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**Regular Board Meeting**  
**Regular Meeting - February 12, 2025**  
Zoom Webinar and Room 172, Natural Resources Building

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**Members Present:**

Lenny Young, Chair, Department of Natural Resources  
Ben Serr, Designee for Director, Department of Commerce  
Chris Conklin, Designee for Director, Department of Fish and Wildlife  
Frank Chandler, General Public Member/Independent Logging Contractor  
Laura Butler, Designee for Director, Department of Agriculture  
Jim Peters, General Public Member  
Meghan Tuttle, General Public Member  
Pene Speaks, General Public Member  
Steve Barnowe-Meyer, General Public Member/Small Forest Landowner  
David Bowen, Designee for Director, Department of Ecology  
Vickie Raines, Elected County Commissioner  
Wayne Thompson, Timber Product Union Member

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28  
29  
30

**Staff:**

Colleen Grandberg, Policy Analyst  
Maggie Franquemont, Policy Manager  
Patricia Anderson, Rules Coordinator  
Saboor Jawad, Division Manager  
Terry Pruit, Senior Counsel

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**WELCOME AND INTRODUCTIONS**

Chair Lenny Young called the Forest Practices Board (Board) meeting to order at 9:00 a.m.  
Introductions of Board members were made.

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41

**APPROVAL OF MINUTES**

Board Member Meghan Tuttle added the following to page 11, lines 23-29 of the August 14, 2024, meeting minutes:

Board member Tuttle asked about WAC 222-12-045 CMER membership mentioning scientific expertise instead of caucus affiliation. On membership rosters can we list CMER technical specialties.

Clark said she made a mistake on the CMER membership roster that county affiliation does not identify as landowners, just counties and wants to correct for the record. The memo will also be updated to reflect the record.

42  
43  
44

**MOTION:** Meghan Tuttle moved the Forest Practices Board approve the August 13 & 14, 2024, meeting minutes as amended.

45  
46

**SECONDED:** Pene Speaks

47  
48  
49

Board Discussion:  
None.

1 ACTION: Motion passed unanimously.

2  
3 MOTION: Meghan Tuttle moved the Forest Practices Board approve the August 28, 2024,  
4 meeting minutes.

5  
6 SECONDED: Wayne Thompson

7  
8 Board Discussion:  
9 None.

10  
11 ACTION: Motion passed unanimously.

12  
13 Board member Pene Speaks suggested a correction to her statement made at the November 13, 2024,  
14 meeting on page 5 to read as follows:

15 Board member Speaks said that by removing and moving the AFF and the PHB components  
16 to the board manual, fish protections have not increased at all. She said she does not see this  
17 as the best outcome.

18  
19 MOTION: Meghan Tuttle moved the Forest Practices Board approve the November 13, 2024,  
20 meeting minutes as amended.

21  
22 SECONDED: Pene Speaks

23  
24 Board Discussion:  
25 None.

26  
27 ACTION: Motion passed. (11 Support / 1 Abstention (Conklin))

28  
29 **WESTSIDE TYPE F RIPARIAN PRESCRIPTION MONITORING EXPLORATORY**  
30 **REPORT**

31 Lori Clark, Adaptive Management Program Administrator (AMPA), said this report followed the  
32 process outlined in the protocol & standards manual.

- 33
- 34 • The report was given to TFW Policy Committee (TFW Policy) in September 2024
  - 35 • TFW Policy unanimously accepted the report and agreed a rule change is not needed.
  - 36 • TFW Policy requested AMPA facilitate a presentation to the Board and TFW Policy to initiate a  
37 dialogue with CMER on the Type F Experimental Buffer Treatment Project.

38 Jenelle Black, DNR, provided an overview of the report and findings:

- 39
- 40 • The work was conducted in 2019.
  - 41 • Photos in the report were taken by the field crews on the actual streams in this study, and the  
42 photos provide a view of some of the characteristics of the buffers.
  - 43 • 25 potential standard riparian management zone (RMZ) prescriptions; based on site class, stream  
44 width and two inner zone harvest options.
  - 45 • The study approach measured riparian timber stand and site data in 106 randomly selected RMZs  
46 and focused on riparian functions of shade (canopy closure used as surrogate), large wood  
recruitment to streams, erosion prevention and sediment filtering.

