Members Present:

   Pat McElroy, Designee for Commissioner Sutherland, Chair of the Board
   Alan Soicher, General Public Member
   Bob Kelly, General Public Member
   David Hagiwara, General Public Member
   Doug Stinson, General Public Member/Small Forest Landowner
   Eric Johnson, Lewis County Commissioner
   John Mankowski, Designee for Director, Department of Fish and Wildlife
   Lee Faulconer, Designee for Director, Department of Agriculture
   Toby Murray, General Public Member
   Tom Laurie, Designee for Director, Department of Ecology

Absent:

   Sherry Fox, General Public Member/Independent Logging Contractor
   Sue Mauermann, Designee for Director, Community, Trade and Economic Development

Staff:

   Jed Herman, Forest Practices Assistant Division Manager
   Karrie Brandt, Board Coordinator
   Paddy O’Brien, Assistant Attorney General
   Patricia Anderson, Rules Coordinator

CALL TO ORDER

Pat McElroy called the meeting to order at 8:00 a.m. Karrie Brandt gave an emergency safety briefing. Introductions were made of the Board, staff, and attendees.

APPROVAL OF MEETING MINUTES

MOTION: Toby Murray moved to approve the June 2 and 3, 2004, meeting minutes.
SECONDED: Bob Kelly
ACTION: Motion passed unanimously.

PUBLIC COMMENT

Peter Revesz, a Clark County tree farmer, gave his support for the Board Manual Section 21. He commented that it was a landmark document that was equal to or better than the existing rules. It is a hopeful beginning of what is to come in rebuilding the confidence, willingness, and financial liability of the small forest landowner.
Rick Dunning, Washington Farm Forestry Association (WFFA), gave his support for the over stocked stand template associated with Board Manual Section 21. He thanked the Board for the recognition and involvement of Washington tree farmers in the stakeholder process and urged the Board to find more resolutions like the proposed template.

Walt and Dardean Wheaton, Clark County tree farmers, stated that they support the over stocked stand template.

Bill and Erin Woods, King County tree farmers, gave support for the over stocked stand template.

Sam Comstock, a Mason County tree farmer, offered his support for the over stocked stand template. He is in favor of the site-specific approach and likes the diversity and choices the template allows for.

Ken Miller, WFFA, gave support for Board Manual Section 21. The template gives small forest landowners hope that the Forests and Fish process will work for them and takes a small step towards changing the relationships between small forest landowners and the Washington Department of Fish and Wildlife (WDFW). Miller thanked those who have worked in support of the template. However, he also voiced his frustration with the time it took to develop and the amount of acreage taken out of forestland designation during that time.

Robert Bower, Four B’s Farm, conveyed his support of the over stocked stand template and was in agreement with Miller’s remarks.

Robert Meier, Rayonier, commented on the rule clarifications package. He asked the Board to withdraw the proposed changes to the riparian open space rule stating that the changes are substantive. The term “alternative plan” has specific requirements and limitations that are not ascribed to the term “alternative management options” and to change this would limit the harvest rights that private landowners retained within channel migration zones (CMZ) and were guaranteed under Forests and Fish.

Toby Thaler, Washington Forest Law Center (WFLC), conveyed his concerns with Board Manual Section 2 on CMZs stating that there has been a lack of peer review and field testing and that
additional work needs to be conducted on some of the technical aspects. He would like the Board to not approve Section 2 and have it go through the adaptive management process to resolve the policy and technical issues brought up by the technical working group.

Kendra Smith, Skagit County Administration, shared the county commissioners’ concerns with the current water typing model and how inaccurately it functions for their region. She informed the Board that as the map is today, it would become a permitting and coordinating nightmare for them. The Tribes, developers, and industry in Skagit County are all united in this opinion. The commissioners are hoping the Board will delay adopting the map until more accuracy can be built into the model and hope the Board will consider incorporating some of the work Skagit County has completed on fish presence and absence.

Alan Soicher asked if the county would use the maps if they were accurate enough. Smith said yes, that Skagit County would like to see everyone using the same system to avoid mistakes.

Jack Kleinhoff, Riffe Lake Timber, believes a shift is necessary in evaluating the forest practices of small forest landowners because of their interface with the urban and rural landscapes and the economic viability necessary to keep that land in forestry. A new base line for measuring the impacts of forest practices on small forest landowners needs to be established that considers the alternative as farmland, 5-acre lots, and parking lots. When that is applied it is clear that practically any forest practice would be a benefit to the public.

Peter Heide, Washington Forest Protection Association (WFPA), said that WFPA continues to work with the water typing stakeholder group to put together a flexible implementation plan that will allow the maps to be modified as needed. This will be presented to the Board in February 2005. He then stated that if the Board retained the existing CMZ board manual section or adopted the rewrite that WFPA would support either decision. WFPA also supports the revised Board Manual Section 16 and Section 21, and the rule making changes outlined in the cultural resources protection and management plan submitted by the Cultural Resources Committee. In addition, he encouraged the Board to drop #16 in the rule clarifications package, which changes punctuation in the interim water-typing rule believing it to have a substantial impact on the continued implementation of the interim rule.
Eric Harlow, WFLC, reported that new information has been developed on the status of the Northern spotted owl by a non-federal owl expert panel convened as part of the federal 5-year review requirement by the Endangered Species Act (ESA). Their report entitled “Scientific evaluation of the status of the Northern spotted owl” found that owl populations are suffering the most in Washington State with a 7.5% rate of decline annually. Some current and potential threats to the spotted owl include: the effects of past and present harvesting, fire, the invading barred owl, sudden oak death, and the west nile virus. In addition, several aspects of the federal conservation efforts were never implemented such as adaptive management, sufficient monitoring, and coherent research strategies. Harlow’s conclusions were that the spotted owl is facing new threats that were not adequately considered in the past, and the rules are not functioning as intended and continue to allow owl habitat to be harvested. He urged the Board to consider this new information and make the necessary rule changes to prevent further population declines.

