

1 **FOREST PRACTICES BOARD SPECIAL MEETING**

2 October 9-10, 2002

3 Department of Natural Resources, Olympic Region Conference Center
4 Forks, Washington

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7 **Members Present:**

8 Pat McElroy, Designee for Commissioner Sutherland, Chair of the Board
9 Lloyd Anderson, General Public Member/Independent Logging Contractor
10 Toby Murray, General Public Member
11 Tom Laurie, Designee for Director, Department of Ecology
12 Robin Pollard, Designee for Director, Office of Trade and Economic Development
13 Judy Turpin, General Public Member
14 Eric Johnson, Lewis County Commissioner, District 1

15 **Members Absent:**

16 Bob Kelly, General Public Member
17 John Mankowski, Designee for Director, Department of Fish and Wildlife
18 Keith Johnson, General Public Member/Small Forest Landowner
19 Lee Faulconer, Designee for Director, Department of Agriculture
20 Fran Abel, General Public Member

21 **Staff:**

22 Lenny Young, Forest Practices Division Manager
23 Ashley DeMoss, Forest Practices Assistant Division Manger
24 Paddy O'Brien, Assistant Attorney General
25 Patricia Anderson, Rules Coordinator
26 Karrie Brandt, Board Coordinator

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29 **OCTOBER 9, 2002 - FIELD TOUR**

30 The Board, staff, and public met at the DNR region office in Forks to begin the field tour. The tour
31 included private and state owned sites. Discussion topics were alternate plans, culvert installation to
32 improve fish passage, road maintenance and abandonment plans, costs of streamside-parallel roads, and
33 channel migration zones. The field tour ended at 4:30 p.m.

34
35 **OCTOBER 10, 2002 – SPECIAL MEETING**

36 **CALL TO ORDER**

37 Pat McElroy called the meeting to order at 8:30 a.m. Karrie Brandt gave the safety briefing, and McElroy
38 facilitated introductions of the Board, staff, and attendees. McElroy announced Fran Abel's resignation.
39 McElroy thanked Jim Springer, Dave Parks, DNR region staff, and the private landowners for the field
40 tour.

1 **FORESTS AND FISH POLICY COMMITTEE - FINAL RMAP RECOMMENDATIONS**

2 Lenny Young provided a report to the Board in the form of a letter from the Forests and Fish Policy
3 Committee to Governor Gary Locke and Commissioner of Public Lands, Doug Sutherland. (*See*
4 *Attachment A.*) The letter detailed the Committee’s recommendations on adjustments that the Small
5 Forest Landowner Road Maintenance and Abandonment Plan (RMAP) working group could make to the
6 RMAP program. Young reported that the proposed adjustments would alleviate economic impacts on
7 small forest landowners while remaining faithful to the goals of Forests and Fish in protecting public
8 resources. The Committee, in cooperation with the House of Natural Resources Committee, is proceeding
9 with drafting bill language which will be an executive request legislation by the Commissioner of Public
10 Lands and Governor.

11

12 **PROGRESS ON RMAP FUNDING**

13 Kirk Hanson, Small Forest Landowner Office (SFLO), provided a progress report on his research of
14 possible funding programs for small forest landowners to replace fish-blocking culverts. He reported that
15 a number of federal programs could provide long-term funding, but they would require developing
16 partnerships with the federal agencies or developing programs within DNR to allocate the funds to
17 landowners. About 25 additional programs could provide funding directly to DNR or landowners.
18 However, some of those programs could be considered complicated for the small forest landowner and
19 may require assistance from DNR to act as a facilitator. The SFLO has recommended that DNR hire a
20 grant funds manager to identify additional funding sources, research the application process and act as a
21 funding facilitator for the small forest landowners. Hanson’s recent assessment of available funds for
22 small forest landowners totaled \$13.5 million on an annual basis. This figure includes federal sources
23 primarily, some state sources and no private sources.

24

25 Turpin asked whether it would be necessary to partner with a non-profit organization to receive funds.
26 Hanson said that the majority of private foundations grant funds only to 501C3 non-profit organizations,
27 and only a small number grant to state agencies. The larger foundations provide grants to state agencies,
28 so this would get attention first. He recommended that DNR develop a partnership with a 501C3 non-
29 profit organization to access funding and collaborate on projects.

