FOREST PRACTICES BOARD
MEETING MINUTES
September 11, 2007
Natural Resources Building
Olympia, Washington

Members Present:
Vicki Christiansen, Chair of the Board
Ann Wick, Designee for Director, Department of Agriculture
Brent Bahrenburg, Designee for Director, Community, Trade and Economic Development
Bridget Moran, Designee for Director, Department of Fish and Wildlife
Carolyn Dobbs, General Public Member
Doug Stinson, General Public Member/Small Forest Landowner
Norm Schaaf, General Public Member
Sherry Fox, General Public Member/Independent Logging Contractor
Tom Laurie, Designee for Director, Department of Ecology

Absent Members:
Bob Kelly, General Public Member
Dave Somers, Snohomish County Commissioner
David Hagiwara, General Public Member

Staff:
Chuck Turley, Forest Practices Assistant Division Manager
Gary Graves, Acting Forest Practices Division Manager
Neil Wise, Assistant Attorney General
Patricia Anderson, Rules Coordinator

WELCOME
Vicki Christiansen called the meeting to order at 9:00 a.m. Christiansen announced that the Forest Practices Board (Board) would convene for an Executive Session to discuss on-going and pending litigation.

The public meeting reconvened at 9:40 a.m.

INTRODUCTIONS
Introductions were made by Board, staff, and attendees.
Patricia Anderson, Department of Natural Resources (DNR), provided an emergency safety briefing.

PUBLIC COMMENT
Stephen Bernath, Department of Ecology (DOE), stated that DOE supports Board approval of the revised Board Manual Section 21, Guidelines to Alternate Plans. He said DOE was looking forward to working with Board staff on Conversion Activity rule making, and he provided a memo regarding DOE’s position on the proposed Desired Future Condition (DFC) rule making proposal.
Ken Miller, Washington Farm Forestry Association (WFFA), provided a copy of his testimony and shared his frustrations with the process of developing the riparian function descriptions in Board Manual Section 21, Guidelines for Alternate Plans. The frustrations are related to rules and science that were not included in the document to the detriment of landowners.

Curt Veldhuisen, Skagit River System Cooperative, said the DFC rule should be updated via adaptive management, which is a crucial part of the Forests and Fish Agreement.

Peter Goldman, Washington Forest Law Center (WFLC), urged the Board to file a CR102 for DFC Rule Proposal #1. He also urged the Board to support the Attorney General’s Office in addressing the Northern Spotted Owl rules.

Karl Forsgaard, WFLC, urged the Board to file the CR102 for DFC rule making on Rule Proposal #1 only, not Rule Proposal #2.

Miguel Perez-Gibson, Conservation Caucus, suggested that the Board move DFC Rule Proposal #1 to public review and file a CR102 initiating rule making.

Hannah Anderson, Nature Conservancy of Washington, said she supported a voluntary non-regulatory cooperative protection approach for addressing the listing of Taylor Checkerspot Butterfly (TCB) as a state endangered species.

Adrian Miller, Washington Forest Protection Association (WFPA), said he supported DFC Rule Proposal #2 to move forward to the public review process.

Aaron Perry, Rayonier, said he supported the Board in moving DFC Rule Proposal #2 forward to the CR102 rule making process.

Rick Dunning, WFFA, provided copies of a 12/08/03 document outlining the WFFA’s response to “draft concepts for overstocked stands and hardwood conversion templates” and a Four Point Plan. The document listed WFFA’s proposed amendments to the plan.

Joseph Murray, Merrill and Ring, said he supported DFC Rule Proposal #2 and the non-regulatory approach for the TCB.

Peter Heidi, WFPA, thanked the Board for their efforts on the small forest landowner Long Term Application (LTA) rule. He said he supported the non-regulatory approach to TCB protection, and moving forward with the Historic Sites rule proposal and both DFC proposals.

Josh Weiss, WFPA, provided a historical recap on how the Board got to where it is with DFC rule making.

**Update on Forest Practices Applications within Spotted Owl SOSEAs**

Gary Graves, DNR, provided a staff report to the Board updating the numbers of forest practices application (FPA) for harvest within the Spotted Owl Special Emphasis Areas (SOSEAs) and numbers of FPAs received in individual SOSEAs. He said the Department of Fish and Wildlife...
(DFW) would evaluate the FPAs located outside established circles and not managed under habitat conservation plans (HCPs), to determine the probability of the proposed activities occurring in Northern Spotted Owl habitat.

Rule Making Schedule
Chuck Turley, DNR, provided a staff report outlining the 2007 rule making schedule, which includes activities at various stages for Desired Future Condition, Historic Sites, Northern Spotted Owl, Small Forest Landowner Long-term Applications, Taylor’s Checkerspot Butterfly, and Conversion Activity.

Compliance Monitoring
Leslie Lingley, DNR, provided a compliance monitoring staff report. Bridget Moran asked about a comment timeline for stakeholders. Lingley responded that the final date for comment submission is September 12, 2007 and that the Independent Technical Review is scheduled to be completed in November.

Sherry Fox asked if the small forest landowners’ forest practices applications with alternate plans had been distinguished from those of large landowners. Lingley said yes, and that they will be reported as such.

