

1 **FOREST PRACTICES BOARD**
2 **SPECIAL BOARD MEETING**

3 May 12, 2014

4 John A. Cherberg Building, Hearing Room 1
5 Olympia, Washington
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources
9 Bill Little, Timber Products Union Representative
10 Bob Guenther, General Public Member/Small Forest Landowner
11 Carmen Smith, General Public Member/Independent Logging Contractor
12 Court Stanley, General Public Member
13 Dave Somers, Snohomish County Commissioner
14 David Herrera, General Public Member
15 Joe Stohr, Designee for Director, Department of Fish and Wildlife
16 Heather Ballash, Designee for Director, Department of Commerce
17 Paula Swedeen, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent**

21 Kirk Cook, Designee for Director, Department of Agriculture
22 Vacant, General Public Member
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **CALL TO ORDER**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m. and
32 immediately convened an executive session.
33

34 **EXECUTIVE SESSION**

35 Executive session convened at 9:00 a.m. and adjourned at 9:35 a.m.
36

37 **OPENING REMARKS**

38 Aaron Everett stated the Board is here today to review and take stock in our scientific knowledge
39 about landslide hazards and learn about the protections in place within the forest practices rules and
40 how DNR implements them. This is for the purpose of informing both the public and the Board
41 members as to what is known and to inform the Board in potential action items for tomorrow's
42 meeting. He is deeply appreciative of all that have joined for the day to give presentations and to the
43 staff for supporting this meeting as there is a lot of logistical details to make it happen. He said he
44 will rely on the Board members' knowledge and contributions and can't think of more important
45 work to be doing.
46
47

1 **OVERVIEW LANDSLIDE HAZARDS IN WASHINGTON STATE, STATUS OF**
2 **INVENTORY AND DETECTION TOOLS**

3 Dave Norman, DNR, provided an overview on landslide hazards in Washington State and a review of
4 the inventory and detection tools used.
5

6 **OSO LANDSLIDE OVERVIEW**

7 Jonathan Godt, U.S. Geological Survey (USGS), provided a summary of the recent landslide event
8 near Oso, Washington.
9

10 **CURRENT SCIENTIFIC KNOWLEDGE ABOUT GROUNDWATER RECHARGE**

11 Bradley Biggerstaff, GeoResources, LLC, provided an overview on data sources for deep-seated
12 glacial landslides.
13

14 **QUESTIONS AND DISCUSSION**

15 Dave Somers asked how much is covered under the systematic landslide hazard maps for the State,
16 specifically for the Westside. Dave Norman responded by stating there is not much, about 150 out of
17 750 – far from complete. Somers followed-up in asking whether it was expensive in resources and
18 money and Norman responded yes for both. However, he said a cost savings could be had by
19 purchasing LiDAR which would have an initial high investment, but would speed up time and be
20 more accurate (faster and better).
21

22 Paula Swedeen asked how much LiDAR would cost and how quickly it would take to obtain
23 comprehensive statewide coverage. Dave Norman responded approximately \$20 million on a
24 prioritized basis.
25

26 Paula Swedeen asked about the impact of removing some or all tree cover in areas of groundwater
27 recharge zones. Bradley Biggerstaff responded that typically when looking at a site, we are also
28 looking at the soil conditions to determine whether it is a recharge area. He said if harvesting in an
29 area that is glacial till, the recharge is fairly limited in terms of deeper aquifers, but if the system is
30 within recessional soils (sands and gravels) then one has to assess the amount of timber that is being
31 removed and in some cases you want to limit the harvest.
32

33 Dave Somers asked what the State's role is in the Puget Sound LiDAR Consortium. Dave Norman
34 responded that collecting LiDAR is not a state managed program, it is an adhoc program through the
35 Puget Sound LiDAR Consortium. He recommended a state managed program to collect the data and
36 then serve the data out in a manageable way which would create cost savings and better partnerships
37 that would allow lower costs.
38

39 Aaron Everett asked about the list of research questions that USGS thinks are appropriate to pursue
40 and whether there will be an investigation as to the cause of the mudslide. Jonathan Godt responded
41 that the list of questions in his presentation is where the federal government would play a role in. In
42 terms of cause, he said that it may not be answerable in a satisfactory way because the slide has done
43 its thing and the data cannot be recovered.
44

45 Dave Somers asked if there would be a USGS follow-up study to answer the questions. Jonathan
46 Godt answered there is a discussion among State, county and USGS about seeking additional funding
47 for an interagency agreement to answer these questions.
48

1 Joe Stohr asked if the funding was available for the study and how long the research would take.
2 Jonathan Godt responded that it would take several years.

