

1 **FOREST PRACTICES BOARD**
2 Special Board Meeting (Field Tour) – August 13, 2024
3 Lewis County, Washington
4

5 **Members Present:**

6 Lenny Young, Chair, Department of Natural Resources
7 Ben Serr, Designee for Director, Department of Commerce
8 Chris Conklin, Designee for Director, Department of Fish and Wildlife
9 Jim Peters, General Public Member
10 Laura Butler, Designee for Director, Department of Agriculture
11 Meghan Tuttle, General Public Member
12 Pene Speaks, General Public Member
13 David Bowen, Designee for Director, Department of Ecology
14 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner
15 Wayne Thompson, Timber Product Union Member
16 Cody Desautel, General Public Member
17 Frank Chandler, General Public Member/Independent Logging Contractor
18 Vickie Raines, Elected County Commissioner
19

20 **Staff:**

21 Karen Zirkle, Forest Regulation Assistant Division Manager
22 Marc Engel, Senior Policy Advisor
23 Saboor Jawad, Forest Regulation Division Manager
24 Terry Pruit, Senior Counsel
25

26 The Forest Practices Board visited Weyerhaeuser property in the Lewis County area to see the
27 proposed rule alternatives for the Water Typing System Rule Making.
28

29 No public comment was taken, and no Board action occurred during the tour.
30

31 Field tour ended at 3:50 p.m.

1 **FOREST PRACTICES BOARD**

2 Regular Board Meeting – August 14, 2024

3 Zoom Webinar and Room 172, Natural Resources Building, Olympia, WA

4
5 **Members Present:**

6 Lenny Young, Chair, Department of Natural Resources

7 Ben Serr, Designee for Director, Department of Commerce

8 Chris Conklin, Designee for Director, Department of Fish and Wildlife

9 Cody Desautel, General Public Member

10 David Bowen, Designee for Director, Department of Ecology

11 Frank Chandler, General Public Member/Independent Logging Contractor (8 a.m. – 3:30 p.m.)

12 Jim Peters, General Public Member

13 Laura Butler, Designee for Director, Department of Agriculture (9 a.m. - 3:30 p.m.)

14 Meghan Tuttle, General Public Member

15 Pene Speaks, General Public Member

16 Steve Barnowe-Meyer, General Public Member/Small Forest Landowner

17 Wayne Thompson, Timber Product Union Member

18 Vickie Raines, Elected County Commissioner (9 a.m. – 3:30 p.m.)

19

20 **Staff:**

21 Karen Zirkle, Forest Regulation Assistant Division Manager

22 Marc Engel, Senior Policy Advisor

23 Patricia Anderson, Rules Coordinator

24 Saboor Jawad, Forest Regulation Division Manager

25 Terry Pruit, Senior Counsel

26

27 **WELCOME AND INTRODUCTIONS**

28 Chair Lenny Young called the Forest Practices Board (Board) meeting to order at 8:00 a.m.

29 Introductions of Board members were made.

30

31 **REPORT FROM THE CHAIR**

32 Chair Young proposed adjustments to the agenda by moving the potential habitat break (PHB) and

33 anadromous fish floor (AFF) discussions to begin around 9 a.m. to accommodate Board members

34 not available for an 8 a.m. start.

35

36 **APPROVAL OF MINUTES**

37 Board member Steve Barnowe-Meyer suggested the following change to page 2, lines 46-49

38

39 “Board member Barnowe-Meyer said ~~his group used the Type Np buffer rule to apply SDM for~~
40 ~~collaboration and consensus. He shared that there is much to be learned but that the approach makes~~

41 ~~sense and believes the Board can make the process work. that the Type Np Technical Workgroup~~
42 ~~(of which he was a member) applied SDM to their work to develop collaboration and reach~~

43 ~~consensus Type Np buffer rule recommendations. He shared that there is much to be learned but~~
44 ~~that the approach makes sense and believes the Board can make the process work.~~

45

46 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the May 7-9, 2024,
47 meeting minutes as amended.

