be really important when it shows up near smaller streams (rarer habitat). In headwater areas, there is less rearing habitat so fish move downstream to rear in floodplain habitat.
- Questions for the technical group to answer in the report:
 - Are there habitat features that would be missed that are above bankfull elevation? If so, what are they? (E.g., are the features insignificant, or significant enough to capture?)

- Will the group identify a set of characteristics that would be common across a type of stream or region, or specific examples?
- If some OCH has been identified in a system, how likely is it that that area is already encompassed in some other protected area (e.g., CMZ)?
- Can the technical group address all potential options for determining reasonable capture of OCH? Is there more than one method to effectively determine OCH? (E.g., belt width model to predict OCH and add the appropriate modeled width to RMZ buffer, or measure bankfull elevation/width/height to capture those features within that area?)
- One caucus suggested that the technical group show indicators (e.g., species) of the areas where OCH is found very occasionally.

The Co-Chairs have begun to identify some areas of general agreement about OCH, and have discussed this with the AMPA for how to move the dialogue forward on water typing. They will draft their ideas to share with Policy at an upcoming meeting. The next time Policy should expect something from the OCH Technical Group is at the August meeting, to review the draft report and recommendations from the Co-Chairs. The AMPA reminded Policy that the draft report is intended for Policy use; review comments should focus on clarification, not for review by caucus technical experts for scientific merit.

FY17/19 Biennial Budget – The Co-Chairs noted that this is a potential decision on this agenda, but if not finalized at this meeting it must be finalized at the July meeting. The AMPA walked through each line item with suggestions where appropriate, and discussion included:

- As the first step to address the projected budget shortfall, Policy began with the assumption that the “new proposed projects” section was not included. That still leaves a projected shortfall, but much smaller.
- The AMPA noted that CMER had recommended this budget while recognizing that they were recommending a deficit budget. It is Policy’s decision to fund or not fund each line item.
- Several caucuses suggested that Policy compare this budget to what was approved in 2014 by the Board (which will be shared with all caucuses after the meeting), which was the most recently-approved version of the Master Project Schedule.
- Policy considered changes to various line items. At this point these are only preliminary ideas and agreements, but are noted below:
 - Both CMER Science Staff positions will likely not be filled by the end of FY17, so there would be a projected \$50,000 savings in the first year of the biennium.
 - The *Type N Experimental Buffer Treatment in Hard Rock Lithologies – Extended* project could be cut in half to save money, but that would lose the full analysis that would show the recovery rate. The data will be collected and the analysis could be done later, but Policy did not get to agreement at this meeting whether to halve that line item or not.
 - The *Type N Experimental Buffer Treatment in Hard Rock Lithologies – Genetics* project will be done before this biennium starts, so Policy reduced that budget to \$0.
 - The *Westside Type F Riparian Prescription Monitoring* project had the FY18 and FY19 budgets reversed because the AMPA does not feel the TWIG would be ready to spend \$400,000 in FY18.
 - The *Road Prescription-Scale Effectiveness Monitoring* project was reduced by \$100,000 in each FY18 and FY19.
 - The *Forested Wetlands Effectiveness Study* was reduced to \$150,000 in FY18.
 - The *Glacial Deep-Seated placeholder funding* is intended to execute the strategy. While the literature review has been done, there is uncertainty whether they will be ready to implement a study next year so that was reduced to \$100,000.

The version that was live-edited during the meeting will be shared with the caucuses and everyone should come prepared to approve a final version at the July meeting. They also asked for a separate column for the AMPA's recommendations, and to show the "new proposed projects" in a list below the bottom line. Policy members were also encouraged to look back at the descriptions of new projects which Doug Hooks provided Policy at the April 2016 meeting.

Type F: Electrofishing – The AMPA reviewed the history of the Electrofishing Technical Group (ETG). The group convened in October 2015 and first looked at the questions from Policy and the Board motion. Then they divided into subgroups to answer the questions and then brought the answers back to the full ETG to see what information might be missing. Almost all the ETG members participated substantially in the report content, though it is authored by Hans Berge, Howard Haemmerle, and Pete Bisson. The ETG members' names in the report acknowledge their participation but do not imply consensus or agreement by everyone on the report content.

