

# Timber, Fish and Wildlife Policy Committee

Thursday, May 6, 2021 // 9:00 am – 4:35pm

Remotely held using Zoom

Motions for May 6, 2021	
Motion	Move/Second (Vote)
<p><b>April Meeting <a href="#">Minutes</a><a href="#">Notes</a></b></p> <p><b>Motion 1</b></p> <p>Steve Barnowe-Meyer moved to approve the April 1<sup>st</sup>, 2021 Meeting Minutes with amendments for this morning</p> <p><b>The motion passed</b></p>	<p>Seconded by: Ray Entz                      Up: Alec Brown, Brandon Austin, Chris Conklin, Court Stanley, Darin Cramer, Jim Peters, Marc Engel, Ray Entz, Steve Barnowe-Meyer                      Absent: Federal Caucus</p>
<p><b>PI for Type Np Buffer Basin GIS/FPA Project</b></p> <p><b>Motion 2</b></p> <p>Court Stanley moved that Policy accept WFPA’s FPA Np Stream Basin Analysis Proposal Initiation as submitted as a science tract proposal and proceed to Stage II as described on the last page of Mark Hick’s March 28, 2021 letter to TFW policy on this proposal initiation.</p> <p><b>The motion failed</b></p>	<p>Seconded by: Ken Miller                      Up: Court Stanley, Ken Miller                      Down: Alec Brown, Jim Peters, Marc Engel, Ray Entz                      Sideways: Brandon Austin, Chris Conklin                      Abstain: Darin Cramer                      Absent: Federal Caucus</p>

Action Items for May 6, 2021	
Action Items	Responsibility
<p>1. To look at setting up Policy meetings that are more convenient for members to attend. The workgroup will look at locations, technology and the timeline transition.</p>	<p>Workgroup to include: Megan Tuttle, Marc Engel Steve Barnowe-Meyer, Brandon Austin, Ray Entz.</p>
<p>2. A workgroup will be formed to discuss development of an eastside forest health strategy. The workgroup will bring a purpose statement and proposed next steps to the July Policy meeting.</p>	<p>Workgroup to include: SFLO representative, Todd Baldwin, Jenny Knoth, Darin Cramer, and Brandon Austin. Teresa Miskovic will work with Todd Baldwin to set up meetings. Jenny or Chris will ask if any CMER members would like to participate.</p>
<p>3. Define the Dispute Resolution Request by Darin Cramer in response to the failed motion to approve the PI for the Type Np Buffer Project and bring it back to the June Policy meeting</p>	<p>Megan Tuttle, Marc Engel, Darin Cramer</p>

4. Updated responses to the questions regarding the Technical Type Np Report and the final report.	Darin Cramer and Jim Peters
5. SFLO – dispute resolution after process review and next steps.	Megan Tuttle, Marc Engel

## **MinutesNotes**

### **Welcome, Introductions, and Old Business**

*Marc Engel, Policy co-chair*

Marc Engel took roll call and asked caucuses for any updates. There were no caucus updates.

### **Staff Updates from DNR**

*Joe Shramek, FP Division Manager*

Joe Shramek announced that Lori Clark will be joining Mark Hicks' staff as the Supervisory Project Manager on May 10<sup>th</sup>. He noted that Lori has been working for the Island County Environmental Health Department. Jenny Knoth requested that an introductory email be sent to the Policy Members for all new hires.

### **Meeting Notes**

Steve Barnowe-Meyer (WFFA) moved that the April 2021 meeting notes, as amended this morning be approved.

**The meeting notes were approved.**

### **DNR FY22-23 Biennium Funding for FP and other state agencies**

*Joe Shramek, Ecology and WDFW*

Joe Shramek gave an update on the budget and funding for FP.

Some highlights in reference to the Adaptive Management and DNR component of the approved budget:

- Fiscal outcome from the last legislative session is remarkably positive for FP.
- The new budget allows for DNR to fill 14 vacancies.
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- FP will receive a portion of the MTCA (Model Toxic Control Account) that can fill in the budget gaps between the FFSA and the proviso general funds.
- There is a proviso for the Adaptive Management participation funding for WFFA and the counties in addition to the funding of the base budget.
- Adaptive Management Program is funded for what was requested (16.1 million).
- There is additional funding for SFLO in the budget (2 million) for use in the FP Operations Program.
- There is a Forest Health Bill.