48

1 **SECONDED: David Bowen**

2
3 **Board Discussion:**

4 None.

5
6 **ACTION: Motion passed unanimously. (Raines and Peters not available for vote.)**

7
8 **CLEAN WATER ACT MILESTONE UPDATE**

9 Chris Briggs, Department of Ecology (Ecology), provided an update on the Clean Water Act
10 (CWA) assurances milestones. He thanked the Department of Natural Resources' (DNR's) Small
11 Forest Landowner Office along with the small forest landowners who participated in voluntary field
12 surveys to evaluate small landowner roads. One hundred eighty-one surveys were completed,
13 including over 1,000 road segments. Survey results indicate little sediment delivery potential to
14 water resources, and where potential for sediment delivery was observed, landowners routinely took
15 active measures to mitigate potential problem areas. This milestone is recognized in this report.

16
17 Briggs said Ecology maintains a strong interest in the Board's rulemaking efforts to adopt new
18 prescriptions for the protection of western Washington Type Np (non-fish, perennial) streams.
19 Ecology will continue to actively participate in this rulemaking process and provide feedback to the
20 Board and DNR when appropriate. He said that expedient progress on the draft and final rules
21 remains critical for improving water quality protections on Forest Practices Habitat Conservation
22 Plan covered lands.

23
24 **STAFF REPORTS**

25 No questions on the following staff reports.

- 26 • Adaptive Management Program Update
27 • Board Manual Update
28 • Small Forest Landowner Office Update
29 • TFW Policy Committee Update
30 • Upland Wildlife Update

31
32 Due to technical difficulties the annual TFW Policy Committee Priorities update will be provided at
33 the August 28, 2024, meeting agenda.

34
35 **WATER TYPING SYSTEM POTENTIAL HABITAT BREAK (PHB) & ANADROMOUS**
36 **FISH FLOOR (AFF)**

37 Marc Engel, DNR, said that the Board has approved elements for inclusion in the water typing
38 system rule. Many of them started with the consensus and majority recommendations which were
39 approved by the Board in May 2017. The Board approved elements include:

- 40 • Parts of the existing interim and permanent rule language in WAC 222-16-030 and -031
41 • Off-channel habitat
42 • Acceptance of Concurred Type F/Type N break points
43 • Default Physical Characteristics
44 • Fish Habitat Assessment Methodology (FHAM)

1 The Board has also approved the objectives for the use of an Anadromous Fish Floor (AFF) and
2 potential habitat breaks to be applied with FHAM. The Board did not approve the metrics on how to
3 identify an AFF or PHB but did approve for analysis:

- 4 • Three Potential Habitat Break (PHB) options
- 5 • Two AFF alternatives

6 Engel said to prepare the Board for a decision on a PHB option and AFF alternative, DNR staff
7 have worked with stakeholders and third-party contractors to develop draft rule language, a spatial
8 analysis of the AFF and PHB options, and preliminary findings of probable economic impacts for
9 the six combinations of PHB and AFF alternatives.

10
11 Board member Jim Peters said that the spatial analysis incorrectly interpreted the AFF Option-
12 A4(7) and that it should be corrected moving forward. It is important that Board members
13 understand there are some things that need to be corrected.

14 **RESULTS OF THE SPATIAL ANALYSIS DATA EVALUATING THE PHB & AFF** 15 **ALTERNATIVES**

16
17 Lucius Caldwell, Principal Scientist, Four Peaks Environmental Science & Data Solutions,
18 presented results of the spatial analysis conducted to analyze presence of potential habitat breaks
19 and the anadromous fish floor on the landscape using LiDAR data.

20
21 The presentation described study goals and objectives to build synthetic hydrographic stream
22 network and identify key locations.

- 23 • DNR-concurred Fish/No Fish (F/N) Break
- 24 • Observations of Last Fish during water typing field survey
- 25 • Potential Habitat Breaks (PHB): three options
- 26 • Anadromous Fish Floor (AFF): two options
- 27 • Default Physical Characteristics (DPC) of presumed Type F Waters.

28
29 Caldwell said that distances were calculated between key locations and potential change in buffer
30 area under the options was calculated to estimate associated change in timber volume. The methods
31 broadly included four steps:

- 32 • Create Synthetic Stream Networks (SSNs) using LiDAR-derived digital terrain models and
33 DNR-provided concurred break and Last Fish datasets.
- 34 • Calculate PHB, AFF, and DPC locations and extents for each network
- 35 • Compare the extents of waters in each network meeting the criteria for Type F for each PHB
36 and AFF and DPC.
- 37 • Compare the changes in riparian buffer acreage and timber volume for water type buffers
38 around SSNs.

