

1 **FOREST PRACTICES BOARD**
2 **MEETING MINUTES**
3 August 9, 2006
4 Natural Resource Building, Room 172
5 Olympia, Washington
6

7 **Members Present:**

8 Pat McElroy, Designee for Doug Sutherland, Chair of the Board
9 Alan Soicher, General Public Member
10 Bob Kelly, General Public Member
11 Bridget Moran/David Whipple, Designee for Director, Department of Fish and Wildlife
12 David Hagiwara, General Public Member
13 Doug Stinson, General Public Member/Small Forest Landowner
14 Lee Faulconer, Designee for Director, Department of Agriculture
15 Sherry Fox, General Public Member/Independent Logging Contractor
16 Sue Mauermann, Designee for Director, Community, Trade and Economic Development
17 Toby Murray, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology

19 **Absent:**

20 Dave Somers, Snohomish County Commissioner

21 **Staff:**

22 Jed Herman, Assistant Forest Practices Division Manager
23 Neil Wise, Assistant Attorney General
24 Patricia Anderson, Rules Coordinator
25 Erin Daley, Board Support
26

27 **WELCOME AND INTRODUCTIONS**

28 Pat McElroy called the meeting to order at 9:00 a.m. Introductions were made by Board, staff, and
29 attendees. Erin Daley, Department of Natural Resources (DNR), provided an emergency safety
30 briefing.
31

32 **APPROVAL OF MEETING MINUTES**

33 **MOTION:** McElroy moved to approve the August 9 and 10, 2005 meeting minutes.
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35 **SECONDED:** David Hagiwara
36

37 **Board Discussion**

38 Toby Murray requested an addition to page 12 before “Soicher asked . . .” that reads “Murray
39 confirmed Pierce’s statement that there has been a loss of less than one percent of owl habitat per
40 year. Pierce responded yes, maybe 7/9ths of one percent.”
41

42 **ACTION:** Motion passed unanimously.
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45 **MOTION:** Sherry Fox moved to approve the September 14 and 15, 2005 meeting minutes.
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47 **SECONDED:** Tom Laurie
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1 **Board Discussion**

2 Alan Soicher requested a change to page 10 line 32 that reads “Soicher said he understands there are
3 no DFC for fish bearing streams”, to “ Soicher said he understands there are no provisions for
4 logging in the core zone of the fish bearing stream.”

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6 **ACTION:** Motion passed unanimously.
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9 **MOTION:** Toby Murray moved to approve the February 8, 2006 meeting minutes.
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11 **SECONDED:** Doug Stinson
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13 **ACTION:** Motion passed unanimously.
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16 **MOTION:** Sue Maurmann moved to approve the May 10, 2006 meeting minutes.
17

18 **SECONDED:** David Hagiwara
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20 **Board Discussion**

21 Bridget Moran requested a correction to page 5, line 5 to read as “WDFW has received \$397,000 in
22 the supplemental budget for first year research, which will provide information on how all Forest
23 Practices Rules including Forests and Fish rules combined with HCP, Federal land and other
24 landowner efforts are protecting upland wildlife.

25
26 **ACTION:** Motion passed with one abstention.
27

28 **PUBLIC COMMENT**

29 Dave Chamberlain stated that science and policy decisions should be preceded by feedback from
30 the field as it relates to perennial initiation points (PIP). High costs and loss of revenue are at stake
31 and the Board should aim for simple approaches and not overshoot resource requirements.
32

33 Kendra Smith, Skagit County Commissioner’s Office, stated that the rule and board manual must
34 deal effectively with intermittent dry portions of streams and use only actual perennial flow, or
35 there will be a lot of confusion. She also suggested that a more accurate default buffer be
36 developed. Under the current proposal, Skagit County could lose up to 10% of the land base.
37

38 Dick Whitmore expressed concern about the PIP and desired future condition (DFC) rule makings.
39 He suggested that the Board define “viable forest industry”, “science”, and “peer review.” He said
40 we need to know how effective the current rules are.
41

42 Dennis Creel, Hampton Resources Inc., expressed support of the PIP rule but opposes the board
43 manual. He asked the Board to discern the relative costs and benefits of the Np buffer, as the
44 benefits are unproven.
45

46 Paul Kriegel stated that the PIP proposal would have drastic effects on landowners, especially small
47 forest landowners on steep slopes. Perennial streams, seeps and springs already have protection. We
48 need a board manual that can be easily understood and implemented. A process is needed that
49 includes the practitioners when policy decisions are made.
50

1 Toby Thaler, Washington Forest Law Center (WFLC), stated that there is no valid reason to delay
2 amending the PIP and desired future condition (DFC) rules. Adaptive management incorporates
3 new information as it becomes available to ensure that resource goals are met. He asked that CMER
4 review compliance monitoring program reports and data.
5