- There is partial funding for the FP information systems (1.7 million).
- There is funding for the herbicides work plan.(570 K)

Joe added that the agenda and mailing for the FP Board will be sent out Friday.

Darin Cramer (WFPA) requested that a process be set up to discuss the concerns of Ray Entz on the MPS budget.

Marc Engel added that we will close the biennium budget with 50K. Marc added that we are also proposing to the board that we have a standing line item to set aside money if we need to hire a mediator.

## **CMER Update**

*Jenny Knoth and Chris Mendoza, CMER co-chairs*

Jenny gave updates from the last CMER meeting. Jenny mentioned that there is a table in the CMER SAG update document that lists what projects are coming through the pipeline.

Highlights from Jenny's update:

### Hard Rock Phase II:

- The Hard Rock Phase II chapters are approved at the CMER level.
- The executive summary is being reviewed and up for approval at the May meeting.
- The Six Questions document is estimated to take several months.

### WFPA Buffer Study Design

- There will be a presentation from Doug Martin at next meeting incorporating the Lidar method for developing treatments.
- Following the presentation, CMER will develop the next steps.

### ETHEP

The Six Questions Document was approved at the April CMER meeting.

### WIP

CMER approved the WIP Tool Report which will allow us to utilize the WIP tool for site selection and future wetlands rule effective projects.

CMER also discussed their role in handling Proposal Initiations. Jenny added that CMER is talking through the process in regards to capacity and CMER's role. Jenny noted that CMER had an interesting science session provided by the Dept. of Fish and Wildlife with Robin Hill and Dr. Kenneth Pierce that covered examining land cover changes in Washington State with high resolution imagery. Jenny added that it will be interesting to see how we can use this data. Jenny also stated that their goal is to have a science session at each CMER meeting. Jenny mentioned that a subgroup is meeting on the SFLO dispute resolution Six Questions document and they anticipate this can be approved in the fall.

## CPEACE

The members that attended the training offered comments on their experience and learning. There was an agreement that what was learned could help in the dispute resolution process. There were comments that the training could pave the way to develop durable solutions, encourage listening more, and develop a serious commitment to working with others and seeing their perspective. There were also concerns raised that stated the need to wait and see if this training is going to change anything in the work methodology and processes. There were comments that having in person Policy meetings would be a benefit to utilizing the training. Ray Entz (Eastside Caucus) mentioned the challenge of meeting in person because of his geographical location. He suggested having a hybrid solution with both in person and virtual participation and mentioned the OWL application as a potential for virtual participation.

As an action item, a workgroup was created to look at Policy meeting locations, technology and also the timeline transition. The workgroup will include Megan Tuttle, Marc Engel, Steve Barnowe-Meyer, Brandon Austin, and Ray Entz. Megan Tuttle noted that this will be an agenda item for the June Policy meeting and that any comments should be forwarded to herself, Marc Engel and Mary Colton.

## WFPA FPA Np Buffer PI Project

*Darin Cramer, WFPA*

Marc Engel gave an outline of where the project stands. He noted that Mark Hicks (AMPA) and Darin Cramer met to discuss Hicks' concerns over the viability of the project. These concerns were outlined in a memo Mark Hicks sent to TFW Policy in March at which time he recommended that the WFPA PI be rejected.

