

Draft Timber, Fish, & Wildlife Policy Committee Meeting Notes
Thursday, Nov 4, 2021 // 9:00 am – 4:58 pm
Remotely held using Zoom

Motions for Nov. 4th, 2021	
Motion	Move/Second (Vote)
<p>WFFA Relatively Low Impact PI</p> <p>Motion 1 Ken Miller moved to accept the WFFA PI for review and consideration in the policy track.</p> <p>The motion failed</p>	<p>Seconded by: Court Stanley</p> <p>Up: Court Stanley, Alec Brown, Brandon Austin, Darin Cramer, Ken Miller</p> <p>Sideways: Jim Peters, Ray Entz, Brandon Austin, Tom O'Brien</p> <p>Down: Marc Engel</p> <p>Absent: Federal Caucus</p>
<p>WFFA Relatively Low Impact PI</p> <p>Motion 2 Ray Entz moved to reject the PI for the need of a definition for relatively low impact in BM 21, however Policy accepts the need to engage in discussions within its work plan to address SFLO needs to improve BM 21 Brandon Austin had a revised motion option: move to reject the WFFA PI for the need of a definition for low impact alternate plans for small forest landowners in BM 21, however Policy accepts the need to engage in discussions within its work plan to address SFLO needs to improve BM 21 and develop recommendations to the Board.</p>	<p>Motion Withdrawn</p>
<p>Hard Rock Phase III Project Charter</p> <p>Motion 3 Tom O'Brien moved to approve the Hard Rock Phase III Project Charter</p> <p>The motion failed</p>	<p>Seconded by: Steve Barnowe-Meyer</p> <p>Up: Marc Engel, Steve Barnowe-Meyer, Court Stanley, Brandon Austin</p> <p>Sideways: Alec Brown, Darin Cramer</p> <p>Down: Ray Entz</p> <p>Absent: Federal Caucus / Westside Tribes</p>

Action Items for Nov. 4th, 2021	
Action Items	
Action Item 1 - WFFA Relatively Low Impact PI <ul style="list-style-type: none"> Ken Miller called for a Dispute Resolution 	<ul style="list-style-type: none"> Ken Miller, Saboor Jawad and Policy co-chairs will meet and further discuss the dispute and will come back in December with the next steps.
Action Item 2- Hard Rock Phase III Project Charter <ul style="list-style-type: none"> Policy Discussion to be scheduled along with a budget subcommittee to be reformed Potential of relooking at this with Extensive Monitoring Define the status of the study 	<ul style="list-style-type: none"> AMPA will define the status of study and will bring information in December to members as to whether the vote not reaching consensus stops the project from moving forward.
Action Item 3- Hard Rock Phase III Project Charter <ul style="list-style-type: none"> Darin Cramer invoked a Dispute Resolution for the Hard Rock Phase III Project Charter 	<ul style="list-style-type: none"> AMPA will frame the dispute and the AMPA, co-chairs and Darin Cramer will meet. AMPA will define the status of study and will bring information in December to members as to whether the vote not reaching consensus stops the approved Board project from moving forward.
Action Item 4 - Budget sub committee <ul style="list-style-type: none"> Reconstitute the Budget sub committee Meeting to be scheduled morning of November 30th (9 am to 11 am) 	<ul style="list-style-type: none"> Members to include: Alec Brown, Jim Peters, Brandon Austin, AMPA, Meghan Tuttle, Darin Cramer, Ray Entz MPS will be updated by AMPA
Action Item 5 - SAO Audit Recommendations <ul style="list-style-type: none"> Revisit the biggest recommendations first Tim Quinn, DFW to update Policy on their project 	<ul style="list-style-type: none"> AMPA will send out report
Action Item 6 - Extensive Monitoring <ul style="list-style-type: none"> Work Group will be meeting November 17th 	<ul style="list-style-type: none"> Lori Clark will share the box site
Action Item 7 – Soft Rock and Hard Rock Studies when they come to Policy	<ul style="list-style-type: none"> Co-chairs will talk to caucuses about expectations for receiving reports

<p>Action Item 8 – Hard Rock Phase I</p> <ul style="list-style-type: none"> Alec Brown invoked Dispute Resolution 	<p>AMPA, co-chairs and Alec Brown to meet</p>

Meeting Notes:

Forest Practices (FP) August Board Meeting

Marc Engel (*Policy co-chair*)

Court Stanley opened up the meeting with an ice breaker.

