

1 **FOREST PRACTICES BOARD**
2 **MEETING MINUTES**
3 May 10, 2006
4 Natural Resource Building, Room 172
5 Olympia, Washington
6

7 **Members Present:**

8 Doug Sutherland, Chair of the Board
9 Alan Soicher, General Public Member
10 Bob Kelly, General Public Member
11 Doug Stinson, General Public Member/Small Forest Landowner
12 David Whipple, Designee for Director, Department of Fish and Wildlife
13 Lee Faulconer, Designee for Director, Department of Agriculture
14 Sherry Fox, General Public Member/Independent Logging Contractor
15 Sue Mauermann, Designee for Director, Community, Trade and Economic Development
16 Toby Murray, General Public Member
17 Tom Laurie, Designee for Director, Department of Ecology

18 **Absent:**

19 David Hagiwara, General Public Member

20 **Staff:**

21 Lenny Young, Forest Practices Division Manager
22 Jed Herman, Assistant Forest Practices Division Manager
23 Neil Wise, Assistant Attorney General
24 Patricia Anderson, Rules Coordinator

25
26 **CALL TO ORDER**

27 Doug Sutherland called the meeting to order at 9:10 a.m.

28
29 **EXECUTIVE SESSION**

30 Executive session convened at 9:11 a.m. and ended at 9:46 a.m.

31
32 **INTRODUCTIONS**

33 Introductions were made by Board, staff, and attendees. Patricia Anderson, Department of Natural
34 Resources (DNR), provided an emergency safety briefing.

35
36 Sutherland thanked John Mankowski for his service to the Board and presented him with a plaque
37 of recognition. Mankowski accepted a position in the Governor's office as the Governor's Natural
38 Resource Policy Advisor.

39
40 **PUBLIC COMMENT**

41 Ken Miller, Washington Farm Forestry Association, said that WFFA supports the adoption of the
42 RMAPs rules. He also presented information on conversion issues currently facing small forest
43 landowners.

44
45 Andrew Galbraith, Cascade Land Conservancy, shared that Cascade Land Conservancy continues to
46 facilitate partnerships with several Western Washington counties in purchasing properties or
47 development rights. The goal is to keep rural lands rural, and prevent forest land conversions. He
48 encouraged the Board to provide incentives to forest landowners so they can continue to manage
49 their forests.

1
2 Dennis Creel, Hampton Resources, Inc., suggested that the Board adopt the modeled water type
3 map as the rule and place the burden of proof on those landowners who challenge the water type.
4

5 Bob Dick, American Forest Resource Council, commented on the process of using the Notice to
6 Comply enforcement tool for non-enforcement purposes. He encouraged the Board's to move
7 forward when proposed language is presented.
8

9 Josh Weiss, Washington Forest Protection Association, suggested that the Board work on a non-
10 regulatory approach to protect the Taylor's Checkerspot Butterfly. WFPA does not support an
11 emergency rule or a permanent rule. Landowners are able and willing to engage in cooperative
12 protection efforts.
13

14 Julie Keough, Vail Tree Farm, Weyerhaeuser, expressed preference for a cooperative conservation
15 model for the Taylor's Checkerspot Butterfly rather than a regulatory model. Keough stated that
16 work is already being done to research and manage two known sites at the Vail Tree Farm. Keough
17 also recommended that DNR look at chemical and application guidelines used by the
18 Environmental Protection Agency, related to federally T & E species.
19

20 Chris Mendoza, ARC Consultants, said that the water type map is not refined enough to use as the
21 rule, and that under-predictions must also be accounted for. He felt more work is needed by CMER.
22

23 Robert Meier, Rayonier, encouraged the Board to consider alternative to regulations to cooperate
24 and protect threatened and endangered species. He encouraged the Board to consider non-regulatory
25 measures for protection of the Taylor's Checkerspot Butterfly. Rayonier does not support a
26 permanent rule.
27

28 Tom Nelson, Sierra Pacific Industries, shared that Sierra Pacific, previously in operation only in
29 California, has recently acquired forest land in Washington State and will be a regular attendee at
30 future Board meetings.
31

32 Miguel Perez-Gibson, Forests and Fish Conservation Caucus, expressed appreciation to DNR for
33 holding a productive two-day CMER budget retreat. He shared that the conservation caucus is
34 committed to help obtain funding. He also recommended that the Board consider non-regulatory
35 options to ensure protection for the Taylor's Checkerspot Butterfly.
36

37 **STAFF REPORTS**

38 Legislative Update

39 Lenny Young, DNR, reported on the results of the 2006 Legislative session that have impacts to the
40 Forest Practices Program.

- 41 • SSB 6429 adds a public disclosure exemption for tribal cultural resources information acquired
42 during watershed analysis.
- 43 • HB 2155 requires state agencies to submit electronic copies of all publications to the State
44 Library.
- 45 • SSB 6874 imposes a 0.052 percent B&O tax surcharge upon those who extract and sell timber
46 products; receipts will be deposited into a Forests and Fish support account.
47

48 Adaptive Management

49 Lenny Young introduced Darin Cramer as the new Adaptive Management Program Administrator.
50

1 Water Typing

2 Gary Graves, DNR, informed the Board that Dennis McDonald accepted a position with the City of
3 Shelton. Graves explained the improved GIS hydrography map layer that included new water types
4 for Eastern Washington. CMER has concluded that no further evaluation of the model is necessary.

