

Cooperative Monitoring Evaluation and Research Committee (CMER)

**May 22, 2012
DNR/DOC Compound**

Attendees	Representing
*Dieu, Julie	Rayonier, UPSAG Co-chair
Gauthier, Mark (ph)	Upper Columbia United Tribes
Goetz, Venice	Dept. of Natural Resources
*Hicks, Mark	Department of Ecology, CMER Co-chair
Hitchens, Dawn	Dept. of Natural Resources, CMER Coordinator
Hotvedt, Jim	Dept. of Natural Resources, AMPA
Kurtenbach, Amy	Dept. of Natural Resources, Project Manager
*Kroll, AJ	Weyerhaeuser, LWAG Co-chair
*Martin, Doug	Washington Forestry Protection Association
McCrea, Chad	Spokane Tribe of Indians, SAGE co-chair
*Mendoza, Chris	Conservation Caucus Contractor, CMER Co-Chair
*Miller, Dick	Washington Farm Forestry Association
*Mobbs, Mark	Quinault Indian Nation
Roorbach, Ash	CMER Staff, Northwest Indian Fisheries Commission
Stewart, Greg	CMER Staff, Northwest Indian Fisheries Commission
Sturhan, Nancy	Northwest Indian Fisheries Commission
Schuett-Hames, Dave	CMER Staff, Northwest Indian Fisheries Commission

* Indicates official CMER members and alternates; ph indicates attended via phone & v indicates attended by video conferencing.

Business Session

➤ **Policy Meeting** – Report from May 3, 2012 Meeting – Chris Mendoza reported on the following:

- LEAN update.
- Policy approved the CR-101 Pilot – Experimental Research Treatments – for the Type N Experimental Buffer Study in Soft Rock Lithologies. This will be presented to the Forest Practices Board at the May 8th meeting.
- CMER is in the nomination stage for a co-chair.
- The Protocols & Standards Manual: Findings Report was approved by CMER.
- Policy spent the afternoon on the Type N strategy sub-group work.

➤ **LEAN - Presentation**

David Howe, the consultant from Strategica, presented on the results of the Forest Practices Adaptive Management Program LEAN process. The proposed structural change was an outcome from three workshops comprised of CMER voting members, CMER & Policy co-chairs, AMPA, and the project manager. He facilitated the three workshops. Policy and CMER selected CMER's scoping, study design and peer reviews for the LEAN event. The main focus of the workshops was to look for process improvements that emphasized eliminating non-value added work and streamlining procedures.

In the workshops the work group mapped out current work processes associated with CMER's scoping paper, study design and peer review process and discovered they could redesign the processes by 80%:

- Current process for scoping and study design takes between 51 and 74 months to complete, where the redesigned process could potentially cut the cycle time to 15 months;
- Current process requires 12 different approval points for 5 separate documents, where the redesigned process could potentially cut it down to 5 approval points for 5 separate documents.

The main proposed change was a redesign of the scientific advisory groups' role in scoping and study designs. The work group proposed that technical writing and implementation groups (TWIGs) should be used for preparing charters (which replaces scoping documents); study designs and in guiding the peer review process for CMER's research projects. The composition of the TWIG will be determined by CMER based on the technical needs of the project. The role of CMER was changed: act as a repository for stakeholder involvement; as a gatekeeper to ensure adherence to work plan and project scope, update work plan & budget, and conduct scientific dispute resolution. The Independent Scientific Peer Review (ISPR) role in reviewing revised study designs was changed: the Associate Editor will review the revised study design and response matrix to ensure comments are addressed and ISPR will have light & complex peer reviews.

The AMPA reported to the Forest Practices Board on the outcome of the LEAN event at their May 8th meeting. They directed CMER to pilot the proposed changes with current projects and to report back to them on the results. The potential projects discussed for consideration included: Unstable Slops Criteria, Eastside Type N Buffer Effectiveness and Forested Wetlands Effectiveness.

The consultant shared some observations on the Adaptive Management Program's structure:

- Distinction between CMER & Policy representation is fuzzy.
- AMP Structure has an excessive due process.
- Consensus voting to move projects forward contributes to long cycle times. Does it need to be full consensus?

Discussion Points:

Mark Mobbs pointed out the tribes do not have the resources to have distinct representation between CMER and Policy. He pointed out once appointed as CMER member then it is known they have a say in projects.

Chris Mendoza shared CMER members have a Policy counterpart, except for Small forest landowners and counties, and members often attend Policy meetings to assist with answering questions related to technical, scientific and project specific issues and updates.

