

1 **FOREST PRACTICES BOARD**
2 **MEETING MINUTES**
3 November 12, 2008
4 Natural Resources Building
5 Olympia, Washington
6

7 **Members Present:**

8 Vicki Christiansen, Chair Designee of the Board
9 Ann Wick, Designee for Director, Department of Agriculture
10 Bridget Moran, Designee for Director, Department of Fish and Wildlife
11 Bill Little, Timber Products Union Representative
12 Carolyn Dobbs, General Public Member
13 Dave Somers, Snohomish County Commissioner
14 David Herrera, General Public Member
15 Doug Stinson, General Public Member/Small Forest Landowner
16 Norm Schaaf, General Public Member
17 Sherry Fox, General Public Member/Independent Logging Contractor
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent:**

21 Brent Bahrenburg, Designee for Director, Community, Trade and Economic Development
22 David Hagiwara, General Public Member
23

24 **Staff:**

25 Chuck Turley, Forest Practices Assistant Division Manager
26 Lenny Young, Forest Practices Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Assistant Attorney General
29

30 **WELCOME AND INTRODUCTIONS**

31 Vicki Christiansen called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m.
32 Introductions were made by Board, staff and attendees. Marc Engel, Department of Natural
33 Resources (DNR or Department), provided an emergency safety briefing.
34

35 **APPROVAL OF MINUTES**

36 **MOTION:** Carolyn Dobbs moved to approve the August 13, 2008 meeting minutes.
37

38 **SECONDED:** Doug Stinson
39

40 **Board Discussion:**

41 Dobbs noted a typographical error on page 12, line 27: add “s” to industry’s.
42

43 Christiansen suggested two corrections. First, on page 7, line 41 the sentence should read,
44 “Christiansen said the Legislature provided small forest landowner assistance for the 2007 December
45 storm event only.” Second correction on page 8, line 3 to read, “. . . exception to allow access to
46 Natural Resources Conservation Service (NRCS) cost share program . . .”
47

48 **ACTION:** Motion passed. 8 support/2 abstentions (Ann Wick and David Herrera)
49

1 **MOTION:** Norm Schaaf moved to approve the September 24 & 25, 2008 meeting minutes.

2
3 **SECONDED:** Sherry Fox

4
5 Board Discussion:

6 Christiansen suggested two corrections. First, on page 2, line 31 insert “from different caucuses” after
7 “analyses”. Second, on page 2, line 37 change the word “force” to “forest”.

8
9 Tom Laurie asked that the paragraph starting on page 3, line 37 be corrected as follows:

10 “Craig Partridge, DNR and Stephen Bernath, Department of Ecology (DOE), provided a presentation
11 on “Greenhouse Gas Mitigation”, specifically the recommendations from the forest sector work
12 group to the Governor’s Climate Advisory Team. . . . The work group will provide recommendations
13 by November 1, 2008 to Commissioner of Public Lands and Director of DOE, and by December 1,
14 2008 final recommendations, ~~determined by~~ to the Directors of DOE and Community, Trade and
15 Economic Development. The Engrossed Second Substitute House Bill 2815 report will be provided
16 to the Legislature. The work ~~group~~ will continue with future priorities and developing detailed
17 protocols and funding decisions.”

18
19 **ACTION:** Motion passed unanimously.

20
21 **PUBLIC COMMENT**

22 Steve Stinson, Family Forest Foundation, provided a copy of the Washington Farm Forestry
23 Association’s newsletter that contained an article on the Washington State Forestland Dataset Project.
24 The newsletter also included two maps that showed small forest landowners as identified in the 2007
25 forestland database and small forest landowner membership in the American Tree Farm System and
26 Washington Farm Forestry Association. This dataset is available for use by contacting Stinson.

27
28 Peter Heide, Washington Forest Protection Association (WFPA), announced that this year marks the
29 100th anniversary for WFPA. He invited the Board to their annual meeting on November 20th at the
30 Indian Summer Golf & Country Club to celebrate their anniversary.

31
32 Nina Carter, Audubon Washington and Josh Weiss, WFPA, jointly spoke on the decertification of
33 Northern Spotted Owl site centers and the process. Carter said that in the past few weeks the timber
34 industry, Audubon Washington and state agencies had been meeting to develop rule language and
35 were close to an agreement on how to deal with the moratorium that was to expire on December 31,
36 2008. She said they requested the Board to consider a special meeting in December to discuss this.

