CALL TO ORDER
Pat McElroy called the meeting to order at 9:00 a.m. Introductions were made of the board, staff, and attendees. Karrie Brandt gave an emergency safety briefing.

LEGISLATIVE UPDATE
Lenny Young updated the Board on the status of current forest practice legislation. He said there were 18 bills currently being tracked that could potentially have an affect on the Board or the Forest Practices program. Two of the bills are specific to forest practices. One is House Bill (HB) 1404 and its companion, Senate Bill (SB) 5376, that would replace the process whereby local governments assume regulatory authority over forest practices in developing urban areas and specifies which counties and cites must assume the responsibility. No rulemaking is necessary and there is no fiscal impact. The Department of Natural Resources (DNR) supports this bill.

Alan Soicher asked if DNR would still administer the Class IV General conversions or would the
responsibility fall onto local governments. Young replied that local governments would be responsible but that DNR would be available to provide technical assistance during the implementation. Eric Johnson added that the bill would eliminate redundant processes between the state and county government. It folds the forest practices requirements back into the counties’ critical area ordinances for land development purposes.

David Hagiwara asked which counties are affected. Young stated that any county with more than 25 Class IV General forest practices applications filed with DNR between January 1, 2000, and December 31, 2002. Also, the deadline for the transfer of regulatory jurisdiction is extended to December 31, 2007. It then becomes optional for the other counties. Johnson added that this affects primarily the western Washington counties.

Young then reported on SB 5761, which has to do with forest practices as they affect family forest landowners. The bill sharpens the focus of existing programs on family foresters rather than on entities such as public utilities, and requires biennial progress reports back to Legislature. There is also direction to the Board to implement multi-year permits for long-term management plans. The bill will require rule changes to title 222 and there is a heavy fiscal impact. DNR supports this bill.

Soicher asked if SB 5761 addressed the 20-acre exemption rule. Young said that it did not.

Tom Laurie wanted to know if a fiscal note was completed for the bill. Young explained that the fiscal note included $250,000 for an Environmental Impact Statement (EIS) and economic analysis and establishes seven new positions for rulemaking development and implementation.

There are five other bills on natural resource issues currently being tracked by DNR. Young said that SB 5345 would create a new “Timber Land Revitalization Board” to administer grants in maintaining and revitalizing forestland. SB 5405 establishes the “Future of Washington Forests Review Council” and while it is not the council’s main objective, there is a potential for the council to provide policy recommendations to the Board. SB 5446 deals with licensing soil scientists and is supported by DNR. SB 5610 is on salmon recovery and watershed health and would require DNR to coordinate more with salmon recovery efforts but would not require rulemaking. Last, SB 5818 would transfer the DNR law enforcement program to the Washington State Department of Fish and Wildlife (WDFW). The bill would not transfer forest practices enforcement, so DNR supports the...
bill. Young then shared a list of general government bills that DNR is also tracking.

Laurie asked about the forest health bill. McElroy said the bill extends the existence of the Forest Strategy Work Group through 2006 and states that the Group must hold at least five hearings on its proposed report, which is now out of the Senate Committee for Natural Resources.

ADAPTIVE MANAGEMENT

Geoff McNaughton, DNR, submitted a written program update report. His report stated that Cooperative Monitoring, Evaluation and Research Committee (CMER) is in the process of preparing their 2006 work plan and budget and anticipates presenting it to the Board at its May 2005 meeting. Reports for both the Perennial Initiation Point (PIP) and Desired Future Condition (DFC) studies are scheduled to be presented to Forests and Fish Policy on February 3, 2005. His report also commented that he has begun to coordinate with the Governor’s Monitoring Forum to investigate possible cooperative opportunities with the Salmon Recovery Funding Board.

Alan Soicher wanted to know if the PIP and DFC studies were presented to Forests and Fish Policy as stated in McNuaghton’s report. Lenny Young said that the studies had not gone to Forests and Fish Policy but will be submitted in March. Soicher voiced his concerns with the adaptive management process taking three years to bring these projects forward, and would like the Board to discuss this issue further.

FORESTS AND FISH POLICY RECOMMENDATION ON CMZ

Lenny Young’s report reminded the Board that in November 2004 the Board remanded three unresolved issues raised during development of the revised CMZ portion of Board Manual Section 2 to Forests and Fish Policy for recommendations. In the report he states that Policy is just now taking up this assignment due to the heavy workloads of many participants and their staff, and that the recommendations will be forth coming as soon as possible.