Mark Mobbs added Policy has taken some things to the Forest Practices Board without consensus and the outcomes were unproductive; the non-consensus trickled through the Forest Practices Board and followed CMER years later. Voting may create different problems. This is not an easy fix.

Dick Miller shared there will be different interpretations about the science and sometimes CMER does end up with two contrasting opinions. Both are valid and these get shared; often the majority and minority reports are shared. He thought it was still important to have the minority report included if the Adaptive Management Program moves toward majority voting.

DECISIONS

RSAG –

- Six Questions for the Evaluation of the Effectiveness of the Current TFW Shade Methodology for Measuring Attenuation of Solar Radiation of the Stream (Type N Solar Report) – *CMER agreed to have RSAG and CMER staff revise the Six Questions in time for the June Policy meeting*

Amy Kurtenbach reported the solar report was approved at the last CMER meeting and RSAG was asked to draft the six questions that typically accompany a final report for Policy's consideration. RSAG approved the six questions at their last meeting. After the RSAG meeting, Dick Miller sent comments, Terry Jackson reviewed them and they have been sent to Greg Stewart. RSAG requested CMER approval of the six questions.

Dick Miller requested Greg Stewart to accept his suggestions on the six questions document.

Chris Mendoza added the six questions were reviewed and approved at the last RSAG meeting. RSAG members were given two weeks to respond. He cautioned if we open it up for comments at this meeting then to be fair the comment review needed to be open to the whole group.

Doug Martin added he missed the RSAG meeting and provided comments about the structure and content of the six questions. Specifically, clarity, citation of rule & the WACs needed to be inserted in the 6 questions document. The conclusion in the report is clear which could be cut and pasted in the six questions document. This would make the six question document clear.

Mark Hicks stated there were too many comments identified today and CMER needed to send the six questions back to RSAG for review and revision.

CMER did not approve the six questions document for the Type N Solar Report. CMER agreed to have Doug Martin send his comments to the author (Greg Stewart) who will revise the six question documents. This revision will be sent to the CMER coordinator, RSAG chair & CMER co-chairs on May 23rd. The revised document (in red line strike out) will be sent out to the CMER listserv with a message for comments to be submitted by May 30th. If no one objects to the revised draft by next Wednesday, the 30th, the changes will be accepted and will be forwarded to Policy. If concerns are raised then the six questions will go back to RSAG for additional review.

Clarification Note on the Bull Trout Overlay Project: Both Terrapin & MB&G worked on the Bull Trout Overly Study but completed different reports based on their respective field of work. Terrapin has finished a draft report and this has been reviewed by RSAG. RSAG comments were shared with Terrapin and the report will be revised. The projected time for the CMER review will be early fall.

- **CMER Co-chair position** – Potential candidates

Chris Mendoza reported this is the meeting for submitting nominations for the co-chair position he is stepping out of. The co-chair nominations will be submitted to Policy for consideration and they in turn submit the nomination for the Forest Practices Board.

He nominated Todd Baldwin.

Nancy Sturhan proposed submitting a rotating schedule to Policy. This would show the two year rotation of co-chairs term, identify rotation among the caucuses and establish a schedule of

voting CMER members. She offered to look up past chairs and share this with Policy for their reference.

Mark Hicks added the need for changes as CMER has major leadership roles with vacancies. The CMER co-chair; two co-chairs for UPSAG; two co-chairs for WETSAG (Debbie Kay will be on maternity leave) and an AWOL co-chair for SAGE. He agreed establishing the schedule would help. He added he would like to see a rule change.

Chris Mendoza added he shared with Todd that up to 50% of his time would be consumed by CMER duties and he could attend every other meeting so the travel is not so burdensome. The potential for meeting in Ellensburg was discussed. Chris has yet to hear back from Todd's supervisor about supporting his nomination.

UPSAG – co-chairs

Julie Dieu reported on the email sent to CMER announcing Jeff Phillips has accepted a job offer in the private sector. She added she is stepping down from co-chair of UPSAG. UPSAG will not have a meeting until another co-chair is selected.

➤ **LEAN - Where do we go from here?**

Jim Hotvedt reported he understood the Forest Practices Board directive was to use any CMER project for a pilot. He suggested two CMER projects: Unstable Slops Criteria and Type N Eastside.

Chris Mendoza added the Forest Practices Board gave broad direction; they expect CMER to decide based on the work plan and the prioritization of projects.

Mark Hicks added there are details that CMER has yet to work out for piloting projects and the Forest Practices Board definitely have the expectation of CMER implementing the LEAN model.

