

Timber, Fish, & Wildlife Policy Committee  
January 7, 2016 Meeting Summary

Decisions and Actions from Meeting

| <b>Decision</b>  | <b>Notes</b>                   |
|--|--------------------------------|
| 1. Approved the December 3, 2015 meeting summary with minor edits.   | Full consensus of all caucuses |
| 2. Approved the Adaptive Management Program Administrator (AMPA) to continue work on Track 3 of the off-channel habitat recommendations. | Full consensus of all caucuses |
| 3. Approved the Forested Wetlands Effectiveness Project problem statement, objectives, and critical questions.                           | Full consensus of all caucuses |
| 4. Decided to take no action on the Eastern Washington Riparian Assessment Project.  | Full consensus of all caucuses |
| 5. Agreed to make the May 2016 meeting the 4 <sup>th</sup> and 5 <sup>th</sup> (Wednesday and Thursday).                                 | Full consensus of all caucuses |

| <b>Action</b>  | <b>Assignment</b>                                  |
|--|--|
| 1. By COB January 19, review the level of importance of each of the “Policy 40 Questions Not Being Addressed by Efishing Technical Group”. Send to Claire and Hans “yes”, “no”, or “uncertain” for each question. Comments can include noting the level of importance of each question, or the reason for marking “uncertain”. | Each caucus representative                         |
| 2. Bring to February Policy meeting a response for how each of the “Policy 40 Questions” could be answered in the short term.  | Hans Berge   |
| 3. Send to caucus representatives the University of Washington – DNR contract for the LiDAR pilot project.   | Hans Berge   |
| 4. Send to caucus representatives the full Harvard Business Review article on advocacy vs. inquiry.  | Dick Miller  |
| 5. By January 28, send thoughts and edits to Adrian Miller on the physicals proposal.  | Each caucus representative                         |
| 6. Develop a panel presentation for an upcoming Policy meeting on the history of the default physical criteria.  | Adrian Miller                                      |
| 7. Review and come to the February Policy meeting prepared to choose a path forward from the “What Is Recoverable Habitat Recommendation” document.  | Each caucus representative                         |
| 8. Reach out to caucuses on the framework for discussing “habitat likely to be used by fish”.  | Terry Jackson, Kendra Smith, and Karen Terwilleger |
| 9. By January 29, send any thoughts to Hans about what the Forested Wetlands Effectiveness Project TWIG could consider for their BAS and alternatives analysis.  | Each caucus representative                         |
| 10. Send Forested Wetlands TWIG and EWRAP PowerPoints.   | Claire Chase                                       |
| 11. Update May 2015 meeting calendar invitation to reflect May 4 <sup>th</sup> & 5 <sup>th</sup> as meeting days in Spokane (not the 6 <sup>th</sup> ).  | Claire Chase                                       |

**Welcome, Introductions, & Old Business** – Adrian Miller, Chair of the Timber, Fish, & Wildlife Policy Committee (“Policy”), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*).

*Announcements*

- The Chair briefly explained that currently there is no arrangement for a Co-Chair, though everyone is encouraged to keep looking. The non-industrial timber landowners caucus asked if it would help to have a paid facilitator as an interim Co-Chair, which the Chair said he would consider and talk with the Department of Natural Resources (DNR) about the budget.
- Laura Berg from the Washington State Association of Counties (WSAC) introduced Scott Swanson, who was recently contracted with WSAC to represent the counties caucus at the Policy table, though he has been working in the forestry industry in Washington for several decades.

*Small Forest Landowners (SFLOs) Template Subgroup* – The subgroup co-chairs noted that the subgroup has met twice with another meeting planned for January 22<sup>nd</sup>. The subgroup is focused on trying to get better organized for meeting deadlines. The AMPA added that they might go out to bid to help answer some questions related to the subgroup’s task. The subgroup will continue to update Policy about its progress and next steps.

