

**FOREST PRACTICES BOARD**  
**Regular Board Meeting – February 12, 2020**  
Natural Resources Building, Room 172, Olympia, WA

*Meeting materials and subject presentations are available on Forest Practices Board's website.*  
<https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>

**Members Present**

Stephen Bernath, Chair, Department of Natural Resources  
Ben Serr, Designee for Director, Department of Commerce  
Bob Guenther, General Public Member/Small Forest Landowner  
Brent Davies, General Public Member  
Carmen Smith, General Public Member/Independent Logging Contractor  
Dave Herrera, General Public Member  
Jeff Davis, Designee for Director, Department of Fish and Wildlife  
Rich Doenges, Department of Ecology (participated via phone from 9-11 a.m. & 2 p.m. - adjournment)  
Noel Willet, Timber Products Union Representative  
Kelly McLain, Designee for Director, Department of Agriculture  
Tom Nelson, General Public Member  
Vicki Raines, Elected County Commissioner

**Members Absent**

Paula Swedeen, General Public Member

**Staff**

Joe Shramek, Forest Practices Division Manager  
Marc Engel, Forest Practices Assistant Division Manager  
Patricia Anderson, Rules Coordinator  
Phil Ferester, Senior Counsel

**WELCOME AND INTRODUCTIONS**

Chair Bernath called the Forest Practices Board (Board) meeting to order at 9 a.m. Introductions of Board members and staff were made.

**APPROVAL OF MINUTES**

**MOTION:** Bob Guenther moved the Forest Practices Board approve the November 13, 2019 meeting minutes.

**SECONDED:**

Board Discussion:  
None.

**ACTION:** Motion passed. (11 Support / 1 Abstention (Raines))

## REPORT FROM CHAIR

Chair Bernath reported on:

- Forest Practices Program legislative priorities include a funding request for a Timber, Fish and Wildlife (TFW) “principles plus” capacity building exercise with the Center for Conservation Peacebuilding (CPeace); a funding request for four small forest landowner assistance foresters; a request to restore a one-time operating budget shortage; and a state capital program funding request to transfer \$1 million from a non-legislatively approved cultural resources easement program to the Forestry Riparian Easement Program.
- DNR is working closely with the prime sponsor and others on Senate Bill 6488 related to aerial application of herbicides and on House Bill 2714 related to valuing the amount of carbon stored within riparian easements.
- Landslide potential is high since there was almost twice as much rain as normal in western Washington. Program geologists are investigating those that originate on state or private forest lands to ascertain whether there are threats to safety or damage to public resources.

## PUBLIC COMMENT

Elaine Oneil, Washington Farm Forestry Association (WFFA), said today’s meeting marks five years since their westside riparian alternate plan template proposal initiation was accepted by the Board. She had raised concerns regarding a potential process foul by a former DNR employee for how the science used to support their proposal would be addressed through an independent science review. Following that process is not as unusual as they were led to believe, and although the independent science review is now complete, she believes it is highly unlikely that Policy will receive a work product by Policy’s May or August 2020 meeting. She requested that the small forest landowner comments provided for today’s meeting and those the Board received in November 2019 be included in the written record and urged the Board to read the comments.

Ken Miller, WFFA, reminded the Board that initial recommendations on their westside riparian alternate plan template proposal was scheduled to be completed in 2016. If outcomes are not completed by August 2020, they may initiate dispute resolution. He provided [copies of letters](#) the Board received on their proposal since the November 2019 Board meeting. He hopes the Board can sense the emotions conveyed in these heartfelt messages by forest landowners.

Peter Goldman, Washington Forest Law Center, mentioned the retreat facilitated last May by CPeace to improve caucus representatives’ understanding of one another’s point of view and the re-commitment to reach common ground. Although the retreat ended with sincere commitments, he expressed disappointment that progress towards collaboration is not being made. He provided two examples of this: the [Washington Forest Protection Association’s \(WFPA\) letter](#) dated November 10, 2019 which undermines this new-found reinvigoration and WFPA’s recently-submitted [Proposal Initiation for Type Np Buffers](#) which undermines confidence in the established process. He said he supports and appreciates the work being done by CPeace and encouraged the Board to continue to support that process.