47 Black provided the following conclusions of the study:

- 1 • High variability within all prescriptions.
- 2 • None of the prescriptions stood out as providing substantially differing levels of riparian
- 3 functions.
- 4 • Canopy closure is high in all prescriptions.
- 5 • All prescriptions leave large numbers of trees along streams to provide future wood recruitment.
- 6 • Sediment input to streams is insubstantial on a chronic basis.
- 7 • Windthrow is by far the dominant mortality agent.
- 8 • Despite post-harvest mortality, most stands are on trajectory to meet defined future condition
- 9 target by age 140.
- 10 • The Type F riparian stands tend to be young, dense, and dominated by relatively small conifer
- 11 trees.

12  
13 Board member Speaks asked why the inner zone trees were so young, across all the samples. Black  
14 responded that many of the larger streams had buffers of some sort left in the previous round of  
15 harvesting, and there were various conditions and various sets of rules that they would have been  
16 subject to in that previous round. This resulted in a wide variety of trees that tended to be more  
17 variable because there were some older trees, older relic trees, mixed with younger trees.

18  
19 Chair Young asked whether the wind throw observed was aggregated in patches or swaths; or was it  
20 randomly or evenly distributed across the RMZs. Black said that both were observed. The more  
21 severe windthrow tended to be aggregated, the sites that had lower wind throw tended to be more  
22 sporadic and distributed randomly.

## 23 24 **PUBLIC COMMENT ON WESTSIDE TYPE F RIPARIAN PRESCRIPTION MONITORING**

### 25 **EXPLORATORY REPORT**

26 Ken Miller, Washington Farm Forestry Association (WFFA), said Board Manual Section 21  
27 Alternative Plans incorporated guidance that set areas of influence buffer widths for each of the  
28 regulatory functions. This report confirms what the Board approved many years ago. He said he  
29 hopes Board members will look at this new information as potential “trading stock” to help with the  
30 Type Np Water Buffer rulemaking train wreck that seems to be headed towards no tangible benefits  
31 and high economic costs.

32  
33 Chris Mendoza, Conservation Caucus, reminded the Board that Black said this is not an effectiveness  
34 study, rather it’s an after-impact study. It's an important distinction to make as it can’t be said with  
35 scientific rigor at least, that these prescriptions cause the conditions. One of the reasons it was  
36 recommended to TFW Policy that this could be worked into the extensive monitoring program is that  
37 the program will sample a much larger number of sites. He advised the Board to proceed with caution  
38 while these buffers may be “holding up over after 3 years” that could change.

## 39 40 **WESTSIDE TYPE F RIPARIAN PRESCRIPTION MONITORING EXPLORATORY**

### 41 **REPORT**

42 Lori Clark, AMPA, said this is a demonstration of the Adaptive Management Program working. We  
43 did have consensus and collaboration at all levels in making this recommendation. This report was  
44 never meant to give findings to act on, rather to inform future phases and that’s the reason for the no  
45 action recommendation.

46

1 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board accept the TFW Policy  
2 Committee's recommendation to take no rule-making action based on the Westside  
3 Type F Riparian Prescription Monitoring Exploratory Report.  
4

5 **SECONDED:** Vickie Raines  
6

7 Board Discussion:

8 Board member Speaks asked why the Board is acting on a no-action recommendation. Clark  
9 responded that it is a formality to document the report has been delivered to the Board by clearly  
10 documenting in the minutes.  
11

12 Board member David Bowen asked if TFW Policy will engage in future dialogue with CMER or  
13 other groups associated with the Type F experimental buffer treatment project. Clark said yes and  
14 there is a process for that outlined in the Protocols and Standards Manual for them to use to provide  
15 guidance on critical questions and help forming the next phase of the study.  
16

17 Board member Jim Peters said that taking no action is an action that would show this study has been  
18 a success. Need to ensure the information gathered doesn't go away as it will help inform future  
19 studies.  
20