Upland Wildlife Planning
David Whipple, DFW, provided a staff report on the status of the upland wildlife planning process, including forward movement on collaborative discussions on the organization and structure of the Wildlife Work Plan, evaluating the Northern Spotted Owl survey protocol, and a budget for the Landscape-level Wildlife Assessment, including the hiring of a new project leader within the next month.

Norm Schaaf asked about the anticipated funding shortfall for the landscape level assessment that has been temporarily resolved by DNR and asked what the future work schedule will be. Whipple responded that the plan will remain the same and should be finished by the next biennium. He said he will provide a process update at the October or November Board meetings.

Christiansen said she was looking forward to a revised work plan.

Fox thanked Moran and Whipple for their work on the Wildlife Work Plan.

NORTHERN SPOTTED OWL HABITAT TYPING REPORT
Gary Graves, DNR, provided a status report on the Northern Spotted Owl habitat typing project:
The Forest Practices program has typed almost all of the lands in the ten SOSEAs and has created a GIS layer to store and update this information. Staff will use it to evaluate harvest proposals during FPA reviews. The next step is to conduct field reviews, in collaboration with DFW, of the areas that still need habitat determinations.
CMER 2008 WORK PLAN AND PROJECT BUDGET AMENDMENT

Darin Cramer, Adaptive Management Program Administrator, requested approval of the 2008 work plan. He said that both CMER and Forests and Fish Policy (Policy) had reviewed it and recommend approval.

Fox requested a revised format for future CMER work plans to indicate the tier of each work plan element and the requested dollar amount. Fox also asked the status of future CMER funding. Cramer said there was some federal money remaining in the budget but no new federal money would come in. He added that state funding will maintain the CMER program at the current level.

Schaaf commended Cramer for an informative document and said he appreciated the efforts made by all involved.

MOTION: Sherry Fox moved that the Board approve the 2008 CMER Work Plan as presented.

SECONDED: Bridget Moran

ACTION: Motion passed unanimously.

MOTION: Bridget Moran moved that the Forest Practices Board approve the revised budget as presented for the Eastern Washington Type F Riparian Assessment.

SECONDED: Norm Schaaf

ACTION: Motion passed unanimously.

CMER MEMBERSHIP

Darin Cramer requested the Board’s approval of one new CMER member and the revised roster.

MOTION: Norm Schaaf moved that the Forest Practices Board approve Laura Vaugeois as a CMER member. Schaaf further moved that the Board approve Table 2 as the current CMER roster that reflects Mark Hunter and Ken Reisenhoover as alternates and the removal of Helen Bressler.

SECONDED: Doug Stinson

ACTION: Motion passed unanimously

LONG TERM APPLICATIONS RULE MAKING

Gretchen Robinson, DNR, presented the rule proposal and highlighted some suggested changes for clarity. Mary McDonald, DNR, provided an overview on the planned training to implement the rule if adopted. She said training of DNR staff would occur in September and October for the
application process, and training on riparian function would occur in October and November,
which would be a joint effort by DNR, DFW and DOE staff.

Laurie asked whether the rule addresses the application of aerial pesticides. McDonald said this
rule does not change the current process. Laurie then stated that DOE fully supports the rule
proposal.

Christiansen acknowledged the hard and collaborative work that went into the rule development,
and also the heart-felt testimony heard at the public hearings. She said she was impressed with
the creativity of landowners’ stewardship approaches and the commitment to doing the right
thing over time, which this rule would help them accomplish.

MOTION: Sherry Fox moved that the Forest Practices Board adopt the long term
applications permanent rule proposal modifying chapters 222-12, 222-16, and
222-20 WAC, and direct staff to file the CR-103 with the Office of the Code
Reviser.

SECONDED: Doug Stinson

Board Discussion:
Schaaf noted one typographical error on page 6, line 28, which is shown as “three-three” rather
than “thirty-three.”

ACTION: Motion passed unanimously.

BOARD MANUAL SECTION 21 GUIDELINES FOR ALTERNATE PLANS
Marc Engel, DNR, asked the Board to consider approval of the revised Board Manual Section
21, Guidelines for Alternate Plans. The revisions included guidance on restoring and maintaining
riparian function, and changing the titles of the management zones in Template 1.

MOTION: Vicki Christiansen moved that the Forest Practices 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: Tom Laurie

ACTION: Motion passed unanimously.

TAYLOR’S CHECKERSPOT BUTTERFLY RULE MAKING
Sherri Felix, DNR and David Whipple, DFW recommended the Board approve a voluntary
cooperative approach to protecting the Taylor’s Checkerspot Butterfly. They described the
outcome of a series of stakeholder meetings in which the merits of both regulatory and non-
regulatory approaches were discussed. They also presented a plan for both agencies’
responsibilities in a non-regulatory strategy.
MOTION: Bridget Moran moved that in recognition of the work the Departments of Natural Resources and Fish and Wildlife have done in conjunction with stakeholders, the commitments from many forest landowners to develop management plans, and DNR’s ability to protect public resources through conditioning of Forest Practices Applications, the Forest Practices Board adopt the voluntary protection approach recommended by the Department of Natural Resources.