30

31

1 **PUBLIC COMMENT**

2 Gary Joiner, Washington State Farm Bureau (WSFB), commented on the Forests and Fish Policy
3 Committee's recommended changes to the RMAP regulations for small forest landowners. While Joiner
4 voiced a general agreement with the Committee's recommendations, he suggested that no RMAP
5 requirements be required for family forest landowners who meet the definition threshold of two million
6 Board feet per three-year average of harvested timber. In addition, WSFB recommends site specific,
7 action specific and scientifically based type findings as well as an economic feasibility, non-regulatory
8 incentive, and full participation on behalf of the landowner.

9

10 Kevin Godbout, Weyerhaeuser Company, submitted comments in disagreement with Washington Forest
11 Law Center's recently filed petition asking the Board to amend Section 2 of the Board Manual. (*See*
12 *Attachment B.*)

13

14 Peter Heide, Washington Forest Protection Association (WFPA), presented comments in support of the
15 Forest Practices Board Manual's methodology of delineating channel migration zones (CMZ). Heide
16 recapped the history of how CMZs were considered during the Forests and Fish negotiations. The current
17 CMZ rules and manual reflect the outcome of those negotiations. He said that the assessment of near-
18 term channel movement is consistent with tree growth. If there was a harvest associated with a CMZ, the
19 trees would re-grow and by the time another harvest was anticipated a new channel assessment would be
20 required. The long-term issues of potential geologic movement of channels that may occur over hundreds
21 of years would be accounted for by this approach. Aerial photos and field examination information on a
22 site-specific basis is consistent with the site-specific application process that is in place with Forest
23 Practices. The Adaptive Management Program will be looking at the effectiveness of the rules to
24 determine whether goals of the forestry module are met.

25

26 Tim Abbe, Herrera Environmental Consultants, Inc., gave a presentation on Vertical Channel Change and
27 Channel Migration Zones in Forest Rivers. (*See Attachment C.*)

28

29 Jill Silver, Hoh Tribe, raised the issue of vertical aggradation. She described her observations of
30 functional woody debris that accumulates sediment and channels regaining their flood plains. She
31 explained that tributaries incised due to loss of wood and sediment, drop down in the valleys, and do not
32 reconnect with their original flood plains. In many cases, tributaries incise for so long that it is hard to

1 tell if they ever migrated. We are looking at degraded conditions that need to be restored. The systems
2 could jump outside their current CMZs and risk ending in a location that would not provide functional
3 woody debris or adequate fish habitat.

4

5 Peter Goldman, Washington Forest Law Center (WFLC), discussed problems with the Board Manual on
6 CMZ delineation. The two major issues that need work are measuring future aggradation and the
7 erodibility of banks. He would like to see the Board direct WFLC to meet with the Timber, Fish and
8 Wildlife Policy Group to hear WFLC's ideas as a step to move forward. In addition, he requested that the
9 Board allow WFLC more time during each meeting for public comment, agree to hear Dr. Montgomery
10 address the historical issue, and ask stakeholders to submit additional information.

11

12 Steve Toth advocated for the current approach and methodology contained in the CMZ rules and Board
13 Manual. The current methodology is a science-based, site-specific approach that considers the relevant
14 and significant watershed processes. It not only relies on aerial photographs, but also topography maps
15 and field evidence to get a picture of pre-management conditions prior to logging. The use of topography
16 and field observations allows for consideration of pre-management conditions up to 300 years ago. The
17 CMZ rule and Board Manual methodology were developed in the context of policy guidance and
18 assumptions. WFLC's challenge of the CMZ methodology approach is less about specifics and more
19 about the fundamental policy assumptions upon which the CMZ guidance is based. WFLC's petition
20 suggests CMZs encompassing most valley floors with the accompanying riparian management zone
21 extending up the valley slopes.

22

23 Judy Turpin asked if the current CMZ method deals with erodability in avulsing streams. Toth said the
24 pattern in an avulsing stream is more related to the sediment supply and the power of that river than
25 erodability of its banks. The erodability of the banks is less important than looking at the historical
26 patterns of channel movement.

27

28 Dawn Pucci, Suquamish Tribe, requested that the completion of the Cultural Resources Management
29 Protection Plan be placed high on the Board's 2003 work plan priority list. She said the cultural resources
30 committee is still planning to present an update to the Board at the November meeting as requested.