21 **ACTION:** Motion passed unanimously.  
22

### 23 **BOARD MANUAL SECTION 23 AND RULEMAKING UPDATE**

24 Saboor Jawad, DNR, reported that the public hearings for the Water Typing System Rule have now  
25 concluded. The Board approved the draft rule language in November 2024, and DNR staff filed the  
26 CR-102 along with the SEPA Determination of Non-significance (DNS). Staff are compiling the  
27 public comments and will prepare a Concise Explanatory Statement (CES). The rule packet will be a  
28 decision item for the Board in May 2025. The packet will include the CES and the cost benefit  
29 analysis. Part 1 of Board Manual Section 23 will also be presented to the Board for approval.  
30

31 Jawad said the Type Np rule package will come to the Board in May 2025 to consider initiating rule  
32 making that will start the public hearing process. The Board will also receive the Tier II analysis from  
33 the Department of Ecology.  
34

35 Board members Tuttle and Barnowe-Meyer requested the Board receive the draft CBA as soon as  
36 possible. Jawad said the economist work group, comprised of representatives of TFW Policy for  
37 reviewing and providing feedback to the Contractor and DNR, are still reviewing the document.  
38 Therefore, the draft is not ready to be presented to the Board, however Jawad said a copy can be sent  
39 to Board members individually as requested.  
40

41 Jawad reported on the progress of Board Manual Section 23. This section will be presented to the  
42 Board for action at the May 14, 2025, meeting. He said the Anadromous Fish Floor (AFF) is a key  
43 component of the water typing system alongside the Fish Habitat Assessment Methodology (FHAM),  
44 Potential Habitat Breaks (PHB) and Default Physical Criteria (DPC). The AFF is:

- 45 • a segment of fish bearing streams within which anadromous fish habitat is always presumed. This  
46 part is directly linked to the AFF definition the Board adopted previously.
- 47 • not necessarily coincident with the upstream extent of fish habitat, nor is it always the upper  
48 extent of anadromous fish habitat.

- 1 • intended to provide regulatory certainty by designating and delineating a portion of fish bearing  
2 streams presumed to be anadromous fish habitat, where no surveys are necessary or allowed for  
3 stream typing purposes without assembling an ID team. By eliminating surveys in the AFF, the  
4 Board is protecting known and likely anadromous fish habitat that may otherwise be misidentified  
5 because of survey timing, low fish abundance, manmade barriers, or other factors.  
6

7 Board member Speaks said that she is still uncomfortable with the idea of having all the AFF  
8 information in the board manual instead of rule. If this language was in the rule, it would be  
9 enforceable and could be applied consistently across the landscape. Terry Pruit, Senior Counsel,  
10 confirmed that if in the in rule it would be enforceable. The guidance document can also lead to  
11 consistency as long as it's clear.  
12

13 Board member Speaks said that to make it consistent and enforceable across the landscape, the AFF  
14 and PHB language needs to be clear enough to have one decision to make, not three for the PHB and  
15 two for the AFF. It is the Board's job to make those policy decisions. She wants to be sure the Board  
16 has enough time to decide that the board manual language is appropriate and will be consistently  
17 applied. Jawad said that he believes the Board will have enough time to review the board manual.  
18

19 Board member Barnowe-Meyer said that earlier discussions about the AFF said there should be the  
20 ability to look downstream from the AFF point in case there is a barrier and to adequately document  
21 that, so an ID Team is not required to proceed with FHAM.  
22

23 Saboor Jawad, DNR, said that in the current description there is an option for a landowner to provide  
24 that weight of evidence, documenting a feature in the stream downstream from the fish point that can  
25 be provided to the reviewers through remote sensing from LiDAR or an image and if the site is not  
26 accessible. The reviewers will determine whether an ID team is needed to look at that feature. If it's  
27 so obvious that on LiDAR you see a waterfall or something, then there should be an ability to do that.  
28

29 Board member Peters said that he understands that it's DNR's responsibility to come up with the  
30 board manual language. Based on tradition, they've always reached out to the caucuses to get  
31 assistance. But if the work group is in dispute, ultimately DNR must make that decision.  
32