39
40 Caldwell described the process used to build synthetic stream network using LiDAR, Digital
41 Elevation Models, DNR Hydro, aerial imagery, and HUC 12 watershed data, and the basic steps of
42 quality assurance/quality controls.

43
44 Caldwell reported an overview for comparison of options.

- 45 • On the westside of the state in general, it is relatively evenly split for all 3 PHB options whether
46 the PHB is upstream or downstream of the current Type F/N break.

- 1 • On the eastside of the state, the spatial analysis had more of those PHBs occurring upstream of
- 2 the concurred Type F/N break.
- 3 • For AFF alternatives – A4(7-percent) extended farther upstream than under alternative D.
- 4 ○ The average extent of AFF D was always downstream of the concurred Type F/N break.

5
6 Board member Cody Desautel asked how the analysis accounted for differences in density in the
7 LiDAR collection. Leah Nagel, Four Peaks, said that for streamlines when looking at elevation
8 changes, we used digital terrain models that were derived from LiDAR, so we were not directly
9 using the LiDAR returns themselves for this analysis. To have a consistent pixel size across eco-
10 regions, we needed to use one-meter resolution.

11
12 Board member Desautel asked given the other studies and information available, why was it
13 decided to create a synthetic stream system.

14
15 Caldwell responded the scope did not include a comparison with previous studies. We noticed that
16 the DNR hydro layer was not highly accurate.

17 18 **DATA USED TO DETERMINE COSTS AND BENEFITS ASSOCIATED WITH THE PHB**

19 **& AFF ALTERNATIVES**

20 Maura Flight, Principal, Industrial Economics, Inc. (IEc), said that that the analysis being presented
21 was developed by a team due to the interdisciplinary nature of the cost benefit analysis.

22
23 Presentation Overview included the following:

- 24 1. Background and Analysis Framework
- 25 2. Effect Considered in Analysis
- 26 3. Extrapolating from GIS Sample Point Analysis
- 27 4. Summary Findings
- 28 5. Analysis Determinations

29
30 Flight noted that at this time IEc has not completed a preliminary CBA of the proposed rule. That
31 will be done after the Board selection of a proposed rule alternative. This reflects a preliminary
32 assessment of the economic costs and benefits. Based on feedback received, it may evolve over
33 time. IEc is confident that this is a reasonable estimate of costs and benefits, and do not expect
34 substantial changes in the findings between this preliminary analysis and the cost benefit analysis.

35
36 The objectives of the rule are consistency and regulatory certainty in the process for how streams
37 are typed in the state as well as reducing use of electrofishing in undertaking stream typing surveys.

38
39 The objective of the cost benefit analysis is to determine if the probable benefits of the rule are
40 greater than the probable costs and considers the specific directives of statute being implemented.
41 The objective of the SBEIS, is to assess whether the rule will have more than a minor effect on
42 small businesses, defined in RCW as businesses with 50 or fewer employees.

43
44 The analysis evaluates six different regulatory alternatives based on the unique combinations of the
45 AFF alternatives and PHB options. IEc recognizes the effects of this rulemaking are likely very site
46 specific and evaluated effects at a higher level than that from a societal perspective. IEc quantified
47 effects at the ecoregion level by using changes on average in F/N breaks and extent of Type F

1 stream and aggregate those averages for eastern and western Washington and at the statewide level
2 in the analysis.

3
4 High-level findings in this analysis:

- 5 • It is unlikely that there will be a significant reduction in the extent of electrofishing because of
6 common practice on the ground and how the interim water typing surveys are conducted which
7 already generally reduces electrofishing.
- 8 • To the extent that it's described in FHAM, by codifying how electrofishing may be used, the
9 rule reduces risk that there could be an increase or overuse of electrofishing at any given site.