37
38 Miguel Perez-Gibson, Forests and Fish Conservation Caucus, stated that he expected the Board to
39 hold Forests and Fish Policy accountable now that the adaptive management’s strategic plan was
40 completed and would be presented to the Board later in the meeting. Perez-Gibson also encouraged
41 the Board to consider some sort of extension on the spotted owl moratorium.

42
43 **STAFF REPORTS**

44 Adaptive Management

45 Darin Cramer, DNR, provided a written report updating the Board on the Adaptive Management
46 project managers’ positions and the Mass Wasting Effectiveness Monitoring project.

47
48 Update on Forest Practices Applications within Spotted Owl Special Emphasis Areas (SOSEA)

49 Gary Graves, DNR, provided a written report identifying proposed timber harvests within the

1 SOSEAs and an update on the spotted owl typing project.

2

3 Rule Making Schedule and Work Plan

4 Chuck Turley, DNR, provided a written report with an updated rule making schedule and work plan.
5 He provided additional information on the desired future condition (DFC) rule making, specifically
6 the intent to complete the SEPA checklist prior to the rule making hearings. He said it was still
7 unknown as to whether additional environmental analysis would be needed. In the event it was not
8 completed prior to the end of the month, hearings would need to be rescheduled to a later date. He
9 said staff was not necessarily anticipating any additional analysis but wanted the Board to be aware
10 of this. He said he expected that the Board would consider adoption of a rule proposal at the February
11 2009 meeting.

12

13 **MOTION:** Vicki Christiansen moved that in the event the SEPA analysis for the desired
14 future condition rule making cannot be completed prior to the rule making
15 hearings, the Forest Practices Board direct staff to reschedule the hearings and
16 file a revised CR102 with the Office of the Code Reviser.

17 **SECONDED:** Carolyn Dobbs

18 Board Discussion:

19 Schaaf was concerned of the potential delay in rule adoption. He said he did not see the need to
20 further delay any Board action when the public would be able make comments up to the point of
21 Board action.

22

23 Dobbs agreed. However she said that completing the SEPA process prior to the hearings was a
24 critical step in the rule making process because it allows for better participation with the public.

25

26 Christiansen recapped that the decision before the Board was whether to conduct the SEPA analysis
27 prior to the hearing. She added it wasn't about a rule requirement, and reminded Board members that
28 rule making requirements come from the Administrative Procedures Act and the environmental
29 review process is a separate process from the State Environmental Policy Act.

30

31 **ACTION:** Motion passed. 11 support/ 1 oppose (Schaaf)

32

33 Turley stated that staff has developed some concepts for the DFC fixed-width rule idea and is
34 working with stakeholders to reach consensus before drafting any rule language. He said that during
35 this development several policy level issues have arisen that the Board will at some point have to
36 address, such as the following but not limited to:

- 37 • What is the Board's decision space in regards to adaptive management? How closely does a rule
38 change have to be to the petition for rule making received from Forests and Fish Policy and/or to
39 the underlying CMER study and/or to current rule?
- 40 • Could a fixed-width buffer concept be implemented for only a particular segment of the regulated
41 community (in this case, small forest landowners)?
- 42 • If a fixed width buffer concept is available would this be an additional option a landowner could
43 follow or a replacement for the entire current DFC process?

44

45 Schaaf asked Turley when he thought the Board should engage in these discussions. Turley
46 responded that he anticipates the May 2009 meeting as the appropriate time to have these discussions.

47

1 Compliance Monitoring

2 Leslie Lingley, DNR, provided a written report on the status of compliance monitoring. She said
3 compliance monitoring was approximately 90% complete for the 2008 field season.
4

5 Moran asked for a status update on DNR's work on a steering committee to oversee the compliance
6 monitoring program. Young responded that discussions have occurred between DNR, the Department
7 of Ecology and the Department of Fish and Wildlife, and there had been agreement that some sort of
8 structured oversight committee was needed to ensure that the program fulfills all of its objectives and
9 expectations, is carrying them out in an appropriate manner, that priorities are set, and that data
10 collection is going well. He said he would like to have the final biennial report on compliance
11 monitoring reflect this committee and its purpose.
12

13 Moran asked if the committee could be formed and a charter be presented to the Board at the
14 February 2009 meeting for board approval. Young said yes and that the biennial report would be
15 distributed to Board by early December.
16