Discussion

- The area that were difficult to find consensus among ETG members was around certifications and training requirements. Despite that, it was simpler to find consensus about the effectiveness of electrofishing as a tool and populations above barriers.
- The conservation caucus noted that their ETG participants were concerned about the Executive Summary showing that electrofishing poses a lower risk than they feel is accurate, and confusion that the ETG members would not be co-authors.
- The westside tribal caucus noted that there were some questions that came up through the process, and it is important to memorialize those questions so Policy can address them later. This caucus also asked a few technical questions, which the AMPA answered:
 - Direct harm of electrofishing on eggs includes damage seen using X-rays or dissection to see injuries that are less than lethal. The point of including this in the report was to note that there are effects in using the tool, despite it probably being a low likelihood because the protocol surveys are meant to use electrofishing only in finding the last fish.
 - Detectability data shows that roughly 18% of the time, a fish may not be detected, but the idea is that it is done through a single pass survey to minimize using the tool.
- The WDFW representative shared some concerns:
 - The conclusions were written in a way to demonstrate that electrofishing is generally not a problem, though the supporting information in the report sometimes seemed to lead to a different conclusion.
 - Some of the questions submitted by Policy were meant to be answered in the bigger context of the protocol survey for defining the F/N break. The focus on electrofishing alone may not have always fully answered the question; therefore some of the same questions will have to be addressed again when Policy looks at the entire protocol survey method and defining the F/N break.
- The Co-Chairs noted that the ETG was not asked to answer the question of where to "hang the flag" in the field. The information that Policy received from the ETG is that the tool is not perfect, but it is a tool to consider moving forward. It is up to Policy to identify when and how to use the tool, given the technical information from the ETG.
- The Co-Chairs suggested that Policy begin to have the conversation that assuming electrofishing will be used to some limited degree under the new water typing rule, they should begin to think about when, where, and how electrofishing will be used. Each caucus should be thinking of what such parameters they can agree with.
- The current Board Manual Section 13 has other tools besides electrofishing for determining presence of fish (not absence), and Policy noted that they could discuss other tools to decide what to keep in the Board Manual, what to add, and what to remove.

- Policy noted the importance of making sure the new rule language is consistent with the complementary Board Manual.
- The conservation caucus suggested that if the water typing determination is based in part on electrofishing, there should be an explanation of how recoverability and seasonality are considered, and this could be a list of information that is provided to the ID Team.
- Policy caucuses are encouraged to think about how, when, and where electrofishing should be used moving forward and prepare their thoughts for the July meeting.

Type F: Physicals – The AMPA has received the proposal initiation from the industrial timber landowner caucus, and has some questions for Policy, including:

- Is the desired outcome a comprehensive overview or compartmentalized in pieces?
- The default physical criteria are the product of a compromise, and they came out as the end product and not the beginning of the negotiations. So if the criteria are opened up for discussion again, the AMP may get an entirely different outcome than the current criteria. Are caucuses comfortable with this potential?

Discussion

- The WDFW representative and federal caucus representative noted the importance of the physicals to address fish habitat, not fish presence/absence.
- The westside tribal caucus reminded Policy that the current state of habitat is the worst degraded habitat seen in recent history, and that can be attributed to this compromise of the physicals.
- The conservation caucus urged the AMPA to be thoughtful about how the questions from the proposal initiation affect the water typing task at hand.
- The industrial timber landowner caucus noted that the physicals are one piece of the regulatory system. So far, the AMP has been evaluating electrofishing and it is important to their caucus that the physicals be similarly evaluated.
- The eastside tribal caucus noted that Phase 1 may not be needed if that helps the prioritization.
- The WDFW representative noted that Phase 3 was the most important; time and resources should not be spent on the past, but rather on minimizing the error in the physicals.
- The westside tribal caucus wondered if this work may affect the budget, which may not be accounted for. They also noted that if the AMP will evaluate the physical criteria, they should be evaluated for the eastside since that was not fully done originally. They also shared that if the physicals will be reevaluated, they will need to revisit the equal sharing of the burden of risk now that the program is under the Endangered Species Act and a recovery program.
- The federal caucus observed that the physical criteria are probably being used more rarely than typically perceived, as shown by DNR's Water Type Modification Form review.

The next step is for Policy to review the AMPA's recommendations on the physicals proposal initiation, planned for the July meeting.