Alan Soicher said it was his understanding that the Board invited Forests and Fish Policy to give its opinions on the outstanding CMZ issues. Since they did not act on that opportunity as requested, Soicher wanted to know if the Board could continue with the discussion or did they need to wait for the recommendations.
Pat McElroy stated that there is a relatively small group of individuals who work on policy issues for the Board, and their workload is heavy and time consuming. The Board directed them to look at the CMZ issues and report back at this meeting without considering the workload impact, and unfortunately the deadline was missed.

McElroy then asked Young to have the CMZ discussions with Forests and Fish Policy and to attempt to report the recommendations at the May Board meeting.

**EASTERN WASHINGTON TYPE 4 WATER**

Charlie McKinney, DNR, submitted an update on the implementation problems associated with the current Type 4 Waters definition in eastern Washington. The update stated that a major complaint of landowners is that there is a disconnect in the rule requirements between the Type 4 characteristics and the values and functions to be protected. At the same time, there is general recognition that many non-fish habitat streams have important functions that need to be protected. The document also provided and described examples of ambiguous terminology such as the uppermost point of perennial flow, the criteria for flow and for the intermittent dry portions of a perennial channel, what determines a year of normal rainfall, and the criteria for a defined channel.

McKinney’s report outlined the situational difficulties with the definition. It stated that in order to determine if an uppermost point of flow is truly perennial, it must be observed at the driest time of the year, which places narrow constraints on when streams need to be inspected and applications can be processed. Also, manmade influences, particularly spring developments, can complicate Type 4 determinations. It is not uncommon to find springs in a channel that have been developed at some time in the past and the water diverted. The water may flow out of those structures and back into the channel for some distance, so it is impossible to know if perennial surface water existed prior to the development of the spring.

Alan Soicher said that if the Board needs to do more than modify ambiguous terminology to clarify the intent of the rule, such as changing the protection measures or the resources to be protected, then the Board would need to remand this discussion to adaptive management.

John Mankowski explained that the problem is not just with ambiguous terms but that it is a fundamental question about whether or not the rules fit the resource protection objectives of Forests
and Fish. He agreed with Soicher and said that this would be a question for adaptive management.

Pat McElroy thanked McKinney for helping the Board understand the field implementation difficulties.

**CULTURAL RESOURCES RULEMAKING**

Gretchen Robinson, DNR, reported on the rules for Cultural Resources Management. She said that after careful consideration of the public comments received, department staff and the Timber, Fish and Wildlife (TFW) Cultural Resources Committee recommend delaying Board action on the rule proposal until the May 11, 2005, Board meeting. The Committee will use the time to determine whether the rule proposal should be amended because of the comments received.

Eric Johnson commented that three Tribes had expressed concerns with the proposal and he wanted to know if Tribes were represented in the Committee. Jed Herman said there has been regular participation from Dawn Pucci, Suquamish Tribe, and Jeffrey Thomas, Puyallup Tribe, and that the Yakama Nation has had some representation in the Committee. The Committee wants to do some additional outreach with the specific commenters.

Johnson also mentioned that two of those Tribes commented that the government-to-government communications on cultural resources is not adequate. He wanted to know if that was in regards to rule making or the watershed analysis process and the implementation of the rule. Herman replied that DNR staff had not yet had the opportunity to connect with those Tribes regarding their comments.

**BOARD MANUAL UPDATE**

Marc Engel, DNR, reported that Board Manual Section 22, Guidelines for the Adaptive Management Program is still under development due to high priority policy issues in the stakeholder development process and would be brought before the Board for approval at a subsequent meeting.

Alan Soicher made the comment that Section 22 was suppose to have already come to the Board for approval and was concerned with the continuing delays.
Engel reminded the Board that all the stakeholders involved in this process are also involved in all the other adaptive management issues. They have, however, put together a timeline in order to complete the preparation of the Section 22.

Pat McElroy asked Engel to also develop a schedule to ensure that the Board members receive the new Board Manual in a timely way. This is going to be a big deal for the Board so they will need ample time to review it.

