Members Present
Aaron Everett, Chair, Department of Natural Resources
Bill Little, Timber Products Union Representative
Bob Guenther, General Public Member/Small Forest Landowner
Brent Davies, General Public Member
Carmen Smith, General Public Member/Independent Logging Contractor
Court Stanley, General Public Member
David Herrera, General Public Member (participated by telephone)
Joe Stohr, Designee for Director, Department of Fish and Wildlife
Heather Ballash, Designee for Director, Department of Commerce
Paula Swedeen, General Public Member
Tom Laurie, Designee for Director, Department of Ecology

Members Absent
Dave Somers, Snohomish County Commissioner
Kirk Cook, Designee for Director, Department of Agriculture

Staff
Chris Hanlon-Meyer, Forest Practices Division Manager
Marc Engel, Forest Practices Assistant Division Manager
Patricia Anderson, Rules Coordinator
Phil Ferester, Senior Counsel

WELCOME AND CALL TO ORDER
Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m.

APPROVAL OF MINUTES
MOTION: Bill Little moved the Forest Practices Board approve the November 12, 2014 meeting minutes.
SECONDED: Joe Stohr
ACTION: Motion passed unanimously.

REPORT FROM CHAIR
Aaron Everett expressed his appreciation of staff and the participants in the Adaptive Management Program who have been working on executing the Board’s direction related to unstable slopes.

GENERAL PUBLIC COMMENT
Kara Whitaker, Washington Forest Law Center (WFLC), said the conservation caucus strongly supports the Board’s adoption of the proposed rules related to unstable slopes information. She also
emphasized the potential need for Board action as identified in the “next steps” of the Northern Spotted Owl Implementation Team Report.

Karen Terwilleger, Washington Forest Protection Association (WFPA), said she appreciates the opportunity to collaborate on the revisions of Board Manual Section 16. She also said WFPA supports the adoption of rules related to unstable slopes.

Chris Mendoza, Conservation Caucus, said he was looking forward to seeing Board and Timber, Fish and Wildlife (TFW) Policy Committee (Policy) members at the Cooperative Monitoring, Evaluation and Research Committee (CMER) science conference. He thanked DNR for the support and direction to improve compliance monitoring and said he supports the inclusion of additional funding in the budget request. He also emphasized the need to get the correct buffer on a Type N stream versus a Type F stream.

Peter Goldman, WFLC, presented a copy of a LiDAR map along with the associated Forest Practices Application, for two state harvests that are proposed over what appears to be or was a deep-seated glacial landslide in Snohomish County. He said that it was brought to DNR’s attention and DNR’s response was that it was a “relic landslide” and did not require a recharge area or geotechnical analysis. He said that after additional communication with DNR, the application was withdrawn. He said that this situation illustrates that the newly revised board manual guidance is not enough to protect public safety. He said additional rules are needed that require additional scrutiny by DNR staff of glacial deep-seated landslides.

**STAFF REPORTS**

**Adaptive Management**

Chris Hanlon-Meyer, DNR, provided a status update on all of the CMER projects, how they correspond to the completion of Clean Water Act milestones.

**Upland Wildlife Working Group**

Terry Jackson, Washington Department of Fish and Wildlife (WDFW), said the fisher has been listed as State endangered since 1998 and last September, U.S. Fish and Wildlife Service (USFWS) proposed to list the west coast population as threatened. The final decision is due October 2015. She said WDFW has been proactively working with USFWS to encourage landowners to develop a candidate conservation agreement with assurances and when final, landowners will sign if they agree to follow specified conservation measures for the species and will not be subject to additional requirements.

Tom Laurie said he appreciated the upfront work with the landowners and asked what the limiting factors are for the fisher. Jackson responded that is not about the habitat but rather disturbances such as vehicle collision, poison and wildfires.

