

CHARTER - ALTERNATE PLAN TEMPLATE WORKGROUP

Date: October 4, 2015 (Charter developed September 2018)

Project Deadline: March 28, 2019

I. Introduction

Background

This charter is intended to guide the review and assessment of the Forest Practices Board (Board) requested review of the proposed alternate plan template titled *Alternate Harvest Prescriptions for Small Forest Landowners in Western Washington* (hereafter: SFL AP template) as presented to the Board (February 2015) as part of the Proposal Initiation (PI) packet presented by the Washington Farm Forestry Association, see attached January 21, 2015 WFFA memo and PI.

In response to the Board the Adaptive management Program Administrator (AMPA) in their May 8, 2015 memo to the Board, presented the TFW Policy Committee (Policy) recommendations for an adaptive management program (AMP) review of the proposed SFL AP template. At that time, Policy recommended forming a subcommittee (hereafter: AP template Workgroup) to implement a three-step strategy following guidance in WAC 222-12-0403 and Board Manual 22:

- Step 1. Perform a review to determine whether the proposed SFL AP template meets the criterial outlined standards in WAC 222-12-0403 for an “alternate plan template.”
- Step 2. Perform a literature synthesis conducted through the AMP (CMER) to evaluate past and current literature generated since the Board adoption of the FFR rules including meeting the five forest practices riparian functions within the riparian management zone. This review would provide important context for the evaluation of the proposed SFL AP template *and* future template proposals.
- Step 3. Provide a written response with consensus recommendations to the Forest Practices Board for their May 2019 meeting which:
 - Succinctly describes the results of both the literature synthesis and policy evaluation of the proposed SFL AP template prescriptions following the Board adopted FFR rule for the development of alternate plan templates found in WAC 222-12-0403;
 - Confirms the proposed SFL AP template prescriptions meet the resource objectives and protect public resources per WAC 222-12-0403(2);
 - Determines if the proposed prescriptions meet the criteria as a template prescription designed to meet resource objectives to address common situations which are repeatedly addressed in alternate plans or strategies to simplify the development of future plans or strategies, including addressing low impact situations and addressing site-specific features per WAC 222-12-0403(3).

In addition to the aforementioned steps, the AP template Workgroup was tasked by the Board to consider different strategies for moving forward with the proposed alternate plan template prescriptions in addition to the review of the proposed SFL AP template in its entirety. The strategies could include identifying site-specific situations in which certain prescriptions could be grouped into alternate plan templates, for example a conifer restoration AP template or a conifer thinning AP template.

The Board accepted the recommendations and passed the following **motion** (May 12, 2015):

Beginning no later than October 2015, determine whether the alternate plan template proposal meets the criteria outlined in 222-12-0403 and consider different strategies for moving forward.

Referenced RCW and WAC Language

WAC 222-12-040(2) – Alternate Plans, Policy

(2) The legislature has found in RCW 76.13.100(2) that small forest landowners should also have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. These alternate plans are intended to provide flexibility to small forest landowners that will still provide protection of riparian functions based on specific field conditions or stream conditions on the landowner's property.

WAC 222-12-0401(6) – Alternate Plan Approval Standard

(6) Approval Standard. An alternate plan must provide protection for public resources at least equal in overall effectiveness to the protection provided in the act and rules.

WAC 222-12-0403 – Cooperative Development of Guidelines for Alternative Plans

The department will develop the section for alternate plans (WAC 222-12-090(21)) to submit to the board in cooperation with representatives of the small forest landowner office and advisory committee, the department of ecology and fish and wildlife, US Fish and Wildlife Service, National Marine Fisheries Service, and affected Indian tribes.

This manual should include:

- (1) As required by RCW 76.13.110(3), the small forest landowner office recommendations for alternate plans or alternate harvest restrictions that meet riparian functions while generally requiring less costly regulatory prescriptions;
- (2) The effectiveness of strategies for meeting resource objectives and protecting public resources;^A
- (3) Template prescriptions designed to meet resource objectives to address common situations that are repeatedly addressed in alternate plans or strategies to simplify the development of future plans or strategies, including low impact situations and site-specific features;^A
- (4) Appropriate recognition or credit for improving the condition of public resources; and
- (5) Criteria to assist the department in determining whether a small forest landowner alternate plan qualifies as a low impact alternate plan.

RCW 76.09.370(3) – Forest and Fish Report, Adoption of Rules

(3) The rules adopted under this section should be as specific as reasonably possible while also allowing an applicant to propose alternate plans in response to site-specific physical features. Alternate plans should provide protection to public resources at least equal in overall effectiveness by alternate means.

RCW 76.13.100(2) (part 3):

... The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions.

RCW 76.13.110(3) – Small Forest Landowner Office

(3) The small forest landowner office shall assist in the development of small landowner options through alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in rules and a manual for alternative management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.^A

The small forest landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the sub basin or watershed level.^A The small forest landowner office shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a sub basin or watershed.