**Goals for 2016** – The Chair reviewed the self-identified goals from each caucus that were collected before the meeting. There was strong consensus that Type F and getting to an actionable set of steps for a permanent water typing rule is the priority goal for this calendar year. There were also some process efficiencies that were noted by several caucuses, which the Chair(s) and AMPA will try to address throughout the year.

**Ground Rule of the Month** – Terry Jackson identified ground rules A.2 and C.1, which both direct caucuses to consider the needs and goals of other caucuses. She encouraged everyone to own everyone’s issues, listen to understand, and work to find solutions that maximize resolution of everyone’s needs and issues. She recommended that everyone try to spend more time between meetings talking one-on-one with other caucuses to better understand each one’s issues and where they are coming from. Jim Peters added that the ground rules in the 1980s from the original TFW process also emphasized the need to recognize the legitimacy of the goals of others. Several caucuses also agreed with the importance of being transparent and working to understand what other people need.

**December 3, 2015 Draft Meeting Summary** – The draft meeting summary was approved with minor edits.

**Legislative Updates** – Several caucuses invited their legislative liaison to join this discussion. Each liaison was asked to identify any related legislation they are interested in during the short session:

- Laura Berg, WSAC – WSAC will be working with counties on land conversion and how that relates to forest practices, though WSAC does not have an official position on this work yet.
- Deborah Munguia, Washington Forest Protection Association (WFPA) – Currently, WFPA has not requested any legislation for this session, though they are engaged with other parties around a fire protection request.

- Marc Engel, DNR – For forest-related issues, DNR is mostly focused on HB 2308 and will work with other parties on this bill. So far, DNR has not taken a position on the Governor’s budget.
- Lisa Remlinger and Peter Goldman, Washington Environmental Council (WEC) – WEC supports DNR’s wildfires request, and they are also working on landslides public safety legislation. This bill would make public safety directly part of the Forest Practices Board’s authority, as opposed to working through the Adaptive Management Program (AMP). Their reason for requesting this shift is that the AMP is well suited for addressing issues that need science and discussion before a policy-level decision, but public safety often needs quick decisions that they feel the Board is better equipped to do without waiting for AMP recommendations. Under the legislation, the Board could still ask the AMP to provide recommendations, but they would not be required to wait for those recommendations as the system currently requires. Senator Rolfes has agreed to sponsor the bill in the Senate, though they are still looking for a sponsor in the House.
- Heather Hanson, Washington Farm Forestry Association (WFFA) – WFFA is not requesting any legislation so far, but will be watching the fires and budget issues closely.
- Jim Peters, Northwest Indian Fisheries Commission (NWIFC) – NWIFC has so far not identified any legislation that the full Commission is supporting, but they will consider what other bills exist to which they can lend their support.

Policy will continue to have legislative updates at the beginning of meetings during the legislative session. The industrial timber landowners caucus also asked if DNR could provide budget updates at every meeting during the session, to which DNR agreed.

**TFW Policy Committee Functionality** – Dick Miller shared an excerpt from a Harvard Business Review article titled *What You Don’t Know About Making Decisions* (September 2001), due to his increasing concern that Policy is not as efficient as could be or need be. The article outlines two modes of group operation: advocacy and inquiry (inquiry was verbally described as collaboration). He suggests that if Policy operates in the collaborative mode, the work would get done more efficiently.

#### *Discussion*

- The conservation caucus agreed with Dick’s observation that Policy currently operates in both the advocacy and collaborative modes, though at different times. They noted importance, however, for maintaining the flexibility to move between the different modes when an issue may need more advocacy or more collaboration.
- The Washington Department of Fish & Wildlife (WDFW) representative mentioned that there is not enough time at Policy’s busy meetings to take the time to fully understand what each person might be saying, and encouraged each caucus to spend more time in between meetings talking with other caucuses to understand their needs, so the meeting time can be more efficient.
- The county caucus noted that part of the functionality is that each caucus is still at the table, and while the process is not always efficient, he encouraged everyone to consider that that is a successful part of the AMP.
- The westside tribal caucus agreed that there is an important role for advocacy and collaboration at Policy, depending on the issue or what sort of decision must be made.