Alex Morgan, Seattle Audubon Society, also expressed concern with the current Northern spotted owl population trends. While disease, fire, and invasive species all contribute to their decline, habitat is still the keystone to recovery of the owls. The Department of Natural Resources (DNR) continues to permit excessive logging in owl habitat areas, and in the past 10 months the DNR has issued over 150 forest practice applications in spotted owl habitat without considering the cumulative effects. Additionally, the state de-certifies owl circles after only three years of surveying, resulting in the elimination of any protections for that habitat or owls that may still be there. Finally, the Spotted Owl Special Emphasis Areas (SOSEA) are categorized by fragmented forests and conditions that are far from ideal for owl recovery. The Audubon Society believes these conditions are not only in violation of the ESA but also contribute significantly to the population declines. The Audubon Society would like the Board to take the necessary steps to protect the Northern spotted owl species in the immediate future.

Peter Goldman, WFLC, mentioned that WFLC is putting forth the effort to preserve several working forests and is sensitive to small forest landowners and the economic issue. He highlighted efforts from last years’ 60-day ESA notice requesting the Board to modify its Forest Practices Rules intended to protect the owl and its habitat. Goldman shared that the cumulative effects petition, denied by the Board, is now before Thurston County Superior Court with a hearing scheduled for January 28, 2005. He went on to say that Chris Mendoza, conservation caucus representative, is a Cooperative Monitoring, Evaluation, and Research (CMER) committee member nominee, and as
members of the conservation caucus, Goldman acknowledged WFLC’s commitment to the Forests and Fish process. In conclusion, he stated that the WFLC has completed a scenic protection study and requested that the Board encourage DNR, WFPA, and other forest stakeholders to review the study and explore approaches to the aesthetics issue.

**WATER TYPING**

The Board received a written interim status report of the water-typing project from Dennis McDonald, DNR, describing the current progress in implementing the new water typing system. On July 1, 2004, the preliminary fish habitat water type map was released for public comment, and DNR is updating the Geographic Information Systems database with the new field survey data. The processing of eastern Washington field survey data is complete and the statistician team has run the model, however, further development is required. Field tests are currently being conducted to locate the end of fish habitat points on the ground. The input from those tests will be incorporated in the development of a board manual section. The water typing stakeholder group and DNR will be working to develop and provide training to landowners, forest practitioners, regulators, and agencies. The DNR is also evaluating the various issues to implement the rule to ensure complete deployment of the new water typing system and formulating different deployment options.

Pat McElroy asked McDonald to respond to Skagit County’s earlier comments about the involvement of the counties. McDonald reassured the Board that while the counties have not been involved in the stakeholder group they have been involved in providing comments and participating in the regional Timber, Fish, and Wildlife (TFW) meetings. Kendra Smith’s comments collaborate what is currently being discovered in the northwest region. McDonald committed to keeping the counties involved.

Tom Laurie suggested that the Board schedule a water-typing work session in January to hear from the public and what the proposed deployment options currently being formulated are.

McElroy asked McDonald if there was a consensus that action could be taken in February. McDonald said the water typing stakeholder group is committed to sticking with the deadline to adopt the map for a March 1, 2005, implementation. McElroy mentioned that if the Board does not make the decision to adopt in February 2005, it would default to the 2006 survey season.
Toby Murray commented that this is clearly a complicated and immense project, and it is absolutely critical that the Board understand the issues before taking any action. McDonald responded to Murray’s comment saying DNR is preparing the map for a February 2005 adoption. The Board Manual Section 23, is currently being field tested and is scheduled for public comment on December 3, 2004. Overall the early preview of the map has proven to be helpful to ease fears.

John Mankowski stated his interest in knowing the consequences of delaying in terms of federal assurances, especially if there are any requirements or expectations by the federal agencies.

David Hagiwara asked for a status of the current field studies. McDonald told the Board that the field-testing was going well and would be completed next Friday.

Alan Soicher asked how the validation of the model is progressing. McDonald said the validation committee is working on the study design, and the intent is to start collecting data next year.

ADAPTIVE MANAGEMENT

The Board received a written update from Geoff McNaughton, DNR, on the Adaptive Management program reporting that the CMER 2005 work plan and budget are being submitted for Board approval. They are requesting approximately $6 million dollars to fund 34 projects.

The Board Manual Section 22 is currently under development and will provide overall guidelines for the program. There is stakeholder representation for its development and the Northwest Indian Fisheries Commission has provided a technical writer to help draft the document, which should be presented to the Board in February 2005.

CMER will present the status and potential research options of the Desired Future Condition (DFC) Validation Project to Forests and Fish Policy for a recommendation before expanding the study. Also, the CMER and Tribal Perennial Stream Initiation Point (PIP) studies have both undergone peer review by the Scientific Review Committee (SRC), and are currently having comment responses prepared. These SRC reviews are expected to be presented to Forests and Fish Policy at their February 3, 2005, meeting.
RMAP RULEMAKING

The Board received a written report from Jed Herman stating that initial rule development has begun on the permanent rulemaking process to implement Second Substitute House Bill 1095, road maintenance and abandonment plans (RMAP). Forest Practices staff have met with the Department of Ecology (DOE) to gain their perspectives on how the emergency rules are being implemented and what rules, if any, need to be clarified. A meeting is also scheduled with stakeholders to discuss ideas for the permanent rules and to schedule future rule development meetings.