**TFW Cultural Resources Roundtable**

Karen Terwilleger, co-chair, provided an update on the Roundtable’s activities. She said they are in the process of reviewing the Forest Practices Application conditioning authority for cultural resources and that they are in the process of developing policy direction and issue statements to resolve the issue. She also asked the Board to confirm the direction detailed in the Commissioner’s response letter to the Confederated Tribes of the Umatilla Indian Reservation that the Roundtable would continue working on this issue. The Board agreed.
No further discussion on the following staff reports:

- Board Manual Development
- Compliance Monitoring
- Rule Making Activity & 2014 Work Plan
- Small Forest Landowner Advisory Committee and Small Forest Landowner Office

**RULE MAKING ON UNSTABLE SLOPE INFORMATION**

Gretchen Robinson, DNR, requested the Board’s adoption of rules related to unstable slopes information in Forest Practices Applications. She explained that draft rules were published in the Washington State Register on December 3, 2014, and the public review and comment period ended on January 8, 2015.

She summarized:

- The Board held a public hearing in Olympia on January 7 and received seven comment letters containing a variety of concern and suggestions;
- Staff carefully considered all comments when preparing final draft rules for the Board’s consideration; and
- The language before the Board contains several changes to the draft rules based on the public comments.

She added that small forest landowner long-term applications will not be affected by this rule because it is a clarification of DNR’s Forest Practices Application review process and does not change resource protection objectives.

MOTION: Tom Laurie moved the Forest Practices Board adopt the rule proposal amending WACs 222-10-030 and 222-20-010 related to requiring additional information, including additional geologic information, to appropriately classify Forest Practices Applications. He further moved the Board direct staff to file a CR-103 Rule Making Order with the Office of the Code Reviser.

SECONDED: Paula Swedeen

ACTION: Motion passed unanimously.

**PROGRESS ON BOARD MANUAL SECTION 16 UNSTABLE SLOPES**

Marc Ratcliff, DNR, provided an update on the second phase of the rewrite to incorporate information to identify methods to assess delivery and run-out potential of unstable slopes.

He said three meetings have occurred so far and beginning in March, meetings will occur every other week.

He said the group is currently reviewing Part 6 and that not all recommendations for changes have received concurrence. He indicated that where group agreement is not achieved, DNR may need to make the final editing decision.

The meetings in March will begin the technical amendments for sediment delivery and run-out paths and may include:

- Brainstorming a literature list of the current science regarding run-out
• estimating potential debris volume amounts from shallow landslides
• estimating run-out paths and distances
• considering down slopes resources and threats to public safety

LEGISLATIVE UPDATE
Chris Hanlon-Meyer, DNR, provided an update on DNR’s budget requests and information on several legislative bills related to administrative procedures, rule making and forest practices.

The Board will be notified of any bills that move out of their house of origin.

NORTHERN SPOTTED OWL TECHNICAL TEAM
Lauren Burnes, DNR, provided an overview of the report. She said the Board in February 2010 directed the team to “…assess the spatial and temporal allocation of conservation efforts on nonfederal lands using best available science.” She shared the analytical approach which included three modeling phases:
• Phase I - Develop and run baseline scenarios
• Phase II - Analyze baselines and develop conservation scenarios
• Phase III - Run and analyze conservation scenarios

She said the team used a systematic, iterative process to identify non-federal lands that could make meaningful contributions to owl population viability in Washington.

Results of the report include:
• The extent of harvest and fire of spotted owl habitat simulated on federal lands in the baseline scenarios had a large impact on spotted owl population performance statewide
• Adding non-federal lands to baseline conservation areas resulted in net positive effects on spotted owl populations, and above a threshold amount of added habitat, non-federal lands positively contributed to spotted owl population size
• Conservation networks in which spotted owl habitat was restored over time performed better than networks which retained only existing habitat
• Among spotted owl Special Emphasis Areas (SOSEA), the I-90 East, I-90 West, and White Salmon performed consistently best. Habitat conservation and restoration opportunities on non-federal lands in these SOSEAs (relative to other SOSEAs) should most effectively build on the foundation represented by the federal and non-federal baselines.