10
11 Based on the spatial analysis by Four Peaks, IEC preliminary assessment of the primary driver of
12 costs and benefits is the AFF options include:

- 13 • The AFF A4(7) definition results in major costs and major benefits of this rulemaking.
 - 14 ○ Due to significant change in the extent of Type F waters.
- 15 • The AFF D definition results in mostly minor costs and benefits
 - 16 ○ AFF D is tied closely to known anadromous fish.

17
18 The PHBs are not significant drivers of costs and benefits.

- 19 • PHB locations are not statistically, significantly different from each other.

20
21 Specifically, for the SBEIS, the economic cost impacts of this rule would disproportionately impact
22 small businesses.

23
24 The rule meets the objectives of establishing a water-typing system that can be consistently applied,
25 including a method for determining Type F waters based on habitat; and reduce the use of
26 electrofishing in stream typing.

27
28 The findings have uncertainties, the preliminary assessment findings:

- 29 • Do probable benefits outweigh probable costs?
 - 30 ○ AFF A4 rule options – Yes
 - 31 ○ AFF D rule options - Uncertain

32
33 AFF D rule options are the least burdensome alternative.

- 34 • Net benefits to landowners of increasing area available for harvest.

35
36 Board member Speaks asked if all the IEC analysis is based on the Four Peaks data as far as
37 potential physical changes based on new regulations. Flight replied yes, it was a key input into the
38 analysis.

39
40 Board member Tuttle said that she appreciated that the preliminary assessment included
41 uncertainties related to carbon flux and using the new workbook. It would be helpful to see the
42 workbook assumptions and how it was filled out.

43 44 **PHB AND AFF ALTERNATIVES**

45 Marc Engel, DNR, said that during the field tour the Board was able to see how the current field
46 protocol is conducted and the similarities to what FHAM will bring.

1 Chair Young asked IEC about the assumptions portion of their presentation. There was mention of
2 streams that were permanently typed. What did IEC consider to be permanently typed and what
3 proportion of the total streams out there fell in that category? Flight said that GIS information was
4 used on the location of permanently typed streams or concurred break points. Those were points
5 that went through the water type modification concurrence process, the assumption is that about 20
6 percent of the streams in the state are permanently typed.

7
8 Chair Young asked to clarify if the concurrence had been reached that nothing about upcoming rule
9 changes would change that. Flight agreed, the implementation of the rule is prospective.

10
11 Board member Desautel suggested the Board take a harder look at the spatial analysis model to see
12 why some of those AFF breaks ended up so high or above the F/N break. We need to evaluate what
13 those are and see what we need to adjust.

14
15 Board member Peters said he does not know how AFF A7 would go so far above the F/N breaks.
16 The intent of the AFF is to presume fish are below a certain area, that would then limit the use of
17 electrofishing specially in low gradient systems or streams without data that are likely to be missed
18 without an AFF.

19
20 **GENERAL PUBLIC COMMENT**

21 Darin Cramer, Washington Forest Protection Association (WFPA), said during the field tour there
22 appeared to be a lot of conceptual agreement on what is to be accomplished versus disagreement
23 about what is to be achieved. He said multiple spatial analyses have occurred over the last six years
24 and the results are inconsistent and variable. If there is a non-repeatable analysis, the impact of the
25 Board's decision is unknown which is unacceptable from a regulated community's perspective. He
26 said the details need to be figured out in the right way and to do that is through a properly designed,
27 rigorous field study.

28
29 Chris Mendoza, Conservation Caucus, stated that the Board has vetted the existing PHB's by hiring
30 their own expert panel, Cramer Fish. Those PHBs were vetted through over 300 points from
31 landowner data, a random sample tribal data and CMER data. He said it is important that the Board
32 does not conflate the modeling efforts with the actual data that was used to derive the existing
33 PHBs. The decision is simply, which one to adopt. The AFF would be treated the same, not as rule
34 but as an idea of where you would start to look for that seven percent gradient. The premise of
35 FHAM is it starts at known fish which is in the board manual.

36
37 Ken Miller, Washington Farm Forestry Association (WFFA), said WFFA supports the Forestry
38 Riparian Easement Program. He asked the Board to adopt the FREP rules.

39
40 Dr. Elaine Oneil, WFFA, said she agreed with Board member Desautel's identification of the
41 problem – "using data that is really not fit for the job". She said there is less flexibility in rule if
42 AFF is added which really matters to small forest landowners. The impacts tend to be three to five
43 times higher than they are for a larger landowner, simply because of scale. She suggested more time
44 to review what the costs and the benefits might be specifically for small force landowners.