**PUBLIC COMMENT**

Stephen Bernath, Department of Ecology (DOE), said DOE supports the permanent rule making process for Road Maintenance and Abandonment Plans (RMAP), but has remaining concerns regarding the definitions of road maintenance and road construction and the change to the Class III definition for road construction in Washington Administrative Code (WAC) 222-16-050. The proposed changes further confuse the issue. The definitions of road construction and road maintenance were discussed in the Forests and Fish Roads Committee and were not recommended to be included in the Forests and Fish rules. The working definitions agreed to at the time are as follows:

- **Road maintenance** is the simple maintenance required to maintain an existing road as under a Class I forest practice, such as grading, cleaning ditches, replacement of cross drains, etc.
- **Road construction or reconstruction** is when a new road is constructed (more than 600 feet) or an existing road needs more than normal maintenance such as widening of the road prism or relocating the road, replacement of a stream crossing, or road abandonment. These are to be considered Class III forest practices with two exceptions: spurs up to 600 feet that do not involve water crossings, which are considered Class II and road construction/reconstruction involving a disturbance near or on an unstable slope, which is considered a Class IV Special.

DOE supports replacing the water typing base map with the new modeled/data map along with changing the water typing system from numeric to alphanumeric. DOE also supports the proposed rule clarifications package submitted by DNR. In regards to the CMER Pilot/Feasibility Study, DOE recommends that the Board allow CMER to identify and utilize new sites as needed for the bull trout shade study (up to the 40 required) without having to resubmit them to the Board for
approval but still maintain that sites be checked against DOE’s 303d listed waters list to ensure additional protective overlay treatments are used when needed.

Eric Harlow, Washington Forest Law Center (WFLC), commented that the situation for the spotted owl is more urgent than ever. A federal study that reviewed population data across Washington, Oregon, and California showed that spotted owl populations in Washington have been declining at an average annual rate of 7.5% over the past 12-15 years with some populations plunging 50-60%. He stated that this rate of decline is much higher than anticipated under the Northwest Forest Plan. The study also indicates that the major threats to the spotted owl at this time include the effects of past and current harvesting, loss of habitat, and barred owls.

WDFW is scheduled to release a study within the next month that addresses how much habitat has been affected by logging on state and private lands. WDFW has also updated the draft owl briefing report that was previously presented to the Board. The latest draft includes new sections that describe how the 1996 owl rule was developed, how the rule departed from the scientific advisory group recommendations, and how the accompanying EIS showed that the regulations were unlikely to protect the owl adequately. Harlow concluded that the time has come for the Board to amend the rules to comply with state and federal laws, as well as give the owl a fighting chance.

Ken Miller, Washington Farm Forestry Association (WFFA), reaffirmed to the Board that WFFA supports water typing option 3 as presented at the February 2, water typing workshop and likes the simpler proposed alphanumeric system. They also believe that the new maps are better at showing stream channel locations and believes that the new system has the potential to become much more accurate over time. However, WFFA continues to be concerned about the potential for regulatory creep further up stream channels. He commented that stream buffers remain the largest impediment to the economic viability for small landowners.

Miller continued saying that small forest landowners own over half the private forestland in Washington, and they do not and cannot understand all the nuances of determining end of fish habitat (EOFH). He said small forest landowners need technical assistance by people who understand their issues. Thousands of forest landowners should not be forced through a water type change system that is beyond their resources. It is not prudent or practical for the state, or small forest landowners to move toward a one size fits all EOFH criteria. The complexity and theoretical
aspects of water typing, combined with thousands of nonprofessional owners, creates a situation for policy decisions that offer reasonableness in protection and rules that are understandable by thousands of folks expected to follow them.

Peter Heide, Washington Forest Protection Association (WFPA), provided a brief history of the Forests and Fish negotiations on water typing and stated that the fish habitat model is complete. A pilot field study to explore approaches to independently measure model performance has been drafted, and a study for a full independent assessment of model performance is nearly ready for contracting. He said the model is the best, unbiased scientific approach to identifying the upper extent of likely fish habitat. However, the model does not perform up to the 95% standard indicated in the rule and the perception among field practitioners is that the model does not work well at all.

The permanent rule allows for the maps to be adjusted. If the opportunities for correction were implemented as intended in Forests and Fish, much of the fear of being “locked into the maps” would dissipate. CMER’s work in developing the model has led to a better understanding of the technical limitations of estimating fish habitat with this approach. Both Forests and Fish Policy and the Board should look at what has been learned and consider adapting the rules to fit current knowledge.