2005 CMER WORK PLAN AND BUDGET

Geoff McNaughton asked for the Board’s approval of the 2005 CMER Work Plan and $6,000,675 budget. Both the work plan and budget have had substantial stakeholder input and received consensus approval by CMER. The projects are directly linked to Schedule L-1 priorities outlined in the Forests and Fish Report (FFR) and correspond to the higher program rankings previously approved by the Board.

SECONDED: John Mankowski

Board Discussion

Eric Johnson asked McNaughton to explain the statement in his Adaptive Management update that if CMER program participants do not provide project managers, additional staff would need to be hired. McNaughton responded that CMER is struggling with project management. Project managers must have the support of their management to take on the role, and currently only about two-thirds of the projects are assigned to a manager. The concern is that individuals are not coming forward and volunteering, and historically this has caused delays with starting projects.

Doug Stinson is concerned that small forest landowners do not have enough input in the CMER process because they have been unable to provide for the required scientific technical experts to participate. However, small forest landowners are the ones that must implement CMER decisions.

John Mankowski commented that perhaps the CMER group could choose small forest landowner sites to implement studies as a way to involve them better.
Mankowski then asked McNaughton if Forests and Fish Policy and CMER agreed in the project priority rankings. McNaughton replied that the projects are not ranked politically but scientifically in terms of what is already known, how much more needs to be known, and what the risks are to the resources.

Alan Soicher noted that the 2005 CMER Work Plan indicates that the Type N Experimental Buffer Treatment project will address resource objectives including shade and stream temperature, litter fall, and stream bank erosion, at a cost of over $3.8 million. He noted that the Work Plan calls for study sites to be confined to basins with “basaltic geology” in the southwestern part of the state. He then noted that basalt, as a competent rock type, is not representative of the majority of rock types in Washington. The study will therefore be of limited value with respect to stream bank integrity in basins with other less competent rock types. He questioned whether the project design could be revised to make the results more broadly applicable. McNaughton disclosed that CMER debated this topic, but the costs were astronomical to expand the study beyond basalt and have it remain statistically valid for the amphibians.

ACTION: Motion passed unanimously.

CMER MEMBERS

Geoff McNaughton presented CMER member nominations to the Board. The United States Fish and Wildlife Service (USFWS) requested that the Board approve Sally Butts to replace Craig Hansen. The National Marine Fisheries Service requested that the Board approve Steve Keller, and the conservation caucus nominated Chris Mendoza to be appointed as a member.

MOTION: Pat McElroy moved that the Board accept Chris Mendoza as recommended by the conservation caucus to serve on the CMER committee.
SECONDED: John Mankowski

Board Discussion

Doug Stinson voiced his disappointment in Mendoza’s understanding of forest practices in Washington State and would like to see a representative with a broader understanding of forest values and the private sector’s position.

Eric Johnson asked for Mendoza’s educational background.
Mendoza shared that he has been a part of the CMER process, participating in CMER meetings and subcommittee meetings for a year. He mentioned that he has worked for the private sector for most of his career and holds a Bachelor of Science degree from The Evergreen State College. He is currently finishing his graduate degree thesis based on forest processes as they relate to the FFR.

John Mankowski commented that the first need from our science community is people with experience in their field. Mendoza has spent more time in streams than many state agency biologists. Mankowski has been on a number of field visits with Mendoza and is confident that he is qualified. In addition, he is concerned about ensuring that the conservation caucus is engaged in the CMER program because they too, like small landowners, have a difficult time obtaining the resources and expertise to participate.

ACTION: Motion passed 9 to 1.

MOTION: Pat McElroy moved that the Board accept Sally Butts to replace Craig Hansen to serve on the CMER committee as recommended by the USFWS.

SECONDED: Doug Stinson

ACTION: Motion passed unanimously.

MOTION: Pat McElroy moved that the Board accept Steve Keller to serve on the CMER committee as recommended by the National Marine Fisheries Service.

SECONDED: Doug Stinson

ACTION: Motion passed unanimously.

CULTURAL RESOURCES RULEMAKING

Gretchen Robinson, DNR, requested the Board’s approval to proceed with the cultural resources rulemaking proposal and to file the CR102 with the Office of the Code Reviser. Upon approval an environmental analysis will be conducted and a public hearing on both the proposal and analysis will be scheduled for mid-January 2005. It is anticipated that staff will request adoption of the rules and the new watershed analysis module for the Board Manual at the February 2005 Board meeting.

MOTION: Bob Kelly moved that the Forest Practices Board accept for public review the rule proposal as recommended by the TFW Cultural Resources Committee to amend Washington Administrative Codes (WAC) 222-08-160, 16-010, and chapters 222-12 and 222-22 and that staff file the CR-102 with the Office of the Code Reviser to begin the permanent rule-making process.

SECONDED: Toby Murray

ACTION: Motion passed unanimously.
Marc Engel, DNR, stated that the procedures for developing Board Manual sections are being reviewed for consistency with the Adaptive Management program. Quarterly, stakeholders are invited to review and provide input to the Board Manual development list and scoping documents used to develop the Board Manual sections. It is proposed that DNR will present the scoping documents for all proposed, new, or revised Board Manual sections pertaining to aquatic resources to Forests and Fish Policy for approval.

Alan Soicher asked how stakeholders get engaged in the Board Manual development and how disputes get resolved. Pat McElroy said it is DNR’s job to prepare the Board Manual using the appropriate agencies and interested parties. It is not a consensus or policy process. In adopting the adaptive management process, the Board stated that approved guidance documents would go through Forests and Fish Policy. The Board Manual is a guidance document in how to implement the rule, so those sections that pertain to the Forests and Fish rules must go to Forests and Fish Policy.