17 Small Forest Landowner Office (SFLO) and Small Forest Landowner Advisory Committee Update

18 Mary McDonald, DNR, provided a written report on the SFLO and the advisory committee's
19 activities. A report summarizing the assistance provided to small forest landowners after the
20 December 3, 2007 storm was also included.
21

22 Carolyn Dobbs and Sherry Fox both thanked the SFLO for the additional report that showed the
23 assistance provided to small forest landowners after the 2007 December storm.
24

25 Taylor's Checkerspot Butterfly (TCB) Update

26 Sherri Felix, DNR and David Whipple, Department of Fish and Wildlife (DFW), provided a report on
27 the voluntary protection approach for the TCB.
28

29 Carolyn Dobbs asked for clarification on the statement in the report, "Results from these surveys
30 have not yet been compiled, however no butterflies were observed on sites in Thurston County."
31 Ann Potter, DFW, responded that the TCB can be difficult to detect when there is a very short
32 window of opportunity to detect, and therefore additional monitoring is needed.
33

34 Clean Water Act

35 Mark Hicks, Department of Ecology, provided a letter to the Board that included a progress report on
36 the anticipated timeline for completing the Clean Water Act Review of the Forests and Fish Program.
37

38 **DECEMBER 2007 STORM WORK PLAN REPORT**

39 As part of the December 2007 Storm response and recovery efforts, the Board approved DNR to
40 convene a group of experts to determine the appropriate role for watershed analysis prescriptions in
41 the processing of forest practices applications.
42

43 Chuck Turley, DNR, provided an overview on recent efforts regarding the continued use of
44 watershed analysis prescriptions. This presentation included a history of events, an approach, a
45 description of the watershed analysis process, and recommendations that came from a group of
46 experts that DNR convened in August 2008. Recommendations included:

- 47 • Develop and implement a monitoring program (unstable slopes);
- 48 • "Data mine" post mortem study information to see what can be learned about effectiveness of
49 prescriptions; and

- 1 • Review 5-year reviews to see if anecdotal information regarding effectiveness of prescriptions
2 can be gained.
3

4 Turley's presentation also included alternative viewpoints on the continued use of prescriptions and
5 watershed analysis (WAC 222-22-090). He said there was not a consensus among the group on
6 whether watershed analysis should continue or not. Three group members supported the continued
7 use of prescriptions because monitoring has not occurred and is not a basis for discontinuing their
8 use. Five members did not support the continued use because due to the lack of means to do
9 monitoring, there is no basis for discontinuing or continuing.
10

11 Turley concluded that there was a problem in trying to fix the situation. When Forests and Fish was
12 implemented most people viewed watershed analysis as a "legacy" program. New prescriptions were
13 not implemented and work stopped on any that were in progress. Also, there are no longer any
14 "qualified experts" certified to do watershed analysis, because the five year reapplication process did
15 not continue, and there is not training program now to train qualified experts. Based on this
16 information, continuing watershed analysis and establishing a training program could be a multi-
17 million dollar project. Turley suggested that further research is needed to scope how to discontinue
18 the use of prescriptions related to unstable slopes. He said he would like to have recommendations to
19 the Board at its February 2009 meeting.
20

21 Lenny Young, DNR, gave an overview on how forest practices applications are classified for
22 potentially unstable slopes or landforms. He also provided a memo to region managers that addressed
23 appropriate classification for mass wasting prescription identified in an application.
24

25 Gary Graves, DNR, presented an overview on the operational review of forest practices application
26 process on potentially unstable slopes. He recommended the following actions:

- 27 1. Staff develop an attachment to the forest practices application to collect watershed analysis
28 prescription information.
- 29 2. Forest practices foresters and geologists review a sample of applications that used mass wasting
30 prescriptions.
- 31 3. Staff develop programmatic application review and documentation expectations.
- 32 4. Staff train all forest practices staff in review and documentation procedures.
- 33 5. Staff contact the Department of Transportation maintenance supervisor either at the headquarter
34 or DOT region offices to improve interactions between agencies.
35

36 Laurie and Moran said they appreciated the effort involved in preparing the presentations and the
37 associated recommendations and/or actions presented.
38

39 Moran asked if the Board needed to take any action on the mass wasting prescription at this time.
40 Christiansen said no, but at some point action may be needed. At the very least, rule making is
41 warranted to make the rules current, but staff time and resources was a constraint.
42

43 Christiansen asked that staff prepare an update for the February meeting to provide some
44 recommendations on how to move forward.
45

1 **CMER MEMBERSHIP**

2 Darin Cramer, DNR, presented an updated list of current CMER members for Board approval.

3
4 **MOTION:** Carolyn Dobbs moved that the Forest Practices Board approve the current
5 CMER roster dated November 2008.