Introductions:

Marc Engel introduced Tracy Hawkins who has joined DNR as a Technical Policy Analyst.

Co-chair Updates:

- At next month's Policy meeting, in lieu of an ice breaker, the co-chairs are going to create a question for the members and will split everyone up in groups of twos to answer the question. The members will have five minutes to discuss and two minutes to share with the entire group.
- Meghan requested the Np Alternative discussion be moved to 2:15.
- Defer approval of October meeting minutes

Caucus updates:

- Ken Miller noted that Dick Miller passed away at end of October.
- Jim Peters will be leaving the meeting at 12 noon to attend a treaty meeting.

Legislative update:

- Need to have an update from each caucus as to their intent for legislation
- The caucus legislative representative to attend the Policy December meeting

AMPA update:

Saboor Jawad, AMPA

Saboor Jawad provided an update on the status of the RFQQ issued for Policy mediation and facilitation services. The RFQQ closes on 22 November and evaluation of applicants will start right after the closing date. An on-call mediation and facilitation contract will be established on a work order basis. AMPA is the contract manager and will issue the first work order at the time of contract execution. This work order covers an existing Policy dispute that is in stage two. Remaining work orders – covering mediation and facilitation - will be issued only if funds are available. After the MPS update, a request to Forest Practices Board in February would be required to allocate additional funds for mediation and facilitation.

Forest Practices Board Update:

- The board will receive an update on PHB validation and default characteristic studies from Saboor and Cody Thomas
 - Policy timeline, policy timeline from earlier (what is this Marc?)
 - AFFF consideration for February
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CMER Update:

Jenny Knoth (CMER co-chair)

- HR phase II six questions: dispute may have been resolved and up for vote at November CMER meeting
- Soft rock six questions dispute resolution and initial meetings have not occurred yet
- SFLO SJ review will be delivered to Policy in the form of position papers along with a memo from CMER co-chairs and AMPA,
- SAG updates in packet
- RCSS- study design sent back to ISPR to review revisions made in response to first ISPR review
- List of projects/docs and dates

Questions:

Ray Entz asked how disputes are characterized. Chris (resolved)

Meghan asked about the SFLO dispute. Jenny responded that the memo and position papers on why they could not come to consensus will be transmitted back to Policy. Ken Miller noted that they were denied the opportunity for a dispute resolution process. Saboor noted that as the dispute resolution (DR) is explained in the Board Manual, it applies to projects or recommendations that are being held from moving forward because of a failure to reach an agreement. The SFLO SJ is outside science and isn't holding up an AMP item from moving forward. Dispute resolution doesn't apply to either, review of outside science and not stopping a CMER project or a recommendation from moving forward.

Policy dispute has been finished, co-chairs at CMER were consulted. The final outcome would be the same as if a dispute resolution phase II had occurred.

Ray Entz asked what format the materials they would be receiving next month were in. Jenny responded that there will be a memo and one attempt at answering the Six Questions.

Ken Miller noted as to Saboor's response, he agreed that the end result would likely be the same, but the opportunity for further collaboration using the mediated Stage II option was not available.

WFFA Relatively Low Impact PI

Saboor Jawad, AMPA

Saboor provided a summary of the WFFA's Proposal Initiation on a definition for relatively low impact alternate plans for small forest landowners. He also presented the AMPA's course assessment of the PI and overall recommendation to Policy.

Questions and Comments:

SLFO Caucus

Ken Miller noted that Policy is involved in alternative plan guidance to the Board Manual. Saboor responded that is correct and noted that alternate plans already exists in the Board Manual and it doesn't affect any rules. Ken Miller noted that today's decision today is to accept the proposal for review or edit and report back to the FP Board with recommendations as opposed to debate the language. Marc Engel noted that the question before Policy today is to determine the need for a definition to be included in the Board Manual guidance. Ken Miller responded he didn't find any language in the Board Manual Section 21 any references to the criteria to assist the department in determining SFLO alternative plan if it qualifies as a low impact alternate plan. Saboor responded that this is contained in the four point criteria in the Board Manual Section 21. Ken noted that he disagrees that it is in the Board Manual to the extent that this WAC requires.