She reported the conclusions and next steps as follows:
• Conservation actions on non-federal lands improved spotted owl population performance
• Conservation actions for spotted owls on federal and non-federal baseline lands are likely to be important in the future, and non-federal lands not currently managed for spotted owls can make contributions to their conservation in the relatively short-term
• Spotted owl populations in the future are contingent on both conservation of habitat and barred owl management; and
• The best overall population responses by spotted owls were significantly related to the amount of habitat in the conservation scenario.
• Conservation efforts should be prioritized in subregions with the best relative population performance under conservation scenarios that retain and restore habitat both inside and outside SOSEAs; and
• Several high-priority analyses/evaluations have been identified that would be beneficial to future decision making and prioritization process in a “Phase IV”; however, no further funding is available at this time.

Joe Stohr stated that he was impressed with the report and asked about the suggestion on the 100-year simulation and the costs. Burnes stated that this is an area where the team has struggled with over time on how best to create that time period and what is needed to get the answers on the ground to make a decision. The team will continue to have discussions and determine whether they have enough information or if additional analyses are needed.

Joe Buchanan, WDFW, said since the majority of the model is already built that there would only be costs associated with modifications of the grow out period. He said the challenge ahead is to determine the overall funding needed to bring the key modelers together. He suggested that it would be best to determine this sooner rather than later.

Paula Swedeen voiced support of the 100-year model and amending the model sooner rather than later.

Tom Laurie asked if aggressively controlling the barred owl is the quickest way to help the spotted owl. Buchanan responded that an Environmental Impact Statement was recently completed by the USFW to evaluate the effects of the management of barred owls. This effort is set to begin on the ground sometime in the next 12 months. He also said that having a reduced number of barred owls across the landscape is the quickest way to help the spotted owl. He also said having a reduced number of barred owls should greatly help both species coexist.

NORTHERN SPOTTED OWL IMPLEMENTATION TEAM NEXT STEPS
Lauren Burnes, DNR, provide a brief update what the Team will be working on:
• Continue to explore conservation funding options for the Rivers and Habitat Open Space program.
• Explore scope and structure of the Safe Harbor Agreements.

TFW POLICY COMMITTEE’S 2014 ACTIVITIES
Stephen Bernath and Adrian Miller, Co-chairs provided an update on past activities and a status of 2015 activities.

Tom Laurie acknowledge the tremendous amount of work accomplished last year and appreciates the work done by all the stakeholders.

2015 projects will include:
• Type F - Conducting an electro-fishing workshop and two off-channel habitat field trips
• Bull Trout Overlay Project recommendations
• Board Manual guidance on Type N Water

At the May meeting Miller and Bernath will provide a recap of the field trips and a water typing status update.
Bernath also provided an update on the recently completed bull trout overlay study that is currently before Policy for action. He said that at the last Policy meeting consensus could not be reached on an action moving forward. He said a request for dispute resolution is highly likely.

Everett asked if the 2015 work plan is manageable. Bernath responded that Type F will consume a majority of Policy’s time in the spring. He said depending on the outcome of concern on the bull trout overlay study, would still be a priority to reach consensus. He said they are also aware and await the Board’s decision on the small forest landowner alternate plan template and how that will influence their workload.

**CMER COMMITTEE’S 2014 ACCOMPLISHMENTS**

Mark Hicks, Department of Ecology, presented CMER’s accomplishments for 2014, which included:

- Three studies and a revised Wetlands Research Strategy delivered to Policy;
- Four study reports completed;
- Substantial progress made towards completing the Type N Hardrock Study;
- Three new studies using the pilot lean process;
- Conducted extended monitoring on several projects; and
- Stayed on budget.

Todd Baldwin, Kalispel Tribe, provided highlights on the following:

- Bull Trout Overlay Project; and
- Type N Forest Hydrology Study.

Everett noted the excellent work done by the science members and thanked the co-chairs for their commitment.

**PUBLIC COMMENT**

Chris Mendoza, CMER member, stated that CMER does not make policy recommendations to Policy as reported earlier in the meeting. He said Board Manual Section 22 details the process for CMER and Policy for dealing with completed studies.

