

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting – May 9, 2018**
3 Natural Resources Building, Room 172, Olympia, WA
4

5 **Members Present**

6 Stephen Bernath, Chair, Department of Natural Resources
7 Bob Guenther, General Public Member/Small Forest Landowner
8 Brent Davies, General Public Member
9 Carmen Smith, General Public Member/Independent Logging Contractor
10 Dave Herrera, General Public Member
11 Heather Ballash, Designee for Director, Department of Commerce
12 Jeff Davis, Designee for Director, Department of Fish and Wildlife
13 Lisa Janicki, Elected County Official
14 Noel Willet, Timber Products Union Representative
15 Patrick Capper, Designee for Director, Department of Agriculture
16 Paula Swedeen, General Public Member
17 Tom Laurie, Designee for Director, Department of Ecology
18 Tom Nelson, General Public Member
19

20 **Staff**

21 Joe Shramek, Forest Practices Division Manager
22 Marc Engel, Forest Practices Assistant Division Manager
23 Patricia Anderson, Rules Coordinator
24 Phil Ferester, Senior Counsel
25

26 **WELCOME AND INTRODUCTIONS**

27 Chair Stephen Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.
28

29 **REPORT FROM CHAIR**

30 Chair Bernath announced the retirement of Board Member Heather Ballash from state service and
31 her conclusion from serving as a Board member after today's meeting and thanked her for her
32 years of service. Ballash conveyed her thanks to staff and fellow Board members for their work.
33 She introduced her successor, Ben Serr, who works for the Department of Commerce Eastern
34 Washington Office of Growth Management Services.
35

36 He also announced retirement of DNR staff member Garth Anderson, who has worked as the
37 Northwest Region forest practices geologist.
38

39 Chair Bernath reported that the facilitated cultural resources meetings addressing the protection of
40 tribal cultural resources continue to be held. An initial group is preparing draft proposals to move
41 forward to the larger facilitated group to address: how and when tribes are notified of Forest
42 Practices Applications (FPA) with potential cultural resources; a funding package for tribal
43 participation; additional staff in the small forest landowner office to facilitate landowner/tribal
44 discussions and to provide landowner training in partnership with tribes; and a revision of question
45 nine on the FPA to encourage landowner/tribal communication.
46

1 He also reported that the annual Taylor’s Checkerspot Butterfly Report has been delayed until the
2 August meeting.

3
4 **PUBLIC COMMENT**

5 None.

6
7 **APPROVAL OF MINUTES**

8 **MOTION:** Tom Nelson moved the Forest Practices Board approve the February 13 and
9 14 meeting minutes.

10
11 **SECONDED:** Patrick Capper

12
13 **ACTION:** Motion passed unanimously.

14
15 **WATER TYPING SYSTEM RULE MAKING AND GUIDANCE UPDATE**

16 Chair Bernath began the presentation by saying that several parties have suggested slowing down
17 the water typing system rule process. He said additional time is needed to gather the necessary
18 data and to evaluate the three potential habitat break (PHB) alternatives. He said the extra time
19 may also provide an opportunity for folks to come to consensus on one specific PHB alternative.

20
21 Marc Engel, DNR, provided a brief overview of the development of the water typing rule
22 beginning with the concerns addressed in 2013 by the conservation caucus, Washington
23 Department of Fish and Wildlife (WDFW) and the Federal Services about the application of the
24 current rule. He mentioned the Board’s subsequent direction to the TFW Policy Committee
25 (Policy) to develop recommendations for a permanent water typing rule in 2016, the Board’s
26 direction to DNR to begin drafting rule based on Policy’s recommended rule concepts including a
27 Fish Habitat Assessment Method (FHAM) to delineate fish habitat, the dispute outcome for the
28 definition of off-channel habitat in 2017 and the Board’s acceptance of three PHB alternatives at
29 the February 2018 meeting.

30
31 Engel provided the status on the development of products for inclusion in the rule making packet.
32 He said two stakeholder meetings have occurred to review the draft rule language and bi-weekly
33 Board Manual stakeholder meetings have occurred to develop guidance for conducting the FHAM
34 including best management practices for electrofishing. He stated two field days were scheduled to
35 evaluate potential guidance for measuring PHBs in the field. In preparation for the economic
36 analysis, Engel said DNR had assembled an economic panel to discuss the alternatives to
37 determine the costs and benefits of the proposed rule in advance of the preparation for the cost
38 benefit analysis and small business economic impact statement. He then walked Board members
39 through a proposed timeline to extend the rule development process to May 2019.