WFPA supports the recommendation to delay action on moving to the permanent water typing definition under WAC 222-16-030 along with revisions to Board Manual Section 13. They also agree with the decision to move from a numerical typing system to an alphanumeric one. Heide urged DNR and Forests and Fish stakeholders to continue to work on a manageable, accurate, and balanced interim solution to reduce dependence on electroshocking surveys so that the Forests and Fish goal of regulatory water type maps is reached.

John Mankowski wanted to know how a landscape level of accuracy would work when classifying waters for fish or non-fish bearing. Heide responded that the current system really focuses on finding the point where the waters change from fish habitat to non-fish habitat. He thought that the model was going to estimate where fish habitat was across the state, do it in a statistical way, maps would be drawn up, and that would be the answer along with a system to change that point if physical evidence suggested otherwise. The idea was that the map would identify habitat across the state and not habitat for each individual stream.
Allen Pleus, Northwest Indian Fisheries Commission (NWIFC), commented on the eastern Washington Type 4 water staff report. He expressed the Tribes’ disappointment in the report stating that it provided a limited viewpoint. The Tribes have been participating in the eastside TFW meetings on the issue and have been providing information to landowners, stakeholders, and DNR personnel on what resources are in need of protection, but their information has not come forward to the Board. Pleus stated that the Colville tribe has been offering to take these issues to CMER for discussion. The Tribes have been willing to work with landowners to develop alternate plans and they believe that some of the answers can and may be answered by some of the current PIP studies.

Chris Mendoza, Conservation Caucus, provided comments on the water typing model. He stated that until the pending performance validation studies are completed, no one really knows how the model will work. Currently, the model performs inconsistently, especially in highly variable areas, and while the new virtual stream layer does a better job depicting the channel network it has a tendency to overdo and identify streams where none exist. Also, the Conservation Caucus agrees with WDFW and their concerns with having adequate personnel to handle the regulatory load of implementing a water type mapping system. Mendoza continued saying that the small forest landowners share a disproportionate burden of the new regulations and hopes that the Small Forest Landowner Office could address their economic issues with funding and support. In closing, he said that electroshocking is a very effective tool to use as a starting point to determine EOFH and to address the concerns of using electroshocking is to adjust the methods in which it is conducted. Finally, the Conservation Caucus supports the “hybrid option” DNR is proposing.

Kendra Smith, Skagit County Administration, thanked the Board for listening to the County’s concerns last November regarding the water typing model and how inaccurately it functions for their region. She stated that Skagit County supports the “hybrid option” proposal but wants to make sure that the electroshocking protocol is not eliminated until a time when more accuracy with the model is obtained.

Joseph Pavel, NWIFC, supports Pleus’s comments on the eastside Type 4 issues. He stated that the Tribes are willing to work with the alternate plan approach but if it becomes necessary to go down a different path the Adaptive Management program should be involved. Pavel went on to say that the Tribes see a need for improvement in the hydrographic (hydro) layer for water typing and have
identified alternate sources of information through the Tribal Department of Fish and Wildlife Salmon and Steelhead Habitat Inventory and Assessment Program, which mapped streams and identified fish presence.

Pat McElroy asked if the Tribal stream mapping was a completed project and in a compatible digital format with DNR’s system. Pavel did not know and encouraged the Board to work with the Tribes to look into that.

Pavel continued his comments saying that the 15-year schedule to repair fish blockages should be maintained through the emergency rule. Forests and Fish Policy proposed a solution to small forest landowner’s concerns with RMAPs that adhered to the 15-year timeline, but through the actions of the legislature and rule writing, there is fear that the timeline will not be maintained. In closing, Pavel stated that he and Marc Engel would be meeting to develop a closing timeline for Board Manual Section 22, Adaptive Management Program.

Maurice Williamson, forest landowner, supports the Forest Health Strategy Work Group (FHSWG) and their strategic plan. During the last year while the plan was being devised, some of the forest practices rules were identified as challenges to future implementation provisions of the forest health plan. While some are minor, others are more substantial and involve science, policy, and interpretation of language. Williamson said the agencies will need direction from the Board, particularly with regard to short or intermediate term risk versus long term sustainability to have meaningful results in allowing flexibility in riparian management zone (RMZ). He also expressed concern with relying exclusively on CMER to come up with answers to the science questions because they tend to be inefficient in regards to time.

