

1 **FOREST PRACTICES BOARD**  
2 November 12, 2003  
3 Natural Resource Building, Room 172  
4 Olympia, Washington  
5

6 **Members Present:**

7 Doug Sutherland, Chair of the Board  
8 Alan Soicher, General Public Member  
9 David Hagiwara, General Public Member  
10 Eric Johnson, Lewis County Commissioner  
11 John Mankowski, Designee for Director, Department of Fish and Wildlife  
12 Lee Faulconer, Designee for Director, Department of Agriculture  
13 Sherry Fox, General Public Member/Independent Logging Contractor  
14 Tom Laurie, Designee for Director, Department of Ecology  
15

16 **Absent:**

17 Bob Kelly, General Public Member  
18 Keith Johnson, General Public Member/Small Forest Landowner  
19 Toby Murray, General Public Member  
20 Wendy Holden, Designee for Director, Office of Trade and Economic Development  
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22 **Staff:**

23 Lenny Young, Forest Practices Division Manager  
24 Ashley DeMoss, Forest Practices Assistant Division Manager  
25 Paddy O'Brien, Assistant Attorney General  
26 Neil Wise, Assistant Attorney General  
27 Patricia Anderson, Rules Coordinator  
28 Karrie Brandt, Board Coordinator  
29

30 **CALL TO ORDER**

31 Doug Sutherland called the meeting to order at 9:04 a.m. Karrie Brandt gave an emergency briefing.  
32 Introductions of Board, staff, and attendees were made.  
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34 **APPROVAL OF MEETING MINUTES**

35 **MOTION:** Tom Laurie moved to approve the August 13, 2003, meeting minutes.

36 **SECONDED:** Eric Johnson

37 **ACTION:** Motion passed unanimously.  
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39 **MOTION:** David Hagiwara moved to approve the September 9 &10, 2003, meeting minutes.

40 **SECONDED:** Sherry Fox

41 **ACTION:** Motion passed unanimously.  
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1 MOTION: Sherry Fox moved to approve the October 15, 2003, meeting minutes.

2 SECONDED: John Mankowski

3 ACTION: Motion passed unanimously.

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5 **PUBLIC COMMENT**

6 Peter Goldman, Washington Forest Law Center (WFLC), announced that the conservation community has  
7 recently formed a caucus to re-engage in the Forests and Fish adaptive management process. Recognizing  
8 the importance of adaptive management as a key test to the Forests and Fish report, they are committed to  
9 help make this process work. He then presented information on the 60-day notice of intent letter delivered  
10 from the Seattle and Kittitas Audubon Society Chapters to the Department of Natural Resources (DNR)  
11 and U.S. Timberlands for “take” of Northern Spotted Owls under the Endangered Species Act (ESA). The  
12 letter asserts DNR’s approval of forest practices applications under current Forest Practices Rules for  
13 owls and U.S. Timberlands harvest in the Teanaway of owl habitat constitutes “take”. The Audubon  
14 chapters requested that DNR immediately begin discussions with them and the Board to improve the rules  
15 to limit liability under the ESA and provide protection for the declining owl population. Audubon  
16 requests that U.S. Timberlands conduct a landscape level planning process to conserve owls in the  
17 Teanaway. In the alternative, Audubon intends to ask a U.S. district court to enjoin activities and approval  
18 of applications for activities that may cause “take”. On another matter, Goldman asked the Board to come  
19 up with a reasonable timeline for the Board manual re-write on channel migration zones. Finally, he  
20 informed the Board of WFLC’s request to DNR and Washington Forest Protection Association (WFPA)  
21 to join them in a forest aesthetic study, which they declined. WFLC intends to proceed and report to the  
22 Board early next year.

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24 Sutherland asked Lenny Young if the newly formed conservation caucus joining the Forests and Fish  
25 adaptive management process recognizes the Timber, Fish, and Wildlife ground rules for participating.  
26 Young indicated that written communications had been sent welcoming them back to the discussions and  
27 signaling expectations. There has not been any response to date.

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29 Eric Harlow, WFLC, discussed the issues that were raised in the 60-day letter regarding the Northern  
30 Spotted Owl. He stated that owl populations have declined in the last 10 years at a rate faster than what  
31 was anticipated by the federal recovery plans developed in the early mid 1990s. Current forest practices  
32 regulations for those areas outside of the Spotted Owl Special Emphasis Areas allow the harvest of entire  
33 spotted owl circles outside of their nesting season and these activities are considered “take” under the

1 Endangered Species Act. He said a landscape approach to protection and management is preferable to  
2 the circle management approach because the circle approach does not provide enough protection and  
3 habitat.

