
WATER TEMPERATURE AND AMPHIBIAN USE IN TYPE NP WATERS WITH DISCONTINUOUS SURFACE FLOW IN WESTERN WASHINGTON STUDY DESIGN DISPUTE RESOLUTION

Initiated January 27, 2026

The following is a living document to help guide and frame the dispute resolution process. As process details are solidified or modified, this document should be updated to reflect the most current operating space. The document will be referred to as the Type Np Discontinuous Flow Study Design henceforth. All documents relevant to this dispute can be found in the CMER SharePoint Online folder: [Type Np Discontinuous Flow 01 2026](#)

INITIATED BY: Aimee McIntyre, WDFW

Participating CMER Representatives:

Representative	Caucus Affiliation
Chris Mendoza	Conservation
AJ Kroll, co-author	Industrial Landowners
Mark Meleason, co-author	County Governments
Danielle Miles, CMER Co-chair	WA Dept. Natural Resources
Aimee McIntyre, co-author	WA Dept. Fish & Wildlife
Welles Bretherton, co-author	WA Dept. Ecology

Other Participants:

Representative	Caucus Affiliation
Ash Roorbach, CMER Co-chair	Western WA Tribes
Theryn Henkel	DNR AMP Staff
Jenny Schofield	DNR AMP Staff
Reed Ojala-Barbour, co-author	WA Dept. Fish & Wildlife

DESCRIPTION OF THE DISPUTE:

Aimee McIntyre, WDFW invoked the Dispute Resolution process due to an impasse in approval of CMER review and revision of the study design and move to ISPR at the January 27, 2026 CMER meeting. An informal meeting (the first step in the dispute resolution process) was scheduled February 10th to determine if the dispute(s) can be resolved.

MOTION: Danielle Miles moved to approve Discontinuous Flow Study Design.

Seconded: A.J. Kroll

Up: Mark Meleason, Danielle Miles, Mark Mobbs, Bill Vogel, Welles Bretherton, Aimee McIntyre, Ash Roorbach (Proxy for Debbie Kay), Julie Dieu, A.J. Kroll

Down: Chris Mendoza (not incorporating the newly adopted (November 2025) Type Np rule by the FP Board into the study design)

Abstain: Harry Bell, Hans Berge, Doug Martin (Sideways due to method inaccuracies, such as how sampling strategy will influence strength of inferences about water temperature and amphibian use)

The motion failed.

TIMELINE:

Process Step – Stage I	Date
Dispute Initiated	January 27, 2026
Informal Meeting	February 10, 2026

GROUND RULES

During this dispute resolution process, members commit to the following ground rules. CMER participants will engage in actions that promote productive meetings and will encourage the active participation of each individual member. CMER Ground Rules:

1. To understand.
2. Pursue win/win solutions.
3. State motivations and justifications clearly. Discuss issues openly with all concerns on the table.
4. Avoid hidden agendas.
5. Ensure that each individual has a chance to be heard.
6. Help others move tangent issues to appropriate venues by scheduling a time to discuss these issues later.
7. Start and stop meetings on time.
8. Take side conversations outside – listen respectfully.
9. Define clear outcomes for each agenda item and designate a discussion/agenda item leader.
10. Respect discussion leaders.
11. Be trusting and trustworthy.
12. Acknowledge and appreciate the contributions of others, even when you disagree.

Further, participants shall...

- Speak with respect, kindness and candor.
- Respect the time of those participating by being clear and concise.
- Respect the process – dispute resolution is a tool for consensus and should not be utilized for alternative means or agendas.
- Commit to reading *all materials* provided in the dispute resolution process prior to the meeting in which those materials will be discussed.
- Withhold from circulating materials directly to dispute resolution participants – all materials and communications must go through the AMPA for dispersal. Commit to be an advocate for an agreed plan.

PROCESS

CMER Dispute Resolution process is outlined in the Protocol and Standards Manual (PSM), 3.3.4 Guided Decision-Making Process.

Facilitation

Facilitation is the responsibilities of the AMPA and co-chairs, Ash Roorbach and Danielle Miles. All members should commit to fulfill the requests of the facilitators to ensure a timeline completion of the dispute resolution process.

CMER Dispute resolution - Step 1 Informal Meeting

The first step in the CMER Dispute Resolution process is for representatives on both sides of the non-consensus issue/question to meet together and with the AMPA and other interested parties outside of a regular SAG or CMER meeting within 30 days of dispute initiation to attempt to resolve the impasse.

CMER member	Concern	Solution (summarized)*
Chris Mendoza	Type Np Discontinuous Flow Study Design does not incorporate the newly adopted (Nov 2025) Type Np rule by the FP Board.	<ol style="list-style-type: none"> 1. Label – status only (Extensive Monitoring) 2. Park under Extensive Monitoring Program in work plan. 3. Keep this project under LWAG. 4. Further clarify with the P6Qs how/if it could potentially inform the rule or BM guidance.

* See track changes in Type N Discontinuous Flow Study Design for more details.

Meeting Notes:

Chris shared that he understands that the Type N Discontinuous Flow Study Design is focused status of intermittency. His concern is that it is not linked to the current rule. If you can link to the rule, it would be a better priority. And since Extensive Monitoring (ExMo) has been prioritized by the board, by linking it to that it could be good for long-term funding.

Aimee shared that this study focuses on status given stand age; it will not look at trends. Reed added that while it is easy to add language to study design, adding this study to scoping documents (ExMo) would have significant implications the project timeline. Aimee said that this project can be the status phase of what could be additional trends monitoring. Trends could be tracked over time, if CMER is interested. Future efforts would be at the request/direction of the AMP. Chris suggested reorganizing the workplan with this project housed under extensive monitoring but remaining under the purview of LWAG and the current project team.

Site selection could include the Type Np sites that comply with the new rule, but that would be by chance and could not be guaranteed in study implementation. The study is focused on uplands stands not the riparian zone and buffer configurations. To get variety of stand ages with the new rule, we need it to mature. Need a lot of sites implemented. Mark said that goal of sampling a full range of forest conditions that may encapsulate something with 75' or more (age, covariate). We recognize that this project is a compliment to the ExMo project that is under development.

Welles added that the new rule provides an opportunity in the future trends piece - if the AMP requests/directs. Current sites could become sites where the new rule is implemented on. Implementation of the rule has yet to occur. TFW Policy has directed this study to be implemented this year.

Chris added that the Potential 6 Questions (P6Qs) may be a better place to elaborate on how it could potentially inform the rule or BM guidance (or not) and future/related studies. Aimee agreed so long as the answers are not inconsistent with study design. Lori shared that the P6Qs will be written after the study design is approved by ISPR.

Chris will try to make the meetings for the P6Qs. Aimee or Jenny will make sure Chris has seen these in draft form before it is sent out with the CMER mailing.