6 Ken Miller, Washington Farm Forestry Association (WFFA), acknowledged that the PIP rule
7 making is an opportunity to develop a simple rule. Small forest landowners support science when
8 used fairly. Protecting year round surface water flow can be easily recognized and appropriately
9 protected.
10

11 Tim McBride, Hancock Forest Management, commented that they do not support the draft board
12 manual. McBride asked the Board to wait until a resolution is made by Policy that states the
13 benefits of buffering dry portions.
14

15 Eric Harlow, WFLC, summarized Northern Spotted Owl habitat losses as reported in recent
16 Washington State agency studies, citing existing regulations and the lack of landscape planning as
17 causes.
18

19 Peter Goldman, WFLC, encouraged the Board to not impede the adaptive management process. He
20 said it is time to act on the PIP and DFC studies. He also asked that the Board move forward
21 quickly with upland wildlife planning.
22

23 Rick Dunning, WFFA, supports the long term application rule making and hopes that it does not
24 become another complex and costly regulatory process which would defeat the purpose of a long
25 term plan.
26

27 Miguel Perez-Gibson, Conservation Caucus, stated that the PIP and DFC rule changes are critical to
28 the HCP - a test in determining if the adaptive management program is working. Over \$12 million
29 dollars has been invested in CMER studies without one rule change.
30

31 Kevin Godbout, Weyerhaeuser, stated adaptive management does not mean changing the rules;
32 rather it is assessing whether objectives for resource protection are achieved. Changing the basal
33 area target numbers for DFC may not be the only answer. He suggested the Board ask the counties
34 and tribes when distributing the 30-day notice if there are other methods to achieve resource
35 objectives.
36

37 Peter Heide, Washington Forest Protection Association (WFPA), explained collaborative processes
38 take time. WFPA supports the PIP rule change, but the board manual is not adequate. Forests and
39 Fish Policy is committed to reviewing the intent of Forests and Fish concerning intermittent dry
40 portions of perennial streams. As for DFC, more practical processes (than one basal area target)
41 should be investigated.
42

43 Chris Mendoza, ARC Consultants, stated that PIP information should go through a protocol and
44 standards process that CMER science requires. CMER is looking at information that may indicate
45 some kind of default may be okay, but it has not been through the process.
46

47 Joseph Pavel, Northwest Indian Fisheries Commission, stated that buffering Np Waters is a very
48 important aspect of Forests and Fish and the HCP. The PIP rule and board manual are consistent
49 with protocols used by CMER research.
50

1 Allyson Brooks, Department of Archaeology and Historic Preservation, commented that the
2 Timber, Fish and Wildlife Cultural Resources Committee is very close to reaching consensus on
3 rule changes pertaining to a Class IV Special trigger for historic sites, and supported initiating rule
4 making.

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6 **PERENNIAL INITIATION POINTS RULE MAKING**

7 Jed Herman and Marc Engel, DNR, presented the draft rule proposal and draft Board manual to the
8 Board. The adaptive management study determined that the default basin sizes identified in rule are
9 incorrect, and the default option should be eliminated. Staff, with stakeholders, developed a draft
10 Board Manual, to help landowners determine PIPs.

11
12 **MOTION:** Pat McElroy moved that the Forest Practices Board accept for public review the rule
13 proposal relating to perennial initiation points modifying WACs 222-16-030 and
14 222-16-031. McElroy further moved that staff file the CR-102 with the Office of the
15 Code Reviser to begin the permanent rule making process.

16
17 **SECONDED:** Sue Mauermann

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19 **Board Discussion**

20 Several Board Members requested additional information on the issues. McElroy suggested that
21 information be available at the Board's retreat in September.

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23 **ACTION:** Motion passed unanimously.

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26 **DESIRED FUTURE CONDITION RULE MAKING**

27 Jed Herman, DNR, presented a draft rule proposal and explained that an adaptive management
28 study determined that desired future condition basal area targets for managing inner zone harvests
29 of riparian areas are incorrect. It also found that there is no statistical difference for basal area
30 targets between site classes. Following several stakeholder meetings, staff recommends the median
31 point of the study data, 325 square feet per acre of basal area, be used as the new basal area target
32 for all site classes.

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34 **Board Discussion**

35 Several Board Members expressed that there is not enough certainty with the recommendation to
36 proceed with the 30-day review. The Board directed staff to include with the notice a statement
37 indicating that the Board intends to consider other options in response to the DFC study. The Board
38 further requested a workshop be held.

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40 **MOTION:** Tom Laurie moved that the Forest Practices Board direct staff to provide notice
41 pursuant to RCW 76.09.040 notifying the counties, Washington Department of Fish
42 and Wildlife and Tribes of rule making intentions.

43
44 **SECONDED:** Alan Soicher

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46 **ACTION:** Motion passed.