**WATER TYPING**

Gary Graves, DNR, asked the Board to take “no action” on implementing a new water typing system at this time, with the understanding that the DNR will put in place the “hybrid option” as outlined at the February 2 Board workshop. He reported that on March 1, 2005, DNR will start to administratively update the water base and activity maps and incorporate the new symbology of S, F, and N water types. In addition, DNR will provide guidance on how to implement the S, F, and N system. A validation study needs to be completed by CMER. Graves also reported that the “hybrid option” moves the program toward identifying and protecting fish habitat. Over the next several
months fish habitat criteria will be established, habitat features will be identified, Board Manual
Section 13 will be revised, and training will be developed.

Pat McElroy asked Graves to explain the guidance that will be provided on how to implement the
new system. Graves said there would be a field work product to aid foresters or the landowners on
how to interpret the map and work with it on the ground.

Doug Stinson was curious to know how to deal with streams that are inaccurately put on the map.
Graves provided two methods for existing streams: either use the existing WAC 222-16-031 rule to
adjust the EOFH point through physical criteria or do a protocol survey. For non-existing streams or
for streams that exist but do not show up on the map, a landowner can request an addition or
removal to the system by submitting a hydro modification form.

McElroy stated that landowners are required to identify new streams on their forest practice
applications (FPA), and DNR has acknowledged that there is no transfer of that data onto the hydro
layer. McElroy wanted to know the method to get those streams identified in the system. Graves
said through the hydro modification form. If a landowner is doing a FPA they will need to submit
the modification form with it to adjust the hydro layer data.

Lee Faulconer asked if a landowner would be penalized for using the EOFH point identified on the
map. Graves said not if that point met the 2-foot, 20% gradient stream requirements from
WAC 222-16-031.

David Hagiwara pointed out that the “hybrid option” included an evaluation over a one to two year
period plus a CMER validation study. He asked Graves if the study period was feasible and if this
year’s unusual rainfall would impact the study. Graves responded that the one to two year period
will give DNR enough information to decide where to go next with the model or rule to modify it to
get to a more desirable point. He also stated that the amount of rainfall could influence the study
results and would need to be taken into consideration.

John Mankowski asked if the CMER validation study was on track. Graves replied yes.
McElroy asked each Board member to comment on the proposal.

Lee Faulconer stated that he was comfortable with the “hybrid option”.

Alan Soicher said he was mostly comfortable with the “hybrid option” but that practitioners will need to be informed that EOFH points on the map are non-regulatory and that emergency rule criteria still apply. There has been a lot of unnecessary anxiety due to artificial timelines, which continues to concern him since now the stakeholders are being asked to continue working over the next several months to develop yet another set of fish habitat criteria.

Sherry Fox commented that there could be problems with the EOFH points versus the 2-foot, 20% gradient requirement. However, her biggest concern is the hydro modification form and how it will interfere with the 30-day compliance for a FPA. She would like to see a process with a timeline developed for small forest landowners in regard to completing a FPA, including the hydro modification form.

Sue Mauermann said it is going to be necessary to develop a very clear process to help people understand what they need to do in order to comply. It will also be a significant workload to do the education and training before even starting on the issues of what constitutes fish habitat and how to move from the current interim rule to a permanent one.

David Hagiwara echoed Fox’s comments and noted that the “hybrid option” will give the Board time to review all the issues again. Hopefully in a year or two there will be a better understanding of what the model can do. He expressed his appreciation for the efforts DNR made in educating the Board, listening to the comments and input from stakeholders, and presenting the Board with alternative options.

Tom Laurie believes the “hybrid option” is the right choice to move the Board forward but he is still concerned about the next steps. Grave outlined establishing fish habitat criteria and identifying habitat features but he did not determine when or how. Laurie feels the Board could benefit from an oversight group to help sort out the issues as things move forward.

John Mankowski feels the Board is conducting the water typing process correctly. The Board has been responsive to comments and slowed down to really look at what it was trying to do. The progress has really narrowed down what used
to have a terrible error rate to a smaller error rate. He believes the “hybrid option” is a good choice and is comfortable in where the Board is going from a broad policy perspective.

**Eric Johnson**

Johnson said he feels good moving forward with the “hybrid option”, and that the real contentious issues are the details of establishing fish habitat criteria, identifying habitat features, and completing Board Manual Section 13.

**Toby Murray**

Murray concurs but stated that the landscape is more variable then the model can predict. The model is supposed to be balanced. However, it appears to error more often in over predicting EOFH than in a balanced over and under prediction. It is likely that the same thing will occur when trying to establish habitat criteria and features.