- The eastside tribal caucus said they see a lack of commitment to the TFW agreement and all related foundational documents. He encouraged each caucus to think about the best person from their caucus to collaborate with other caucuses for consensus.
- The Department of Ecology (Ecology) representative suggested that Policy think about advocacy vs. collaboration not as an “either-or” situation, but to begin discussing issues collaboratively, understanding that there will need to be advocacy as the decision is made.
- The federal caucus encouraged Policy to spend more time at meetings educating all Policy members about the content of the documents that authorize members to be at the table. The Chair agreed that this is important, and once all ground rules have been exhausted in the “ground rule of the month” topic, perhaps Policy could start highlighting sections of the foundational documents.
- Several caucuses suggested adding 15 minutes to the “ground rule of the month” topic at future meetings to talk about collaboration and advocacy.

**Type F: Electrofishing** – The AMPA updated Policy on the work of the Electrofishing Technical Group, which has had at least five meetings to date. They discussed that electrofishing is mostly done properly, though a portion of the time the protocols do not get followed, and electrofishing is done improperly and/or in places where it is unnecessary to survey. The group is on track and is aiming to bring any and all products to Policy at one time, and hope to bring that to Policy at the April 2016 meeting. There is initial consensus among the Technical Group on over half of the issues, but sometimes the specific examples can bring up disagreement, which they are working through. When the final products come to Policy, the AMPA will be sure to clarify if disagreement still lingers about any topic.

By January 19, each caucus was asked to identify the relative importance of each of the questions originally generated by Policy that the Electrofishing Technical Group feels is out of their current scope. Based on the importance identified by each caucus and in advance of the February Policy meeting, the AMPA will identify potential ways to address those questions.

**Type F: Off-Channel Habitat** – The AMPA is working on a sole-source contract with an off-channel habitat expert, who he hopes will be the leader of the Off-Channel Habitat Technical Group. Due to contracting, the AMPA will be able to tell Policy the name of the expert at an upcoming meeting. The AMPA will ask the expert to identify participants who have the expertise needed. Once the technical group is convened, the AMPA anticipates that the first step for them is figuring out the answer to the questions identified in Track 2 of Policy’s recommendations, and then articulating those answers in a memo back to Policy.

Several caucuses expressed desire to see the Technical Group address certain topics under the umbrella of off-channel habitat protection, such as the definition of bankfull width or what is included in the interim rule. In order to streamline the process, DNR will set up a Box site so all Policy members can access the documents. Additionally, Policy members will be welcome to observe the meetings, but will be asked to remain an observer.

In order to achieve Track 1, the AMPA encouraged Policy to have a full Policy discussion at the May 2016 meeting instead of convening a subgroup to do that work, since the non-industrial landowner and the eastside tribal caucuses already did some work to get that started.

In order to achieve Track 3, the AMPA suggested hiring a contractor to begin that work of reviewing Forest Practices Applications (FPAs) and Water Type Modification Forms (WTMFs). The AMPA will need to do more research on how much time this would take and what the budget request would be, but it would come from the fund balance and so would not affect ongoing CMER studies.

**Decision:** All caucuses approved the AMPA to begin the budget and schedule research so that he can deliver this budget request to the Board at their February meeting. The eastside tribal caucus also encouraged each caucus to reach out to their members to identify where FPAs or WTMFs identify off-channel habitat.

**Type F: Desk Review of WTMFs** – DNR is working on the desk review of WTMFs. They are translating the information out of GIS data into a more readable format, which they hope to present to Policy at the February meeting. Their document will show the numerous ways that the F/N break was determined (e.g., model, protocol surveys, ID Teams, physicals), as well as information on Type S waters. The information will not identify westside vs. eastside, but if that is important to caucuses, they can bring it up during the presentation and DNR could do that data analysis.