40
41 Board Member Tom Nelson voiced concern over receiving this information a day prior to the
42 Board meeting. He asked that in the future, more time is provided for Board members to review
43 important recommendations.

44
45 Engel acknowledged Nelson’s comment and said DNR staff will strive to send out all products as
46 they are developed in a timely manner.

1 Engel continued the presentation by reminding Board members that the discussions for draft rule
2 and Board Manual development is following the normal stakeholder process. He said the
3 collection of the data to conduct an analysis on three PHB alternatives in comparison to the current
4 rule and prepare the rule making packet is the primary reason an extension is needed. In order to
5 conduct a statewide analysis, additional time is needed for DNR to obtain the end of fish data.
6 These data, which are also needed by the expert science panel for the validation study, are being
7 obtained through a review of water type modification forms (WTMF) to gather the fish data. This
8 additional review of WTMF data is needed because end of fish data was not used in the initial
9 expert panel PHB analysis. He said additional time is also needed to understand the idea and
10 differences contained in the anadromous floor concepts.

11
12 Engel added that an economist panel will be convened to assess the impacts of the rule using an
13 analytical model. The key assumptions include costs to landowners, costs to labor, benefit to the
14 ecosystem including fish, simulation and discount to stumpage values and any differences between
15 eastern or western Washington.

16
17 Board Member Paula Swedeen asked why end of fish is important in the economic and
18 environmental analyses since the new process is not related to end of fish.

19
20 Engel said existing data is needed to perform the analysis and under the current rule, the end of
21 fish is an essential point that needs to be identified under the current protocol. He confirmed that
22 to reduce potential harm to fish through electrofishing, the FHAM process will require folks to
23 cease electrofishing when the first fish is detected upstream of a PHB. The last fish is needed to
24 perform the analysis comparing Type F/N breaks established under current rule and Type F/N
25 breaks established using FHAM for the three PHB options. Although the end of fish point is not
26 required under the new FHAM process, the end of fish data will establish the stream segment
27 between PHBs where the last presence of fish is found.

28
29 Nelson said the current rule is not end of fish or last fish, but a combination of fish presence
30 informed through protocol surveys and supplemented by information from the 'Lenny memo',
31 which encompasses additional fish habitat above last fish. He said the current process is fish use
32 and includes both fish presence and associated habitat.

33
34 Board Member Bob Guenther asked Engel to define the anadromous floor.

35
36 Engel said the westside Tribe's anadromous floor proposal begins at salt water and ends when it
37 reaches a ten percent stream gradient. DNR is working with the industrial landowners to fully
38 understand the additional elements contributed to laterals. He said the criteria and analysis for the
39 anadromous floor will include 5, 7 and 10 percent threshold options as directed by the Board.

40
41 Nelson asked if it would make sense to change the WTMF to capture end of fish.

42
43 Engel said the WTMF has evolved over time. He said current changes are being evaluated to
44 modify the form to capture the appropriate information moving forward.

45
46 Swedeen suggested that additional benefits need to be added to the economic analysis such as
47 benefits to the ecosystem and individuals. She asked why the rule is being delayed one entire year.

1
2 Engel said the extension is needed not only for gathering additional data, but to provide additional
3 time for working with stakeholders to complete all the elements needed for the rule package. He
4 confirmed that gathering and assessing additional data may take seven weeks to complete and the
5 time to evaluate and work with stakeholders to complete the economic analysis is estimated to
6 take approximately thirty weeks.

7
8 **POTENTIAL HABITAT BREAK (PHB) VALIDATION STUDY**

9 Howard Haemmerle, DNR, and Dr. Jeff Kershner and Dr. Patrick Trotter, science panel members,
10 provided an update on the PHB validation study design. Haemmerle said the study will be focused
11 on different ecoregions and will use the end of fish points with longitudinal profiles conducted
12 both up and downstream from end of fish points at the time of the survey. The study will
13 document seasonal fish presence and includes surveying each site over multiple seasons. The
14 approach is to measure sites for each season of the year across seven ecoregions. He said the study
15 design will also include an eDNA element conducted in the last survey year.

16
17 Haemmerle said there are two phases to the study design – a pilot study to be conducted in the
18 summer of 2018 and the full validation study. The pilot will help determine the correct fish
19 sampling methods to use during the full validation study. The pilot method will look at streams
20 with geomorphic complexity in eastern and western Washington. He said the science panel
21 received comments back from stakeholders on the study, but have not received comments back
22 from the independent science peer review (ISPR). He said the goal is to provide recommendations
23 on the validation study to the Board in August 2018 and share the results from the pilot study to
24 the Board at their November 2018 meeting.