State Caucus

Tom O'Brien noted that the proposals intent made sense to him but if the criteria is already in the Board Manual it seems the proposal is unnecessary. He added that Policy should consider this as an opportunity to review and have a better understanding of what is in the Board Manual. He noted that it would be beneficial for future that the committee's agreements are captured in writing. He asked if Policy can't or shouldn't do this from a process standpoint is there room for further deliberation and analysis?

Eastside Tribes

Ray Entz wasn't sure the Advisory Committee's definition would help the SFLOs caucus with implementing alternative plans and doesn't hit the core issues. He added that specific criteria or other language that meets conservation outcome and benefits to SFLOs in implementing alternative plans would be more helpful.

DNR

Marc Engel noted that the interpretation of the statute and the rule of how we should address this PI. The key role for FP Board is to implement the statute and the rule and we have to stay within those boundaries. We found that the statute does dictate the approval standard and the Board has adopted rules that reflect the standard as established in statute. There are two chapters in the Board Manual that reflect how we are addressing this PI that provide templates and guidance to alternative plan prescriptions and harvests. He added that when we reviewed with the AMPA's evaluation of the PI, they concurred with table 1 in reference to the four points that the FP Board has established the criteria within the existing program and have determined that the definition already exists in the Board Manual guidance. He added that they say merit in the proposal and see there is room for additional information to assist SFLOs in the implementation of alternate harvests and prescriptions. He noted that the concern is that the PI is an

attempt to change the statutory standard plans of an overall effectiveness of protecting public resources to a deferent concept that is based on economic considerations. He added that DNR feels that the Board has fulfilled the criteria and therefore there is no need to accept the PI.

Westside Tribes

Jim Peters noted that low impact is not always created equal in different water sheds based on conditions of where those systems are in at the time. He added that his caucus has based their approval on what the impact would be. He added that many of the SFLOs harvests occur in lower parts of these systems where spawning for salmon occurs which has a big impact on a system and are site specific decisions that have to be made based on the stock and water quality issues pertaining to salmon habitat. He noted that the definition is broad and subject to interpretation which could have a serious impact. He added that the Board Manual covers alternate plans in the manual which his caucus finds appropriate. Jim Peters noted that he still has concerns about the definition but if Policy can fix the Board Manual concerning alternate plans he would support that.

Large Industrial Landowner Caucus

Darin Cramer noted that the Advisory Committee which is a multi-caucus committee thought that this set of criteria would be useful guidance to the Board Manual and he wants to have this conversation and consider the proposal.

SFLO Caucus

Ken Miller noted that it is true templates are covered in the alternate plan guidance but for those implementing alternate plans the guidance language in the Board Manual isn't there. He noted that the former AMPA noted in the document he prepared on Alternate Plans and AP templates on March 9th, 2016 that there were nuances in the approval status for the SFLOs and Policy needs to address the science and the RCWs and the WACS. He noted that if Policy is not willing to at least have a conversation about the PI he will be calling for a dispute.

County Caucus

Court Stanley noted that this warrants more conversation. He added that Policy needs to continue the work that the Advisory Committee has done and support the SFLOs concerns. He noted that he wasn't sure how a solid definition would translate on the ground and he would support going that pathway and to arrive at good outcomes.

Conservation Caucus

Alec Brown noted that the key takeaway is that WFFA feels they really need this PI supported and Policy should find a way to continue the conversation. He noted that his concern is that the language is ambiguous and subject to interpretation whatever Policy does be useful to assist the SFLOs in their implementation.

Ecology

Brandon noted he was on the Advisory Committee and the proposal met with consensus but there were items left out that some parties wanted in. He added he agreed with the AMPA's PI assessment. He added that there needs to be more help for the SFLOs and reviewers to navigate that process where the impact is greater. He added that it is important if this motion isn't passed today for Policy to commit to

look at the Board Manual and other things in Policy's power to make recommendations to the Board on process improvements.