Soicher then asked how policy issues that come up during Board Manual development get flagged and brought to the Board with alternatives. McElroy said policy questions are rule questions and the law as it relates to Forests and Fish says that it has to go through the adaptive management process.

Engel gave the Board an overview of the revised Board Manual Section 16, Guidelines for Evaluating Potentially Unstable Slopes and Landforms, which further explains the required contents of a geo-technical report when required under WAC 222-10-030. The Section was also reworked to enhance the descriptions of potentially unstable slopes and landforms, add additional figures for clarity, and to present its content in the same order as the DNR sponsored Unstable Slopes Training.

MOTION: Pat McElroy moved that the Board approve the Board Manual Section 16 as amended and that the Department staff have the authority to make changes as necessary for clarity and to finalize for distribution.
SECONDED: Toby Murray

Board Discussion
Soicher asked if the goal was to try and prevent any management related landslides. Jed Herman said no. The section was developed to help give guidance to field practitioners.
Eric Johnson wanted to know if Section 16 was drafted under typical DNR methodology unlike the CMZ board manual section and if so how was it done. Engel said Section 16 was a specialized board manual section that involved licensed geologists.

**ACTION:** Motion passed unanimously.

Engel also reported that the DNR, as directed by WAC 222-12-090, has prepared Board Manual Section 21, Guidelines for Alternate Plans, which has been approved by Forests and Fish Policy.

**MOTION:** Doug Stinson moved that the Board approve Board Manual Section 21 and that Department staff have the authority to make changes as necessary for clarity and to finalize for distribution.

**SECONDED:** Toby Murray

**Board Discussion**

Toby Murray agrees with the frustration that it has taken three years to develop one template and hopes that other templates will move much faster.

McElroy commented that there has been a lot of pressure on those limited number of people engaged in the adaptive management effort, but mentioned he too was hopeful that the timeframe could be cut down in the future.

**ACTION:** Motion passed unanimously.

Engel informed the Board that Board Manual Section 2 was presented to Forests and Fish Policy who recommended that no action be taken until further discussion and recommended conducting a workshop to distinguish the operational issues from the policy issues. Therefore DNR is not recommending approval of Section 2 at this time.

McElroy disagreed with the recommendation from Forests and Fish Policy. He recapped past Board discussions, reminding members that this issue has been before the Board since August 2002.
Soicher reminded the Board that the charter for the CMZ technical working group states that where consensus cannot be achieved the group will clearly describe the issues and develop alternatives for the Board’s consideration. He said the board manual section will be done once those three issues are developed and the Board decides on them.

Tom Laurie asked Joseph Pavel to come forward and discuss what Forests and Fish Policy thinks about Board Manual Section 2 and the remaining policy issues.

Pavel, co-chair of Forests and Fish Policy, said there are a dozen items that need further exploration before recommending approval. Some policy issues need to be addressed and Policy feels it would be appropriate to meet with the CMZ technical working group to work through those issues and either come to consensus or provide informed alternatives for the Board.

Johnson asked if the alternatives were associated with rule or the Board Manual. Engel replied that the issue is the definition of “near term” and valley confinement on a river. They are both rule issues and not technical issues as part of the board manual section.

MOTION: Pat McElroy moved that the CMZ workgroup engaged to rewrite the CMZ Board Manual Section 2 has fulfilled the charter obligation in reviewing Board Manual Section 2 and recommending changes as appropriate to meet the intent of the rule, and the group is no longer required to continue.

Thus, McElroy moved that the Board approve the Board Manual Section 2 and that Department staff have the authority to make changes as necessary for clarity and to finalize for distribution. McElroy further moved that any outstanding issues resulting from the CMZ Board Manual process be remanded to the adaptive management process for analysis and that the CMER Committee consider those issues in light of its other priorities and projects.

SECONDED: Toby Murray

Board Discussion

Johnson asked if Section 2 needed to be adjusted, would the clarification come through new rule making. McElroy said the Board Manual is not intended to interpret rule. If there are issues of clarity in the rule the Board needs to clarify the rule, and if the rule changes, then the board manual section will change to reflect it.
John Mankowski said it is time to take action on this, but the motion needs to be clearer on exactly what the Board wants Forests and Fish Policy to refine and report back on. He also stated that if the Board approved Section 2 that DNR develop a feedback mechanism for WDFW and Forests and Fish Policy to track how many times the C1 categories occur, how many times are people exempted from those CMZs, and provide feedback about whether or not the channel is diverting.

McElroy gave a commitment to Mankowski that the Forest Practices staff will work with WDFW to discuss how that would be accomplished.

**AMENDED MOTION:** Pat McElroy moved that the CMZ workgroup engaged to rewrite the CMZ Board Manual Section 2 has fulfilled the charter obligation in reviewing Board Manual Section 2 and recommending changes as appropriate to meet the intent of the rule, and the group is no longer required to continue.

Thus, McElroy moved that the Board approve the Board Manual Section 2 and that Department staff have the authority to make changes as necessary for clarity and to finalize for distribution. McElroy further moved that any outstanding issues resulting from the CMZ Board Manual process be remanded to Forests and Fish Policy to identify and define policy issues and recommend alternative solutions and report to the Board at its February 2005 meeting.

**SECONDED:** Toby Murray

**Board Discussion**

Soicher reminded the Board that the timeframe for calculating erosion rates is one of the policy issues for Section 2. Whether it is 200 or 400 years, the workgroup has identified the need for definition in its memo: “Neither the FFR nor the WAC specifically define “near-term”, resulting in disagreements as to time frames for understanding the CMZ planning horizon or for estimating bank erosion over time.” Engel said that a definition of “near-term” would allow the CMZ technical working group to put that timeframe into the board manual section.