^A Underline added for emphasis

Additional regulatory references that may help understand legislative intent include:

RCW 76.13.005
RCW 76.09.368
RCW 77.85.180(4)

Chronology of Key Actions and Events

This charter is the guiding document to provide clear expectations and outcomes for the completion of the assigned tasks for the AP template Workgroup. The following chronology of work and accomplishments is intended to inform the AP template Workgroup as it moves forward to develop recommendations for Policy:

- February 2015 – Forest Practices Board accepted the WFFA Proposal Initiation (PI) and directed the AMP to review and determine if the draft proposed SFL AP template meets the requirements of an alternate plan template.
- May 8, 2015 – Policy accepted AMPA recommendations on how to conduct the Board requested AMP review and recommended a TFW Policy subcommittee (workgroup) be formed to implement the aforementioned 3-step strategy.
- May 12, 2015 – The Board accepted the Policy recommendations and passed the aforementioned motion.
- July 2015 – The AP template Workgroup convened to address and answer the Board's charge.
- March 14, 2016 – Workgroup completed a Policy Track evaluation of template criteria based on comparison of template prescriptions to rule requirements to determine if prescriptions provide protection to public resources at least equal in overall effectiveness to the required rule protections by alternate means. The evaluation was not voted on by the Workgroup, it was intended to help sort prescriptions into categories of potential template eligibility. This process tried to identify which prescriptions were more/less acceptable in a potential template, in part as preparation for intended further collaboration and science review.
- 2016 – Researched and discussed (credit to Mark Hicks) pertinent RCW/WACs, noting sometimes conflicting, confusing, vague requirements Policy and the Board will have to interpret.

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- 2017 – Reached consensus on deliverables for contractor review of the submitted PI science justification supporting the prescriptions in the proposed SFL AP template.
- 2017 – Reviewed all available FPAs containing SFL alternate plans in western Washington to develop a database of prior approved alternate plan prescriptions to inform criteria for the eligibility of the proposed SFL AP template prescriptions.
- 2018 – Reviewed a variety of alternate plan template prescriptions from existing Board approved alternate plan templates (see Board Manual Section 21), along with alternate plan template prescriptions developed for draft templates which were not approved by the Board to supplement and strengthen proposed prescriptions in the SFL AP template.
- 2018 – Reached consensus on preliminary questions for ISPR review of how well the contractor doing the science review met the deliverables.
- September 4, 2018 – The AP template Workgroup called one vote and discussed potential actions for Policy consideration and approval for next steps. The vote was for the proposed *Alternate Harvest Prescriptions for Small Forest Landowners in Western Washington* template on the question: *Do these template prescriptions, as a whole, meet resource objectives to address common situations that are repeatedly addressed in alternate plans?* (No – 4, Yes – 1, Sideways – 2).
- September 6, 2018 –SFL Caucus appealed to Policy to continue discussion on the proposed SFL AP template as individual parts to determine if consensus could be achieved on any element within the original proposed *Alternate Harvest Prescriptions for Small Forest Landowners in Western Washington* template. Policy tasked the Workgroup to: (a) develop and gain Policy approval of a charter to ensure timely and directed completion of Workgroup deliverables, and (b) break down the proposed SFL AP template prescriptions into parts to assess individual prescription applicability as originally requested by the Board.

II. Policy AP Template Work Group

Purpose

The purpose of the AP template Workgroup is to review and evaluate the proposed SFL AP template, see attached January 21, 2015 WFFA memo and PI, and provide to Policy a determination whether the proposal as a whole or in part(s) meets:

1. The criteria of an alternate plan template(s); and
2. Recommendations for how the proposed prescriptions can be changed, where needed, to become qualified as an alternate plan template(s) as outlined in WAC 222-12-0403.

The AP Template Workgroup will prepare for Policy:

1. Recommendations regarding the proposed SFL AP template prescriptions, existing and proposed templates, or any alternative prescriptions identified by the Workgroup which meet the approval standard for alternate plans in WAC 222-12-0401(5).
2. Recommended alternative prescriptions, strategies, and groupings, if any, for moving forward with appropriate considerations for small forest landowners and the riparian function resources to be protected as outlined in Forest Practices Board Manual Section 21, *Guidelines for Alternate Plans*.

To be considered an alternate plan template Policy directs the AP template Workgroup to assure the proposed alternate plan prescriptions meet:

1. Forest practices riparian functions, per WAC 222-12-0403(1); *and*
2. Resource objectives to address common situations that are repeatedly addressed in alternate plans or strategies to simplify the development of future plans or strategies, including low impact situations and site-specific features, per WAC 222-12-0403(3).