**Doug Stinson**

Stinson appreciated the time spent on the water typing issue. It is critical and needs to be well understood. He is concerned that it keeps getting harder for small landowners to stay in business and asked the Board to make water typing workable for them and not another reason to stop growing trees.

**Pat McElroy**

McElroy said the Forests and Fish negotiators imagined a science-based process and agreed at the outset never to walk thousands of miles of streams to find the EOFH points. However, the idea of doing so, at least for the last few feet, keeps coming up. He reminded the Board that there is not enough money to physically do that, and gave his support for the “hybrid option” DNR is recommending.

McElroy reminded the Board that by taking “no action” they are implying approval for DNR to move forward and implement the “hybrid option” as described at the February 2, 2005, Board workshop. The Board agreed to take “no action”.

Lenny Young clarified that no FPA would ever be held up for a modification form.

Hagiwara asked if the Board could add regular updates and progress reports on water typing to its work plan. McElroy asserted that more appropriately he wants to see a work plan schedule developed to keep the Board informed of the work staying on schedule.

Soicher said the rule, WAC 222-16-030, calls for field verified validation, and so far, a validation
study has not been done. He thinks the Board needs to deal with what scale does 95% need to apply because he doesn’t feel that the goal of 95% has been clearly articulated.

UPLAND WILDLIFE PLANNING
John Mankowski provided the Board with a verbal update on the Northern spotted owl workshop and wildlife work plan. The workshop is being rescheduled for a later date so the Board can receive information on demographics and on the research gathered for the federal spotted owl status review, which supports the continued threatened status for the owl. WDFW also wanted to wait until the federal habitat monitoring project is released to discuss a segment that looks at how habitat has grown or been lost in Washington State.

WDFW is still organizing background information on the spotted owl rule and continues to conduct technical and policy level stakeholder involvement. The policy stakeholders have provided their thoughts on the strengths and weaknesses of the rule, and another draft of the spotted owl technical report was released for stakeholder comment. Policy negotiations have slowed down because of that but WDFW is working to rebuild the momentum and provide the Board with a set of policy recommendations on the rule.

Eric Johnson commented that many of the elements on the wildlife work plan are getting behind schedule and asked WDFW to provide an update on the overall progress of their work plan at the next meeting. Mankowski responded that WDFW has found the work plan’s structure and sequence of events challenging. He believes the Board needs to take another look at the strategy and figure out if there is a more efficient and collaborative way to address the wildlife issues.

Alan Soicher asked why the spotted owl technical report that was first released in February 2004 was still not complete. Mankowski stated that ultimately their energies and resources were shifted to work on a policy recommendation for the Board regarding the effectiveness of the rules. But WDFW also chose to redistribute the report due to the many substantive comments received from stakeholders, a method that has cost more energy than a more collaborative process like TFW.

Pat McElroy suggested inviting the stakeholders and or potential collaborators to come to the Board, comment on the current wildlife process, and give the Board guidance on what they believe to be the most efficient way to work through the wildlife issues.
Sherry Fox stated that the discussions on small forest landowner incentives for wildlife protections were set-aside since making spotted owl the priority, and urged Mankowski to refocus on this issue between now and September as it will be a topic of discussion at this year’s Board retreat.

Soicher expressed his frustration with the lack of results from the current spotted owl status review process and is anxious for the Board to take action on a product. He is interested in a process that would cut deliberations after a determined timeframe with or without consensus to have those issues brought directly to the Board for decisive action.

**RMAP RULEMAKING**

Jed Herman presented a draft rule proposal to implement Second Substitute House Bill 1095, and asked for the Board’s approval to distribute a 30-day notice for review to WDFW, counties, and Tribes. The proposal changes the following rules: WAC 222-16-010, -050, Chapter 222-20 WAC, and Chapter 222-24 WAC.

**MOTION:** Lee Faulconer moved that the Forest Practices Board direct staff to provide notice pursuant to RCW 76.09.040 notifying the counties, Washington Department of Fish and Wildlife, and Tribes of rulemaking intentions.

**SECONDED:** John Mankowski

**ACTION:** Motion passed unanimously.

**RULE CLARIFICATIONS**

Gretchen Robinson asked for the Board’s approval to file a CR 102 to initiate the public comment period for rule clarifications. If approved staff will conduct a hearing on Monday, April 11, 2005.