### 33 **CMER MEMBERSHIP, DNR REPRESENTATIVE**

34 Lori Clark, AMPA, recommended for Board approval, Danielle Miles to act as the DNR  
35 Representative to CMER.  
36

### 37 **PUBLIC COMMENT ON CMER MEMBERSHIP**

38 None.  
39

### 40 **CMER MEMBERSHIP**

41 **MOTION:** Vickie Raines moved the Forest Practices Board approve Danielle Miles as a full  
42 voting member of the CMER Committee.  
43

44 **SECONDED:** David Bowen  
45

46 Board Discussion:

47 Board member Tuttle said she is still interested in having the expertise of CMER members listed on  
48 the roster.  
49

1 **MOTION:** Motion passed unanimously.  
2

3 **LEGISLATIVE ACTIVITY**

4 Saboor Jawad, DNR, said DNR submitted a decision package for the shortfall of 3.8 million dollars.  
5 DNR is making efforts to highlight the importance of the program to the legislature and to make sure  
6 that our request is still for full funding of the program. By March 20, when the new budget bills come  
7 out, we will know if the AMP requests were accommodated in some way. As of today, the AMP does  
8 not have certainty or clarity of full funding for the next biennium.  
9

10 Board member Laura Butler asked if the reduction exercises that all the state agencies are  
11 having to do applies to AMP and DNR. Jawad said that statewide, DNR is doing those exercises.  
12 Three budget scenarios are being developed for General Fund State, which reflect 6%, 9%, and 12%  
13 reductions. He said DNR will not be making any additional cuts in AMP.  
14

15 **NORTHERN SPOTTED OWL (NSO) CONSERVATION ADVISORY GROUP**

16 Maggie Franquemont, DNR, presented Claudine Reynolds from the forest products industry working  
17 with Port Blakely, and Matt Danielson, who works with Conservation Northwest to serve on this  
18 group if convened. She recommended the Board approve Reynolds and Danielson to fill the two  
19 vacant seats.  
20

21 **PUBLIC COMMENT ON THE NSO CONSERVATION ADVISORY GROUP**

22 None.  
23

24 **NSO CONSERVATION ADVISORY GROUP**

25 **MOTION:** Pene Speaks moved the Forest Practices Board approve Matt Danielson to serve on the  
26 NSO Conservation Advisory Group representing the conservation caucus. Further she  
27 moved the Board approve Claudine Reynolds representing the forest products industry  
28 to serve on the group.  
29

30 **SECONDED:** Steve Barnowe-Meyer  
31

32 Board Discussion:

33 None.  
34

35 **ACTION:** Motion passed unanimously.  
36

37 **TIER II ANALYSIS UPDATE ON THE TYPE NP RULE MAKING**

38 Chris Briggs, Department of Ecology (Ecology), provided an update on the Tier II analysis work  
39 regarding Type Np buffer rulemaking.  
40

41 Briggs provided an overview of Ecology's connection to the Board's rules and the Forest Practices  
42 Habitat Conservation Plan:

- 43 • Washington State was granted delegated federal authority to administer portions of the Clean  
44 Water Act and Ecology is the state agency tasked with this responsibility.
- 45 • The Washington State Water Pollution Control Act, established by State Legislature, is a  
46 state law which requires Ecology to implement the Clean Water Act; and on the ground state  
47 Forest Practices Rules are the implementation tools by which compliance with these water  
48 pollution control laws is met on state and private forest lands.

- 1 • The Federal Clean Water Act requires states to develop and adopt a statewide anti-degradation  
2 policy describing how waters will be protected from degradation.
- 3 • Ecology adopts rules which fulfill the requirements of the Clean Water Act; and these rules  
4 include narrative and numeric water quality standards; and includes our state level  
5 antidegradation requirements.
- 6 • Schedule L-1 contains key questions, resource objectives, and performance targets for adaptive  
7 management.
- 8 • The overall performance goals include a statement that forest practices, either singly or  
9 cumulatively, will not significantly impair the capacity of aquatic habitat to:
  - 10 • support harvestable levels of salmonids,
  - 11 • support the long-term viability of other covered species,
  - 12 • meet or exceed water quality standards, including the protection of designated uses, narrative  
13 and numeric criteria, and antidegradation.