Membership, Tasks & Responsibilities, Deliverables

Membership

Member	Affiliation	Member	Affiliation
Alec Brown, WEC*	Conservation Caucus	Don Nauer, DFW	State Caucus – DFW
Kendra Smith, Skagit County	County Caucus	Marc Engel, DNR ^{A*}	State Caucus – DNR
Karen Terwilleger, WFPA*	Industry Caucus	Mark Hicks, ECY	State Caucus – ECY
Ken Miller, WFFA ^A	SFLO Caucus	Ash Roorbach, NWIFC	Tribal Caucus – West
Steve Barnowe-Meyer, WFFA*	SFLO Caucus	Jim Peters, NWIFC*	Tribal Caucus – West
Rachel Aronson, Triangle Associates	Facilitator		

^A Co-chair

* TFW Policy Voting Member (5 members)

Because familiarity and continuity among members are crucial to timely completion, meetings require participation by all core members listed above. With AP template Workgroup approval, members may invite associates to provide additional information. Associates' role will be technical only and will not represent needs of their caucus or others.

Responsibilities & Tasks

Facilitation & Coordination: Rachel Aronson of Triangle Associated will provide coordination and facilitation of the AP template Workgroup and assist co-chairs with meeting logistics.

Reporting: The AP template Workgroup Co-chairs will be responsible for drafting and delivering Workgroup reports to TFW Policy Committee. Policy's final recommendations will be captured in the AMPA's report to the Forest Practices Board.

AP Template Workgroup members agree to:

- Attend all meetings (in-person or by phone),
- Familiarize themselves with all materials in preparation of meetings,
- Communicate off-line with members of the subgroup and their caucus between meetings,
- Contribute potential strategies their caucus can support,
- Participate in the evaluation and modification of strategies under consideration.

Deliverables

After Workgroup collaboration on all the proposed prescriptions, provide recommendation(s) to Policy which describes whether the SFL AP template proposal as a whole or in part meets the criteria of a template(s) and recommendations for how the proposed prescriptions can be changed, where needed, to become qualified as an alternate plan template(s) as outlined in WAC 222-12-0403:

1. Articulates which individual prescriptions (or alternative prescriptions) qualify for template development, based on a consensus vote; and

2. **Identifies which prescriptions were not considered applicable or minority/majority views and recommendations on specific prescriptions where consensus was not met.**

Status as of 9/27/18: In Progress

- The AP template Workgroup is awaiting the Cramer Fish Sciences analysis of the science justification provided with the template proposal – estimates of completion through the ISPR review are late Fall 2018;
 - On September 4, the AP template Workgroup had one non-consensus vote on the *Alternate Harvest Prescriptions for Small Forest Landowners in Western Washington* template proposal as a whole based only on the policy track review of the proposed prescriptions based on the intent of WAC 222-12-0403(3). The ensuing discussions at full Policy on September 6 focused on the SFL caucus request to accept the AP template Workgroup vote as a general initial Policy track screening question and to discuss whether the proposed SFL AP template prescriptions should be addressed based on a collaborative review of each proposed prescription for validity for inclusion in a template. The SFL caucus also emphasized that a Policy track decision was premature until all of the Science track review and subsequent decision is completed.
1. **Policy agreed to direct the AP template Workgroup to:**
 - a. Go forward, despite non-consensus on the initial Policy track vote, to further review and evaluate each individual prescription within the proposed *Alternate Harvest Prescriptions for Small Forest Landowners in Western Washington* template, see attached January 21, 2015 WFFA memo and PI, with an eye towards template qualifying prescriptions, groupings, or alternative pathways, which might facilitate reaching consensus;
 - b. Complete the AP template Workgroup review no later than the week of February 18, 2019;
 - c. Complete the AP template Workgroup report to Policy no later than February 26, 2019; and
 - d. Establish a timeline to assure that consensus Policy recommendations for the Board are completed by Policy's April 4, 2019 meeting.
 2. **Policy also directed the AP template Workgroup to, by September 27, 2018:**
 - a. **Develop an AP template Workgroup charter containing a chronology of actions, events, decisions, and accomplishments** associated with the AP Template Workgroup. This information will be provided to the Forest Practices Board along with Policy's final recommendations.

Deadlines

All deliverables shall be provided to Policy on or before February 26, 2019 for inclusions and consideration at the April TFW Policy Meeting. Determinations by Policy shall be made on or before April 2019 with a final consensus recommendation drafted for inclusion at the May 2019 Forest Practices Board Meeting. If a final work group report is provided to Policy earlier, the work group co-chairs reserve the right to request an expedited timeline for inclusion in Forest Practices Board deliberations.

Group Process, Reporting, and Support

Workgroup meetings will follow standard Policy norms and ground rules. However, the small size may allow a more informal approach than occurs at Policy meetings. Members of the AP template Workgroup agree to

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collectively provide a collaborative space to foster the review and assessment of materials and development and presentation of alternative strategies to address the charge.

The current AP template Workgroup membership triggers quorum rules for TFW Policy (5 voting Policy members); all AP template Workgroup meetings must follow open meeting act standards and adhere to the following process:

- Develop a meeting agenda
- Provide notification of the meeting on the TFW Policy website no later than 24-hours prior to the meeting
- Record minutes

Open meeting act standards do not require allowing public comment or posting minutes, but all materials must be made available upon request.

DRAFT