

1 **FOREST PRACTICES BOARD**

2 **MEETING MINUTES**

3 September 13 & 14, 2006

4 Cotton Tree Inn

5 Mt. Vernon, Washington

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8 **Members Present:**

9 Pat McElroy, Designee for Doug Sutherland, Chair of the Board

10 Alan Soicher, General Public Member

11 Bridget Moran, Designee for Director, Department of Fish and Wildlife

12 Dave Somers, Snohomish County Commissioner

13 David Hagiwara, General Public Member

14 Doug Stinson, General Public Member/Small Forest Landowner

15 Sue Mauermann, Designee for Director, Community, Trade and Economic Development

16 Tom Laurie, Designee for Director, Department of Ecology

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18 **Absent:**

19 Bob Kelly, General Public Member

20 Sherry Fox, General Public Member/Independent Logging Contractor

21 Lee Faulconer, Designee for Director, Department of Agriculture

22 Toby Murray, General Public Member

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24 **Staff:**

25 Linda Heckel, Assistant Forest Practices Division Manager

26 Neil Wise, Assistant Attorney General

27 Patricia Anderson, Rules Coordinator

28 Erin Daley, Board Support

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30 **September 13, 2006 – Field Tour**

31 The Board, staff, and public met at the Cotton Tree Inn in Mount Vernon. The tour took place on
32 Hampton Tree Farm property and included field sites to review and discuss implementation issues
33 relating to perennial initiation points (PIP) and water typing with the forest practices rules.

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35 **September 14, 2006**

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37 **WELCOME AND INTRODUCTIONS**

38 Pat McElroy called the meeting to order at 8:30 a.m. Introductions were made by Board, staff, and
39 attendees. Erin Daley, Department of Natural Resources (DNR), provided an emergency safety
40 briefing.

41
42 **PUBLIC COMMENT**

43 Paul Kriegel, Goodyear Nelson, stated a one-size-fits-all approach is inappropriate in this region.
44 The Timber, Fish and Wildlife process in this region has been working well.

45
46 Dave Chamberlain, C&G Timber, Inc., stated the timber industry is struggling for viability. To
47 mitigate difficulties of finding numerous PIPs in a very short timeframe each year, a basin acre
48 approach should continue to be available.

1 Joseph Murray, Merrill & Ring Tree Farm, presented statistics on eleven surveyed PIP locations in
2 the Olympic region, pointing out a high degree of variability in basin acreage above and below the
3 located PIPs. He further stated that because of the high variability, it is difficult to come up with a
4 standard rule. He recommended not changing the existing rule until there is a study done that
5 addresses whether it is already protecting the target functions. It is possible those functions are
6 already being protected in the first 500 feet.

7
8 Miguel Perez-Gibson, Conservation Caucus, explained the current rule defines Np waters as
9 containing intermittent dry segments, and it assumes that buffering half of an Np stream is
10 sufficient. The rule should be implemented, and we are committed to working together to find a
11 practical solution to identifying the uppermost point of perennial flow.

12
13 Tom Westergreen said that the rules have not helped small forest landowners stay on the land. One
14 PIP rule for all regions is not realistic, and this rule change will push the PIP up the hill further.

15
16 Chris Mendoza, ARC Consultants, stated PIPs do not move. Perhaps the timing window should be
17 August-September, rather than July-September as presently indicated in the draft board manual.

18
19 Peter Goldman, Washington Forest Law Center, said the purpose of the PIP rule is to cool streams
20 before the water reaches fish streams. The rules must accomplish this.

21
22 Tom Nelson, Sierra Pacific Industries, stated if the definition of a PIP were the highest point of a
23 year-round continuous flow, rather than the highest point of discontinuous flow, then the default
24 basin size may not be too small (as the PIP study indicated). This is the policy decision that must be
25 determined.

26 27 **FIELD TOUR DEBRIEF**

28 Pat McElroy thanked Dennis Creel, Don Wallace, Bob Beamer, and Andy Blachly from Hampton
29 Tree Farm for allowing the Board, staff and public to visit their property.

30
31 Darin Cramer, DNR, stated that there are several high priority CMER studies related to Type N
32 riparian prescriptions that are either underway or planned, but will take several years to finish.

33
34 Gary Graves, DNR, stated the use of LiDAR technology would overcome the problems with the
35 water typing model, but that would only be possible at extremely high cost that is several million
36 dollars.

37
38 Stephen Bernath, Department of Ecology, stated the intent of the PIP rules was to protect areas of
39 perennial flow needed for amphibian habitat, and to ensure delivery of cool, clean water to fish
40 bearing streams. "Perennial" means flowing 365 days/year, but there may be intermittent dry
41 segments downstream from the point of perennial flow.

42
43 Marc Engel, DNR, stated that the draft Board manual was written to provide simple, non-technical
44 methods for any area of the state. Locating the PIP is the preferred method, but two alternative
45 methods were included in cases where planning must be accomplished in the wet season, when a
46 landowner does not own the land with the highest point of perennial flow. The rule includes
47 "intermittent dry" portions, which added complexity in creating the manual. The manual also
48 attempts to address subtleties involved when trying to determine if water is "flowing."

49
50 Stephen Bernath, DOE, and David Whipple, WDFW emphasized that there should be no

1 misconception that PIPs move. This perception is the result of trying to locate PIPs at various times
2 during the year. Perhaps timing and regional differences should be further investigated.

3
4 Graves, DNR, indicated that PIPs are being located in most regions without using the default. In
5 cases where the point is uncertain, DNR requires a buffer in some dry areas and will re-condition
6 the permit if they remain dry in the wet season. The default is being used more often in the
7 Northwest Region.

8
9 Bernath stated that the CMER study did not address spatially intermittent “dry” or “underground”
10 portions below the PIP. Policy needs to ask CMER to investigate how many of these exist, how
11 long are they dry and what functions they provide.

12
13 McElroy said the Board has a rule making petition from Forests and Fish Policy and will continue
14 to take a deliberate and considered approach to this matter. A perennial initiation point does not
15 move, must be easily identified by anyone on two different days, and must recognize that there may
16 be intermittent dry areas below the PIP. We will let the future studies inform us and we will
17 continue to work on differences in implementation among regions.

18
19 Dave Somers said he was not convinced there is one PIP on the ground, because geology and
20 rainfall variations may cause it to change over time but people need to go out there and make a
21 decision.

22 23 **REVIEW OF 2006 WORK PLAN AND 2007 WORK PLAN**

24 Patricia Anderson, DNR, reported that current rulemaking will continue in 2007.

25
26 Linda Heckel, DNR, reported no adaptive management petitions for rule making are expected in
27 2007. The CMER work plan and budget should be ready for Board consideration in May.
28 Board manual changes expected in 2007 include Section 7 (RMZs), Section 21 (alternate plans) and
29 Sections 13 and 23 (water typing). Upland wildlife assessment will be ongoing throughout 2007.
30 The 2007 Board work planning and field tour will be in SE Region on September 19-20, September
31 26-27, or October 3-4. The field tour focus on issues related to the forest practices rules, the
32 Endangered Species Act, and forest health.

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34 Meeting adjourned at 10:30 a.m.