25
26 Regarding the preparation of the validation study, several Board members asked if there should be
27 a connection with the Cooperative Monitoring Evaluation and Research Committee (CMER) and
28 any stakeholder or ISPR comments.

29
30 Haemmerle assured that stakeholder and ISPR comments will be reviewed by the science panel
31 and where appropriate, incorporated into the validation study recommendations provided to the
32 Board at the August 2018 meeting.

33
34 Board Member Lisa Janicki asked how CMER is involved in this process.

35
36 Haemmerle said the way this project was directed by the Board has not followed the standard
37 adaptive management process. He acknowledged that normally CMER develops and/or reviews
38 validation studies, but because of the fast pace set by the Board, neither CMER nor the In-stream
39 Scientific Advisory Group (ISAG) were asked to provide a validation study framework. He said
40 the final report for the validation study will follow the normal Adaptive Management Program
41 protocol involving CMER, ISPR, and Policy.

42
43 Guenther asked where the eDNA samples will be taken.

44
45 Haemmerle said the eDNA process will identify the location and provide input for how many
46 samples will need to be taken above and below the detected end of fish.

1 Swedeen asked how fish seasonality will be incorporated into the study design outside of the
2 current protocol electrofishing season.

3
4 Dr. Kershner said the concerns about the seasonal location of fish will be addressed with seasonal
5 sampling. Multiple sampling will help determine the extent of fish migration and movement. He
6 suggested that annual variability will capture changes from season to season.

7
8 Chair Bernath asked what they hope to learn from the pilot.

9
10 Dr. Trotter said the pilot will inform the way stream slope or gradient is measured. He said they
11 found people measure slope three different ways and the pilot will refine the most appropriate
12 measurement procedure in order to arrive at a fixed protocol.

13
14 Dr. Kershner confirmed that the pilot will refine the method to arrive at the best measuring
15 protocol to reduce variability.

16
17 **WATER TYPING SYSTEM RULE MAKING AND GUIDANCE, AND PHB**
18 **VALIDATION PILOT STUDY RECOMMENDATIONS**

19 Marc Engel, DNR, reiterated the staff recommendation to slow down the water typing rule
20 development process to ensure full transparency and stakeholder involvement. The extra time will
21 provide Board members with the benefits from the pilot study, additional time for field review of
22 FHAM and PHB guidance and ensure that the preliminary economic analysis is fully vetted.

23
24 Engel recommended the Board consider the following:

- 25 • Amend the timeline for the water typing rule package to be considered in May 2019;
26 • Approve and fund the validation pilot study, with a report delivered by the expert science
27 panel to the Board in November 2018; and
28 • Request the expert science panel present a fully scoped validation study at the August 2018
29 meeting after stakeholder comments have been considered and after the study goes through a
30 second ISPR.

31
32 Engel said the consideration in May would include an analyses for each set of the PHB
33 alternatives. He said upon Board approval at the May 2019 meeting, staff would file a CR-102 and
34 conduct rule making hearings. This would be in preparation for a final rule adoption by the Board
35 in August 2019. He concluded by describing the staff-prepared materials for final rule adoption,
36 which would include: the draft concise explanatory statement; final economic analysis; long term
37 application analysis; and a rule implementation plan. Once the Board adopts the rule, staff will file
38 the final rule making order.

39
40 Nelson said he had not seen the validation study and asked who wrote the study. He said he had
41 concerns about making a decision about a proposal he had not seen and was reluctant to make
42 budget decisions on a study he had not seen.

43
44 Engel said the scientific expert panel prepared the study design which includes a pilot to be
45 conducted this summer.

1 Swedeen wanted to clarify that the Board is being asked to only approve moving ahead with the
2 pilot study and that the larger validation study design had not yet been completed and would come
3 later to the Board for consideration.

4
5 Bernath confirmed that the decision before the Board was about the pilot component, but the item
6 in the budget is for both the pilot and the first season of the validation study. Further discussions
7 about the budget would occur later in the meeting agenda.

8
9 **PUBLIC COMMENT ON THE WATER TYPING SYSTEM AND PHB VALIDATION**
10 **PILOT STUDY RECOMMENDATIONS**

11 Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), asked for the Board's
12 continued support for the development of the LiDAR water typing model identified in the CMER
13 budget. He suggested the study design would provide the correct physical defaults to delineate the
14 upper end of fish habitat and further develop a LiDAR-based model to accurately predict fish
15 habitat and avoid bias. He said most small forest landowners utilize the default physicals and
16 likely not apply the FHAM protocol, but would readily use a model that is balanced and simple to
17 use. They support a rule package that includes funding and work toward a model.