**Type F: Model/Map Update** – The AMPA has solidified a contract with the University of Washington to do a pilot project for LiDAR in two watersheds, and the plan is to have this completed by June 30, 2016. The AMPA will send the scope of work for that contract, so interested caucuses can see more details.

**Type F: Physicals** – The Chair shared some thoughts he drafted regarding how to address the evaluation of the default physical criteria. His idea starts by taking existing data to evaluate the physical criteria relative to fish use, and then to add in the recoverable habitat and “habitat likely to be used by fish” pieces that other subgroups are working on. With a final product including all this analysis, then Policy could decide if and how to adjust the tool (whatever it looks like) to establish the regulatory F/N break in the field.

#### *Discussion*

- It is within Policy’s discretion to send this through a formal CMER route, instead of using technical expertise outside of CMER to generate information by which Policy can make a decision.
- The AMPA suggested that the steps be slightly re-ordered to first evaluate the current physical criteria to determine the degree they are a reliable predictor of fish use, including Best Available Science (BAS), current literature and models, etc.
- The federal caucus suggested that Policy incorporate a method to connect with the Clean Water Act to ensure that the outcome of the final tool also achieves anticipated clean water landscape-level performance.
- The conservation caucus noted concern for evaluating the physical criteria because it assumes that Policy might change the criteria without knowing for sure if that is necessary. The Chair noted that landowners often choose to do protocol surveys because usually they provide a regulatory break lower in the watershed. The point of this exercise would be to help narrow that gap to improve accuracy.

- Policy discussed the history of the physicals criteria, and the Chair agreed to help set up a panel presentation at an upcoming Policy meeting for sharing more history about how the physical criteria came to be.
- The westside tribal caucus noted that physicals are important to their caucus for two reasons: abundance can shift as the habitat gets re-opened due to recovery or restoration, and seasonality can change the results of protocol surveys.
- Each caucus was asked to send feedback on the proposal drafted by the Chair by January 28.

**Type F: Recoverable Habitat** – Marty Acker had volunteered to talk with each caucus about recoverable habitat, and summarized the responses for a report-out. Some caucuses reported that recoverable habitat is in stream reaches currently blocked by culverts (passage) or is temporarily unoccupied following a debris flow (disturbance). One caucus with this perspective noted that the language in the HCP focused on habitat recovery through long-term delivery of riparian functions in addition to passage and disturbance, but expressed that this exceeded their caucus perspective. The remaining caucuses reported that recoverable habitat is all of the above and that full habitat recovery is not anticipated for many decades, as described in the HCP.

He also developed two potential recommendations for Policy to consider:

1. Ensure water typing methods delineate fish habitat (occupied plus recoverable) at the level anticipated by the Forests & Fish Report and the Habitat Conservation Plan, or
2. Define “habitat that could be recovered by restoration or management” in a manner that ensure fish habitat represents occupied habitat plus habitat that could be recovered.

Due to lack of time for more discussion, the Chair asked that each caucus review the potential recommendations and be prepared to discuss at the February Policy meeting.

**Forested Wetlands Effectiveness Project TWIG** – Howard Haemmerle, Leah Beckett, and Paul Adamus presented to Policy about the TWIG’s revised problem statement, objectives, and critical questions memo. The presentation slides can be made available. Points and discussion included:

- Policy’s approval of this memo is required before the TWIG can begin working on the BAS and Alternatives Analysis.
- The language in objectives referring to “half a timber rotation cycle” comes from forest practices rules (relating to anti-degradation).
- The language in the first critical question was slightly tweaked from the wetlands strategy language in order to get more details on magnitude and duration, though it was not the TWIG’s intent to create inconsistency between the strategy and this critical question. The TWIG members had no concern about changing the language of the question to be consistent with the language in the wetlands strategy.
- Policy realized that due to the revised Lean Process, this is the time to give any further direction to the TWIG before they create the BAS & Alternatives Analysis. Because this was not clear to many caucuses, any caucus was welcome to bring up considerations at this meeting but could also send any thoughts to the AMPA by January 29. One caucus mentioned that sending comments directly to the AMPA would not allow other caucuses to weigh in, but it was clarified that

sending thoughts to the AMPA after the Policy meeting will not be the regular procedure moving forward.