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5 Angela Emery, WFLC, talked about the current Cooperative Monitoring Evaluation and Research  
6 (CMER) process for addressing the re-write of Section 2, “Channel Migration Zones” of the board  
7 manual. Since the filing of WFLC’s August 2002 petition outlining the inadequacy of this section and  
8 proposing a framework for making the necessary revisions, a technical working group was formed at the  
9 direction of the Board to work on addressing this issue. While progress has been made, she said, WFLC is  
10 still concerned about the revision and amendment process for the board manual and that it does not  
11 consider vertical bed movement. Emery urged the Board to set a schedule and to inform the public of  
12 when to expect these changes.

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14 Jim Murphy, small forest landowner and forester, asked the Board to consider more non-regulatory  
15 opportunities for small landowners to improve wildlife habitat. He said fear of new regulations is driving  
16 foresters out of business and asked for voluntary approaches that can be started today to keep them in  
17 forestry instead of selling and converting their forest land to other uses.

18  
19 Peter Heide, WFFA, commented in support of rules being proposed for surveying for marbled murrelets.  
20 He also stated that the arduous process of completing scientific studies and then engaging in rule making  
21 is not the only way to accomplish adaptive management and gave his support to a non-regulatory  
22 approach.

23  
24 Rick Dunning, Washington Farm Forestry Association (WFFA), introduced himself as the new Board  
25 liaison replacing Nels Hanson. He reported that his goal as director of WFFA is to help keep their current  
26 members and the next generation interested in tree farming. Since the Forests and Fish report, their  
27 association has lost 100 members per year for the last three years. They, too, see non-regulatory  
28 approaches as winning options and are eager to work with the Board on alternate plans, templates, and  
29 long-term forestry management plans.

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31 **ADAPTIVE MANAGEMENT**

32 Geoff McNaughton stated that many previously approved projects are now up and running and under  
33 contract. The Scientific Review Committee (SRC) is the independent peer review component of adaptive

1 management and is currently provided by an interagency agreement with the University of Washington.  
2 The reports received from them are high quality reviews and the process is improving with each  
3 submission. CMER is working on a procedure for responding to the SRC reviews, and is sponsoring its  
4 first annual conference on February 24, 2004, for results of completed and ongoing CMER projects.

5

6 Alan Soicher asked McNaughton to explain the process the new perennial initiation point study will go  
7 through before coming to the Board. McNaughton said the report will go to Forests and Fish Policy at  
8 their upcoming December meeting for approval, and then it will be presented to the Board.

9

10 Soicher then asked if Policy would decide what to do with the report's results or would they be editing the  
11 report. Young responded that Policy would not edit the report from a scientific perspective. They will ask  
12 staff to review the report and make recommendations on items such as the implications of the work and  
13 addressing questions they would be facing in response to it that Policy needs to consider or act on.  
14 Currently, Policy has not set a timeline for itself to complete their review, but they did not want this  
15 report out there without a course of action being mapped out for it.

16

17 Soicher also requested that the new board manual section being developed for the adaptive management  
18 process spell out time lines between CMER, peer review, Forests and Fish Policy, and the Board for  
19 research projects. He asked when the Board could expect the new manual section. Young responded  
20 saying that the board manual section should be complete within a year and that sort of accountability will  
21 be addressed.

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### 23 **BOARD MANUAL UPDATES**

24 Marc Engel informed the Board of two manual section updates the technical working group is currently  
25 developing. Section 2, "Standard Methods for Identifying Channel Migration Zones and Bankfull  
26 Channel Features", is progressing and it includes looking at vertical bed movement. The modified manual  
27 section will be presented to the Board in February. Section 22, "Guidelines for Adaptive Management  
28 Program", has been started. A scoping workshop has been held and a stakeholder group is being created  
29 to develop the Board manual. The goal is to have this section finalized in one year.

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### 31 **RULE MAKING – PROCEDURE/ETHICS**

32 Patricia Anderson presented draft language for chapter 222-08 WAC, "Practices and Procedures", and  
33 requested that the Board accept the proposal for public review.

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Tom Laurie suggested clarifying the language by stating the consequences on page 4, line 16, regarding the necessary 15 copies to be received for distribution of a handout to the Board during a meeting. He also suggested clearer language on page 7, line 11, where it indicates submitting petitions no later than 14 days before the next regular Board meeting. What is the consequence if a submission is received only 13 days before the meeting? Lastly, he suggested rewording page 7, line 27, to indicate simply who and what will benefit from the rule.

**MOTION:** Eric Johnson moved that the Forest Practices Board accept for public review the permanent rule proposal as amended today for Chapter 222-08 WAC, pertaining to procedures and ethics standards for the Board. Furthermore, upon completion of the 30-day comment period and no substantive comments are received, I move that staff file the CR-102 with the Code Reviser to begin the permanent rule-making process.