CMER Update – Doug Hooks, one of the CMER Co-Chairs, shared this update from the latest CMER meeting:

- CMER members are still working on updating the Protocol & Standards Manual (PSM), and collected lots of comments on Chapters 7 and 8.
- The CMER Co-Chairs are hopeful that the ENREP dispute can be resolved quickly to keep the TWIG moving on the study design. CMER discussed the process for dispute resolution, and are using a blend of the guidelines from the PSM and Board Manual.
- The Hard Rock study chapters are coming back from ISPR, and the CMER Co-Chairs hope to approve three post-ISPR chapters at the July CMER meeting, and five post-ISPR chapters at the August meeting. The CMER Co-Chairs suggested that the Policy Co-Chairs think about how and

when Policy wants to have the chapters delivered. The AMPA reminded Policy that the synthesis chapter and 6 Questions will be most important for Policy to review. The 6 Questions will be developed for each chapter. CMER hopes to have the whole package complete by June 30, 2017.

- The Soft Rock study is moving along on schedule.
- The Scientific Advisory Group for the Eastside (SAGE) is getting a new Co-Chair but this person is from a caucus that has had a lot of SAGE Co-Chairs. The problem is a lack of participation in SAGE, and the Policy Co-Chairs asked caucus representatives to talk with their caucuses about how to increase their participation in SAGE.
- Howard Haemmerle will be evaluating the Lean Process for CMER, which might come to Policy at some point.
- The Roads Prescription-Scale Effectiveness study design should be at CMER in November or December, and to Policy soon after.
- The Forested Wetlands Effectiveness Project study design should be at CMER in November or December as well, and to Policy soon after.
- The Type F Effectiveness TWIG should have Part 1 of the study design to CMER in late summer, and to Policy soon after.
- The Unstable Slopes Criteria Evaluation TWIG should have the Best Available Science and Alternatives Analysis to CMER in the fall, and to Policy soon after.
- The Buffer/Shade Integrity Study is currently at ISPR and will come to CMER likely by September, and to Policy soon after.

The county caucus asked the CMER Co-Chair if they can provide a written update the day before the Policy meetings, which the CMER Co-Chairs will consider doing.

Next Steps – The facilitator went through action items from this meeting and topics for the July meeting. Due to the amount of topics for the July and August meetings, the DNR caucus suggested holding a 2-day August meeting. The westside tribal caucus suggested that Policy could meet in the afternoon of August 3, and Policy members are invited to join Jim Peters at the Squaxin Island first salmon ceremony that morning. A doodle poll will be sent to confirm this date.

The Co-Chairs adjourned the meeting at 4:30pm.

Attachment 1 – Participants at 6/10/16 Meeting

Conservation Caucus

Chris Mendoza, Mendoza Environmental
(phone)

*Mary Scurlock, M. Scurlock & Associates

County Caucus

Kendra Smith, Skagit County

*Scott Swanson, Washington State Association
of Counties

Federal Caucus

*Marty Acker, USFWS (phone)

Industrial Timber Landowner Caucus

Brian Fransen, Weyerhaeuser (phone)

Doug Hooks, WFPA

Adrian Miller, Olympic Resource Management,
Co-Chair

*Karen Terwilleger, WFPA

Jason Walter, Weyerhaeuser (phone)

Non-Industrial Landowner Caucus

No representative present

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 Tribe/UCUT, Co-Chair

Tribal Caucus – Westside

Doug Couvelier, Upper Skagit Tribe

*Joseph Pavel, Skokomish Tribe (phone)

*Jim Peters, NWIFC

Ash Roorbach, NWIFC

*caucus representatives

Others

Hans Berge, AMPA

Howard Haemmerle, DNR

Claire Chase, Triangle Associates

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
Type F	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.).
Small Forest Landowners Westside Template	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Dick Miller.
Unstable Slopes	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.
Ongoing CMER reports reviewed by Policy	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
TFW Policy Committee	July 7	
CMER	June 28	
Type N Policy Subgroup	TBD	
Type F		To be addressed at regular Policy meetings.
Forest Practices Board	August 10	
Small Forest Landowners Template Subgroup	TBD	As workload allows.

Attachment 4 – Photos from 6/9/16 Field Tour in Skagit Basin



A view from the top of a harvest unit in the Skagit River basin.



An UMPPF site.



The Skagit River valley.



Comparing maps to on the ground information.



A fish passage barrier or not?



Seeing the floodplain up close.