6
7 **SECONDED:** Norm Schaaf

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9 **ACTION:** Motion passed unanimously.

10
11 **ADAPTIVE MANAGEMENT STRATEGIC PLAN**

12 Darin Cramer, DNR, provided an overview on the strategic plan for the adaptive management
13 program. The plan included four goals and a total of 16 tasks associated with those goals. The four
14 goals were: Assess and improve adaptive management program efficiency and effectiveness; re-
15 establish and maintain productive, collaborative caucus relationships; secure adequate program
16 funding and enhance communication; and increase research capabilities and scientific knowledge.

17
18 Cramer said he would provide an update at each regular meeting on how the plan is being carried out.

19
20 **BOARD COMPOSITION AND MISCELLANEOUS CORRECTIONS RULE MAKING**

21 Gretchen Robinson, DNR, requested that the Board adopt the rule proposal that would amend
22 language referring to the composition of the Board, and makes miscellaneous corrections to several
23 rules. She said under expedited rule making the rule may be adopted if no written objections are
24 received, and said staff did not receive any objections.

25
26 **MOTION:** Sherry Fox moved that the Forest Practices Board adopt the rule proposal that
27 implements Substitute House Bill 2893 by adding a 13th Board member and
28 makes miscellaneous corrections throughout Title 222 WAC. She further
29 moved to direct staff to file the CR-103 Permanent Rule Making Order with
30 the Office of the Code Reviser.

31
32 **SECONDED:** Tom Laurie

33
34 **ACTION:** Motion passed unanimously.

35
36 **SPOTTED OWL UPDATE**

37 Lenny Young, DNR, updated the Board on the implementation of the federal recovery plan, the
38 revised survey protocol, the Board's spotted owl working group and the expiration of the moratorium
39 on spotted owl site centers.

40
41 Young reported that the U.S. Fish and Wildlife Service is moving quickly to establish a program to
42 implement the recovery plan and have identified an executive team and implementation coordinator.

43
44 He said that a revised survey protocol may be available sometime by March or April 2009.
45 Washington State, with DFW leading the effort, is working diligently to have the survey protocol
46 available for use in the 2009 owl survey season.

47
48 Young said that he is still working on establishing the members for the Board's spotted owl policy
49 working group but that it is coming together. He said that he anticipates the first meeting to occur

1 early December. He also stated that a facilitator had been selected and that he was working on a
2 contract.

3
4 He reminded the Board that the moratorium on decertifying spotted owl site centers will expire at the
5 end of December. He said the Board could convene a special Board meeting if any action was desired
6 concerning the moratorium. He recapped some of the public comments from earlier in the day about
7 stakeholders working together to develop a solution for the Board. The intent is to present a proposal
8 to the Board sometime in December.

9
10 Christiansen encouraged the Board to accept the request from the stakeholders and schedule a
11 meeting in December to discuss the moratorium on decertifying spotted owl site centers.

12
13 The Board discussed possible dates in December and concluded that a two-hour special Board
14 meeting would be held on either December 11, 16, 17 or 19. Staff indicated members would be
15 polled to find the best date.

16 17 **OTHER BUSINESS**

18 Turley provided a memo that identified for the record who the Board liaisons are and DNR staff that
19 serve as staff to the Board. The memo also identified who is allowed to observe executive sessions of
20 the Board.

21
22 He explained that Board staff includes the Division Manager, the Assistant Division Managers, the
23 Adaptive Management Administrator and other Forest Practices staff assisting with conducting Board
24 meetings. Also included as staff to the Board are the lead technical support agencies (DOE and DFW)
25 for riparian and upland issues. He said Board staff may observe executive sessions and will receive
26 all written and electronic material distributed to Board members.

27
28 Board Liaisons include Miguel Perez-Gibson, Conservation Caucus; Jim Michaels, Federal Caucus;
29 Pete Heide, Landowner Caucus; Tom Robinson, Local Government Caucus; and Tribal Caucus (not
30 yet determined). These individuals will receive all written and electronic material that is distributed to
31 the Board except that is identified as attorney-client privileged. These individuals will not be allowed
32 to observe executive sessions of the Board.

33 34 **EXECUTIVE SESSION**

35 None.

36
37 Meeting adjourned at 2:15 p.m.
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39