18
19 Ken Miller, WFFA, believes the water typing debate is not about fish or fish habitat, but about
20 additional protection of riparian management zones. He said a precise rule is fraught with error
21 without a meaningful difference to capture the benefits to fish where they may not exist. He
22 questioned whether additional science or a validation study would actually lead to concrete
23 answers and the best outcome.

24
25 Jenny Knoth, Green Crow, said she was concerned that the current efforts to improve fish habitat
26 through riparian buffers and road maintenance projects will be undermined by the current rush in
27 rule making timeline. She said the Board needs to address both the biologic and economic impacts
28 of the rule, and that the process should be based on science.

29
30 Kevin Godbout, Weyerhaeuser Company, agreed with DNR staff recommendations to slow down
31 the water typing rule process. He suggested some approaches could include a tune-up of the
32 recommendations from the electrofishing technical group and conduct workshops for the
33 upcoming field season. He said he is okay with the hybrid approach for some of the projects and
34 supports the motion today for extending the timeline.

35
36 Karen Terwilleger, Washington Forest Protection Association (WFPA), said their members
37 support canceling the June Board meeting, support delaying the rule package until 2019 and
38 support the continued PHB alternative testing. She said they support the validation study only after
39 an adequate stakeholder review and comment period is established. She mentioned that WFPA has
40 not received, but would like to see an explanation for how the spatial analysis will be conducted
41 during the economic evaluation. She mentioned the goals of the Forests and Fish Report and the
42 Forest Practices Habitat Conservation Plan. She concluded by stating that scientific evidence has
43 not been brought forward indicating that the current rule does not protect fish or fish habitat.

44
45 Chris Mendoza, Conservation Caucus, said in his interpretation of the operating standards in
46 Board Manual Section 22 language, the validation study development is not following the normal
47 CMER coordination under the Adaptive Management Program. He said because it does not follow

1 the normal process, it has not gained support from all stakeholders. He said one fatal flaw with the
2 validation study is that participants have yet to see a multi-region approach work, and it could end
3 up being costly and inefficient. He opined that the current track to have stakeholder comments
4 after the independent science review is backwards.

5
6 Jamie Glasgow, Conservation Caucus, said Washington is overdue for a permanent rule. Although
7 they are disappointed with a delay, they hope a delay will help arrive at a better rule. He believes
8 the current guidance in Board Manual Section 13 under represents where fish are at various stages
9 and does not account for seasonal variability. He alluded to the CMER research on Type N buffer
10 effectiveness, which underscores the need for accurate water typing. He asked the Board to
11 consider an alternate approach in the interim by having the tribes and WDFW develop a draft
12 approach to address the inadequacies of status quo before adoption at the August 2018 Board
13 meeting.

14
15 Peter Goldman, Washington Forest Law Center, said he is frustrated with the idea of a delay and
16 the over-complication of what should be a simple approach for a permanent rule. He urged the
17 Board to establish an interim approach to electrofishing for the 2019 water typing season. He said
18 that there is no lack of science to inform on fish habitat – delaying further only wastes tax payer’s
19 money. He mentioned the efforts by various technical and policy groups that have worked to find
20 a resolution and is surprised that a delay is still being considered. He said the status quo is
21 unacceptable to the Conservation Caucus and urged the Board to implement an interim process
22 immediately, such as a guidance memo by DNR staff.

23
24 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, mentioned four
25 important concepts to this issue – trust, status quo, delay and fear. He said trust means a lot to the
26 tribes. He said the current system fails at protecting fish habitat and a delay without an interim
27 process would further degrade trust. He concluded by saying it would appear to them that their
28 comments are being ignored if an interim process is not in place during the proposed delay.

29
30 Jim Peters, Northwest Indian Fisheries Commission and representing western Washington tribes,
31 requested DNR to work with the co-managers to establish an interim process during this delay. He
32 referred to the declining salmon runs and habitat and suggested folks work together to protect fish
33 habitat and work together to rebuild trust. He shared how he wanted to ensure fish are present and
34 available for his grandchildren to enjoy.

35
36 **PUBLIC COMMENT**

37 Ken Miller, WFFA, said the proposed small forest landowner riparian template is still moving
38 forward. The Policy subcommittee will forward the template prescriptions and supporting science
39 for an ISPR in late summer 2018. The review is scheduled to be completed by the end of the
40 calendar year. He then asked the Board to schedule their 2018 October field trip to the Miller tree
41 farm to discuss the proposed small forest landowner riparian template.