The CMER co-chairs will contact UPSAG & SAGE to arrange a meeting on how to implement the LEAN pilot. They will bring a proposal back to CMER for review and approval of the people identified to be in the TWIG(s). The TWIG is expected to develop a draft charter and the critical questions; submit the draft charter and critical questions for CMER to review and have the TWIG finalize the products before they are submitted to Policy for consideration.

CMER members agreed to the CMER Co-chairs contacting UPSAG & SAGE to arrange a meeting for developing a LEAN pilot proposal. They will bring the pilot proposal back to CMER for review and approval.

➤ **CMER Protocols & Standards: Chapter 3 - Decision Making Guidelines – *CMER deferred approval of the guided decision making framework to next month***

Ash Roorbach provided background on the TAG's process in developing the guided decision making recommendations. The TAG was formed to recommend ways to make CMER's decision processes more efficient. The TAG discussed how CMER interprets and apply 'consensus' when making decisions; and when consensus cannot be reached, how CMER can move forward to resolve the impasse in a timely manner. The TAG discussed that CMER tends to use the consensus decision-making process as a process that is collaborative, cooperative, and

participatory and seeks agreement. CMER tends to shy away from the formal dispute resolution. The TAG conducted its work within the existing authority structure.

The TAG recommended pursuing a guided decision-making approach. This approach develops a clearly-defined decision-making process for entering into dispute resolution that can be followed within specified time periods when consensus cannot be reached. The flow chart was reviewed for illustrating the guided decision-making process.

Discussion Points on the Guided Decision-Making Process Flow Chart:

Doug Martin commented on the technical track, if there is disagreement and if it goes through a facilitator it should come out with a resolution.

Dick Miller agreed and added if there were technical issues and an ad hoc panel is formed, it should stop there, and should not go back to CMER, or the co-chairs, or Policy. Those three steps should be eliminated by strengthening the ad hoc committee.

Mark Hicks added CMER was challenged with following the existing process; having CMER come up with a consensus at the start prevents side discussions and changes from occurring and high jacking the decision-making process.

Jim Hotvedt suggested the smaller group with a majority vote rather than a consensus vote will help CMER reach a decision earlier.

Doug Martin added the technical issue cannot leave the ad-hoc box; it has to be a valid technical point of argument and then it goes to a mediator.

Mark Hicks suggested revising the non-consensus technical track to reflect an internal ad hoc **mediation** committee that will develop a decision that should generally stand on its own, and an external technical **arbitrator** to make the decision and resolve the non-consensus issue. If a disagreement remains, the technical issue goes to the AMPA and CMER co-chairs to make a final decision (majority vote). The bottom of the flow chart goes away.

CMER members were in agreement the CMER PSM will be revised to reflect the change to the internal ad hoc **mediation** committee that will develop a decision and the external technical **arbitrator** will make the decision and resolve the non-consensus issue. The technical track & the CMER consensus diamond in the flow chart will be changed to end at the majority vote step.

Jim Hotvedt reminded CMER members of the process for making decisions about changing the PSM: first month introduce the chapter changes for CMER review and the following month CMER decides on those changes.

Venice Goetz read to CMER members what Leslie Lingley sent for her to report on regarding the PSM changes: *“With regards to the proposed changes to the Protocols and Standard Manual: it appears that these changes may have the effect of modifying the WAC without requisite process. CMER has proposed changing CMER and SAG voting procedures to eliminate the process of striving for consensus and, failing that, proceeding to organized dispute resolution.*

This rule-based process assures that all voices are heard and that the majority at any given time able to bully the minority. By voting in "majority", or "consensus/minus one", this check and balance system is eliminated.

There are specific requirements for changing a WAC, so perhaps we should enlist assistance of the Attorney General to be sure that administrative changes are appropriate. If the AG says that it is okay to change the WAC language, then we can

work on this. I will send an email to Mark Hicks and Chris Mendoza to let them know that I had to go to Northwest Region and that I have designated you as my proxy for this vote.”

Nancy Sturhan added the WAC does state the Forest Practices Board would design decision making for the Adaptive Management Program.

Mark Hicks clarified the flow chart reflects stage one in the dispute resolution process and this meets the intent of the WAC. CMER’s decision making process is rooted in the consensus model. What happens when CMER reaches non-consensus is to invoke dispute resolution. The whole intention of reviewing and revising the PSM is to create efficiencies and stream line guidance. This is the intent behind this flow chart on decision making process.

CMER members agreed to have more discussion on the WAC and stage two of the dispute resolution process.