Alan Soicher suggested that the language under the Conversion to nonforest use section on Page 15, line 26, where the words “…or if harvesting takes place without an application…” be clarified to reflect that it relates to Class I and II forest practices and does not imply that an individual could harvest without a permit. He also expressed concern about deleting the text “As required by RCW 76.13.130…” under RMZs for exempt 20-acre parcels on page 23, line 34. Soicher stated that if the 20-acre exemption were a legislative requirement, it would be valuable to leave the reference in.

Lenny Young informed the Board that the language Soicher referenced on Page 15 is specifically targeted at situations where someone either unknowingly or willfully did not obtain the required permits before harvesting but would still have to comply with the conversion moratorium.
MOTION: David Hagiwara moved that the Forest Practices Board accept for public review the rule proposal as presented today to clarify language in Title 222 WAC, and that staff file the CR-102 with the Code Reviser to begin the permanent rulemaking process.

SECONDED: Sherry Fox

ACTION: Motion passed unanimously.

CMER PILOT FEASIBILITY STUDY

Geoff McNaughton submitted a written report reminding the Board that the Bull Trout Overlay and Hardwood Conversion studies require experimental forest practices riparian treatments that are conducted via the Pilot Project/Feasibility study. His report stated that many of the original Bull Trout Overlay research sites have proved to be unsuitable for use and new sites are required.

Lenny Young reported that action is not required by the Board to substitute study sites. The study is being finalized and DOE is looking at the replacement sites for additional compliance.

John Mankowski asked if locating sites for the study was difficult because of the screening criteria. Young said that while some sites may be lost due to Class IV triggers and DOE’s 303(d) list, most of the sites are just incompatible with the study design. A site may have been scoped using air photos, maps, or remote sensing imagery and then found not suitable after it was inspected on the ground.

FOREST HEALTH

Pat McElroy reported that as directed by the Legislature, the FHSWG was established to meet the requirements of Second Substitute Senate Bill 6144. They were charged with identifying opportunities and developing recommendations to improve the forest health conditions in Washington. During discussions, three areas were identified where current Forest Practices Rules may be inhibiting landowners from making forest health improvements:

1. Potential Limits on Active Management:
   Some rules may restrict landowners from effectively treating a stand to improve its resistance to health threats or prevent landowners from taking action if health issues are currently impacting stands. These rules are the eastern Washington riparian rules and other leave areas, such as spotted owl circles that can restrict harvesting. In some situations, current conditions may not promote functioning habitat or riparian characteristics and may
increase risk of catastrophic loss from disturbances such as insects, disease, windstorm or fire.

2. **Applications:**
   The second area that the Forest Practice Rules impact landowners is the permit process needed for salvage, and pesticide spraying. There are no emergency procedures for when landowner resources are at risk of economic loss. A rapid permitting process can be critical for effective pesticide treatments or for salvage. Moreover, green-up rules may restrict the size of the area being salvaged, causing additional economic losses.

3. **Reforestation Requirements:**
   Reforestation standards require a certain number of native trees. In eastern Washington, reforestation standards that specify insect and disease resistant seral species should be considered.

The FHSWG recommends the Forest Practices Board study these three issues and review those rules to ensure that they do not conflict with forest health management goals, and evaluate if there are ways to improve forest health, and make riparian forests more fire resistant while protecting public resources.

John Mankowski said the FHSWG report, A Desirable Forest Health Program For Washington’s Forests, identified a need to geographically determine forest health problems and the science to determine at what level should stand densities be managed to have healthy forests. Mankowski asked if the FSHWG expected a response from the Board now that the report is going to be out for review.

McElroy responded that the forest health issue is not ready for a Board decision. He wanted the Board to know that the issues exist and to beware of the principle of unintended consequences.

Sherry Fox commented that the Small Forest Landowner Working Group has been discussing eastside riparian management. A few months ago the Group was presented with an overstocked stand template approach and had a similar debate about the layers, the complexity, the species, the sites, the elevation, etc. It was discussed that when there is eminent risk to loosing the entire riparian zone, what is the risk to getting it back into a healthy stand. Fox hopes the Group will come to the Board with a template approach that will address eminent danger riparian stands.
McElroy asked staff to work with the landowner community particularly in eastern Washington on reforestation by discussing what kind of trees should be required, if there is a way to accomplish it that does not have unintended consequences, and report back to the Board.

MOTION: John Mankowski moved to adjourn the meeting.
SECONDED: Eric Johnson
ACTION: Motion passed unanimously.

Meeting adjourned at 2:24 p.m.