5
6 Rule Making Schedule

7 Jed Herman, DNR, highlighted rule making actions to come before the Board in August and also
8 updated the Board on progress made on the Board's rule making schedule.

9
10 Staff is currently conducting stakeholder meetings to develop rule language for perennial initiation
11 points and Taylor's Checkerspot Butterfly. Stakeholder meetings for desired future condition, notice
12 to comply, historic sites, and long term permitting are scheduled to begin in July and September.

13
14 **NORTHERN SPOTTED OWL EMERGENCY RULE**

15 Jed Herman, DNR, shared that the emergency rule for the protection of the Northern Spotted Owl
16 will expire prior to the August meeting and asked the Board to readopt the existing emergency rule.

17
18 **MOTION:** Bob Kelly moved that the Forest Practices Board readopt the emergency rule for the
19 protection of the Northern Spotted Owl and direct staff to file a CR103 with the
20 Code Reviser on or before July 26, 2006 to allow time to complete the permanent
21 rule making process.

22
23 **SECONDED:** Alan Soicher

24
25 **ACTION:** Motion passed unanimously.

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27 **SPOTTED OWL UPDATE**

28 Gary Graves, DNR, presented an update on forest practices within spotted owl SOSEAs. As the
29 Board requested, this report will be an ongoing update to occur at each quarterly meeting.
30 Graves, reported that there have been 40 applications submitted for activities within individual
31 SOSEAs in the first quarter of 2006, 31 of which are not in a circle or managed as part of an HCP.

32
33 **CMER 2007 WORK PLAN AND BUDGET**

34 Lenny Young, DNR, presented the 2007 CMER work plan and budget and asked for approval for
35 the Tier 1 projects.

36
37 **MOTION:** Tom Laurie moved that the Forest Practices Board approve the 2007 CMER Work
38 Plan and associated budget for Tier 1 projects.

39
40 **SECONDED:** Sherry Fox

41
42 **ACTION:** Motion passed unanimously.

43
44 **RMAP RULE MAKING**

45 Jed Herman, DNR, presented the rule proposal for permanent adoption and highlighted the minor
46 changes that staff made.

47
48 Tom Laurie expressed the Department of Ecology's (DOE) support for adoption of the rule. The
49 rule proposal meets the requirements of the Clean Water Act and state water quality standards.

50

1 **MOTION:** Sherry Fox moved that the Forest Practices Board adopt the proposed permanent rule
2 to amend WACs 222-16-010, -050, 222-20-010, -015, -040, -055 and 222-24-010, -
3 050, -051, 0511 and direct staff to file the CR103 with the Office of the Code
4 Reviser.
5

6 **SECONDED:** Toby Murray
7

8 **Board Discussion**

9 Alan Soicher asked whether the funding is available to meet the goals identified in the economic
10 analysis. Herman responded that progress is being made but additional money will be needed.
11

12 **ACTION:** Motion passed unanimously
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14 **BOARD MANUAL**

15 Marc Engel, DNR, presented Board Manual Section 3 that accompanies the RMAP rules.
16

17 **MOTION:** Doug Stinson moved that the Forest Practices Board approve Board Manual Section
18 3 as amended today and that Department staff have the authority to make changes as
19 necessary for clarity and to finalize for distribution.
20

21 **SECONDED:** Tom Laurie
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23 **Board Discussion**

24 Tom Laurie stated that DOE feels it is a definite improvement and will be a useful tool.
25

26 **ACTION:** Motion passed unanimously.
27

28 **STATE WILDLIFE LISTINGS**

29 Jed Herman, DNR, reviewed the state listing report submitted to the Board, specifically the Taylor's
30 Checkerspot Butterfly, having an impact on forest practices. Herman recommended that the Board
31 begin the permanent rule making process and not adopt an emergency rule as previously
32 recommended. David Whipple stated that WDFW is in agreement that it does not rise to the level of
33 an emergency and that further analysis needs to occur to see whether permanent rule making is even
34 necessary.
35

36 Lee Faulconer liked the suggestion of exploring non-regulatory options and volunteered Department
37 of Agriculture staff to assist in exploring these options.
38

39 **MOTION:** David Whipple moved that the Forest Practices Board direct staff to file the
40 Preproposal Statement of Inquiry (CR 101) with the Office of the Code Reviser to
41 inform the public of rule making intentions to provide protection for the Taylor's
42 Checkerspot Butterfly. He further moved that staff provide notice pursuant to RCW
43 76.09.040 notifying the counties, Department of Fish and Wildlife and Tribes.
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45 **SECONDED:** Toby Murray
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47 **ACTION:** Motion passed unanimously.
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2 **UPLAND WILDLIFE PLANNING**
3 David Whipple provided a brief update on WDFW's efforts on the upland wildlife planning,
4 specifically Element 2-Landscape Planning. WDFW has received \$397,000 in the supplemental
5 budget for first year research, which will provide information on upland wildlife. The money will be
6 used to hire a research scientist to manage the project, and to help small forest landowners, tribes,
7 and the conservation caucus to participate in a collaborative process.

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10 Meeting adjourned at 1:05 p.m.