## STATE AUDITOR OFFICE ADAPTIVE MANAGEMENT PROGRAM PERFORMANCE AUDIT

Bill Wright and Melissa Smith, Office of the Washington State Auditor, reported that the state auditor has approved the Board’s request for a performance audit. They provided an overview on the work they plan to conduct for the Adaptive Management Program (AMP) audit.

Wright said they are currently reviewing program documents and are in the initial scoping phase. As scoping proceeds, the interviews with Policy and Cooperative Monitoring, Evaluation, and Research (CMER) Committee staff will become more focused. They will be conducting a review of similar programs to compare DNR's process with those used by other adaptive management programs. The audit will focus on the AMP process, supplementing previous information by identifying the causes to performance barriers and how to overcome them. He said the timeline to finish the review will be early June 2020. They plan to complete a technical draft by mid-August 2020, present the audit results to the state's Joint Legislative Audit and Review Committee in mid-October 2020, and present the report to the Board in November 2020.

Smith said they considered several participant's input. This helped focus the program review process, including their efforts for recommending program improvements. The audit will help identify where barriers exist and provide recommendations for pathways for changes. They don't plan to repeat what other programs are doing, but plan to supplement where possible for efficiency. She repeated that they plan to provide a draft review to the Board in mid-August 2020. She said they would be willing to present their findings at the November 2020 Board meeting.

### **INTRODUCTION OF CENTER FOR CONSERVATION PEACEBUILDING**

Francine Madden and Samantha Mason introduced themselves as the third-party neutral facilitators contracted by DNR to assist the TFW collaboration process. Their expertise is using a shared problem solving approach to natural resource-related issues. As such, they said they do not work for the contracting agency, but rather for the AMP. Their approach is relationship-focused, identifying "us versus them" as well as in-group "us versus us" conflicts rather than relying on problem-based approaches. The long-term view is to build the capacity of individuals and teams to collaboratively engage in complex conservation issues.

Madden thanked the participants they have interviewed thus far. They have identified about 130 people to interview and requested those in lead positions help identify the appropriate TFW leaders to contact.

### **FEDERAL SERVICES**

Jennifer Quan, NOAA Fisheries, and Brad Thompson, USFWS, introduced themselves as their agency's new representatives for the Forest Practices Habitat Conservation Plan (FPHCP). Quan said she is looking forward to learning more about the FPHCP and engagement with DNR and appreciates the hard work to resolve outstanding issues. She said the federal services are not endorsing any one particular water typing rule proposal. At this time, NOAA does not have a biologist to engage in the shared interest, but they are attempting to resolve that.

Thompson recognized the long history working with the Board and various stakeholders. He said he understands the challenges with water typing and the complexity with identifying fish habitat. He said he is committed to working to resolve the unknowns and learning individuals' perspectives in order to build trust.

Both Quan and Thompson acknowledged their agency's federal role in the FPHCP agreement, their commitment to help resolve disputes, and their support of the current efforts by CPeace.

## **WATER TYPING RULE COMMITTEE UPDATE**

Board member Guenther provided an update of the ongoing work of the Water Typing System Board Committee (Committee) and their recommendations to the Board. He said the Committee accepted the anadromous fish floor (AFF) workgroup's work plan and reviewed a draft scope of work for conducting the AFF spatial analysis. He said the Northwest Indian Fisheries Commission asked a company to provide a rough estimate to understand what the cost might be to conduct an analysis. The estimate was within the range approved by the Committee. The eastern Washington technical group is being formed and will be meeting in the near future. This group will assess the potential for supplementing the current stream data set to help determine how the two potential habitat break (PHB) alternatives would perform in eastern Washington.

The Committee recommendations are to: (1) approve \$75,000 for the workgroup to initiate an AFF spatial analysis; and, (2) support the establishment of an eastern Washington PHB data technical group.

Board member Nelson said since the Committee desires to expedite the effort, they did not see the need for the technical group to develop a charter.

Board member Herrera said the AFF work plan was drafted with support and input from all caucuses within the group and felt the Board could support funding for the GIS work based on the work plan's process without first reviewing the draft scope of work.