- The Ecology representative asked that the TWIG consider how to incorporate water quality both downstream and upstream. He suggested starting by using the water quality parameters broadly and as the TWIG weeds some out, to explain why parameters were included or excluded.
- The nonindustrial landowners caucus encouraged the TWIG to think about how to answer the AMP's most pressing questions, not just what science would like us to study. The industrial landowner caucus expects that information will be considered for inclusion to inform study of the following specific priorities in the TWIG's BAS and Alternatives Analysis:
  - Key issue of the effects of timber harvest in forested wetlands with emphasis on those wetlands that are most likely connected to and may influence downstream water quality and aquatic habitats for fish and covered amphibians.
  - Key location where effects need to be measured is in downstream typed waters. Effects in forested wetlands are lower importance.
  - Key water quality parameters to measure are temperature, sediment, and nutrients. Other parameters (e.g., carbon) are lower importance.
  - Key habitats of concern are where FFR species live (Type F and N waters with fish and covered amphibians). Other species living in forested wetlands are not covered by FFR and are lower importance.
- The WDFW representative supported the critical questions, and noted that habitat both within wetlands and in connected streams is equally important.

**Decision:** Policy approved the problem statement, objectives, and critical questions memo with one edit to tweak the language of the first critical question to be consistent with the wetlands strategy. This was approved by consensus of all caucuses.

**Eastern Washington Riparian Assessment Project (EWRAP)** – Dave Schuett-Hames presented to Policy about the EWRAP final report. His presentation slides can be made available. Points and discussion included:

- This is an exploratory study with a limited number of sample sites.
- The type of data collected was on large trees, small trees, understory vegetation, disturbance/damage/disease, and site attributes.
- Overall results include:
  - Extensive variation in eastside Type F Riparian Management Zones (RMZs).
  - The distribution of riparian stands did not fit the regulatory Timber Habitat Type (THT) zones.
- Two follow-up studies have recently been proposed by SAGE:
  - Eastside Modeling Evaluation Project (this includes some modeling funding already approved by Policy at the November 2015 meeting), and
  - Eastside Timber Habitat Type Validation Project (SAGE is developing language on this project for the CMER workplan which should come to Policy in the coming months).
- If reducing scientific uncertainty about the THT system is a priority concern for the AMP, the report recommends developing a focused study to further examine and validate the THT system.

**Decision:** Policy agreed by consensus to take no action at this time on the report, though understanding that some follow-up work may come up at a later date.

**Type F: “Habitat Likely to be Used by Fish”** – Terry Jackson, Kendra Smith, and Karen Terwilleger have been working between meetings to discuss how to frame a Policy discussion about habitat likely to be used by fish. They are still working on finalizing recommendations, and hope to discuss their thoughts with other caucus representatives before the February Policy meeting.

**CMER Update** – Doug Hooks, CMER Co-Chair, shared updates from CMER:

- CMER recently reviewed the WETSAG workplan, and also discussed the status of many TWIG products making progress through the Lean Process. There is currently a lot happening with the ENREP study design.
- The Forest Hydrology Study is complete but CMER is waiting to see the Findings Report, which they hope will be presented at the January meeting so it can go to Policy at the February meeting.

*CMER Budget Update* – The AMPA shared that with all projects assuming full use of their budgets, there would be a \$334,000 fund balance at the end of the fiscal year, which includes funding the staff positions that DNR has requested. Due to additional funds found in the Forests & Fish Support Account, any General-Fund State funds that are unused at the end of the fiscal year will go back into the General Fund.