McElroy encouraged the Board to take action today saying that Board Manual Section 2 is good enough to move forward and if necessary the Board has a process in place to change the Board Manual and rules.

**ACTION:** Amended motion passed unanimously.
RULE CLARIFICATIONS

Gretchen Robinson requested the Board’s approval to start the rulemaking process on the rule clarifications package by distributing a 30-day notice to the WDFW, counties, and Tribes and to file a CR101 with the Office of the Code Reviser. Board staff has prepared a preliminary list of minor rule changes pursuant to the “rules clean up” task on the Board’s work plan. None of the proposed rule changes should trigger “significant rule making” as described in the Administrative Procedure Act. The suggested rule revisions for this package are to make typographical corrections, clarify the language (without changing the affect of the rule), and incorporate language related to legislation that has amended the Forest Practices Act.

MOTION: David Hagiwara moved that the Forest Practices Board direct staff to file the Pre Proposal of Inquiry (CR101) with the Office of the Code Reviser to inform the public of rule making to clarify language, correct typographical errors, and incorporate legislative changes in Title 222 WAC. He further moved that staff provide notice pursuant to RCW 76.09.040 notifying the counties and WDFW of rulemaking intentions.

SECONDED: Doug Stinson

Board Discussion

Pat McElroy asked if Robinson considered the motion to give her the latitude to make any necessary minor adjustments to the package, specifically Peter Heide’s comments suggesting removal of #16. Robinson responded that she did and would research the concerns before any distribution.

Eric Johnson added that Robert Meier’s comment to withdraw the proposed “alternative management options” should also be considered before any distribution. Jed Herman agreed to contact Rayonier to resolve any issues.

ACTION: Motion passed unanimously.

UPLAND WILDLIFE PLANNING

John Mankowski pointed out that the Board’s timeline for assessing current wildlife rules, Element 1 of the wildlife work plan, called for reviewing the current spotted owl rule first. Therefore, WDFW has been conducting technical and policy level stakeholder meetings facilitated by Dan Silver.
Silver discussed the results of those meetings as presented in the spotted owl progress report. He explained that the members of the Spotted Owl Policy group included both small and large landowners from the timber industry, the environmental community, Tribal government, and regulators (DNR, WDFW, USFWS). The group received multiple briefings by experts, and the report is a product of those briefings.

After a short review of the current state rule, Silver stated that SOSEAs were developed to compliment the federal Northwest Forest Plan (NFP). Roughly 90% of the suitable habitat is in federal lands and protected by that plan. Since rule adoption in 1996 about half of the 1.5 million acres in SOSEAs have been covered by Habitat Conservation Plans (HCP) with additional protections anticipated through the Forests and Fish process. The central aspect of the Spotted Owl Policy group’s work was prompted by the decline of the spotted owl over the last 15 years in Washington, which has led it to be identified by both the state and federal agencies as either threatened or endangered. A demographic study found that out of the 14 geographic study areas, five showed a substantial decline of the Northern spotted owl. Four of these five areas are located in Washington State. The estimated rate of decline from 1987 to 2003 was 45% to 60%. By way of contrast in Oregon the spotted owl declined 2.8% annually, California’s decline was 2.2% annually, and Washington populations declined 7.3% annually.

The 5-year federal status review study panel affirmed the conservation biology of the NFP. The review found new threats to the spotted owl: increased presence of barred owl, habitat loss due to forest fires, and the emergence of the west nile virus. It did not find the causing factor of the decline. In fact it asserted that there might not be any single overarching explanation.

Silver said the barred owl is abundant in Washington, and since the spotted owl was first protected the barred owl population has sharply increased and is regularly detected in traditional spotted owl territory. There is evidence that it may be displacing the spotted owl.

Another aspect of the review study panel’s work focused on what has happened with harvest and habitat over a period of time. WDFW and DNR are gathering information to conduct a spotted owl habitat assessment study. The study will contrast suitable habitat in 1996 with habitat in 2004 and will focus on SOSEAs and look at owl circles outside the SOSEAs. The study will not model future conditions.
Tom Laurie asked if the study would look at both federal and state land. Silver replied that it would be primarily state and private lands.

The Spotted Owl Policy group focused on several regulatory or management subjects such as landscape management. Landscape planning covers activities conducted over time and space; it often focuses on biological outcomes rather than prescriptive procedures. At the time of rule adoption, the Forest Practices Board created the Landowner Option Plan (LOP). To date there has only been one LOP signed. In addition, the Legislature established a Landowner Landscape Plan (LLP) pilot project. Seven pilot efforts were started, but none of the plans were ever developed.

WDFW hosted a meeting with large landowners to talk about how the LLP pilot project process could be improved. The group learned that in order for landscape management plans to be successful the following issues need to be addressed:

- Better coordination with the federal government.
- Specific resource objectives that are provided by policy makers.
- Clearer lines of accountability for the agencies.
- SEPA interpretation needs to be resolved.
- Sufficient resources for the agencies to support the planning effort.
- At the outset of the planning process discuss DNR’s condition authority and how it creates uncertainty for landowners.