## **PUBLIC COMMENT ON COMMITTEE'S RECOMMENDATIONS**

Darin Cramer, Washington Forest Protection Association (WFPA), said they support the Committee's recommendations, especially the funding request. He reminded the Board that the GIS analysis concepts and the funding for the work was a consensus recommendation of the workgroup. He encouraged caucus leads to ensure their representatives seek collaboration and work to resolve outstanding issues. He requested the Board address the larger policy conversation regarding the objectives and targets of the water typing system rule and other unresolved issues in order to reduce confusion by technical folks and to lessen competing rule objectives.

## **WATER TYPING RULE COMMITTEE UPDATE**

**MOTION:** Noel Willet moved the Forest Practices Board approve funding up to \$75,000 for GIS support work for the anadromous fish floor work group.

**SECONDED** Tom Nelson

Board Discussion:

Board Member Serr asked if funding is available for this in the AMP budget.

Chair Bernath clarified with Mark Hicks, the Adaptive Management Program Administrator (AMPA), that there is a line item in the budget for water typing strategy work that will be used for this purpose.

**ACTION:** Motion passed. (10 Support / 2 Abstention (Doenges and Raines))

## **WATER TYPING RULE STAFF UPDATE**

Marc Engel, DNR, provided an update on the current work being done on the permanent water typing system rule. DNR is currently working on the two steps requested by the Board to support data needed for the development of the cost/benefit and SEPA analyses.

For the PHB and AFF spatial analyses, DNR is committed to revising the spatial analysis, but given the current oversight by the Committee for the AFF analysis and the gathering of additional eastside data, DNR is delaying the re-doing of the spatial analysis until further Board clarification or data is made available. For the economic analysis, Engel said the contract has been amended to provide funding to have the contractor address concerns brought to DNR originating from the preliminary cost/benefit analysis. The contract will be amended to address the findings from the economic advisory group specific to fish effects and the determination for conducting a qualitative analysis. He said DNR plans to hold work sessions in April 2020 to review the results from the fish analysis.

Board member Nelson asked how DNR intends to compare the current water typing rule process with the proposed PHB options before the Board.

Engel said the current interim rule as applied on the ground – known as ‘fish plus’ – will be used to compare the current rule with the proposed rule options. He said end of fish data is being used because under the current rule that is what is collected under the current fish protocol surveys to be included in most water type modification forms.

## **PUBLIC COMMENT (PM)**

None.

## **CURRENT STATUS OF LIDAR ACQUISITION FOR FOREST LANDS**

Chair Bernath said the 2015 Legislature provided funding for the Washington Geological Survey (WGS) to create and maintain a publicly available lidar database. The Board is interested in lidar availability and the cost to complete coverage for the state because there is still a desire to have a map-based fish habitat rule. He said this is particularly important to small forest landowners who may not have the resources to perform technical habitat surveys.

Abigail Gleason, WGS, provided a [presentation](#) on the current lidar coverage within Washington, describing why lidar quality matters for activities like stream typing and analyses of geologic hazards, and how the public can access the WGS lidar portal. She said the Washington State Lidar Advisory Group sets the priorities for new lidar acquisition and maintains the plan for Washington, and offered that there may be opportunities for data collection specific to forest lands and to align with the priorities of the Board.

She reported that the current lidar coverage in Washington is slightly over fifty-percent. Lidar collection started in the northwest areas of the state – moving south, and is now moving into eastern Washington. WGS is working to create large-area collections through federal grant programs as well as local and tribal governments who have helped to expand lidar coverage. Gleason said high-quality lidar is necessary to support all of the various work activities across DNR’s programs. She displayed maps showing areas in the state where the lidar data can be used with confidence. Due to low resolution, she said some of the existing lidar may not support the activities the Board is considering.

Gleason said there are currently over 15,000 square miles of low quality lidar on forested lands which needs to be re-collected in high quality lidar and approximately 28,000 additional square miles where new lidar coverage needs to be acquired. At current funding levels, it would take about three biennia to complete – approximately \$4.4 million. Meetings are planned with the advisory group in June 2020 to address priority acquisition areas, including forested areas in eastern Washington. Collecting the data as part of a coordinated large-area collection process would maximize gains.