14  
15 The state legislature also established in the Water Pollution Control Act that adoption of Forest  
16 Practices Rules pertaining to water quality require agreement from Ecology's director or designee on  
17 the Board and that adoption shall be accomplished so that compliance with Forest Practices Rules  
18 will achieve compliance with water pollution control laws.

19  
20 The anti-degradation program establishes tiers of protection for water quality. Tier I protections  
21 function to protect existing and designated in-stream uses which contain numeric and narrative  
22 criteria for surface waters. Tier II protections function to limit the conditions under which water of a  
23 quality higher than the Tier I standards can be degraded and Tier III protections function to set the  
24 very best waters of the state aside from future sources of degradation entirely. These are known as  
25 outstanding resource waters and require Ecology rulemaking.

26  
27 Washington's Tier II program functions as a regulatory pollution prevention program to  
28 provide an extra measure of protection for water quality. In the case of water temperature, this  
29 maintaining higher quality water that is already clean and cool.

30  
31 The analysis focuses on evaluating and incorporating feasible alternatives that would  
32 eliminate or significantly reduce the level of degradation. In this case, the alternatives being  
33 considered for the Type Np rulemaking include the Board's proposed Type Np buffer rule and the  
34 existing Np buffer rule, which represents the no action alternative. Ecology has been engaged with  
35 the current Type Np rulemaking process, including monthly coordination meetings with Board staff.

36  
37 Briggs said Ecology plans to provide the draft findings of the Tier II analysis to the Board ahead of  
38 the Board's May 2025 meeting and present these findings to you at the May meeting. If the Board  
39 moves forward with initiating rulemaking, Ecology will coordinate with Board staff to release the  
40 draft Tier II analysis for public review and comment, concurrent with the CR-102 public review  
41 process. Following the public review and comment period, Ecology will update the Board and  
42 provide a final Type Np Tier II determination prior to the adoption of the rule.

43  
44 Briggs said the final Tier II analysis will include a determination on whether the proposed rule will  
45 achieve compliance with state water quality standards.

#### 46 47 **GENERAL PUBLIC COMMENT**

48 Chris Mendoza, Conservation Caucus, said the Board was tasked with protecting fish habitat defined  
49 in rule and passed a motion to reduce electrofishing in 2015. The Board decision to list potential

1 habitat breaks all together is nonsensical because they don't all carry the same level of protection, and  
2 it creates confusion in the board manual. As a Board Manual Section 23 workgroup member, he  
3 disagrees with prior comments that there is large support on the existing draft section.  
4

5 Darin Cramer, WFPA, said AMP has primarily been funded by the Forests and Fish Support Account  
6 and the operating budget for many years. The proportion of the AMP that is funded by the support  
7 account has grown. It's nearly 70% of the program. That is not what the support account was intended  
8 for. He said he would like to see this corrected and have the support account primarily dedicated to its  
9 original purpose and the State to be contributing operating budget to a much more significant degree.  
10

11 Robert Mitchell said the approach to fish habitat protection is stuck in a cycle of studies with little  
12 impact. Landowners remain uncompensated for conservation leading to conflict. He suggested the  
13 Board experiment in compensated conservation, like growing the FREP program or testing whether  
14 strategic investments can generate returns to self-fund conservation efforts. If the Board wants  
15 durable fish protections, align incentives with reality.  
16

17 Jaimie Glasgow, Conservation Caucus, said 14 populations of salmon and steelhead are listed as  
18 either threatened or endangered and have shown continued decline. The health of the watersheds is  
19 tied to the health of their riparian areas. Accurate water typing is the foundation for the rules that  
20 protect riparian areas, streams and fish. As technical advisor, he has spent much of the last decade  
21 helping to develop anadromous fish floor (AFF) and PHB criteria. He said from the beginning they  
22 were told by DNR staff that measurable criteria would be selected by the Board and would be  
23 included in the permanent water typing rule. To meet commitments made in the State's HCP, the  
24 Board must adopt measurable, enforceable rules and not settle for ambiguous guidance that allows  
25 the timber industry to dictate environmental protections. He urged the Board to reconsider its  
26 approach, and to select and adopt specific AFF and PHB criteria in rule that minimize electrofishing  
27 and ensure consistent and science-based riparian protections at a time when our fish populations  
28 desperately need them.  
29