DNR

Marc Engel noted that the SFLO office Advisory Committee was created by the leg to give a voice to SLFOs to give a voice to their concerns and needs within the FP Board's rules and operational construct and have a direct impact of the Board Manual's Section 21 and we worked with the SFLOs Advisory Committee to develop the manual as it is today and it has been amended twice to add templates and to address how to evaluate the effectiveness of an alternate plan titled Riparian Function Consideration. He noted that there was a statement that the Advisory Committee brought forward a definition to DNR which they ignored and added this was not the case. He added that DNR had initiated a PI to bring to AMP and that DNR wants to accommodate the concerns of the SFLO and DNR believes that add guidance will benefit the SFLOs and see the need to pursue that conversation. We have concerns about is the specific request for a definition for relatively low impact and we do not believe this is the solution for the SFLOs and we think it is bigger than and we need to define to the SFLOs what the protection standards and how to achieve that if they are doing an alternate plan. He added that Policy needs to look at prescriptions and templates.

Motion

Ken Miller moved to accept the WFFA PI for review and consideration in the policy track.

The motion failed.

Motion

Ray Entz moved to reject the PI for the need of a definition for relatively low impact in BM 21, however Policy accepts the need to engage in discussions within its work plan to address SFLO needs to improve BM 21.

Brandon Austin submitted a revised motion option: move to reject the WFFA PI for the need of a definition for low impact alternate plans for small forest landowners in BM 21, however Policy accepts the need to engage in discussions within its work plan to address SFLO needs to improve BM 21 and develop recommendations to the Board.

The motion was redrawn.

Hard Rock Phase III Project Charter

Aimee McIntyre

Aimee McIntyre gave a summary of the Hard Rock Charter Phase III that addresses the amphibian demographic sampling as an additional phase existing to the Type N sampling of Hard Rock I and II.

Questions:

Darin Cramer asked if they were sampling at all treatment sites. Aimee responded that this is their plan and they are reaching out to the landowners to get permission to access the sites and it looks like they will

have access to all sites. Darin asked if they are planning to sample at the reference sites. Aimee responded that they lost two of the reference sites from the Department of Natural Resources because of harvest and they are now down to three reference sites. We would like to go back to those other sites that have been harvested because of the amount of data we have on them. Darin asked if they were considering nesting this information within a more extensive survey. Aimee responded that LWAG would like to look at sites across the landscape and compare our existing site data to other sites but we are not far on that discussion. Darin noted that it would be beneficial to have a more extensive monitoring across the landscape to have a larger scale. Aimee noted that LWAG has a proposal that is exactly what you are referring to but hasn't been scoped as yet but is in the CMER work plan.

Motion

Tom O'Brien moved to approve the Hard Rock Phase III Project Charter.

The motion failed.

Comments:

Ray Entz noted that because this study is focused on amphibians it is no longer a clean water assured track project. He added that there is no resolution for the Eastside Tribes conflict of interest concerns and there is a need to free up the MPS budget for other consensus approved projects as in extensive monitoring and dispute resolution projects.

Darin Cramer offered to meet with Ray Entz to talk about alternatives. Meghan offered to meet with Ray to discuss his issues and to include them in future Policy agenda items.

Steve asked Ray if his caucus had an issue with the study design from a scientific basis. Ray responded that they have no issue with the validity of the science but they have an issue with allocating more budget towards it as there are more priority projects. Steve noted he was concerned that a non-consensus could end the study.

Saboor Jawad noted that this is a Board approved project and we will need to bring the Board into this discussion as to whether it remains on the MPS. He added he will determine if a non-consensus stops the project.

Next Steps:

- Policy Discussion to be scheduled along with a budget subcommittee to be reformed.
- Potential of relooking at this with Extensive Monitoring.
- Define the status of the study.

Darin Cramer asked as we have not reached consensus on this project does this hold up the project from being on the ground next year and if so should we move into a Dispute Resolution or create a contingency plan. Saboor Jawad noted that if this is holding up a project then a Dispute Resolution process can move this forward. Marc Engel noted a Dispute Resolution can be called today but it can be withdrawn at the December meeting if we come to some agreement before that. Darin noted that this could take longer than the two month timeframe. Marc Engel noted that a dispute timeline can be added to in one month increments.