Board Member Nelson asked how much of the available lidar is incorporated into GIS and other databases used by DNR and how much is available through the WGS lidar portal.

Gleason responded that all of the information is available to DNR staff through the lidar portal. Newly acquired lidar is available to DNR staff within a week or two of collection. Work is underway to better synchronize lidar availability through the lidar portal to increase access to other state agencies. She said the WGS does not provide access through an http or web-based site.

Chair Bernath asked if capacity would be an issue if \$4.4 million was provided to complete state coverage.

Gleason said it may not be logistically possible to collect all of the data at one time. If all of the data collection did occur, it would take some time to process it quickly given the enormity of the project. Addressing the potential for re-acquiring lidar over time, she said generally, every ten years new data elevation sets should be re-acquired and areas with rapid rates of change, such as river meander areas, coastal or higher use areas, need a higher refresh rate of five or fewer years.

#### **WFPA PRESENTATION ON PROPOSED TYPE NP BUFFER STUDY**

Darin Cramer, WFPA, presented an overview of their [Type Np buffer study proposal](#). The request is to submit a proposal initiation to consider alternative Type Np buffer approaches through the AMPA and petition the Board to approve a CR-101 for pilot rule making. He said WFPA is sharing the information because they would like the Board to take action on these requests by the May 2020 Board meeting.

He said the purpose of the project is to evaluate the effectiveness of alternative Type Np buffers (smart buffers) for maintaining stream temperature and water quality and to determine if smart buffers are cost effective and operationally feasible for landowners. Their assumption is that Type Np water riparian management zones (RMZ) can be configured – in variable length, width, stand densities – to improve stream shading greater than the existing fixed-width RMZ rule. WFPA is proposing this study to address the need for an adaptive management assessment for alternative RMZ configuration effectiveness studies and for testing alternative rule prescriptions.

The study's objectives include:

- Assess alternative Type Np RMZ configurations designed to optimize the reduction in solar insolation;
- Implement smart buffers in a range of different harvest unit sizes and locations;
- Measure the effectiveness of smart riparian buffering to reduce solar insolation on site and minimize changes in stream temperatures downstream;
- Evaluate how watershed characteristics and harvest unit configuration influences effective shade, solar insolation, and air temperature on site;

- Evaluate how watershed and hydrology attributes may influence temperature response to treatment; and,
- Evaluate the cost effectiveness of smart riparian buffers through planning and implementation.

Cramer said the study uses the before-after-control-impact study design approach. The primary metrics of interest are effective shade, stream and air temperature. Nineteen treatment sites, seven reference sites and four standard rule sites have been identified thus far. CMER sites may be included for additional comparison and they plan to conduct the study over the next three years. He clarified that since this proposal deviates from the standard Type Np rules (i.e., 50-foot buffer each side of stream for 50% of stream length), and may utilize varying RMZ widths, WFPA thought their best approach is through a pilot rule.

Board member Davies questioned why WFPA was bringing this to the Board when the AMP is already engaged in a process to evaluate responses to temperature increases along Type Np streams.

Cramer agreed that this study is outside the current process, but they feel this may inform and add to the Np RMZ temperature question and effort currently under way.

Mark Hicks, AMPA, clarified that this proposal would bring outside completed research into the AMP. Board Manual Section 22 has a process for incorporating these types of projects into the CMER review.

Board Chair Bernath asked Cramer to clarify their request for action.

Cramer said the request is for both a proposal initiation through the AMP and pilot rule making. He acknowledged they could have submitted the proposal initiation directly to the AMPA and still may do so, but wanted to share the project's scope to increase transparency. Additionally, they brought it before the Board today since they are asking the Board to approve a pilot rule making in May.

#### **ADAPTIVE MANAGEMENT PROGRAM TYPE N EXPERIMENTAL BUFFER TREATMENT GENETICS STUDY**

Aimee McIntyre, Department of Fish and Wildlife, presented the findings from the [Type N Experimental Buffer Treatment Study](#), specific to post-harvest diversity for three amphibians species. The three focus species were: Coastal tailed frog, coastal giant salamander and coast giant salamander. Dr. McIntyre said the purpose of the study is to evaluate the effectiveness of alternative riparian buffers on Type Np streams in western Washington. The overall study looked at a variety of response variables including riparian stand characteristics, amphibian demographics, water quality and exports to fish-bearing streams. The response variable covered in this presentation is the stream-associated amphibian genetic response.