42
43 **BOARD SUBCOMMITTEE UPDATE ON EFFICIENCY AND EFFECTIVENESS**
44 **IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM**

45 Board Member Lisa Janicki introduced facilitator Connie Lewis. Lewis stated she has interviewed
46 about 50 stakeholders and indicated there are a few more she’s hoping to talk with. Her draft
47 summary of stakeholder concerns and suggestions along with her recommendations on program

1 improvements will be completed around the end of June. She will be including an opportunity for
2 folks to provide feedback on her recommendations. She shared several key take-away points
3 stakeholders hold in common: a universal belief in re-invigorating the program, move to a more
4 useful structure, bring back the original collaborative intent and shared interest of the principal
5 players, clarify the roles and boundaries between the various parts of the program, and a desire for
6 process and administrative modifications (consensus models, term appointments).
7

8 Lewis clarified that interviews will conclude this month and a draft summary report should be
9 available to all interviewees by mid-June. The timing for involving key principals will depend on
10 the subcommittee.
11

12 **WATER TYPING SYSTEM AND PHB VALIDATION PILOT STUDY**

13 Marc Engel, DNR, presented the draft motions for the Board to consider regarding the
14 permanent water typing rule and subsequent studies.
15

16 **MOTION:** Tom Laurie moved the Forest Practices Board approve the Validation Pilot
17 study to be completed in the summer and fall of 2018 with a report to the
18 Board at the November 14, 2018 meeting.
19

20 **SECONDED:** Brent Davies
21

22 Board Discussion:

23 Board Member Tom Laurie asked how the pilot and validations study is divided within the
24 budget.
25

26 Joe Shramek, DNR, stated that of the \$726,489 identified in the FY 2019 CMER budget,
27 \$128,000 would be allocated to conduct the pilot study.
28

29 Guenther asked when Board members might see the validation study design.
30

31 Chair Bernath said the study design has been through a first round of the ISPR – a second
32 ISPR review will include stakeholder comments.
33

34 Haemmerle said they are anticipating comments back from the ISPR this week. The next
35 step in the process will be to build the comment matrix and the panel will then consider
36 and address the comments. A meeting later in May will address the comments from both
37 the ISPR and technical stakeholders. Addressing comments and making any potential
38 adjustments to the proposed study design should be done by mid-July. He said the July
39 goal should still provide adequate time for implementing the pilot study and reporting
40 back to the Board in November.
41

42 Haemmerle clarified that the program is still waiting on comments from the ISPR on the
43 overall PHB validation study, which includes both the pilot and the main validation study.
44 He said that the Policy-approved budget is for fiscal year 2019. \$726,000 is identified for
45 the PHB study: \$128,000 covers the pilot and the majority is for the first year of sampling.
46 An ISPR will be conducted for the entire packet.
47

1 Board Member Jeff Davis acknowledged that obtaining the scientific collector's permit to
2 perform the study may be difficult to obtain in short order.

3

4 Dr. Kershner agreed that obtaining the permit may be onerous and suggested that
5 assistance from WDFW to facilitate expediting the effort would help. He was hopeful
6 that by getting started now, they would be on track to finish within the stated timeline.

7

8 Haemmerle said they would be willing to receive additional comments from those voicing
9 concern regarding not having enough time to weigh in on the study design leading up the
10 May meeting with the science panel.

11

12 Nelson suggested that the specific dates be removed from the motion.

13

14 Laurie said he understands the concern, but felt that the date was important to set the goal
15 for all those involved.

16

17 **ACTION:** Motion passed. 12 Support / 1 oppose (Nelson)

18

19 A new motion was presented:

20

21 **MOTION:** Tom Laurie moved the Forest Practices Board approve the staff
22 recommended water typing system rulemaking timeline to complete
23 rulemaking materials for the Boards' May 8, 2019 meeting.

24

24 **SECONDED:** Heather Ballash

25

26 Board Discussion:

27 Board Member Dave Herrera suggested having the tribes and WDFW, as fisheries co-
28 managers, work together to arrive at an interim approach for the 2019 survey season.

29 He acknowledged some of the requests for an interim process made by individuals
30 during public testimony earlier in the meeting.

31

32 Chair Bernath clarified that an interim process or solution would need to be done through
33 an administrative guidance memo rather than by a rule or new Board Manual guidance.