45
46 Court Stanley, Washington State Association of Counties, said having flexibility to work out the
47 issues in the woods is important. He said he does not believe the cost benefit analysis (CBA) is
48 correct based on the spatial analysis used. He said the CBA does not include the reduction in the

1 harvest excise tax to timber dependent counties and requested it be added to the analysis. He said
2 the counties support the Master Project Schedule.

3
4 Victor Musselman, WFFA, said there are some major errors in the cost benefit analysis report: 1-use
5 of two discount rates for benefit and one for cost; 2-land value used in the analysis needs to be
6 updated to be relevant to the Board's decision-making; and 3-loss of logging revenue is
7 conservative.

8
9 Ash Roorbach, Northwest Indian Fisheries Commission, said one reason for the AFF was to help
10 reduce the need for electrofishing. More importantly, he said it was also to protect habitat that may
11 be missed by the FHAM process alone. It includes protecting recoverable habitat where fish
12 currently are not present but could be if habitat conditions improved. He also mentioned that the
13 CBA report incorrectly applies how the AFF would be implemented in the field. However, the
14 location of the end of the AFF does not mean that the actual field-based implementation of the rule
15 would.

16
17 John Ehrenreich, WFFA, said he agrees that the CBA is only as good as the spatial analysis. He said
18 there are many problems with the CBA depending on which PHB proposal the Board chooses. He
19 said there is no justification for the conclusion that benefits outweigh costs. Other issues include:
20 the qualitative elements will not make up the huge gap between costs and benefits for one of the
21 PHB alternatives; the forest land values are significantly understated; believe the carbon is incorrect
22 in both the magnitude and direction; and the regional economic impact statements need to be redone
23 as it is ludicrous to suggest there would not be hundreds of jobs lost.

24
25 Jamie Glasgow, Conservation Caucus, said the AFF analysis appears to be based on a shaky
26 foundation (spatial analysis). There are significant limitations to using remote data to detect vertical
27 or near vertical in stream features. He pointed out several issues with the analyses that were not an
28 accurate reflection of the spatial analysis. This is indictment of the model that is being used to
29 describe and assess it. He asked the Board to consider a short-term action, to improve information
30 to inform their decision, by having Four Peaks use existing field data like that provided in the
31 concurred water typing modification forms to assess and address their model AFF overshoots.

32
33 Robert Mitchell said at the last Board meeting he reported an observation of a stream in Capital
34 Forest that was typed as non-perennial which had water running. He said he returned to the stream
35 two days prior to this meeting and water remained. He questioned whether it is a perennial stream
36 and if the recent logging of an adjacent hillside had changed the flow characteristics of the stream,
37 making it perennial. He said what is the assurance that DNR will retype the stream, or that new
38 technology will pick up the change in this stream. He said he seems weird that no one is proposing
39 to simply type all streams as protected and compensate landowners out of an investment fund like
40 Idaho. He also said there seems to be a disconnect between publicly stated goals and actual DNR
41 practice as TFW Policy recently approved a study that includes electrofishing.

42
43 Rico Vinh, Conservation Caucus, said the Conservation Caucus has significant concerns regarding
44 the primary information currently being used by the Board to determine which AFF alternative to
45 move forward in rule making. He said DNR's staff memo to the Board presented a range of options,
46 but it is fundamentally flawed, due to its over reliance on the Four Peaks analysis. He said the
47 memo overlooked more rigorous and comprehensive modeling efforts conducted in the past to

1 evaluate AFF options and does not adequately address the limitations and specific purpose of the
2 Four Peaks analysis leading to potential misinterpretations. He said the Four Peaks model is distinct
3 from the practical application of the rule on the ground and has substantial limitations, stemming
4 from technological constraints, to limit time and resources. He said the Board already possesses a
5 robust set of well vetted information from previous efforts, which would be sufficient to finally
6 retire the interim rule that has long outlived its intended duration. He requested the Board be
7 provided with adequate information and improve the Four Peaks analysis before proceeding with
8 the decision.