Field sampling began in 2006 and continued for 2019. Some variables, such as water temperature, were measured continuously, whereas other variables, such as the amphibian data, were measured only in discreet periods of time. Pre-treatment data was collected between 2006 through 2008, harvest implementation (clear-cut harvest) using three different buffer treatments occurred in 2008 and 2009, and post-harvest data collection occurred over several years. She said because of the long-lived nature of the targeted species and long larval stages, for the genetic response variable it was important to ensure a level of confidence that the vast majority of amphibian were born in post-harvest conditions – 2009 or later.

Dr. McIntyre said the study sites were located on private, state, and federal land and within forest stands 30 to 80 years old at the time of harvest, and occurred in basins ranging from 31 to 133 acres. The study compared responses through time with unharvested control sites located within second growth forest stands to what was happening at three alternative riparian buffer treatments.

The findings showed that on a landscape scale throughout western Washington, no definitive genetic change occurred. She said that although there was some evidence of population reduction and some evidence of migration, it could not be determined to be related to the treatments being studied. In conclusion, she said the study found no evidence of severe population declines, however, determinations other than severe reductions cannot be evaluated on this temporal scale.

#### **PUBLIC COMMENT ON TYPE N EXPERIMENTAL BUFFER TREATMENT – GENETICS STUDY**

None.

#### **ADAPTIVE MANAGEMENT PROGRAM TYPE N EXPERIMENTAL BUFFER TREATMENT – GENETICS STUDY**

Mark Hicks, AMPA, said the current genetics study did not detect a strong shift in genetic diversity metrics due to treatment. However, the authors have cautioned that based on simulation data, steady declines are often not detected until several generations. After considering the findings, Policy agreed by consensus not to recommend the Board take specific action in response to this study.

He said Policy did recognize that a decision on the need for action may need to be revisited when the demographic results from the 8-year Phase II Type N Experimental Buffer Treatment extended monitoring study (currently in ISPR) is complete and the question of whether abundance has significantly declined can be answered.

**MOTION:** Jeff Davis moved the Board accept Policy's October 3, 2019 recommendation that the Amphibian Genetic findings do not warrant action by the Forest Practices Board at this time.

**SECONDED:** Ben Serr

Board Discussion:  
None.

**ACTION:** Motion passed. 10 Support / 1 Abstention (Raines) (Doenges not available for vote.)

#### **ADAPTIVE MANAGEMENT PROGRAM EXTENSIVE RIPARIAN STATUS AND TRENDS MONITORING – TEMPERATURE STUDY**

Mark Hicks, AMPA, provided a presentation on the findings from the [Extensive Riparian Status and Trends Monitoring Temperature Study](#). He said due to the challenges encountered in implementing this study as a random sample across the landscape, a decision was made not to continue monitoring trends over time. He said it is important to know that the presentation represents a snapshot in time of general conditions of stream temperature across the forested landscape.

Hicks said the components of the original study design included westside Type Np baseline status monitoring conducted in 2008 and 2009, which was to be followed by Phase 2 long-term trends monitoring. The goal was to establish a baseline and then monitor changes in stream temperature across the landscape and measure any recovery trends. Unfortunately, it was eight years before the sampling was up and running and as a result regrowth had occurred. Similar circumstances occurred on Type F and Type S streams, and eastside Np streams. This led to the decision not to continue the long-term study component.

He said the presentation represents only a snapshot in time (2008 and 2009) of general conditions of stream temperature across the forested landscape and not a direct evaluation of forest practices activities or the rule prescriptions. The results showed that for Type S and F streams, the median canopy closure was 78% shade cover and 18.1 degrees centigrade and for Type Np streams, the median canopy closure was 93% shade cover and 15.2 degrees centigrade. For reference, 12 degrees is the water quality standard for bull trout, and 16 degrees is a common criteria throughout the forested landscape, but some larger Type S and F streams can reach 18 degrees.