In light of the precarious status of this endangered species and the related need for protection and management assistance from forest landowners, I also move that the Departments of Natural Resources and Fish and Wildlife report to the Forest Practices Board on two items: first, the status of development of Taylor’s checkerspot butterfly management plans, and secondly, any butterfly protection issues associated with individual Forest Practices Applications. These reports to the Board are to occur annually, until the landowners that have committed to develop management plans with the Department of Fish and Wildlife have successfully done so, and then every five years thereafter.

SECONDED: Brent Bahrenburg

ACTION: Motion passed unanimously.

HISTORIC SITES RULE MAKING

Sherri Felix, DNR, requested approval to proceed with the 30-day review of the Historic Sites rule proposal pursuant to RCW 76.09.040(2). She explained the proposal is the result of work done by the TFW Cultural Resources Committee. It is intended to clarify historic sites as Class IV-special and address ambiguities in and inconsistency between Class IV-special and Class III.

MOTION: Vicki Christiansen moved that the Forest Practices Board approve the proposed rule language for 30-day review to counties, Department of Fish and Wildlife, and affected Indian Tribes that is intended to clarify historic sites as Class IV-special and address ambiguities in and inconsistencies between Class IV-special and Class III.

SECONDED: Ann Wick

Board Discussion:

Schaaf stated that prior to Board approval to file the CR102 to initiate rule making the Board needs more information.

ACTION: Motion passed unanimously.

CONVERSION ACTIVITY (SSB 5883) RULE MAKING

Gary Graves, DNR, asked the Board’s approval to begin the rule making process to add a definition on conversion activities. He explained that 2007 legislation changed the administrative procedures for landowners, DNR and local governmental entities involving forest land
conversions. He said it eliminated the requirement for landowners to file a development moratorium form with each forest practices application or notification, and instead required DNR to send a notice to the local government with jurisdiction when conversion activities are observed. The law, however, did not provide a definition of “conversion activities.” The rule would add definition to WAC 222-16-010 to provide guidance to field staff.

Fox asked if there would be stakeholder involvement in rule development. Graves responded that there would be.

MOTION: Brent Bahrenburg moved that the Forest Practices Board direct staff to file the CR-101 with the Office of the Code Reviser to inform the public that the Board is considering a permanent rule to implement Second Substitute Senate Bill 5883 that changes the administrative procedures for landowners, DNR and local governmental entities involving forest land conversions.

SECONDED: Norm Schaaf

ACTION: Motion passed unanimously.

ADAPTIVE MANAGEMENT PROCESS REVIEW
Darin Cramer and Chuck Turley, DNR, provided an overview on the Adaptive Management Program and process. This included the purpose of the program, program components, proposal process and Policy/science interaction.

Laurie asked when dispute resolution should come into play and who can invoke the process. Cramer responded that anyone at anytime can invoke the dispute resolution process, and that a detailed description of the that process is outlined in Board Manual Section 22, Guidelines for Adaptive Management Program.

DESIRED FUTURE CONDITION RULE MAKING
Chuck Turley, DNR asked for the Board’s direction on which DFC rule proposal(s) to file for public review. Turley explained that Rule Proposal #1 would maintain current rule language except to change the DFC target basal area for all site classes to 325 square feet per acre. Rule Proposal #2 includes the target basal area of 325 square feet per acre for all site classes and also language changes to harvest option 1 – thinning in the inner zone, and harvest option 2 – concentrating inner zone trees closest to the water. He recommended a proposal developed by the state caucus: File a CR-102 with both proposals; file an updated preliminary economic analysis to include both proposals; direct staff to conduct a supplemental EIS; solicit remaining questions from all caucuses, and turn them over to the Adaptive Management Administrator to ensure that all the questions are answered via the economic analysis, the SEPA analysis (a supplement EIS) or decide on some other method for answering them. This was supported by Policy except not supported by one of the caucuses.

MOTION: Vicki Christiansen moved that the Forest Practices Board accept the draft rule proposals #1 and #2 relating to desired future condition and direct staff to file a

Christiansen further moved that the Board direct staff to update the preliminary economic analysis and complete further environmental analysis such as a supplemental EIS or SEPA addendum. In addition, any outstanding questions/issues will be dealt with through consultation with the Adaptive Management Administrator.

SECONDED: Doug Stinson

Board Discussion:
Fox acknowledged the difficulties and great effort that Policy and stakeholders undertook to come together with DFC Rule Proposal #2. She supported the motion and said she had faith that a potential DFC option #3 remains possible.

Laurie supported the motion.

Carolyn Dobbs did not support the motion, explaining she felt the process was flawed. She encouraged the Board to be more mindful of the process for future rule makings.

Moran supported the motion, saying it had taken a long time to get a rule proposal, and she would like to see a DFC rule proposal #3 resurrected.

Schaaf said he supported the motion and that he appreciated the deliberations of the Board.

Christiansen said she supported the proposal and acknowledged the hard work by all involved in developing Rule Proposal #2.

ACTION: Motion passed. 8 yes / 1 no (Dobbs)

Meeting adjourned at 3:20 p.m.