Darin Cramer took this time to respond to Mark Hick's memo and the reasons outlined for the project's rejection:

Darin responded to the reasons that the AMP Administrator recommended that the PI be rejected:

- **The proposal violates the policy-science fire wall by assigning work directly to CMER staff.** *Darin responded that this was a suggestion based on the scope and the technical difficulties associated with the questions.*
- **The proposal is not a simple desktop study that can be completed quickly.** *Darin responded by stating that this desktop study can be done quickly.*
- **The proposal does not provide clear technical steps.** *Darin responded that this was purposely left off and left vague to have flexibility and to see how people weigh in.*
- **The proposal does not include a scientifically robust sampling framework (number and distribution) to ensure the results are representative of the managed landscape.** *Darin responded that this is not a research project but a simple desk top exercise to provide some context.*
- **The proposal assumes without evidence the percent of a basin harvested is the critical point of comparison for the results of the completed CMER Type Np Studies.** *Darin responded that this statement does not get at the question we are asking and it assumes without evidence that the question is wrong. Darin noted that they were simply asking the question of how often we see treatments like the Hard Rock and Soft Rock studies being regularly implemented across the landscape.*

- **The proposal focuses only on the footprint for a single FPA during a single year within a basin – effectively excluding consideration of short term cumulative impacts.** *Darin responded this is partially correct and not correct and stated the reasons for that.*
- **The proposal would require substantially more work before it would likely be accepted for implementation by CMER, which would be the next step for a science proposal.** *Darin noted he didn't agree with this statement.*
- **The proposal is unlikely to produce data meaningful to identifying any science-based limitations of the CMER Np study results, and thus seems unlikely to meet its stated purpose.** *Darin noted this statement was based on Policy's interpretation of the science we have at hand. He referenced the Hard Rock Study and how broadly the results could be applied.*

Darin summarized that the focus for this study should be in what we are actually testing. He added that it is worthy to note that we are necessarily constrained in how we set the study up and understanding that, we implemented harsh treatments to tease out the responses we were looking for. Darin presented a pie chart on how the responses and harvests worked out. He mentioned that they were testing on something that is legal but certainly not common on the ground. He added that what we are going to do with Np stream buffers is an important question to ask and answer for ourselves. He noted that the upcoming debate in June will be important for us to understand how we are going to respond to the Board after we receive the Type Np Workgroup Report and CMER study reports. He added that we need as much information as possible before we start making decisions. Darin ended the presentation by stating that this is going to be a big policy issue for the State of Washington and private small forest landowners.

## Discussion

Ray Entz (Kalispiel) wasn't sure what contextual value the PI has in moving forward and what constitutes putting this in the same piece of space that the Hard Rock and Soft Rock studies were completed under.

Alec Brown (WEC) agreed that approval of the PI is a policy issue and has to be considered carefully. Alec added that it needs to be discussed as we move forward and the information is shared. Darin responded that to share information is good but that is not how this system works and that the industrial caucus are being blocked every time they bring something forward. Darin added that the findings report doesn't overrule the study report.

Brandon Austin (ECY) noted that he appreciated that the study method was not fully developed in the PI and it would be left to CMER to develop, but asked what the plan would be if CMER doesn't develop this.

Jim Peters (NWIFC) stated he didn't know how the PI fits into our process for Np stream recommendations to the FP Board in November. Jim noted that there are concerns of looking at only a few Np studies as it only looks at a small percentage of watersheds and that they were not meeting the water quality standards that ecology requires. Jim also noted that he doesn't feel we are in a position to have separate rules for individual watersheds or regions and was confused as to what this study will provide us. Jim also had a concern about meeting the deadline for the November Board meeting. He asked that he have time to talk with his caucus before voting today. Darin Cramer responded that he felt it was more important to have this done right than to meet a deadline.

Megan Tuttle (Policy co-chair) requested that breakout rooms be created for the caucuses to have further discussion. Breakout rooms were to be set up to discuss the Type Np Buffer PI before voting on a motion later in the meeting.

## **SAGE - Eastside Research Plans**

*Todd Baldwin, SAGE Chair*

Todd Baldwin presented a summary of the results from Phase II of the Eastern Washington Riparian Assessment Project (EWRAP) that was started in 2000. EWRAP is a component of the Eastside Type F Riparian Rule Tool studies identified in the CMER work plan. Todd noted that in 2004 the EWRAP Phase I scoping document was completed. Todd added that the project was designed to collect an unbiased random sample of riparian stands adjacent to fish bearing (Type F) streams on forest lands managed under the Forest Practices Habitat Conservation Plan (FP HCP) in eastern Washington. Todd presented the objectives and project background which included details about the site selection and data collection methodology. Todd noted that the scoping document and the answers to the Six Questions is not SAGE approved at this time. He added that they are in the process of picking which framework to use, developing new rules for that framework and validating the new rules and Policy will need to decide the rules or adapt the rules to that framework.