UPDATES

UPSAG

- The Mass Wasting Effectiveness Monitoring Project: A Post- Mortem Examination of the Landslide Response to the 2007 Storm in SW Washington (Post Mortem Final Study) – *Status in Policy*

Mark Hicks reported the minority reports were sent to the CMER co-chairs by May15th and passed along to the Policy co-chairs and authors. The Policy co-chairs are trying to figure out what to do on this and they may trigger dispute resolution. The dispute resolution process timeline has been triggered when we delivered the minority reports; we have up to six months.

RSAG

- Comparison of Standard Forest and Fish Eastside Riparian Prescriptions with No Shade Removal within 75-ft Prescription (Bull Trout Overlay)

Amy Kurtenbach reported RSAG has reviewed the first full draft of the report. All the comments have been delivered to Terrapin, who will provide responses within two months. Plenty of time has been provided at the RSAG stage for comments, to avoid working the contractor outside of the scope of work for the comment matrix. The CMER review & comment stage follows the RSAG stage.

- Hardwood Conversion Draft Report

Ash Roorbach reported the case study reports were delivered by the sub-contractor, Frank Brown of Pacific Rim. Ash is working with RSAG on a summary to avoid RSAG reviewing two separate documents. The estimated time for having a draft report for RSAG to review is July 1st.

SAGE

- Eastern Washington Riparian Assessment Project

Ash Roorbach and Dave Schuett-Hames are working with SAGE on this project. They held a TAG meeting with SAGE to discuss the data collected and to characterize sites to determine riparian and non-riparian areas. The data management aspect of this project is absorbs their efforts.

➤ Eastern Washington Type N Characterization Project: Forest Hydrology

Amy Kurtenbach reported West fork was hired as the contractor and Dan Miller is the sub-contractor. This is the team that developed the study design. The contract is in the OFM review. This contract is organized in two phases:

Phase 1 is to re-stratify the sites in eastern Washington;

Phase 2 includes the quality assurance/quality control (QA/QC), field manual development, field crew training and identification of risks or threats to the success of this project.

The timeline for the field crew training is July. The field work is projected for the months of July and August. The goal is to collect data on 120 sites with the potential of 140 for statistical strength. The QA/QC step involves meeting in the field to discuss field protocols and test them. This project will follow the post-mortem approach of QA/QC, where randomly selected sites have the data collection repeated, to determine field protocols are accurately followed. This project includes a stage to look at data collected and the field reports to make sure we are on the right track. This stage may adjust the budget due to a bad field season. The intent of this step is to control costs and look at assumptions. The contract has a similar step built in before writing the report.

Discussion Points:

Greg Stewart added this project has 120 sites that are Type N, where 60 of the sites are in small geographical areas or on marine strata sites.

Dick Miller asked if the additional work of vegetation was included in the contract or decided by SAGE.

Am Kurtenbach replied SAGE agreed to go back to the original protocols that did not include vegetation.

Mark Hicks added the question about the additional data collection was supposed to be answered by SAGE. This did not happen as two SAGE members stepped away from the project and the SAG.

➤ CMER Report to Policy – Items to take to June 7, 2012 Meeting

- LEAN presentation
- The Solar Study Report and Six Questions will be delivered in June
- Progress on PSM – CMER is redesigning chapter 3 – guided decision making process
- Request clarification on WAC and stage two dispute resolution

➤ CMER/SAG Recap of Assignments

- Chris Mendoza & Nancy Sturhan will develop a proposal to set up a rotating schedule for the CMER co-chair positions. This may assist Policy in choosing a co-chair every year and in providing leadership continuity for CMER. They will have this ready in time for the Policy mailing May 31st.
- CMER Co-chairs will contact UPSAG & SAGE to arrange a meeting for developing a LEAN pilot implementation proposal. They will bring the proposal back to CMER for review and approval of launching the pilot project(s).

- The CMER PSM Chapter 3 - Guided Decision Making Guidelines – will be revised to reflect the agreed change in the non-consensus technical track. The role for the internal ad hoc **mediation** committee will develop a decision to stand on its own. The role for the external technical **arbitrator** is to make a decision to resolve the issue. The technical track & the CMER consensus diamond in the flow chart will be changed to the majority vote decision step. The narrative and the flow chart will be revised by the CMER PSM TAG in time for the mailing of the next CMER meeting (before June 19th).
- Six Questions for Solar Study – CMER agreed to have Doug Martin send his comments to the author (Greg Stewart) who will revise the six question documents. This revision will be sent to the CMER coordinator, RSAG chair & CMER co-chairs on May 23rd. The revised document (in red line strike out) will be sent out to the CMER listserv with a message for comments to be submitted by May 30th. If no one objects to the revised draft by next Wednesday, the 30th, the changes will be accepted and will be forwarded to Policy. If concerns are raised then the six questions will go back to RSAG for additional review.

Meeting adjourned.