31

1 **RULE MAKING – CHAPTER 222-21 WAC**

2 Gretchen Robinson presented the proposed rule changes to Chapter 222-21 WAC and asked the Board to
3 approve the proposal. The 30-day notification to stakeholders ended September 30, 2002 and no
4 comments were received.

5

6 **MOTION:** Judy Turpin moved that the Forest Practices Board accept for public review the
7 rule proposal as presented today for Chapter 222-21 WAC, and that staff file a CR-
8 102 with the Code Reviser to begin the rule-making process.

9 **SECONDED:** Eric Johnson

10 **ACTION:** Motion passed unanimously.

11

12 **CMZ DELINEATION AND VERTICAL BED MOVEMENT**

13 Jeff Grizzel, DNR Forest Hydrologist, gave a presentation on channel migration zone (CMZ) delineation
14 under the Forests and Fish Agreement. He explained the basic premise behind the current method as
15 outlined in the Board Manual: the historical record is reviewed to make predictions of what is likely to
16 happen in the future. This approach, he said, is a common way of assessing the probability of
17 occurrences in geomorphic and hydrologic processes. Forests and Fish also uses this approach to predict
18 unstable slopes and flood events.

19

20 Past channel performance at a given site is assessed by using historical data such as topographic maps,
21 aerial photographs, and older survey information, and by field evidence. Using this data allows us to
22 observe topography, side channels (present and indications of past), overflow swales, vegetation (present
23 and indications of past), and soils. The intent is to take an extensive look at a site and piece the evidence
24 together. The results are a relatively high degree of certainty in predicting where the channel is likely to
25 be in the future. The rule definition says the CMZ is the area the channel is prone to occupy. The current
26 method will produce accurate results the vast majority of the time.

27

28 Past channel occupation is not the only factor used to predict possible future occupation. Also considered
29 are characteristics or elevations similar to areas of known channel occupation. For example, there may be
30 a site with 300-year old conifers, obviously not occupied by a channel for 300 years. That area could be
31 included in the CMZ if it is similar in elevation to an area that is, has been, or is likely to be occupied
32 because, for example, there is no topographic control (a line beyond which channel migration is unlikely

1 to occur).

2

3 The Board Manual addresses vertical bed movement associated with higher wood loads in a retrospective
4 manner. All systems have gone through periods of high and low sediment and wood loads that reflect
5 very low to very high flood events. The Manual does not explicitly give instructions to predict the
6 number of feet a channel will aggrade, but to integrate all information available - photo and map data and
7 field observations - to predict likely future channel movement, and ultimately, CMZ delineation for that
8 site.

9

10 To summarize the role of adaptive management, the Upland/Upslope Processes Science Advisory Group
11 (UPSAG) developed their priorities two years ago, and gave CMZ issues a lower priority than road
12 sediment and mass wasting issues. Now that the CMZ rule has been implemented for a couple of years
13 (with approximately 30 delineated so far), it is possible to monitor the accuracy of the CMZs within the
14 adaptive management context. The question could be, “On what proportion of sites have active channels
15 moved beyond delineated CMZs?”

16

17 That is not a question that can be answered within a few years of monitoring. Avulsing channels can be
18 fairly stable for a long time. Then, due to changes in sediment, wood, and water loads, an avulsion can
19 take place fairly rapidly. This would be a longer-term monitoring project where we would look at CMZs
20 that have been delineated in accordance with the current method.

21

22 The cost for the long-term monitoring of the current approach could be relatively low if the question was
23 simply the number of sites where the active channel moves beyond the CMZ. If we were to quantify
24 impacts and effects as to function and resources, that would take more time and money. Furthermore, if
25 there was a change to the current method, the utility of this particular monitoring project would be
26 decreased.

27

28 The Washington Environmental Council/Washington Trout petition describes a general framework for an
29 alternate approach to CMZ delineation. It describes a default method and a site-specific method. Under
30 the default method, CMZs coincide with the valley bottom in most cases. The primary driver of the site-
31 specific method is height of future logjams. This has problems because there is not any empiric
32 information that correlates log jam height with likely future channel migration, and it ignores the basic

1 premise of using past performance as a predictor of future channel migration.

2

3 **Board Discussion**

4 Tom Laurie asked how many CMZ-related forest practices have been appealed; Grizzel answered he was
5 aware of two.

6

7 Robin Pollard asked if training had been offered to non-DNR staff; Grizzel said it had been contemplated,
8 but not yet offered.

