FOREST PRACTICES BOARD

SPECIAL BOARD MEETING
April 23, 2010
Natural Resources Building
Olympia, Washington

Members Present

Peter Goldmark, Chair of the Board, Department of Natural Resources
Anna Jackson, Designee for Director, Department of Fish and Wildlife
Tom Davis, Designee for Director, Department of Agriculture
Bill Little, Timber Products Union Representative
Carolyn Dobbs, General Public Member
Dave Somers, Snohomish County Commissioner *(participated by phone)*
David Herrera, Skokomish Tribe *(participated by phone)*
Doug Stinson, General Public Member/Small Forest Landowner
Norm Schaaf, General Public Member
Sherry Fox, General Public Member/Independent Logging Contractor
Tom Laurie, Designee for Director, Department of Ecology

Absent

Brent Bahrenburg, Designee for Director, Community, Trade and Economic Development
David Hagiwara, General Public Member

Staff

Darin Cramer, Forest Practices Division Manager
Marc Engel, Forest Practices Assistant Division Manager
Patricia Anderson, Rules Coordinator
Phil Ferester, Assistant Attorney General

WELCOME AND INTRODUCTIONS

Peter Goldmark called the Forest Practices Board (FPB or Board) meeting to order at 1:30 p.m. Introductions were made by Board members and staff. Goldmark introduced new Board member Tom Davis who will represent the Department of Agriculture in place of Brad Avy.

PUBLIC COMMENT

Scott Swanson, West Fork Timber Company, asked the Board to:

- Consider the letters from the federal Services to the Department of Natural Resources (DNR) dated April 16, 2010, and from DNR to the Services dated April 23, 2010; and
- Forward the issues for Habitat Conservation Plan (HCP) holders to Adaptive Management.

Jim Lynch, West Fork Timber Company, requested the adoption and endorsement of recommendations in the Services' and DNR's letters which reflect agreements between the agencies and West Fork, and ensure the Adaptive Management process takes them into account.

Adrian Miller, Washington Forest Protection Association (WFPA), said WFPA supports the following, which together provide a pathway to ensure the existing rules are implemented and enforced:

- The Board's watershed analysis committee's consensus recommendations;
- Forwarding the proposal initiation document to the Adaptive Management Administrator; and
- Endorsing the concrete steps DNR has taken in initiating a process for review of watershed analysis prescriptions, including how to manage those with HCPs.

Miguel Perez-Gibson, Conservation Caucus, asked the Board to direct Forests and Fish Policy (Policy) to make watershed analysis its top priority. He highlighted the Board's responsibility, as expressed in the Forest Practices Act, to adopt rules that protect soils, prevent nonpoint pollution, and develop a watershed analysis system that addresses the cumulative effect of forest practices on fish, water, and capital improvements. He provided photos of recent damage from landslides in several areas of the state.

WATERSHED ANALYSIS

Darin Cramer, DNR, said DNR continues to work on the administrative process discussed at the March 26, 2010 Board meeting, and work with Weyerhaeuser on its plan. DNR has also worked with the Services and West Fork and is very satisfied with what West Fork is doing in regards to the conduct of its reviews. He said DNR is looking at their review process to perhaps inform the development of a standardized review process.

Marc Engel, DNR, explained the changes in the draft proposal initiation document after working with stakeholders on concerns expressed in the March 26, 2010 special Board meeting. In Issue #1 regarding the completion of reviews, the emphasis is on commitments for ensuring watershed analysis prescriptions are current, or how to address reviews where an entity's resources are insufficient. In Issue #2 regarding DNR supplementing mass wasting prescriptions if necessary, language is added to clarify that supplementation means, "with the rules process that is utilized in watersheds not subject to watershed analysis."

Goldmark reminded the Board that a motion was tabled at the end of the March 26th meeting.

The tabled motion was:

> *Tom Laurie moved that the Forest Practices Board forward the Watershed Analysis Mass Wasting Prescriptions Proposal to the Adaptive Management Program Administrator to initiate Adaptive Management Program review.*

Tom Laurie withdrew the motion.

Goldmark expressed appreciation to representatives of the landowner and conservation caucuses for working with DNR between meetings to find a mutually acceptable resolution.

Motion: Tom Laurie moved that the Forest Practices Board endorse the consensus recommendations of the Board's Watershed Analysis Mass Wasting Prescriptions Committee and ask the Commissioner of Public Lands to proceed with

implementation of the recommendations as planned and reported at this and the March 26, 2010 Board meeting.

He further moved that the Forest Practices Board forward the Watershed Analysis Mass Wasting Prescriptions Proposal to the Adaptive Management Program Administrator to initiate Adaptive Management Program review.

The Adaptive Management Program Administrator is directed to prepare a recommendation per Board Manual Section 22 and deliver it to Forests and Fish Policy as soon as possible.