Peter Goldman, WFLC, said the most important item on the Board’s work plan is developing a permanent water typing rule. He said that it is not as complex as stated earlier. He said that there is agreement with a vast majority of caucuses including the Federal caucus on what a permanent rule could and should look like. He said some caucuses are raising issues that appear to be stalling tactics and the need to renegotiate the commitments in the Habitat Conservation Plan.

**PUBLIC COMMENT ON THE RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE REPORT**

Doug Hooks, WFPA, encouraged the Board to accept Policy’s recommendation and take no action.

**RIPARIAN MANAGEMENT ZONE BIRD RESAMPLE REPORT**

Chris Hanlon-Meyer, DNR, presented CMER’s finalized report titled “Riparian Management Zone Resample (birds) Final Report”. He said that scientists revisited study sites 10 years post-harvest to examine potential effects on the bird species assemblage over the longer-term. He said the study found no significant harvest treatment effects on bird response based on their total abundance, richness and the responses of the large majority of individual bird species. He recommended the Board accept the report and Policy’s recommendation to take no action on the study.
Dr. Mark Hayes, WDFW, said the original study was done based on pre Forests and Fish rules, however when the study was implemented the application of those treatments was somewhat irregular. He said that it was designed to have the set of treatments with state buffers and the buffer widths in those treatments were more variable than the intended application. He said the results demonstrated that the buffers larger than the range now applied to fish bearing streams were adequate in context with the bird portion of the study. While the original study was not designed to address non-fish bearing streams it did show basic support of the rule.

Tom Laurie asked if the mix of species change or was one dominant over the others. Hayes responded that there was some change in species that had mostly to do with an increase in species richness.

Paula Swedeen asked what range of bird species were sampled and if there was any analysis of the effects of buffers widths in a landscape context. Hayes responded that the study covered all birds that could be detected and the only restrictions were because of the broad geographic scope that some species were excluded because of geographic boundaries.

Everett asked what the next steps are and whether there were additional studies to follow. Hayes responded that there are no immediate plans at this time to design a study that builds on this one.

MOTION: Heather Ballash moved the Forest Practices Board accept TFW Policy Committee’s recommendation to take no action on the Riparian Management Zone Bird Resample Report.

SECONDED: Court Stanley

ACTION: Motion passed unanimously.

PUBLIC COMMENT OF SMALL FOREST LANDOWNER ALTERNATE PLAN TEMPLATE

Vic Musselman said he supports the proposed template and urged the Board to accept it and move it through the process.

Mary Scurlock, Conservation Caucus, asked the Board to defer action on the proposal initiation to allow for additional screening by DNR to ensure that it meets the requirements of an alternate plan template. She also shared their concern regarding Policy’s workload and the impact this project would have on current assignments.

Stephen Bernath, Department of Ecology, stated that timing for this proposal moving forward is an issue for Policy and encouraged WFFA to meet with the different caucuses to discuss the proposal content to better understand their goal and to have even a better product before going to the Adaptive Management Program Administrator (AMPA).

Sam Comstock said he supports WFFA’s proposal for an alternate plan template.

Karen Terwilleger, WFPA, said they support the proposal moving forward to get the process started.
Elaine Oneil, WFFA, presented an Alternate Plan Template Proposal Initiation for Westside riparian management zones. She indicated the template development has been a very extensive process that included input on the proposal initiation and content requirements from DNR, template ideas from more than 40 small landowners coupled with the development of scientific rationale by a fish biologist with extensive experience in the CMER process and external review by an independent peer.

She said the proposal includes five elements required for the proposal initiation process and that she would focus on three elements: level of urgency, outstanding agreements and best available science.

She requested the Board to

• Direct the AMPA to place the proposed alternate template into the program for CMER and Policy review;
• Provide a reasonable timeline for review and decision on approval of the template and its revisions; and
• Approve recommendations from the Adaptive Management Program for including the template in a revision to the Board Manual and guidance documents.

Marc Engel, DNR, reviewed the next steps in the process and acknowledged that the proposal initiation is a complete packet. He said staff recommend that the Board accept the proposal and ask the AMPA to provide a timeline and list of tasks needed to execute the proposal through the process.