9
10 **2025-2027 BIENNIAL MASTER PROJECT SCHEDULE BUDGET AND SCHEDULE**
11 **COMPLIANCE**

12 Lori Clark, Adaptive Management Program Administrator (AMPA) said at the May Board meeting
13 the Board approved the draft FY2026-2027 Master Project Schedule (MPS) to support DNR in
14 submitting the Adaptive Management Program (AMP) full legislative budget request of
15 \$19,924,562 for the 2025-2027 biennium. Clark shared the current 2025-2027 biennium projections
16 and requested the Board approve both MPS scenarios to give the AMPA and TFW Policy
17 Committee (TFW Policy) the flexibility to be responsive to the level of appropriations from the
18 legislature. One is the recommended MPS that will fund the AMP priorities and the other is a
19 contingency worse-case scenario.

20
21 Lori Clark explained the FY2026-2027 MPS scenarios are based on the current projections for base
22 levels of funding which is \$16,090,874 and states there may be slight adjustments to the final
23 numbers for DNR administrative costs. The GF-S Proviso includes \$1,857,000 appropriation for
24 both fiscal years 2024 and 2025 to carry out the AMP program which totals \$3.7 million. Revenue
25 from the Forests and Fish Support account is forecasted at \$12.1 million, and \$300K GF-S DNR
26 carry forward funding.

27
28 Clark said that there is an estimated \$3.8 million shortfall in the MPS and the TFW Policy Budget
29 workgroup assisted in applying the Contingency Plan to develop a backup scenario and should the
30 legislature approve an appropriation that falls somewhere in between these two MPS scenarios,
31 TFW Policy will rely on the Contingency Plan to sequentially work through prioritizing reductions
32 to adjust the MPS.

33
34 The CMER Master Project Schedule assures that the AMP is on schedule to complete studies within
35 the Forest Practices Habitat Conservation Plan (FPHCP) timeline. On each even year the Board
36 approves the MPS for the following biennium.

37
38 Board member Ben Serr asked whether the Clean Water Act assurance projects would be delayed or
39 prioritized lower if full funding was not received. Clark said there would not be a delay or be
40 reprioritized but the reduction in 20% of funding would slow actions down.

41
42 **PUBLIC COMMENT ON 2025-2027 CMER MASTER PROJECT SCHEDULE BIENNIAL**
43 **BUDGET AND SCHEDULE COMPLIANCE**

44 Chris Mendoza, Conservation Caucus, said a big concern is the Potential Habitat Break (PHB)
45 Validation Study, which is through CMER review, but is a more expensive project and has a longer
46 timeframe. He emphasized the importance of this project to ongoing work.

1 **2025-2027 BIENNIAL MASTER PROJECT SCHEDULE BUDGET AND SCHEDULE**
2 **COMPLIANCE**

3 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the 2025-2027
4 biennial Master Project Schedule and associated budget of the Adaptive
5 Management Program. He further moved the Board finds the program to be in
6 general compliance with Master Project Schedule as recommended by the AMPA
7 and TFW Policy.

8
9 **SECONDED:** Pene Speaks

10
11 Discussion:

12 None.

13
14 **ACTION:** Motion passed unanimously. (Raines, Butler and Chandler not available for vote.)
15

16 **CMER MEMBERSHIP**

17 Lori Clark, AMPA, summarized a procedural impasse that occurred at the recent Cooperative
18 Monitoring, Evaluation, and Research Committee (CMER) meeting concerning minimum
19 participation guidance which resulted in CMER postponing the vote for the Co-Chair selection due
20 to a lack of clarity about CMER voting membership. Clark is requesting Board direction before the
21 CMER Co-Chair selection can be completed.

22
23 Clark reminded the Board of the State Auditor’s Office (SAO) recommendations regarding
24 membership in CMER. The Board has the responsibility to manage the AMP, including the CMER
25 voting members. CMER has a very detailed Protocols and Standards Manual (PSM) that details
26 meeting management. She said the Washington Administrative Code (WAC), Board Manual (BM)
27 and PSM lack minimum participation guidance on voting status and the intention of caucus
28 representation on this science committee.