Darin Cramer (Industrial Caucus) noted that though we have the data and it has been modeled, he didn't see how using this data will increase our knowledge base. Todd responded that they have not developed what direction to take ETHEP at this point.

Steve Barnowe-Meyer (WFFA) asked what the eastside strategy is concerning fire resiliency of the stands we have there. His caucus would like to see a strategy for fire resiliency be part of eastside studies and future rule making.

It was decided to form a workgroup to discuss development of an eastside forest health strategy. The workgroup will bring a purpose statement and proposed next steps to the July Policy meeting. The workgroup will include a SFLO representative, Todd Baldwin, Jenny Knoth, Darin Cramer, and Brandon Austin. Teresa Miskovic will work with Todd Baldwin to set up meetings. Jenny or Chris will ask if any CMER members would like to participate.

## **ETHEP (Eastside Timber Habitat Evaluation Project)**

*Malia Volke, DNR and Todd Baldwin, SAGE chair*

Malia gave a presentation on the ETHEP scoping paper and alternatives analysis. Malia acknowledged the work that has been done by the project team. The presentation outlined the Timber Habitat Types (THTs) and how they affect leave tree and basal area requirements and the preferred species list for timber harvest in Eastern Washington. Malia reviewed the objectives and outlined the three alternatives. Malia outlined the benefits and limitations of each alternative option. Malia ended the presentation detailing the recommended approach (alternative 2) that incorporates a GIS survey, analysis and field testing.

### **Discussion:**

In response to Court Stanley's (County Caucus) question about whether the study incorporates aspect as a factor, Malia stated that yes, physical factors such as aspect will be included in the study. Steve Barnowe-Meyer (WFFA) requested a copy of the presentation. In response to Ken Miller's (WFFA)

question about stand density, Malia mentioned that there are datasets available that describe stand density. Approval of the scoping document will be on the June Policy meeting agenda.

## **Type Np buffer PI Project (*continued – breakout sessions comments*)**

### **Comments from the two Caucus Breakout Sessions:**

**Tribal Caucus Breakout Session:** Ray Entz (Eastside Caucus) noted that they were open to see what new information Darin Cramer has offered to share if this would help move the process forward. There was a concern about the Board taking over the water typing rule. Jim Peters (NWIFC) noted that we have a study that shows we are not meeting water temperature standards and didn't think the proposed study would change that in those watersheds and that they take the AMPA recommendations seriously. Jim noted that because of those reasons, they can't support approval of the Type Np buffer PI today.

**State Caucus Breakout Session:** Marc Engel (Policy co-chair) stated that they had a concern about the timing issue and added that even though this would be a desktop study, someone has to develop how to do the study design and that would be a timing concern as well. Marc noted that the other concern involved how this would tie to existing studies that Policy and the Board has approved and this has to be evaluated before we can deliberate. He also noted that they put a lot of weight on AMPA's recommendations.

**Motion:** Court Stanley (County Caucus) moved that Policy accept WFPA's FPA Np Stream Basin Analysis Proposal Initiation as submitted as a science tract proposal and proceed to Stage II as described on the last page of Mark Hick's March 28, 2021 letter to TFW policy on this proposal initiation.

### **The Motion Failed**

**Darin Cramer (Industrial Caucus) called for a dispute resolution.** Darin commented that they will continue to work on this and anyone interested are welcome to participate.

### **Next Steps**

1. The two co-chairs will meet with the Industrial Landowner Caucus and AMPA to define the dispute resolution.
2. The two co-chairs will present this additional information at the June Policy Meeting.

### **PHB Charter**

Megan Tuttle (Policy co-chair) opened up the PHB Charter for discussion.