Paula Swedeen asked at what point in the process would we determine whether it was a template or a rule. Engel responded that the AMPA does not decide whether rule or guidance, it would be discussed among the stakeholders and possibly figured out through the discussion.

Joe Stohr stated that while he would like to move the proposal forward he sees the waiting period to be long and does not want to over burden staff.

Bob Guenther stated he supports the proposal moving forward today and understands the timing may not by right due to competing priorities, however having a path forward is better than no movement at all.

MOTION: Joe Stohr moved the Forest Practices Board accept Washington Farm Forestry Association’s Alternate Plan Proposal Initiation. He further moved the Board direct the TFW Policy Committee to review the proposal sufficiently to provide to the Board at their May 2015 meeting a timeline along with identified tasks needed to fully evaluate the proposal.

SECONDED: Bob Guenther

Board Discussion:
Everett acknowledged the amount of work involved in preparing the proposal and said he appreciates the understanding of the small landowner community as far as the next steps to come.

ACTION: Motion passed unanimously.
PUBLIC COMMENT ON BOARD’S 2015 WORK PLAN

Mary Scurlock, Conservation Caucus, stated that there is no consensus as stated earlier in the day relating to the Type N progress – rather the process is stalled. She said that perhaps the group is at an impasse to develop draft guidance and suggested the DNR initiate a board manual process to deal with in that forum. She also suggested that the Board ask Policy for a detailed progress report for the August meeting.

2015 WORK PLANNING

Marc Engel, DNR, reviewed some of the targeted completion dates with the Board. He also indicated some revisions to the completion dates—Section 7 and riparian management zone (RMZ) clarification rule making changes from August to November and Clean Water Act update at the May meeting.

Tom Laurie supported the RMZ clarification rule making as this is a result of the Compliance Monitoring program.

Everett stated he is inclined to leave the Type N completion date as August until more is known. He said the Board can review the work plan again at the May meeting and make any additional changes at that time.

Swedeen requested that the Board ask Policy to provide a status report on Type N at the May meeting. Everett agreed, and asked Policy to include the update in their staff memo on priorities.

Everett also noted the change to the work plan at the May meeting depending on the recommendations on the small forest landowner template.

MOTION: Bob Guenther moved the Forest Practices Board approve the 2015 Work Plan as modified today.

SECONDED: Carmen Smith

ACTION: Motion passed unanimously.

DEPARTMENT OF ECOLOGY’S NONPOINT PLAN

Stephen Bernath, Department of Ecology (DOE) reviewed with the Board the relationship between the Board and the Clean Water Act and how the nonpoint plan fits in as described in the Forest Practices Act, RCW 76.09.010. He also shared the basics of the Clean Water Act which includes the water quality standards for the State are set by DOE and the effectiveness monitoring is done by the Adaptive Management Program.

Ben Rau, DOE, provided a brief history and then described how the nonpoint plan is being developed. He said that the Environmental Protection Agency (EPA) recognizes that pollution from nonpoint sources remains the leading cause of impairment to the nation’s waters.

He said the report will cover all nonpoint pollution along with urban storm water, agriculture, septic systems, marinas/recreational boating, and forestry. He said the Forest Practice Rules and the adaptive management process will also be included in the plan.
He said the plan must be submitted to EPA by June 30, 2015 and the process will include public participation.

Everett asked Rau to return in May for an update since the report will be farther along.

EXECUTIVE SESSION

None.

Meeting adjourned at 2:50 p.m.
Board Members attended the science conference to hear updates on studies that may come before them for action in the future. The studies included:

- Type N Experimental Buffer Treatment Study – Hard Rock
- Wetlands Research Strategy
- Eastern Washington Type N Forest Hydrology Study
- Effectiveness of Riparian Management Prescriptions in Protecting and Maintaining Shade and Temperature
- Eastern Washington Riparian Assessment Project (EWRAP)
- Stream-Associated Amphibian Response to Manipulation of Forest Canopy Shading
- Breeding Bird Response to Riparian Buffer Width
- Riparian Hardwood Conversion Study

Conference ended at 3:00 p.m.