1 **TFW CULTURAL RESOURCES COMMITTEE UPDATE**

2 Peter Heide, WFPA, and Jeffrey Thomas, Puyallup Tribe, updated the Board on the historic sites
3 rule making. Committee members recognize there is confusion about Class III and Class IV
4 triggers regarding historic sites, and are discussing rule language options to resolve it.

5
6 **NOTICE TO COMPLY/HISTORIC SITES RULE MAKING**

7 Jed Herman, DNR, reported that these are two separate rule making subjects that will be processed
8 together for efficiency, unless there is reason to separate them later. The first would give field
9 personnel a tool to document authorized forest practices application (FPA) permit amendments
10 instead of using the Notice to Comply form. The second would resolve rule ambiguities related to
11 processing FPAs containing historic sites. Staff will work with stakeholders to develop language.

12
13 **MOTION:** Sherry Fox moved that the Forest Practices Board direct staff to file the CR 101 pre
14 proposal of inquiry with the Office of the Code Reviser to inform the public of rule
15 making intentions to develop a mechanism for landowner-requested amendments to
16 approved forest practices and develop clarifying language as it relates to historic
17 sites within Class IV special.

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19 **SECONDED:** David Whipple

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21 **ACTION:** Motion passed unanimously.

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23 **LONG TERM PERMIT RULE MAKING**

24 Jed Herman, DNR, stated that this rule making would provide an option to small forest landowners
25 to receive permits effective for a longer term than is currently allowed. This would allow for
26 continued protection of public resources and greater management flexibility and regulatory certainty
27 to small forest landowners. Staff is currently working with stakeholders to scope issues to be
28 addressed in rule.

29
30 **MOTION:** Doug Stinson moved that the Forest Practices Board direct staff to file the CR 101
31 preproposal of inquiry with the Office of the Code Reviser to inform the public of
32 rule making intentions to provide a mechanism for small forest landowners to
33 develop long-term plans.

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35 **SECONDED:** Sherry Fox

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37 **ACTION:** Motion passed unanimously.

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40 **NORTHERN SPOTTED OWL RULE MAKING**

41 Gretchen Robinson, DNR, requested the Board's adoption of the rule relating to the protection of
42 the Northern Spotted Owl (NSO). Four public hearings in May and June were held and 140 oral and
43 written comments were received. The majority of the 140 supportive comments stressed that the
44 rule does not go far enough. Eight commenters said they did not support the rule changes, most
45 citing economic impacts to landowners and communities.

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47 **Board Discussion**

48 The Board will discuss the NSO rule making at the February meeting before the June 30, 2007
49 decertification date expires.

1 **MOTION:** David Hagiwara moved that the Forest Practices Board adopt the proposed
2 permanent rule to amend WACs 222-10-041 and 222-16-010 relating to the
3 protection of the Northern Spotted Owl and direct staff to file the CR103 with the
4 Office of the Code Reviser.
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6 **SECONDED:** Sherry Fox
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8 **ACTION:** Motion passed unanimously.
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10 **STAFF REPORTS**

11 Adaptive Management

12 Darin Cramer, DNR, requested that the timing of the expenditures be revised for the Hardwood
13 Conversion study, so that more may be spent now than in later years. He also requested approval to
14 hire an additional Adaptive Management project manager for a two-year term to be housed at DNR,
15 which would provide a dedicated manager for every project.
16

17 **MOTION:** Tom Laurie moved that the Forest Practices Board approve the revised budget as
18 presented for the Hardwood Conversion project.
19

20 **SECONDED:** Doug Stinson
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22 **ACTION:** Motion passed unanimously.
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24 **MOTION:** Tom Laurie moved that the Forest Practices Board direct DNR to expend adaptive
25 management funds to hire an adaptive management project manager to be housed
26 within DNR. Laurie further moved that the position be a two-year project position
27 and that DNR evaluate the need for the position and report back to the Board prior to
28 the end of the two-year period.
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30 **SECONDED:** Sue Mauermann
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32 **ACTION:** Motion passed unanimously.
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34 Update on Forest Practices Applications within Spotted Owl SOSEAs

35 Gary Graves, DNR, reported that there have been 39 applications submitted within individual
36 SOSEAs. Of those applications, 28 are not in a circle or managed as part of an HCP.
37

38 Rule Making Schedule

39 Jed Herman, DNR, stated the Board's 2006 rule making activities are proceeding as planned except
40 further research and analysis is needed to determine whether rule making is necessary for the
41 protection of the Taylor's Checkerspot Butterfly.
42

43 **UPLAND WILDLIFE PLANNING**

44 David Whipple and Tim Quinn, Department of Fish and Wildlife, reported that they have received a
45 supplemental budget of \$397,000. The goal is to develop wildlife habitat models to show expected
46 wildlife responses to habitat conditions on the ground, now and into the future. WDFW is
47 developing a budget request for the 2007-2009 biennium.
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49 Meeting adjourned at 2:30 p.m.