Darin Cramer (Industrial Caucus) mentioned his concern that the FP Board is overseeing the development of a water typing study and the Board's inability to manage this process. He added that cutting Policy out of this process is dangerous. He asked if anyone would like to work with him on creating feed back to the Board.

Ray Entz (Eastside Caucus) mentioned he had concerns about the steps and process that the Board is taking involving the water typing rules and that the study design hasn't changed dramatically. He recommended that the eDNA tool be utilized as part of the process.

Steve Barnowe-Meyer (WFFA) mentioned that Policy still has an important role to play and added that he would like to work with the FP Board to create a solution to the water typing problem.

Jim Peters (NWIFC) noted that he would like to participate if time permits and that he had put a group together in the past to work on this. The group narrowed the scope going forward to the Board but for issues that were still in disagreement, they asked the Board for more time which was denied. Jim mentioned that getting the same technical people involved in those discussions and working with Ecology might play a factor in acquiring the additional time needed. Jim noted he will also reach out to his tribal staff to see if they would be willing to participate.

Megan Tuttle noted that she wasn't sure if this was a TFW policy agenda format for additional discussion or if it should be taken off line and have the individual caucuses meet. She requested that they email feedback to her.

### **Small Forest Landowner Dispute Resolution**

*Megan Tuttle, Policy co-chair*

Megan Tuttle gave an update of the SFL Dispute process:

- We entered Stage II of the dispute resolution in April.
- We have received a draft report from our mediator Fulcrum with a final report coming out tomorrow.
- There is a request to set up a time line discussion on when we will receive the Six Questions back from CMER and when this will be forwarded to the FP Board.
- Once we begin the process of forming the Minority or Majority reports, there is no timeline associated with that process.

Marc Engel (Policy co-chair) noted that the report from the mediator was based on their work and observations. Marc added that every caucus will have the opportunity to write their own reports but also noted that our timing should be in accord with the receipt of the Six Questions from CMER.

Ken Miller (WFFA) noted that they did provide feedback to Fulcrum on factual errors, clarification, and comments on parts of the report that were not being disputed on. He mentioned he hoped they took their suggestions and they are interested to see the findings. Ken mentioned that when we receive the answers from CMER to the Six Questions, and if there are concerns about the science review, it is important that we set up at least one meeting to respond to CMER.

Jim Peters (NWIFC) noted they made one important change to the report. On page sixteen of the report it referred to working with the "tribal council" and this needs to be changed to "tribal caucus".

Steve Barnowe-Meyer (WFFA) stated that we need to evaluate opportunities for improvement in the dispute resolution process, the value of mediation and where we go from here after we review the report.

Marc Engel mentioned that we also need to get updates from CMER about the timeline status. Marc also noted that we should have a template in place on how we approach dispute resolution and we can discuss this next month. Megan Tuttle stated that this will come back as an agenda item at the Policy June meeting and will give the caucuses time to comment and make recommendations about the Fulcrum Report.

### **Hard Rock Project Update**

*Marc Engel and Megan Tuttle, Policy co-chairs*



- Update on process for receiving the study from CMER

Megan Tuttle noted in regards to the Hard Rock Phase II final report that is coming, the question was asked if Policy is comfortable receiving the entire final report when it is finished or does Policy want to see each chapter as it is approved. Megan noted that Policy was asked for feedback on how we accept the chapters and the process for receiving these chapters. Megan added that the feedback the co-chairs received indicated that they don't want to see anything coming to Policy until the Six Questions are complete. Megan noted for clarification that nothing will be coming to Policy until the fall and each chapter will come as it is finished and the answers to the Six Questions come in. The co-chairs will keep everyone updated where we are with the chapters and the answers to the Six Questions. Marc Engel noted that another part of question involves the final year of data that Bill Ehinger is working on which will be added as an addendum to the final report. Megan clarified that we will take the chapters as they come and the next step is to work on the Hard Rock Phase II findings report and Six Questions which could be received by fall or earlier. Soft Rock is not finished yet.

Darin Cramer (WFPA) asked since we are receiving Hard Rock Phase II differently than Hard Rock Phase I, how does this affect our timeline and process moving forward?