Darin Cramer invoked a Dispute Resolution for the Hard Rock Phase III Project Charter.

Next Steps

- AMPA, co-chairs and Darin Cramer will meet to frame the dispute.
- AMPA will define the status of study and will bring information in December to members as to whether the vote not reaching consensus stops the approved Board project from moving forward.

Ray Entz noted that there is a problem with approving a project in the budget before we have viewed the charter and scoping document. Darin Cramer noted that this was a truncated process because of the extensive monitoring that was included in the MPS that we approved a number of years ago. This charter was intended to be an extension of an existing project and didn't follow the normal steps.

Budget Work Group

A Budget sub-committee was reconstituted to include Alec Brown, Jim Peters, Brandon Austin, AMPA, Meghan Tuttle, Darin Cramer, and Ray Entz.

Meghan will reach out to Jim Peters to see if he is interested in joining.

Next Steps

- Budget meeting to be scheduled morning of November 30th (9 am to 11 am).
 - The MPS will be updated by AMPA
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SAO Audit Recommendations

Co-chairs/AMPA

Marc Engel noted that Board approved a work plan to address the recommendations from the audit's report. He added that a workgroup has been formed and the AMPA will give an update to the Board next week.

Saboor Jawad shared the following items that will be shared with the FP Board next week:

- Recommendation concerning the Decision Making process is on track. DNR has requested \$75,000 on a funding decision package and will include the cost of a facilitated caucus principals meeting in 2023.
 - Adopting a Decision Making Criteria is on track for the November 2022 deadline.
 - The 'net gains' criteria is on track for the May 2022 deadline.
 - The Policy Work Group met in September.
 - Administrative recommendations will involve Board manual changes and will be complete by February 2022.
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- Funding requests have been submitted for additional recommendations for administrative.
- Need resources for project tracking system.
- Onboarding of new members package needs funding.

Darin Cramer noted that an independent peer review was done years ago but many of the concerns were not addressed and we need to review those recommendations. Darin asked if Timothy Quinn of DFW could attend one of our meetings.

Extensive Monitoring Update

Meghan Tuttle, Policy co-chair

- The Extensive Monitoring Workgroup was reconvened under Brandon Austin.
 - The next meeting is set for the November 17.
 - A box document folder will be sent out to the group by Lori Clark.
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Type Np Buffer Alternative Review

Marc Engel, Meghan Tuttle Policy co-chairs

The Type Np Buffer meetings were agreed to by Policy to deliberate on the final report.

The caucuses were divided into the three groups to discuss the four Type Np alternatives to see if there are common aspects.

Meghan noted that the questions to ask in your group would be as follows:

1. What is your greatest concern?
2. What do you most want to see happen?
3. What do you most want the other caucuses to understand?

Type Np Buffer Caucus Discussion Debrief:

Meghan asked the group how we create space for you to meet in small groups. She asked can we send out a doodle pole to access availability and set up 45 minute meetings for those that are free.

Tom O'Brien noted that there was a fair amount of consensus from his group and some common ground on the flexibility of alternative prescriptions based on parcel and harvest size. He noted that there was a general agreement on minimum buffers but recognizing on smaller parcels the impacts that less buffer would be needed. He noted that in terms of how we structure the time what would be more useful would

be an exercise designed to ask what the members would like the prescriptions to be in order to understand how much common ground there is and isolate the sticking points.

Darin Cramer noted the break outs are valuable and he learns something every time he talks with members in these small groups.

Alec Brown noted that small groups work. He asked Marc for clarification on the Board accepted timelines on resets when Policy gets new work.

Marc Engel responded that the co-chairs delivered to the Board was the description of how Policy had developed a recommendation on Np buffer alternatives. He noted that when Hard Rock Stage I was completed it showed a need for a change but a number of studies that were not complete so we recommended that a Np workgroup be formed and operate under a charter and they were deliverable was a report and recommendations based on the final studies that existed and the findings from the studies that were still being completed and that the timeline for the start of the work was when Policy accepted the final report from the Np workgroup at the June 3rd meeting. He noted that we have established a timeline / our work group has fallen off schedule and we need to get back on schedule. He added that he sees the value of meeting in smaller groups to hammer out the details.