9

10 Eric Johnson asked for clarification on the Board's role regarding changing CMER's priorities. Grizzel
11 said that typically, under Forests and Fish, CMER has created its own research and monitoring priorities
12 and forwarded them to Policy, which has taken them to the Board for endorsement. Ultimately the Board
13 has the authority to suggest changes in priorities as issues arise.

14

15 McElroy explained that the Forest Practices Appeals Board (FPAB)'s role is to determine whether DNR
16 has properly applied the rules in a specific case. The FPAB directed DNR to review aspects of its
17 decisions, and it is likely that the Forest Practices Board can provide DNR some clarification. The Forest
18 Practices Board may need information to provide that clarification, and there are several processes to
19 obtain that information. One is the Forests and Fish Timber, Fish and Wildlife (TFW) process wherein
20 stakeholders engage in scientific discussions. Problems arise when one party "lawyers up." The whole
21 premise of TFW and the Forests and Fish process is that everyone comes to the table without lawyers or
22 note taking for future appeals. The environmental community has been invited back to the table to
23 engage in Forests and Fish discussions and they have not done so.

24

25 McElroy also explained the outcomes and status of the Washington Environmental Council/Washington
26 Trout appeal of DNR's issuance of the Forest Practices permit at a Greenwater River site. The issuance
27 of the permit was appealed and the FPAB made a decision, most of which upheld DNR's and the
28 applicant's position. The decision also included that the Board Manual does not address vertical bed
29 movement, and remanded the delineation of the CMZ back to DNR. DNR reviewed it, determined the
30 original CMZ delineation was correct, and issued the permit as it had before. This is the action that is
31 currently being appealed.

32

1 Lenny Young reminded the Board that at the August meeting, DNR asked the Board if the Board Manual
2 addresses vertical bed movement.

3

4 Eric Johnson said he did not think he needed to hear more technical experts and wanted to know the
5 Board's options in order to make a decision.

6

7 Judy Turpin said she would like to hear from Dr. David Montgomery about the reliability of the past
8 record in circumstances where the effective period of record is limited. Tom Laurie said he thought there
9 was merit on Peter Goldman's offer to work with the Policy Committee and agreed with Dr. Abbe that the
10 Board should determine how much risk it is willing to take.

11

12 Toby Murray said it was inappropriate for the Board to consider changing the Manual. It was developed
13 in a deliberative, scientific process and is only two years old. He said the adaptive management process
14 was developed for any changes deemed necessary.

15

16 When asked by Lloyd Anderson whether a presentation was planned for the February meeting, Young
17 said that Geoff McNaughton, Adaptive Management Administrator, was working on convening
18 appropriate experts to answer whether the current approach is a good approach. McElroy asked if that
19 could be done at the November meeting instead, to which Young said he would look into it.

20

21 McElroy said in November the Board would address 1) meeting DNR's need for an answer for its
22 ongoing operations, and 2) to consider future options. Peter Goldman and Kevin Godbout asked that the
23 experts used in the Greenwater case be allowed to participate in CMER's review. The Board agreed.

24

25 **BOARD'S 2003 WORKPLAN**

26 Patricia Anderson presented a list of upcoming issues for the Board to consider during the work planning
27 discussion. (*See Attachment D.*) The Board developed the following draft work plan.

- 28 ○ Procedure/ethics – February 2003
- 29 ○ Wildlife – John Mankowski to provide update at November 2002 meeting
- 30 ○ Water typing
- 31 ○ Cultural resources/panel – 2003
- 32 ○ Forest health (field tour) – August/September 2003

- 1 ○ Watershed analysis – DNR and DOE to give an update at May 2003 meeting
- 2 ○ Alternate plans
- 3 ○ Management rule change – Forests and Fish Policy Committee

4

5 The workplan will be reviewed and finalized after the Wildlife discussion in November. Scheduled
6 meetings for 2003 are 2/13, 5/21, 8/13, retreat 9/9-11, and 11/12. McElroy asked that the Board be
7 flexible for the February and May meetings as changes may occur.

8

9 **MOTION:** Toby Murray moved to adjourn the meeting.

10 **SECONDED:** Lloyd Anderson

11 **ACTION:** Motion passed unanimously.

12

13 The meeting adjourned at 2:24 p.m.