Jim Peters (NWIFC) noted that his understanding of the process is that when the workgroup receives the final document they start working on that to forward to FP Board and the other chapters don't stop that process. He noted that it would help to get the preliminary reports so we can understand how they incorporated some of these studies and cautioned that we still have to meet that deadline.

Megan Tuttle asked Jim to clarify what deadline he was referring to. Jim said his understanding was that they were given a two year extension for the water quality assurances to give us more time to make the recommendations. He also mentioned that Ecology has a decision to make on whether to allow us more time. Darin Cramer (WFPA) mentioned that the deadline will not be met and that the work has to follow the rule to meet the timeline as it is.

Marc Engel responded to Alex Brown's (WEC) question of whether we can see the reports now and his answer was yes. Marc noted that it was important to consider that Hard Rock Phase I is complete and Policy has received the findings report and Six Questions which were forwarded to the Board with our recommendations. Marc added that when we receive the report Policy begins the process where we are allotted 180 days to put together recommendations for the Board. The timeline for the Board to make final decisions are tied to completion of all those studies. We can proceed to do the work when we receive the studies.

Brandon Austin (ECY) stated that the findings report is not the important part, it is the executive summary that is important.

### **Technical Type Np Report**

*Darin Cramer (WFPA)*

- Update from questions
- Affirm when final report will be received by Policy

Darin noted that they had received a set of questions from the caucuses and that they are working on the answers. He noted that the changes requested were minimal and they will have the final report complete for the Policy June agenda.

Marc Engel mentioned that he will be giving a status report to the Board which will indicate that at present we don't have the final report but it will be received by Policy at the June meeting. Marc will share with the Board that Policy has started the process to review the report and will be putting together recommendations.

Darin Cramer requested that the Board respond to why we are moving out of sequence in receiving the studies and he added his caucus will be opposing this process.

## **Policy Work Plan**

*Marc Engel, Policy co-chair*

Marc Engel noted that the Policy meetings will be extended to 5 pm going forward. Marc also noted that at the next policy meeting we will be discussing the feasibility of having the Policy meeting extend to two days in order to handle the work ahead of us. Marc added that Policy will be receiving more work from the Board concerning our portion in the development of protocols for the Adaptive Management program as a result of the auditor's report. He added that there is work to do on the SFL dispute, the new desktop PI dispute, the Np studies and the recommendations from the auditor's report. Marc mentioned that he and Mary Colton (DNR) will work on the Policy work plan that will be reviewed at the end of each Policy meeting going forward which will include the timelines for tracking the projects. He also noted that the Board will expect Policy to meet the timelines for the SAO report.

The action items and motions were reviewed, after which the meeting was adjourned.

## **Attendees by Caucus**

\*Caucus representative

### **Conservation Caucus**

\*Alec Brown (WEC)  
Chris Mendoza (CMER co-chair)

### **County Caucus**

\*Court Stanley  
Kendra Smith (Skagit)

### **Large Industrial Landowner Caucus**

\*Darin Cramer (WFPA)  
Doug Hooks (WFPA)  
Meghan Tuttle (Weyerhaeuser/ co-chair)  
Joe Murray (WFPA)

### **Small Forest Landowner**

\*Steve Barnowe-Meyer (WFFA)  
\*Ken Miller (WFFA)  
Jenny Knoth (WFFA/CMER co-chair)

### **State Caucus**

\*Brandon Austin (ECY)  
\*Chris Conklin (WDFW)  
\*Marc Engel (DNR/co-chair)

### **Westside Tribal Caucus**

\*Jim Peters (NWIFC)  
Ash Roorbach (NWIFC)  
Mark Mobbs (Quinault)

### **Eastside Tribal Caucus**

\*Ray Entz (Kalispel)  
John Sirois (UCUT)

### **Adaptive Management Program/CMER Staff**

Teresa Miskovic (DNR)  
Malia Volke (DNR)  
Mary Colton (DNR)  
Joe Shramek (FPDM)  
Todd Baldwin (Kalispel)