34

35 Davis said that WDFW would be willing to brainstorm ideas to arrive at possible interim
36 approaches.

37

38 Swedeen suggested the Board memorialize the idea of a tribal and WDFW proposal for
39 interim solutions for the 2019 season, but questioned whether it would need to be captured
40 in a formal motion.

41

42 Nelson questioned the basis for a special interim rule for the upcoming protocol survey
43 season. He suggested that the current process is not the end of fish, but fish use – the end of
44 fish plus additional habitat. He said that nothing has been brought forward to show the
45 inadequacies of the current rule that lends itself to an interim process.

46

1 Engel clarified to make sure to involve DNR Region staff in the development of
2 recommendations for interim guidance to be applied for the 2019 survey season.

3
4 **MOTION TO**

5 **AMEND #1:** Brent Davies moved to amend the motion by adding the following to the
6 end of the motion:
7 allow the Tribes and DFW to lead a process involving all caucuses to
8 develop recommendations by August 2018 for interim guidance via an
9 administrative memo to be applied during the 2019 protocol survey
10 season.

11 **SECONDED:** Paula Swedeen

12
13 **Board Discussion:**

14 Board Member Noel Willet said he had concerns putting the two motions together. He felt the
15 development should include all stakeholders and caucuses to address concerns. He suggested
16 the wording include 'all caucuses'.

17
18 **MOTION TO**

19 **AMEND #2:** Noel Willet moved to separate the amended motion into two separate
20 motions.

21
22 **SECONDED:** Bob Guenther

23
24 **Board Discussion:**

25 Chair Bernath confirmed that if Willet's motion passes, the two thoughts would be contained
26 in separate motions.

27
28 **ACTION ON**

29 **2nd AMENDMENT:** Motion passed. 10 Support / 2 Oppose (Swedeen & Davies) / 1 abstention
30 (Capper)

31
32 **ACTION ON**

33 **1st AMENDMENT:** Motion was modified further and re-offered after Willet's motion separating
34 the amended motion.

35
36 **ACTION ON**

37 **ORIGINAL**

38 **MOTION:** Motion passed. 12 support / 1 oppose (Guenther)

39
40 A new motion was presented:

41
42 **MOTION:** Brent Davies moved the Forest Practices Board request the Tribes and
43 DFW to lead a process involving all caucuses to develop recommendations
44 by August 2018 for interim guidance via an administrative memo to be
45 applied during the 2019 protocol survey season.

46
47 **SECONDED:** Paula Swedeen

1
2 Board Discussion:
3 Guenther felt this motion captured the intent of what Herrera proposed.
4
5 Chair Bernath clarified that any administrative interim process would need to align with
6 existing rule and Board Manual guidance.
7
8 Board Member Carman Smith wanted to clarify that the interim process would be just for the
9 2019 season and once a permanent rule was in place, the interim process would cease.

10
11 Nelson, referring to the rule making timeline motion, questioned the need for further
12 rule changes until the data and science is made available. He referred to the science
13 panel’s three to five year estimate to inform on the validity for PHBs.

14
15 Swedeen said she would be opposed to a multi-year delay given all the work done to date.
16 She said she believes that those who have worked on this effort have all the science and
17 information they need to move forward.

18
19 Board members Guenther and Nelson both asked that the motion not include specific
20 dates.

21
22 Swedeen said the dates provided are staff recommendations and that the Board did not
23 impose the dates on them. Delaying it further without dates is unfair to those with strong
24 concerns about the delay.

25
26 Janicki asked how modifications would be made if the validation study showed changes are
27 needed. She asked if the rule process and study would be concurrent paths.

28
29 Engel clarified that the overlap in the process is intended to adjust and modify as needed.
30 He said the rule making process is proposed to end in 2019, and that the validation study
31 would test the adopted rule and conclude in 2023. He said the rule would be constructed
32 on the framework for the FHAM and if PHB changes were warranted, then rule making
33 could occur at that point.

34
35 **ACTION:** Motion passed unanimously.

36
37 Engel addressed the confusion around the pilot study and the validation study and its
38 subsequent timeframe. He said staff suggests the Board consider passing a motion for gaining
39 better understanding of the study design at the August Board meeting.

40
41 Nelson, although he stated that did not want it be incorporated into the motion, wanted the
42 ad hoc fish group to be more involved in this process since they have been doing a lot of
43 the initial work.

44
45 **MOTION:** Tom Nelson moved the Forest Practices Board receive the
46 validation study design from the Adaptive Management
47 Program Administrator including ISPR completed review for

1 the August 2018 meeting in preparation for final Board
2 approval at the November 2018 meeting.