Silver informed the Board that decertification received a lot of attention in both the technical and policy committees. WDFW categorizes owl circle status by the numbers 1-5. A status 1 site would include a pair of spotted owls while a status 5 is a historical site that is not currently occupied. The way decertification works is that if an owl survey conducted for three consecutive years did not detect an owl, the site status could be moved to a 5, which does not have the same harvest restrictions as a higher status owl circle. There are concerns that the process is taking away potentially valuable habitat, which is problematic because owls have long term fidelity to sites and three years may not be long enough to denote a historical site. Since rule adoption, 12 circles have been decertified.
Eric Johnson asked Silver to elaborate on WDFW’s authority to decertify. Silver said the protocol, which governs this, was produced by federal scientists prior to the owl rule and was never formally adopted. So, while decertification itself is a term not found in the rule, the procedures that come out of the survey protocol, to see what the circle should be, end up governing the harvest.

At the final Spotted Owl Policy group meeting, the group decided they would like to continue working toward further analysis and to bring potential recommendations to the Board by the February 2005 Board meeting. They recommend that the Board host a workshop before then to receive more in depth briefings on some of these issues.

Silver concluded with the following list identified by the Spotted Owl Policy group as items that need to be worked on in preparation for developing recommendations to the Board:

1. Landscape management for areas in SOSEAs that are not covered by HCPs or other management schemes.
2. An analytical process for adjusting SOSEA boundaries with measurable objectives.
3. Explore the possibility of a hiatus on decertification while the other discussions continue, with the exception of the USFWS and WDFW’s review of the spotted owl survey protocol.
5. Coordinate barred owl science and management strategies with USFWS and WDFW to address any potential competition between the barred and spotted owls.
6. The forest health legislative task force will include issues associated with the northern spotted owl and managing for healthy, sustainable forests.
7. Recommendation to eliminate the annual review requirement in the rule or request the Board’s insistence that agencies commit sufficient resources to complete annual reviews.
8. Work at protecting the federal NFP in Washington State.

MOTION: Eric Johnson moved that the Forest Practices Board approve the recommendations as outlined in the spotted owl progress report dated November 4, 2004.

SECONDED: Toby Murray

Board Discussion

Alan Soicher suggested that the Board affirm the policy and resource conservation goals before they go back to the technical group. Mankowski agreed, and said that the Board has to make some
decisions about the policy objectives. Broad goals are already embedded in the rule about what the Board’s expectations are. The Spotted Owl Policy group would like to see if they could be more explicit and detailed in interpreting those goals so they can promote landscape planning.

Pat McElroy commended Silver and the Spotted Owl Policy group for all their hard work.

**ACTION:** Motion passed unanimously.

David Whipple, WDFW, gave an update on the wildlife work plan. He reported that in addition to progress being made on the spotted owl rule assessment, work continues on the draft briefing document for the Marbled murrelet. After an internal review, WDFW would like to convene a TFW like group to review the document prior to presenting it to the Board.

McElroy recommended that they follow through with that idea.

Whipple reported that because the spotted owl assessment has taken longer than first anticipated and staff resources are so limited for both WDFW and the stakeholder groups, they are not certain when the other species in Element 1 of the work plan are going to be forthcoming.

Work continues with stakeholders on Element 2, the Landscape Level Wildlife Assessment, and developing the framework for that process. For instance, links were created between the forest growth models and the species habitat requirement models, so not only current conditions can be assessed but also future conditions and habitat growth. A workshop is scheduled for November 15, 2004, to discuss and put landscape level wildlife assessment into context with the other wildlife work plan elements.

McElroy asked if that would coordinate with what the Board heard earlier about the spotted owl issues related to landscape level planning, and specifically were those going to be connected. Whipple responded that it might. There is some discussion on which species to include in the landscape level assessment and what kind of information that process will produce that will be useful in assessing both the current habitat and species rules.
WDFW has also made progress on Element 3, Incentives for Landscape Planning and Habitat Protection. A number of meetings have been held with small landowners to develop concepts on existing incentives and what disincentives could be dropped.

In September this year a meeting was held with industry forest landowners to hear their views on the LLP pilot project. Again, WDFW was interested in hearing what worked, what did not, what kind of incentives and disincentives existed, and where landowners’ interests are in terms of a potential future landscape planning process. The next step is to continue stakeholder meetings to gain perspectives.

McElroy asked if Whipple saw those as being multi-landowner or single landowner processes. Whipple responded that they had not chartered a firm direction yet. Obviously the LLP pilot project was landowner specific, and there was some interest from industry forest landowners to have a more programmatic approach that could still be landowner specific.

Concluding, Whipple stated that WDFW has discovered that if they reorganize the species listed under Element 1 in the work plan, they might be able to create some efficiency getting the rules assessed more quickly and proceed with the work plan. They still need to do some work internally to see what those potentials are, but they feel they will be bringing the Board a revised work plan in February 2005.

2005 WORK PLANNING

Jed Herman and Patricia Anderson presented the Board’s draft 2005 work plan for discussion.

Pat McElroy stated that it has been the Board’s intent to address aesthetics following the completion of the wildlife work because the same kind of work that WDFW is doing to look at the landscape level effect and the cumulative effect of the rules on the landscape would need to be accomplished. He was interested to know if the Board felt there was any need to change that approach.

Alan Soicher pointed out that because the wildlife work plan timelines are consistently being lengthened that it would be prudent to work on both aesthetics and wildlife simultaneously. McElroy replied that there are a lacking number of resources to accomplish the tasks simultaneously.
Toby Murray inquired as to the Board’s obligation to aesthetics at the present time. McElroy explained that the Board is committed to looking at the overall impact of the Forest Practices Rules on the landscape after addressing the wildlife issues to determine what if anything needs to be done in regards to aesthetics.