### 30 **RIPARIAN CHARACTERISTICS AND SHADE STUDY (RCS) PILOT RULE MAKING**

31 Lori Clark, AMPA, along with Rachel Rubin, DNR, presented the pilot rule request for the Board's  
32 consideration. Clark said this request is for three sites to be considered with implementation on two  
33 sites during Summer 2025.  
34

35 Rubin provided highlights of the study.

- 36 • The study will provide clarity on the effects of thinning and various buffer sizes on stream shade.
- 37 • Last year the Board approved a CR-101 request, and that supported successful implementation on  
38 two sites last summer.
- 39 • Landowner collaboration is essential to the success of the RCW study.
- 40 • The RCS study has very specific site selection criteria, meaning sites with a bankfull width of 5 to  
41 25 feet and a flat topography.  
42

43 Rubin said:

- 44 • The RCS can work with Type F or Type Np streams.
- 45 • Thinning is conducted from below, meaning they will cut the smallest diameter trees first and  
46 move up from there until they reach target basal retention for the stand.
- 47 • Hemispherical photography is used for measuring shade.
- 48 • Photos are run through a software called Hemisphere, which is a model that uses watts per meter  
49 squared at that specific area.

- 1 • Unmanned aircraft systems (UAS) or drones collect LiDAR for each site at each stage of cutting.  
2 This gives a sense of stand characteristics as a covariate for shade.  
3 • Four sites are being looked at for next summer, ultimately two sites will be used for  
4 implementation.

5  
6 **PUBLIC COMMENT ON RCS PILOT RULE MAKING**

7 None.

8  
9 **RCS PILOT RULE MAKING**

10 **MOTION:** Steve Barnowe-Meyer moved the Forest Practices Board approve the pilot rulemaking  
11 for the Riparian Characteristics and Shade Study. He further moved to request staff  
12 file the CR-101 Preproposal Statement of Inquiry with the Office of the Code Reviser.

13  
14 **SECONDED:** Pene Speaks

15  
16 Board Discussion:  
17 None.

18  
19 **ACTION:** Motion passed unanimously.

20  
21 **SPRING FIELD TOUR UPDATE**

22 Maggie Franquemont, DNR, said due to a lack of interest and responses a quorum of Board members  
23 could not be arranged for a field tour. She proposed having a Type Np workshop instead of a field  
24 tour.

25  
26 The Board agreed:

- 27 • a workshop to be held on May 14 will include presentations on the Type Np Water Buffer CR102  
28 Proposed Rule Making, the Water Typing System Rule Making CR103 Rule Making Order, and  
29 Part 1 of Board Manual 23.  
30 • to conduct a special meeting on June 6 to consider action on the rule makings for the Type Np  
31 Water Buffer and Water Typing System and part 1 of Board Manual Section 23.

32  
33 **2025 DRAFT WORK PLAN**

34 Maggie Franquemont, DNR, as a reflection of the Spring field tour discussion, presented the revised  
35 work plan that included updates to the rule making schedule and Board Manual Section 23 schedule.

36  
37 **MOTION:** Steve Barnowe-Meyer move the Forest Practices Board approve the 2025 work plan  
38 as presented.

39  
40 **SECONDED:** David Bowen

41  
42 Board Discussion:  
43 None.

44  
45 **ACTION:** Motion passed unanimously.

46  
47 **STAFF REPORTS**

48 There were no questions on the following staff reports.

- 49 • Adaptive Management Program Update

- 1 • Board Manual Update
- 2 • Small Forest Landowner Office Update
- 3 • TFW Policy Committee Update
- 4 • Upland Wildlife Update

5  
6 **EXECUTIVE SESSION**

7 None.

8  
9 Meeting adjourned at 2:10 p.m.

10  
11