29
30 Clark also requested the Board revisit the SAO audit recommendation for CMER reform to adjust
31 CMER membership to one caucus per vote to reduce disproportionate representation. TFW Policy
32 and CMER do not have a consensus recommendation for the Board on this issue. To make some
33 improvements and take interim measures CMER made improvements to the PSM. However, despite
34 these changes, CMER continues to experience issues engaging from a TFW Policy perspective
35 which is problematic, disruptive and impacts the AMP in project delays and costs.

36
37 Clark recommended the Board create a Board Committee to better understand the CMER reform
38 options or to bring this topic to a future Board meeting for discussion and action.
39

40 **PUBLIC COMMENT ON CMER MEMBERSHIP**

41 Chris Mendoza, Conservation Caucus, described the rotation, term limit and selection process for
42 the CMER Co-Chairs. He supports the one vote per caucus idea and believes it would allow for
43 CMER members to function as they currently do.
44

45 Dr. Elaine Oneil, WFFA, explained when the participation grants were reduced, it brought about the
46 selection of a co-chair that did not belong to a caucus, but was approved to participate due to the
47 need and the constraints of the time. She said there needs to be more curiosity and CMER scientists,
48 less emphasis on voting.

1
2 Darin Cramer, WFPA, stated that any CMER voting member needs to participate. It is CMER’s
3 decision to approve a co-chair and participation is crucial for any member of CMER. He said the
4 SAO recommendations have been shelved because of lacking agreement but are still on the table for
5 engaging if that becomes necessary.
6

7 **CMER MEMBERSHIP**

8 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board confirm the current roster
9 of CMER voting membership as presented; affirm the Board’s intent that CMER
10 voting members actively participate at all levels; and directed CMER to revise their
11 Protocol and Standards Manual to reflect participation requirement which the AMPA
12 will report back to the Board.
13

14 **SECONDED:** Meghan Tuttle

15
16 Board Discussion:

17 Chair Young asked if the language of the motion connects participation to the ability to vote and
18 Clark affirms that the wording of the motion connects required participation to the ability to vote.
19

20 Board member Pene Speaks asked if scientists should be identified by caucus. Clark responded that
21 is a Board decision, and that the representation as well as funding are linked to the caucuses.
22

23 Chair Young agrees with Board member Tuttle’s idea to consider what expertise CMER members
24 have for the type of work being done. Saboor Jawad, DNR clarified that some caucuses may not
25 have the necessary funds to contribute for CMER membership, nor is there always funding
26 available for the expertise necessary.
27

28 Board member Dave Bowen said it makes sense that there are credential criteria to identify what is
29 needed in the group. He believes a minimum participation for members is simple to remain a
30 member, not necessarily a voting privilege.
31

32 Board member Chris Conklin clarified the intent of the motion is to make it clear that there are a lot
33 more people that participate in CMER and SAGs and that it is not about participation but what
34 constitutes voting members, which is clarified in the PSM.
35

36 **ACTION:** Motion passed unanimously. (Raines, Chandler and Butler not available for vote.)
37

38 **2024 WORK PLAN**

39 Marc Engel, DNR, said there were no changes to the work plan as a result of the meeting today.
40

41 **FORESTRY RIPARIAN EASEMENT PROGRAM (FREP) EXPEDITED RULE MAKING**

42 Maggie Franquemont, DNR, requested the Board adopt the expedited rule making that amended the
43 FREP rules to implement SSB 5667.
44

45 In May the Board directed staff to file a CR-105 to initiate expedited rulemaking. Staff filed CR-
46 105 with the Office of the Code Revisor and did not get any comments during the 45-day public
47 comment period.
48

1
2 **MOTION:** Ben Serr moved the Forest Practices Board adopt the expedited rule proposal that
3 amends WACs 222-21-005, 222-21-010, 222-21-030, 222-21-045, 222-21-050, and
4 222-21-080 relating to the Forestry Riparian Easement Program by filing a CR-103
5 Rule Making Order with the Office of the Code Revisor.
6
7 **SECONDED:** Steve Barnowe-Meyer
8
9 Board Discussion:
10
11 **ACTION:** Motion passed unanimously. (Raines, Chandler and Butler not available for vote.)
12
13 **EXECUTIVE SESSION**
14 None.
15
16 Meeting adjourned at 4:35 p.m.