Herman reviewed the Board’s accomplishments from 2004 and identified the actions that were not addressed (those items were placed on the 2005 work plan). He then presented the following draft 2005 Board work plan:

<table>
<thead>
<tr>
<th>TASK</th>
<th>TIMEFRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In Progress from 2004 or Ongoing</strong></td>
<td></td>
</tr>
<tr>
<td>• Adaptive Management Protocol and Standards Manual</td>
<td>February</td>
</tr>
<tr>
<td>• Adaptive management rulemaking</td>
<td>2005</td>
</tr>
<tr>
<td>• Board Manual development</td>
<td>Ongoing</td>
</tr>
<tr>
<td>• Bull trout overlay update from USFWS designation of Critical Wildlife Habitat</td>
<td></td>
</tr>
<tr>
<td>• Cultural Resources rulemaking &amp; adoption of watershed</td>
<td>February</td>
</tr>
<tr>
<td>• Analysis board manual section</td>
<td></td>
</tr>
<tr>
<td><strong>Rulemaking</strong></td>
<td></td>
</tr>
<tr>
<td>1. Family forest landowner RMAP</td>
<td>2005</td>
</tr>
<tr>
<td>2. Chapter 222 WAC in response to past legislation</td>
<td>February</td>
</tr>
<tr>
<td>3. Chapter 222 WAC rule clean up</td>
<td>February</td>
</tr>
<tr>
<td>• Upland Wildlife</td>
<td>Ongoing</td>
</tr>
<tr>
<td>• Water typing maps and repeal interim water typing rules</td>
<td>February 2005 – Adopt W map</td>
</tr>
<tr>
<td>• Upland Wildlife</td>
<td>February 2006 – Adopt E map</td>
</tr>
<tr>
<td><strong>Other Work Plan Items Due in 2005</strong></td>
<td></td>
</tr>
<tr>
<td>• Federal Assurances Update</td>
<td>February</td>
</tr>
<tr>
<td>• 2006 Work Planning</td>
<td>September – November</td>
</tr>
<tr>
<td>• CMER 2006 Work Plan</td>
<td>November</td>
</tr>
<tr>
<td><strong>Rulemaking</strong></td>
<td></td>
</tr>
<tr>
<td>1. Historic Sites</td>
<td>2005</td>
</tr>
</tbody>
</table>

McElroy reminded the Board that the United States Fish and Wildlife Service did not designate any critical wildlife habitat on state and private forestlands and therefore no action needs to be taken for the Bull trout overlay update on the proposed work plan. Herman said it would be stricken.

John Mankowski stated that he would like to see the work plan reflect an adaptive management project timeline with anticipated release dates and expected presentation dates to the Board.
Tom Laurie expressed his interest to see the Board Manual development list incorporated into the work plan as well.

McElroy proposed an update on the eastern Washington water type map development for May.

The following is the agreed upon 2005 Forest Practices Board meeting schedule:

<table>
<thead>
<tr>
<th>Regular Meetings</th>
<th>Special Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 9th <em>Rescheduled</em></td>
<td>February 2nd (water typing workshop)</td>
</tr>
<tr>
<td>May 11th</td>
<td>February 9th (spotted owl workshop)</td>
</tr>
<tr>
<td>August 10th</td>
<td>February 16th (reschedule from Feb 9th)</td>
</tr>
<tr>
<td>November 9th</td>
<td>September 14th &amp; 15th (SFLO issues)</td>
</tr>
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**FORESTS AND FISH PANEL**

Gary Graves, DNR, introduced a panel of six forest field practitioners to report to the Board on how well the Forests and Fish rules are working. The panel members were asked to review their responses to the four following questions:

1. How are the rules working on the ground?
2. What is working well?
3. Where do we still have the greatest need for implementation improvement?
4. Give a specific example of one implementation success, or challenge, that you think is particularly noteworthy.

Steve Barnowe-Meyer, Weyerhaeuser, stated that the rules were generally working well. There is still some ambiguity with PIP, DFC, and CMZ, but the resources are being protected. The working relationships with the other agencies are going well, and the interim water typing rules are properly working. Field staff have the tools with the fish presence surveys to identify where last fish is. However, Barnowe-Meyer had concerns with the water typing map because it only includes modeled habitat. He told the Board that the greatest area for improvement would be to simplify the Forest Practices Application (FPA) process.
Charlie McKinney, DNR, commented that the rules are being implemented successfully on the ground and are accomplishing what they were intended to do in terms of resource protection. Compliance on Type 1 through 3 riparian management zones (RMZ) and RMAP are going well, and they have been seeing some good examples of how alternate plans have been used in the southeast region of the state. He then mentioned three areas that still have a need for implementation improvement: Type 4 stream definitions, lack of harvest in RMZs related to forest health issues, and conversion and Class IV General applications.

Jerry Johnson, DNR, also stated that the rules are working well with a general understanding from the public that there is protection for public resources. The rules training programs, the cost share program for small landowners, the new Forest Practices Application Review System, and the interdisciplinary (ID) team process for the landowner assistance side of forest practices are all working very well. He mentioned that site class information is currently inadequate, and raised the question of basal area being high enough within the inner zones of RMZs. The Class IV General conversion process needs improvement; staff spends a lot of time dealing with conversion problems. He said one option would be to transfer jurisdiction to the counties. Johnson also stated that the water type model did not do very well in practice. Finally, he cited the RMAP program as being a huge success on the landscape.