3
4 **SECONDED:** Carmen Smith

5
6 Board Discussion:

7 Davis asked what a fully scoped validation study might look like.

8
9 Haemmerle said the pilot will inform on the study design for the validation study. A fully
10 scoped project means that an ISPR of the study design should be completed by August.

11
12 Guenther asked if CMER will be communicated with as the study design as it moves
13 along.

14
15 Chair Bernath said he did not believe so. He said the people on the ground and ISAG will be
16 involved.

17
18 Haemmerle said as the study design is being implemented, CMER will be receiving
19 regular updates.

20
21 Nelson said he would be okay withdrawing his motion if it is clear to all how the updates will
22 be provided to the Board.

23
24 **ACTION:** Motion withdrawn

25
26 Chair Bernath asked whether Board members had any desire to form a group to work
27 toward achieving consensus for PHB alternatives.

28
29 Several Board members expressed uncertainty with what the process would look like to arrive
30 at one PHB option to analyze, how potential changes would relate to the current direction for
31 staff, and who the group should be to arrive at consensus.

32
33 Chair Bernath said any recommendations a group would provide would have to be brought
34 back to the Board and the Board would have to redirect the rule making process in a formal
35 manner. He said any decisions to arrive at consensus by folks would have to be done prior to
36 November.

37
38 No action was taken and no motion was proposed.

39
40 **2017-2019 CMER MASTER PROJECT SCHEDULE AND PROPOSED BUDGET FOR 17-**
41 **19 BIENNIUM**

42 Howard Haemmerle and Angela Johnson, DNR, presented the Master Project Schedule (MPS)
43 budget for the 17-19 biennium. Haemmerle said that although the Board approved the MPS for
44 the 17-19 biennium, the Board needs to approve the Adaptive Management Program budget for
45 FY 2019. Haemmerle highlighted the significant changes to the FY 2019 CMER work plan
46 within the MPS to arrive at a balanced budget:

- 1 • Two CMER scientists positions identified in the budget will not be filled at this time –
2 this will be re-evaluated for FY 2019
- 3 • The CMER eastside scientist staff position will be funded for one half year
- 4 • The ISPR funding has been modified to reflect when projects will be competed
- 5 • The LiDAR model and default physical study has been combined. The additional costs
6 shown on the budget reflect the estimated cost needed to completed this project
- 7 • The PHB validation pilot study has been added to the budget. The \$726,000 covers not
8 only the pilot, but also a scouting exercise for sampling for 350 sites
- 9 • Additional \$14,000 is allocated for the WFFA proposal initiation riparian template to
10 address re-hiring a contractor
- 11 • Additional funding was added for the Adaptive Management Program improvement
12 principals meeting
- 13 • \$75,000 of the \$100,000 for the Wetlands Scientific Advisory Group mapping tool
14 project will be moved into FY 2019
- 15 • The Type N hard rock study funding will continue into FY 2019. The amounts shown on
16 the budget will allow funding to finish phase two of the study
- 17 • The amounts allocated for the Eastside Type N Riparian Effectiveness Project reflect funds
18 needed for the study design. This is an increase in FY 2019 from \$600,000 to \$793,000
19

20 Johnson outlined additional changes to the budget:

- 21 • Funding for the Unstable Slopes Criteria Project was reduced based on the realistic timing
22 for the two study designs
- 23 • Funding for the Forested Wetlands Effectiveness Project was reduced for FY 2019 due to
24 refined study design and ISPR timing
- 25 • The Deep-Seated Landslide Research Strategy will not be funded at this time. This will be
26 reassessed in the following biennium
- 27 • Policy recommended not to fund the Wetland Management Zone Effectiveness Project at
28 this time. This will also be reassessed in later years
- 29 • \$28,000 for the Mass Wasting Landscape Scale Effectiveness Project will be moved into
30 FY 2019 in order to complete a feasible assessment
31

32 Haemmerle concluded by highlighting that the readjustments and changes made to the budget
33 created a positive balance of eleven dollars forecasted for the end of the biennium.
34

35 Chair Bernath mentioned the on-going work for the financial and performance audits. He said the
36 DNR internal auditor had been temporarily pulled off the work for other priorities. The auditor
37 would continue the work at a later time, and completion of the performance audit would not be
38 feasible by August 2018.
39

40 Nelson asked that continued updates on the performance audit be provided.
41

42 Davis echoed Nelson's request and asked that perhaps the Board could be proactive in asking the
43 State Auditor to compete a performance audit.
44
45

1 **PUBLIC COMMENT ON 2017-2019 CMER MASTER PROJECT SCHEDULE AND**
2 **BUDGET**

3 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, acknowledged the
4 effort to balance the FY 2019 budget, mentioned his caucuses’ concerns that have not been
5 addressed and the lack of consensus on items within the budget. He said some of their concerns
6 include ‘add on’ extensive monitoring studies and species-specific studies lacking consensus that
7 still show up in the “out years” of the budget.