The Adaptive Management Program Administrator shall present an estimated timeline for a response from Policy and provide reports to the Board at each regular meeting regarding the status of the proposal.

SECONDED: Dave Somers

Board Discussion

Carolyn Dobbs said she felt some urgency about resolving these issues and would like more focus on the adaptive management process timeline. Cramer said Jim Hotvedt, Adaptive Management Administrator, can report to the Board at each regular meeting and give a status on Policy's discussions. It is possible for the Board to ask for changes in Policy's priorities if it thinks necessary.

Norm Schaaf spoke in support of the motion. He said the opportunity for more discussion resulted in a better product and better direction for adaptive management.

Sherry Fox asked if the Adaptive Management Administrator could have information for the Board by the May Board meeting. Cramer said Jim Hotvedt would do his best to deliver an assessment to Policy by its May meeting, but it must be recognized this only gives him a few days to assess the proposal in time for that Policy meeting.

Anna Jackson asked about Policy's current priorities. Cramer answered Policy has a role to play in issues the Board has already indicated are high priority: program funding, Clean Water Act assurances milestones, water typing, and the Type N perennial initiation points issues.

Goldmark said he supported the motion because it will initiate an orderly process to ensure all watershed analyses will protect public resources and safety.

Doug Stinson said he liked the motion and the project will be a test for adaptive management.

Tom Davis expressed thanks to staff for walking him through the watershed analysis issue, and said Brad Avy's concern at the last meeting, that there wasn't enough time for discussion, seemed to be addressed.

ACTION: Motion passed unanimously.

Goldmark asked for any other business, to which Schaaf answered he would like to make an additional motion.

MOTION: Norm Schaaf moved that the Forest Practices Board endorse the recommendations of the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Washington Department of Natural Resources reflected in their letters to each other dated April 16, 2010, and April 23, 2010, concerning Watershed Analysis.

He further moved that the recommendations contained in the April 16, 2010, and the April 23, 2010, letters concerning Watershed Analysis be recognized and reflected in the Watershed Analysis Mass Wasting Prescriptions Proposal to be forwarded by the Board to the Adaptive Management Program Administrator to initiate Adaptive Management Program review.

SECONDED: Sherry Fox

Board Discussion

Schaaf said the purpose of the motion is to endorse and recognize good work, and provide clear guidance to the Adaptive Management Program Administrator and Policy to recognize and not dis-incentivize, HCP holders who are utilizing prescriptions, conducting reviews, and protecting public resources.

Cramer said DNR has addressed West Fork's situation through the exchange of letters with the Services and he believed DNR has a good understanding of West Fork's watershed analysis and reviews. He noted, however, there are no recommendations in the letters and the action as proposed is not necessary. He said DNR will be looking at other landowners' HCPs on a case by case basis.

Dobbs said the letters were helpful, and she liked the idea of using West Fork's process as a model for standardizing review, and recognizing good work. However, the motion puzzled her because there actually were no recommendations in the letters.

Laurie said the process should move forward fully cognizant of the letters, but he too didn't see what recommendations the Board could endorse.

Cramer said the letters could be forwarded with the proposal initiation document.

Fox said the Board's committee on watershed analysis discussed at length that companies already doing the right thing should not be punished with additional reporting or prescription requirements.

Schaaf said the Board is empowered to do more than just create regulation. The Board can also look at an incentive which is one way to achieve public resource protection. The act of endorsing identifies a successful process that could be used as a model for others to follow. If the Board could support a company or a process doing the right thing to achieve resource protection, and publicly say so, that would be a good thing.

Goldmark said he agreed with staff that the motion goes beyond what is necessary, and he thought there was no authority for the Board to have any weight in doing so. He said he would support forwarding the letters to adaptive management, and he would support the Board writing a letter commending what West Fork has done if the Board chooses. He said he would not vote in favor of the motion.

Cramer said the rule cited in both letters, WAC 222-12-041, provides a tool for DNR to accomplish just what Board member Schaaf described in the motion. There is flexibility built in as long as there is an approved conservation agreement for DNR to work with.

Bill Little said he grew up in and lives in areas where West Fork operates and they have done an excellent job. He said he did not see a recommendation, but did see an opportunity to pat them on the back and say you are doing what we want you to do, and you have done it without anyone holding your feet to the fire.

Schaaf requested an amendment to the motion. After some discussion among the members, the motion was amended as follows:

AMENDMENT
TO MOTION: Norm Schaaf moved that the letters dated April 16, 2010 and April 23, 2010, from the Services and DNR concerning Watershed Analysis be included within item #5 of the adaptive management proposal.

SECONDED: Dave Somers

ACTION: Motion passed unanimously.

EXECUTIVE SESSION
No executive session.

Meeting adjourned at 2:30 p.m.