3
4 **CONTEXT: FORESTS AND FISH REPORT UNSTABLE SLOPES RESOURCE**
5 **OBJECTIVES AND RULE DEVELOPMENT**

6 Stephen Bernath, Department of Ecology, provided a regulatory history of the unstable slope rules
7 and reviewed the watershed analysis (WSA) process, the Forests and Fish commitments and the
8 Forests and Fish Rules.

9
10 **CURRENT FOREST PRACTICES RULE & BOARD MANUAL REQUIREMENTS**

11 Marc Engel, DNR, shared how the current rules evolved for review and approval of Forests Practices
12 Applications. He also provided an overview of the guidance provided in Board Manual Section 16.
13 He stated that the Legislature directed the Forest Practices Board, in RCW 76.09.055, to adopt the
14 recommendations in the Forests and Fish Report into the forest practices rules with the goal to protect
15 public resources and prevent threats to public safety.

16
17 **QUESTIONS AND DISCUSSION**

18 Tom Laurie asked how many Class IV-Specials are there normally. Marc Engel responded
19 approximately 75-100 each year out of 6100 total applications. Laurie further asked if there is enough
20 information provided in the application to determine whether bounding out unstable landform areas is
21 occurring. Engel responded that the forest practices foresters use all the screening tools available and
22 go and walk the site when indicators are known as well as call for an ID team if necessary. He also
23 indicated that a new form has been implemented that landowners need to complete and attach the
24 form to their FPA to provide additional information in order to better screen the application.

25
26 Dave Somers asked what happens to the higher level scrutiny completed in the WSA process. Marc
27 Engel responded that all approved WSA have remained intact, however most of the mass wasting
28 prescriptions have been rescinded.

29
30 Paula Swedeen asked how many Class IV-Special applications are subject to SEPA with a
31 Determination of Significance. Marc Engel responded that he did not have a number at this time and
32 would follow up with how many.

33
34 Court Stanley asked what the training requirements on mass wasting for DNR foresters are and Marc
35 Engel responded that all foresters have the opportunity to take the unstable slopes training that is
36 offered twice a year.

37
38 **THE MASS WASTING EFFECTIVENESS MONITORING PROJECT: AN EXAMINATION**
39 **OF THE LANDSLIDE RESPONSE TO THE DEC. 2007 STORM IN SW WASHINGTON**

40 Greg Stewart, Northwest Indian Fisheries Commission, provided an overview on the examination of
41 the landslide response to the December 2007 storm in the Southwestern Washington study.

42 Objectives of the study included:

- 43 • Evaluating the effectiveness of the forest practices rules at reducing sediment delivery to public
44 resources; and
- 45 • Identifying prescription-scale management-related factors that may be used to improve unstable
46 slope identification and mitigation efforts.

1 The study focused on identifying all landslides that deliver to a public resource; public safety was not
2 a factor that was looked at in this study.

3 4 **SOUTHERN WILLAPA HILLS RETROSPECTIVE STUDY**

5 Isabelle Sarikhan, DNR, stated that in February 2008 the Forest Practices Board asked whether
6 current forest practices rules were followed in harvest units and if unstable features were buffered.
7 She said that the Forest Practices Program decided to conduct this study to exam whether FPAs
8 contained harvested rule identified landforms (RIL) and if so, examine how the processing of the
9 FPAs addressed those RILs. She concluded with the findings and recommendations contained in the
10 report which included confirmation that FPAs were processed in accordance to the forest practices
11 rules by either a geotechnical report or approved watershed analysis mass wasting prescriptions and
12 that DNR should work with stakeholders to gain funds to purchase LiDAR and to work with the
13 Puget Sound Consortium.

14 15 **TFW POLICY COMMITTEE MASS WASTING RECOMMENDATIONS**

16 Stephen Bernath and Adrian Miller, TFW Policy Committee (Policy) co-chairs, reviewed the
17 following with the Board:

- 18 • Request from Aaron Everett to Policy co-chairs to shift priorities; and
- 19 • Policy's recommendations and findings on mass wasting

20
21 Bernath stated that by request of Everett, the committee shifted their priorities from the Type F issues
22 to address questions related to mass wasting and their work related to the mass wasting research
23 strategy. He said that Policy's discussion and recommended actions in response to the Mass Wasting
24 Effectiveness Monitoring Project did not explicitly consider public safety; however, there are several
25 components of the recommendation that address both public resources and public safety concurrently.

26
27 Bernath said that Policy considered how public safety could be addressed in future mass wasting
28 studies and what it would take to complete the review of the mass wasting research strategy in a
29 timely fashion and that Policy would provide the Board with recommendations as part of the
30 Adaptive Management Master Project Schedule approval in August. He highlighted the
31 recommendations to include a programmatic review of the mass wasting strategy for forest practices
32 and that \$50,000 be allocated in the 2015 Cooperative Monitoring, Evaluation and Research
33 Committee (CMER) budget to scope projects related to glacial deep-seated landslides.