Board Member Smith asked for clarification regarding correlations on the chart between canopy closure and temperature.

Hicks said there is no direct correlation that can be made between canopy closure and water temperature as displayed on the chart. He also said Policy decided not to pursue trends over time, in part because of the high cost would preclude other important CMER studies. Instead, they are considering the use of remote sensing and extensive vegetation monitoring.

Chair Bernath asked for more detail about temperature and canopy closure and how they are not related in the chart.

Dr. Bill Ehinger, Department of Ecology, said the chart simply represents statistical percentages of the distributions of canopy closure and temperature from the sites sampled. They are shown in order of low to high percentiles for each parameter, the two metrics if anything are shown in inverse of their expected relationships – such that the 25<sup>th</sup> percentile for canopy closure would be more likely to be related to sites that were in the 75<sup>th</sup> percentile column for temperature.

Board Member Davies asked for clarify regarding the objectives of the study.

Hicks said the study was initially intended to track whether the implementation of the Forests and Fish rules were going to result in water temperatures either returning to potential natural conditions or to bringing waters into conformance with the state water temperature standards – the data set does not show if forest practices has an effect on temperature. Due in part to logistical issues, there was a decision not to prioritize funding for more sampling.

Ehinger clarified that the statistics on the chart are strictly for the westside. He also noted that the numbers for canopy closure are low because some of the Type F streams are very wide streams.

Chair Bernath asked Hicks to provide some detail about how Policy and CMER are pursuing a remote sensing strategy.

Hicks said that is a topic that is in early development and still at a pilot stage, however, they are working on developing a strategy and once that has been deliberated through the Policy process, a detailed report should come to the Board. CMER is working on a strategy to determine how well lidar based models can identify stand characteristics remotely.

Hicks reiterated that since it contained sampling at one point in time, the study cannot be used to determine if stream temperatures have been cooling since adoption of the Forests and Fish rules. Additionally, the study doesn't provide any basis to determine how well the forest practices rules influence the temperatures observed at the sample sites. Therefore, after reviewing the study findings, Policy agreed by consensus not to recommend the Board take any action in response to this study.

#### **PUBLIC COMMENT ON EXTENSIVE RIPARIAN STATUS AND TRENDS MONITORING – TEMPERATURE STUDY**

Darin Cramer, WFPA, said with regard to the earlier presentation on amphibians, Washington Department of Fish and Wildlife has conducted a lot of work on amphibians, which was one of the biggest areas of uncertainty at the time of the Forests and Fish Agreement and have done a great job to reduce that uncertainty. He said an important component that is needed is to establish a baseline and monitor trends on a landscape scale over time.

#### **ADAPTIVE MANAGEMENT PROGRAM EXTENSIVE RIPARIAN STATUS AND TRENDS MONITORING – TEMPERATURE STUDY**

Mark Hicks, AMPA, said though Policy is recommending no action, Policy suggested the study be provided as supporting technical information to the Type Np Prescription Workgroup.

**MOTION:** Kelly McLain moved the Board accept Policy's October 31, 2019 recommendation that the Extensive Riparian Status and Trends Monitoring - Temperature Study findings do not warrant action by the Forest Practices Board.

**SECONDED:** Dave Herrera

Board Discussion:  
None.

**ACTION:** Motion passed (11 Support / 1 Abstention (Raines))

#### **ADAPTIVE MANAGEMENT PROGRAM HARDWOOD CONVERSION STUDY**

Mark Hicks, AMPA, provided a presentation on the CMER [Hardwood Conversion Study](#). He said the purpose of this study was to evaluate the effectiveness and operational and economic feasibility of hardwood conversion treatments in certain western Washington lowland riparian areas. He noted this was a case study, not an experimental study, since harvest and regeneration prescriptions were left to the landowners' discretion, except for being provided with specific minimum 25-foot stream buffer width and reforestation targets.

The report summarizes conditions and trends from post-harvest monitoring at four and ten years. Results suggest planting high densities of shade- and moisture-tolerant conifer species and controlling competing vegetation to provide for the highest conifer survival. He said the results also suggest these treatments are economically viable when sufficient harvest volume exists. The study does not however, enlighten a number of important matters such as the effects on shade, stream

temperature, or large woody debris recruitment and the effectiveness of the forest practices rule for hardwood conversions.