8
9 Karen Terwilleger, WFPA, mentioned the extensive efforts by the sub-committee and DNR staff
10 to arrive at the recommended FY 2019 budget. She said WFPA supports the budget. She
11 suggested one way to conduct performance audits would be to fund it through allocated variance
12 monies or other unspent funds. She said the State Auditor has a pool of money for performance
13 audits, but completion for those funds is significant. She said she believes Board-directed projects
14 such as the LiDAR and PHB study should go back into the normal stakeholder process to help
15 arrive at consensus over the study design. She said she believes the study for default physical
16 should continue to be funded.

17
18 Scott Swanson, Washington Association of Counties, said the counties support the budget as
19 presented today. He said they recommend the performance audits be conducted through available
20 funds. He mentioned that he will be stepping down as the Policy co-chair. He mentioned that
21 consensus for the budget included four support votes and five abstention votes. The reason for this
22 was due to the outlining years contain several red numbers. He said the budget sub-committee will
23 continue to work to address these outstanding concerns and hopefully work toward full consensus
24 throughout the summer with a recommendation by August.

25
26 Terwilleger clarified that the Board already approved the budget, but there are tweaks to the
27 spending plan. The Office of Financial Management requires that by September all agencies need
28 to have their spending plan in place. The subcommittee will be working to help DNR arrive at a
29 full funded Adaptive Management Program budget.

30
31 **2017-2019 CMER MASTER PROJECT SCHEDULE AND BUDGET**

32 Haemmerle, DNR reminded Board members that the request is for the changes to the FY 2019
33 budget. He said the Board will be receiving a proposal from Policy for the next biennium.

34
35 **MOTION:** Carmen Smith moved the Forest Practices Board approve the FY 2019 Adaptive
36 Management Program budget with changes.

37
38 **SECONDED:** Lisa Janicki

39
40 Board Discussion:

41 None

42
43 **ACTION:** Motion passed unanimously.

44
45 A new motion was presented:

1 **MOTION:** Tom Nelson moved the Board chair contact the State Auditor's office and request
2 an independent performance audit of the AMP at the earliest possible date.
3 We further request the Auditor's office respond with an estimated timeline and
4 budget, if necessary, for completion of that request.
5

6 **SECONDED:** Carmen Smith
7

8 Board Discussion:

9 Chair Bernath said a financial audit is already underway, therefore a financial request is not
10 needed for this motion. He said the internal financial audit does not involve any cost to the Board.
11

12 Laurie suggested the request include the uniqueness of the program and how the direction for the
13 program was implemented in state law.
14

15 **ACTION:** Motion passed unanimously.
16

17 **SAFE HARBOR AGREEMENT UPDATE**

18 Lauren Burnes, DNR, said there has not been much progress made; however, DNR is still
19 committed to this working group and is looking into staffing the group appropriately. She
20 recapped the purpose of the programmatic voluntary opt-in agreement which is meant to be a win-
21 win scenario for both owl conservation and for landowners. She said landowners who want to
22 implement management plans that grow additional spotted owl habitat should not be
23 penalized for it.
24

25 She said conversations between herself, Chair Bernath and DNR staff is occurring to reengage this
26 process. She said they hope to have a plan in place within the next few weeks.
27

28 **STAFF REPORTS**

29 Chair Bernath, addressing western grey squirrel commitments, said only one landowner out of 87
30 total FPAs denied access to assess western grey squirrel habitat.
31

32 There were no additional questions on the staff or annual reports.
33

34 **2018 WORK PLAN REVIEW**

35 Marc Engel, DNR, reviewed the changes to the work plan as a result from the last meeting and
36 today's decisions. The changes include adding the PHB validation study design and pilot to the
37 work plan, amending the completion date for the Taylor's Checkerspot Butterfly, and the dates to
38 complete both Board Manual Section 23 and the water typing rule adoption.
39

40 **MOTION:** Tom Nelson moved the Forest Practices Board approve the 2018 Proposed Work
41 Plan as amended.
42

43 **SECONDED:** Bob Guenther
44

45 **ACTION:** Motion passed unanimously.
46

47 Meeting adjourned at 4 p.m.