**Next Steps** – The Chair noted the action items from this meeting plus topics for the February meeting.

Additionally, Policy discussed plans for the May meeting in Spokane hosted by the Kalispel Tribe. Policy decided to hold the meeting on May 4 and 5, releasing the hold on May 6. A likely agenda would be taking everyone from the casino to the reservation on the morning of the first day to have a meeting before lunch, then have a presentation after lunch on the Kalispel Forest Management Plan, then view some sites in the afternoon. That evening would be a social event at the casino, where people can stay in hotel rooms. The second day would be another half-day meeting, and then people can use the afternoon for travel.

Policy also discussed the June meeting dates, but decided to make a final decision on dates at the February meeting.

The Chair adjourned the meeting at 5:00pm.

Attachment 1 – Participants by Caucus at 1/7/16 Meeting

**Conservation Caucus**

Peter Goldman, WFLC  
Chris Mendoza, Mendoza Environmental, LLC  
Lisa Remlinger, WEC  
\*Mary Scurlock, Scurlock & Associates (phone)

**County Caucus**

Laura Berg, WSAC  
Kendra Smith, Skagit County  
\*Scott Swanson, WSAC

**Federal Caucus**

\*Marty Acker, USFWS

**Industrial Timber Landowners**

Doug Hooks, WFPA  
Adrian Miller, Olympic Resource Management,  
Chair  
Deborah Munguia, WFPA  
\*Karen Terwilleger, WFPA

**Non-Industrial Timber Landowners**

Heather Hanson, WFFA (phone)  
\*Dick Miller, WFFA

**Others**

Paul Adamus, TWIG member  
Leah Beckett, CMER  
Hans Berge, AMPA  
Howard Haemmerle, DNR/AMP  
Claire Chase, Triangle Associates

**State Caucus – DNR**

\*Marc Engel, DNR  
Jim Heuring, DNR

**State Caucus – Ecology and Fish & Wildlife**

\*Rich Doenges, Ecology  
Mark Hicks, Ecology  
\*Terry Jackson, WDFW

**Tribal Caucus – Eastside**

\*Ray Entz, Kalispel (phone)  
Marc Gauthier, UCUT (phone)

**Tribal Caucus – Westside**

Joseph Pavel, Skokomish Tribe  
Jim Peters, NWIFC  
Ash Roorbach, NWIFC  
\*Curt Veldhuisen, Skagit River System  
Cooperative (phone)

Attachment 2 – Ongoing Priorities Checklist

| Priority   | Assignment                                | Status & Notes   |
|--|---|--|
| <b>Type N</b>                                    | Type N policy subgroup                    | Caucuses are encouraged to talk offline about the wet season default methodology.  |
| <b>Type F</b>                                    | Policy                                    | At regular meetings, Policy is working towards responding to the February 2014 Board motions (specific to off-channel habitat and electrofishing) in addition to other related water typing issues (such as default physical criteria, recovery, habitat, etc.). |
| <b>Small Forest Landowners Westside Template</b> | SFLOs Template Subgroup                   | Subgroup is meeting offline; next meeting is January 22.   |
| <b>Unstable Slopes</b>                           | Policy                                    | Board accepted Policy's recommendations; now DNR and UPSAG are working on implementing those recommendations. UPSAG has hired a contractor to do a literature synthesis.   |
| <b>Ongoing CMER reports reviewed by Policy</b>   | Doug Hooks & Todd Baldwin, CMER Co-Chairs | CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy  |

\*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

| Entity/Group/Subgroup                            | Next Meeting Date | Notes                                       |
|--|-------------------|---|
| <b>TFW Policy Committee</b>                      | February 4, 2016  |   |
| <b>CMER</b>                                      | January 26        |   |
| <b>Type N Policy Subgroup</b>                    | TBD               |   |
| <b>Type F</b>                                    |                   | To be addressed at regular Policy meetings. |
| <b>Forest Practices Board</b>                    | February 10, 2016 |   |
| <b>Small Forest Landowners Template Subgroup</b> | January 22        | As workload allows.                         |