Alec noted that it is disappointing that this process has been in my caucus hasn't been treating this issue with the urgency and respect it deserves. He noted that the study came to them in May 2018 study and another issue is that the work group report came to them in June 2021 and that was 180 days between the two. The Board Manual states that you have 150 days to come up with one alternative and 30 days to draft it to present to the Board. He added that it was 60 days ago that we presented our options and alternatives and we have had only one meeting but had no other meeting since. He added he wasn't sure what our plan is for solving this. He added if we go into dispute on this issue now maybe we will work harder to resolve the issue. Ray Entz noted that if we go into dispute how we prioritize our schedules and maybe having smaller caucus discussions would be easier to move this forward and noted that using the time scheduled for the budget on November 30th would be a better use of time.

Darin Cramer noted that this is a subject where there is not a lot of agreement on. He noted that the CMER reports are coming to us and we should refresh on that content. He added that he sees the next step as meeting in smaller groups to hear the caucuses' proposals. Likely to end up in dispute. Need to take the step in smaller group so they can present their proposals to see if we can get to common ground. Meghan Tuttle requested the members respond to a doodle poll for the meetings.

Alec Brown noted that he feels we need to go to dispute now. He added that we have a rift between us that is not getting solved. The solution in the riparian zone in Western Washington. He added we haven't been meeting and didn't see the value in this lingering. A dispute will give us a two month window to get this done.

Darin noted that they have a number of proposals to go through and it would be more efficient to narrow the scope of what they agree on and not agree on before we move into a dispute.

Meghan noted that the AMPA mentioned that we can't move into any Stage II dispute resolution phase until after the February Board meeting because they won't assign the money until then and because of this the timeline wouldn't change. Meghan noted that we haven't talked about what Policy does when the Soft Rock and Hard Rock studies come back to Policy concerning timelines and deliberation issues.

Ray Entz noted that the pathway forward should be to prioritize Nps and put it as an agenda item on the Policy meetings to facilitate the scheduling issue. If a dispute is called today I can't be a part of it.

Alec Brown invoked a dispute resolution on Hard Rock Phase I.

Meghan noted that a dispute has been called and the AMPA and co-chairs will meet with Alec to define the dispute before the end of the month and this will be brought to Policy at the December meeting.

Marc Engel noted that funding should not be an issue when a dispute is called and we will find a way to obtain the money. He added that hopefully with a facilitator we will come to a consensus before moving into Stage II.

Conclusions and Action Items:

The Policy motion and action items were reviewed. Meeting Notes for October will be voted on at the December meeting.

The meeting was adjourned.

Future Policy meeting dates:

December 2nd

January 6th

February 3rd

March 3rd

April 7th

May 5th

June 2nd

Attendees:

Conservation Caucus

*Alec Brown (WEC)

Chris Mendoza (CMER co-chair)

County Caucus

*Court Stanley

State Caucus

*Brandon Austin (ECY)

Tom O'Brien (WDFW)

*Marc Engel (DNR)

Westside Tribal Caucus

Kendra Smith (Skagit)

Large Industrial Landowner Caucus

*Darin Cramer (WFPA)

Doug Hooks (WFPA)

Meghan Tuttle (Weyerhaeuser/ co-chair)

Joe Murray (WFPA)

Jason Walter (Weyerhaeuser)

Small Forest Landowner

*Steve Barnowe-Meyer (WFFA)

*Ken Miller (WFFA)

Jenny Knoth (WFFA/CMER co-chair)

*Jim Peters (NWIFC)

Ash Roorbach (NWIFC)

Curt Veldhuisen

Eastside Tribal Caucus

*Ray Entz (Kalispel)

Adaptive Management Program/CMER Staff

Saboor Jawad (AMPA)

Lori Clark (DNR)

Marc Ratcliff (DNR)

Mary Colton (DNR)

Tracy Hawkins (DNR)

Mary McDonald

DRAFT