#### **PUBLIC COMMENT ON HARDWOOD CONVERSION STUDY**

None.

#### **ADAPTIVE MANAGEMENT PROGRAM HARDWOOD CONVERSION STUDY**

Mark Hicks, AMPA, said Policy's consensus recommendation is for no formal Board action in response to this study. Policy is considering re-evaluating the study sites over time, sampling for the 150 trees/acre rule minimum and whether to conduct a more rigorous study to identify hardwood conversion effects on stream protection. Results may also provide best management practices for conifer restoration prescriptions.

**MOTION:** Brent Davies moved the Board accept Policy's December 5, 2019 recommendation that the Hardwood Conversion Study findings do not warrant action by the Forest Practices Board.

**SECONDED:** Bob Guenther

Board Discussion:

None.

**ACTION:** Motion passed. 10 Support / 1 Abstention (Raines) (Doenges not available for vote.)

Hicks stated on behalf of Policy that over the past six months, six scientific studies have gone through the entire CMER process. He noted that none of these studies resulted in recommendations for the Board to take action, and Policy expressed concern that the Board and members of the public might think the efforts were wasted. Policy acknowledged that even if findings are inconclusive, the work has multiple benefits – fills gaps in scientific knowledge, reduces previously held concerns and narrows the focus for future research efforts. These particular studies identified performance targets that Policy needs to re-think and Policy is already investigating those targets. He reiterated that these findings are important components of a robust AMP.

#### **AERIAL HERBICIDES IN FORESTLANDS LEGISLATIVE REPORT**

Chair Bernath and Kelly McLain, Department of Agriculture, provided an overview of the [Aerial Application of Herbicides on Forestlands Workgroup's recommendations](#). Senate Bill 5597 (2019) established a workgroup to review and evaluate existing best management practices and if necessary, make recommendations for improvements to those practices. The group held several meetings and field tours to assess how forestland managers apply herbicides. Recommendations from the group include:

- DNR (Forest Resources Division) to conduct research projects to answer the question – are there non-chemical or other alternatives to spraying aerial herbicides for vegetation control?
- The Forest Practices Program to clarify the buffer rules related to applying aerial herbicides adjacent to agricultural land and residences
- The Forest Practices Program to make updates to the Forest Practices Application Review (FPARS) to make it more user-friendly for reviewing forest practices applications (FPA) and to make the link more visual on DNR's webpage. DNR will be making a funding request for the next biennium to update the FPARS program.

- The Forest Practices Program to evaluate best management practices for signage and posting prior to aerial spray projects and incorporate this into Board Manual guidance and the *Forest Practices Illustrated*.
- Department of Agriculture to conduct a literature review (if funding allows) to address gaps in chemical effects on dry stream reaches
- The leading agencies to convene meetings to evaluate current herbicides investigation rules and enforcement processes and make recommendations for how complaints should be reported and properly referred, and
- The Forest Practices Program to add an aerial spray rule compliance component to its Compliance Monitoring Program.

Chair Bernath said as a result of these recommendations, the Board needs to consider adding the task for updating Board Manual Section 12 to the Board's work plan.

Board member Nelson suggested DNR make clear to folks interested in reviewing aerial spray FPAs that not all of the chemicals listed on a FPA will be used. Only one chemical may be applied, the inclusive list allows for options should weather or other conditions necessitate a change.

#### **STAFF REPORTS**

There were no questions of the following reports.

- Adaptive Management
- Small Forest Landowner Office
- TFW Policy Committee
- Upland Wildlife

#### **2020 WORK PLANNING**

Marc Engel, DNR, reviewed the changes to the work plan as a result of the day's meeting. Additions to the work plan include Board Manual Section 12, Taylor's Checkerspot Butterfly for August and a recommendation in May on herbicide actions.

**MOTION:** Carmen Smith moved the Forest Practices Board approve the work plan as amended today.

**SECONDED:** Bob Guenther

Board Discussion:  
None.

**ACTION:** Motion passed unanimously.

#### **EXECUTIVE SESSION**

None.

Meeting adjourned at 3:20 p.m.