Don Nauer, WDFW, said the Forests and Fish rules are working well to engage all the stakeholders, and through ID teams, alternate plans, and FPA reviews there is opportunity for stakeholders to come up with consensus decisions. The cooperation level amongst stakeholders and the progress from the large landowner RMAP program in improving fish passage, addressing road failures, and stream adjacent road segments are working well. However, the small landowner RMAP program needs improvement. He mentioned that about 95% of the small landowner’s RMAP checklists only apply to the immediate harvest unit and not the rest of the landowner’s ownership. Therefore the ability to inventory all the road failures, ditch disconnects, and non-fish pipes that are creating problems in channels and delivering stream adjacency issues is being lost. Another improvement issue he raised was riparian protection. Due to the complexity of the DFC computation measurements, it has created a tough situation for monitoring and compliance. Nauer also mentioned there are site index problems; the DFC curve and targets are way too low. On a positive note, he wanted the Board to know that Green Diamond Resource (formerly Simpson) has done a good job to set the RMAP standard. In the last three years they have completed roughly 40 fish
passage restoration projects including six large bridge spans.

Charles Toal, DOE, commented that the rules are working and so are the RMAP regulations. The DOE is seeing major improvements in water quality and fish habitat. Consistency improvements need to be made among the DNR regions and how they interpret regulations. Also, the wetland regulations and the “no net loss” policy need to have clearer guidance on how to implement on the ground. For instance, how much roading can occur in a wetland before mitigation is needed and what mitigation is needed? He would also like to see some side boards placed on the small landowner alternate plans to help guide field staff and ID teams to a product. Another issue is the water type model and how the maps that exist with known points are going to transfer to the map that the model produced. Again, Toal noted that the RMAP process has been particularly successful in helping water quality, fish passage, and landowners with options to manage their road systems and suggested seasonal harvest operations for hauls on stream adjacent roads.

Brian Loucks, small forest landowner, told the Board that the rules are causing a lot of anger and frustration for the members of WFFA. Small forest landowners were told the increased stream buffers were absolutely necessary due to expected losses in the fish populations. Yet in the last few years there have been recorded record fish runs with several extended fishing seasons. Small forest landowners feel they are being singled out financially, and with loss of property rights to correct the situation it is not sensible. He commended the foresters and the staff in the Small Forest Landowners Office for their willingness to help the small forest landowners. The FPA process needs to be simplified. It is too complex and the costs are driving many small forest landowners into larger harvest unit sizes. Loucks example of an implementation challenge is water typing and the burden it places on the small forest landowner. The landowner is charged with determining the water type in the FPA process and if correct is responsible for those decisions, however, the process is beyond their skill level.

Doug Stinson asked McKinney what he thought the reason was for seeing so many conversions on the eastside and is it more than in previous years. McKinney stated that conversion rates have increased over the years and are mostly attributed to many of the large landowners selling portions of their land to land developers who then sell those tracts in smaller acreage packages.
Pat McElroy asked McKinney to what extent is the conversion rate driven by the complexity and cost of the rules versus the population wave coming from western Washington. McKinney believes it is caused more by the changing population shifts, where individuals choose to purchase land, and the large landowners selling blocks of land rather than from small landowners converting.

McElroy then agreed with Loucks’s comment to simplify the FPA process and asked Graves to give a brief update on its modification process. Graves stated that the FPA has been reduced to four pages plus a map; however, additional pages may be necessary for issues such as unstable slopes. The FPA will also offer landowners examples in the instructions of what is required on the application. The DNR regions will complete their review of the revised FPA next week and then it will be distributed to stakeholders the week of Thanksgiving. The intent is to have the new application in place by January.

Toby Murray asked McKinney to elaborate on the challenges the southeast region is experiencing while attempting to identify Type 4 and 5 streams. McKinney stated that the Type 4 rule definition is not as logical as other rules that identify the values and functions that are being protected, and how you identify stream types or whatever it is you are identifying really keys into the functions that are trying to be protected. In some instances, identifying a stream below a point of perennial water as a Type 4 rather than a Type 5 is like putting an isolated spring in a Type 5 water and calling the stream below that point a Type 4. It is hard to understand why the isolated spring would change the protection on the stream below. Also, perennial water can only be defined as something that exists 12 months out of the year. There may be only a one month window to evaluate whether it is perennial or not, and it needs to be a year of normal precipitation, which has not been defined very clearly.

John Mankowski asked if the Forests and Fish funding that DNR, WDFW, and DOE are receiving, allows the regions to keep up on the work load. Toal responded that DOE only has two employees to cover Clallam County down to Skamania County with approximately 6,500 FPAs to process in one year. They do not come close to looking at 5% of those. Therefore he does not feel that DOE has enough people on the ground.

Nauer interjected that unfortunately what continues to fall to the end of the priority list is the compliance. McElroy stated that there is a budget request to increase compliance monitoring in
DNR’s 05-07 budget.

Stinson asked Toal to explain what he was looking for in sideboards regarding ID teams for small forest landowner alternate plans. Toal said that every ID team reviews the same processes again and again with all the same issues. He would like some basic sideboards such as “How wide can you cut the RMZ down to?” and “What does it mean by meet or exceed?” Just some of those basic questions so field staff are not re-inventing the wheel each time they go out.

Jed Herman stated that this is a topic that has been coming up on a number of different levels. Staff is currently developing some criteria to better identify and understand riparian function upon sight or how to evaluate what is needed, so when a proposal comes through it can be tested. The framework for this product will be done by the end of this month.

A brief video, hosted by Rick Roames, DNR, and Fred Nicoll of Hampton Tree Farms, regarding RMAPs was shown to the Board. The content was a review of the Hampton Road Re-alignment and Culvert Removal Project managed by Mid-Valley Resources, Inc, an affiliate of Hampton Tree Farms, located at the Deer Creek mainline in Skagit County on the North Cascade Tree Farm.

MOTION: Toby Murray moved to adjourn the meeting.
SECONDED: John Mankowski
ACTION: Motion passed unanimously.

Meeting adjourned at 3:32 p.m.