**SECONDED:** David Hagiwara

**ACTION:** Motion passed unanimously.

**CLEAN WATER STANDARDS**

Dave Peeler, Department of Ecology (DOE), gave a presentation to the Board on Surface Water Quality Standards for Washington. He said that the standards define water quality goals for water bodies by designating beneficial uses and establishing criteria that protect those uses. Some of the current elements of the standards are narrative criteria such as toxic amounts, classes of water bodies, and short-term modifications for public activities. New changes to the standards were adopted in July that included revising the criteria for water temperature and ammonia levels in fresh water and bacteria levels in marine water. Peeler also mentioned that they established a water quality anti-degradation implementation plan as the state’s pollution prevention part of the rule and restructured the way uses are designated to water bodies for protection. Previously, beneficial uses were pre-defined into classes. The new system allows uses to be designated independently of each other. In concluding, Peeler said the new standards are not officially in place until approved by the Environmental Protection Agency (EPA).

Soicher inquired about the federal assurances project to get a Habitat Conservation Plan (HCP) for the Forests and Fish rules and its Total Maximum Daily Load (TMDL) and clean water act provisions. Peeler responded that DOE is not talking about creating a state-wide TMDL for Forests and Fish. He did not

1 think it was possible under EPA regulations because the TMDL has to be watershed specific. He also said  
2 they were participating in the federal assurances project to make sure if there are HCP water quality  
3 elements the best information is available and it will support other water quality activities that they  
4 undertake.

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6 Mankowski said that part of the Forests and Fish agreement was to put a lower priority on forested  
7 watersheds and asked what DOE does when there is a mixed-use watershed. Peeler responded that the  
8 lower priority meant that solely forested waters would be done in the last five years of DOE's 15-year  
9 schedule. He also stated that within a TMDL process, various elements, such as temperature, are assessed.  
10 DOE would look at the different activities that contribute to high temperatures in a watershed. Forest  
11 practices might be one of those practices. There might be other areas in agriculture, urban and suburban  
12 type practices, and point source discharges that are contributing to a water body being out of compliance  
13 with water quality standards. They would run those inputs through a computer model to come up with an  
14 assessment of the problem, then allocate that problem out to different folks, and build an implementation  
15 plan with specifics on how to attain that allocation.

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17 **CMER 2004 WORK PLAN**

18 McNaughton informed the Board that the 2004 work plan was not ready for discussion and adoption at  
19 this time. The plan is currently being worked on by CMER. Once approved by Forests and Fish Policy,  
20 the work plan will be presented to the Board.

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22 Soicher asked if the work plan included compliance monitoring. Young responded that Forest Practices  
23 region support section, led by Eric Schroff, is getting a cooperative effort underway to design the  
24 compliance monitoring.

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26 **MARBLED MURRELET HABITAT MODEL PRESENTATION**

27 Dan Varland, Rayonier, presented their alternate model for assessing marbled murrelet habitat for  
28 occupancy as provided by WAC 222-10-042(5). The model covers fifty survey sites on the northwest  
29 Olympic peninsula. Two variables found to indicate murrelet occupancy are the number of canopy layers  
30 and the abundance of mistletoe on tree limbs. The result of these factors is a site-specific probability of  
31 occupancy, which ranges from 0-100%. He explained that if the percentage is less than 25% no surveys  
32 for murrelets are required for harvesting. Using their model, 94% of the sites were classified occupied or  
33 not occupied correctly. During development, the model was subject to intensive agency review by both

1 the Department of Natural Resources and Washington State Department of Fish and Wildlife (WDFW).  
2 The model was approved in March. Varland said that Rayonier's model provides a cost effective  
3 approach to murrelet protection with fewer stands surveyed but still protecting public resources by  
4 accurately identifying the location of the murrelets.

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6 David Hagiwara asked Varland to quantify the value to Rayonier of going through this process. Varland  
7 responded that implementing the model protects the resources and keeps Rayonier economically viable.

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9 Sutherland wanted to know if this information was being made available to other entities and timber  
10 owners. Varland indicated that Rayonier's intention is to maintain the model as a proprietary tool.

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12 **WILDLIFE PLANNING WORKSHOP**

13 Mankowski gave the Board a preview of what to expect at the wildlife workshop on December 2, 2003.  
14 WDFW staff will be presenting different elements of the Board's wildlife strategy. They will be offering  
15 priorities and will discuss science and new data. Mankowski said they would also give input on current  
16 rule assessments, incentives for landscape planning, and look at how well the rules work for wildlife  
17 through the adaptive management program.

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19 **NEW DISCUSSION**

20 Soicher asked if the recently completed draft water typing maps could be available to the public for  
21 review and validation before implementation in March. Sherry Fox and Mankowski both agreed with  
22 Soicher on the importance of having these maps field verified, but felt the verification should come from  
23 those individuals responsible for working on them. Young concurred and suggested the maps be tested by  
24 the Forests and Fish water typing technical group.

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26 Meeting adjourned at 12:07 p.m.