34
35 Miller highlighted the recommendations made in February 2014 that the Board endorsed in response
36 to the Mass Wasting Effectiveness Monitoring Project which include:

- 37 • nearly all watershed analysis prescriptions have been phased out;
- 38 • history of process improvements related to mass wasting;
- 39 • providing feedback to DNR on review process, Forest Practices Application and investigating
40 availability of LiDAR;
- 41 • Compliance Monitoring Program to include a review of accuracy and bias in landform
42 identification;
- 43 • Supporting the ongoing implementation and enforcement of road construction and reconstruction
44 regulations, including the RMAP Program; and
- 45 • Implementing the Unstable Slopes Criteria Project and the review of the mass wasting research
46 strategy.

1 **ADAPTIVE MANAGEMENT PROGRAM'S MASS WASTING STRATEGY AND**
2 **UNSTABLE SLOPES RULE GROUP PROJECTS**

3 Mark Hicks, Department of Ecology, provided an overview on the Unstable Slopes Rule Group that
4 looks at preventing forest practices from increasing or accelerating mass wasting beyond the naturally
5 occurring rates. He stated the strategy is to implement an unstable-landform identification program
6 then implement a mass wasting effectiveness monitoring and validation program to assess the
7 effectiveness of landform recognition and mitigation at various scales.
8

9 **QUESTIONS AND DISCUSSION**

10 Tom Laurie asked how many projects are currently underway. Jim Hotvedt, DNR, and Hicks
11 responded that there are 24 projects that are underway or in the scoping phase.
12

13 Dave Somers asked if there is the ability to accurately identify the recharge zone and if the studies
14 will help us to model the hydrology. He clarified by asking if we have the ability to identify those
15 zones on the ground accurately. Hicks responded that one of the projects specifically focuses on
16 whether we can through modeling and that he is unsure whether we have the ability now.
17

18 Adrian Miller stated that this particular science really requires experts in every phase of the project
19 and the key is to get a qualified group together to review the strategy thoroughly.
20

21 Paula Swedeen asked how the public safety aspect fits within the research projects. Miller responded
22 that the projects will inform how forest practices interact with timber harvests near landslides in
23 identifying features and determining mitigation measures.
24

25 Swedeen asked if there are any gaps in the questions and Miller responded that if there are it will
26 come out of the review of the research strategy.
27

28 Court Stanley asked how much existing research is there in groundwater recharge areas. Hicks
29 responded that they do not know.
30

31 Aaron Everett asked if Policy has discussed acquiring the LiDAR data itself, the development of
32 additional tools for its use in the analysis or whether it's beyond Policy's scope. Hicks responded that
33 it is beyond Policy's conversations. Processing LiDAR is an area of research in itself and being
34 developed better each day. CMER will continue to monitor that part of it.
35

36 Bernath also stated that the recommendation includes DNR to investigate how currently available
37 LiDAR can improve the slope stability screening tool to better identify potentially unstable slopes.
38 Dave Somers asked to what extent is outside research or expertise sought. Hicks responded that there
39 is no formal mechanism but CMER looks for others willing to take on our process. Somers
40 recommended looking at other areas in the world and the research that might already be available.
41

42 **FOREST PRACTICE APPLICATION REVIEW AND SCREENING PROCESS FOR**
43 **UNSTABLE SLOPES**

44 Donelle Mahan, DNR, provided an overview on DNR's process in addressing Forest Practices
45 Applications with potentially unstable slopes. She also reviewed a new form related to slope stability
46 that will aid in supplying information to DNR in order to make more informed decisions. Mahan
47 stated that LiDAR is the best tool to use for identifying unstable slopes; however DNR does not have
48 full coverage across the state and the technology is costly.

1 Court Stanley asked how often the landowner consults with the Department prior to submitting an
2 application. Mahan responded that she did not know how many but that it does occur and is called a
3 pre-application review.

4
5 Dave Somers asked who decides what level of study goes into an area which is included in the
6 geotechnical report. Mahan responded that Board Manual Section 16 identifies the process for a
7 geotechnical report that helps to better communicate what is seen on the ground.

8
9 Paula Swedeen stated the level of checks and reviews is impressive. However, she asked if foresters
10 ever feel they don't have enough information to make a decision. Mahan expressed the importance of
11 LiDAR, however without it, it is extremely important for the forester to go walk the ground with a
12 geologist if needed.

13
14 Swedeen also asked about when you don't have LiDAR and are using other tools that may be over
15 predictive, do you run into the situation where not only are they over predictive but inaccurate in
16 picking up where the hazard may be. In the absence of LiDAR does staff miss something – are these
17 situations staff get into or run into? Mahan responded that it may be possible to miss something and
18 that additional information may come up that would inform DNR to proceed with a Stop Work Order,
19 enforcement action or other resources to ensure that resources are protected.

20
21 Bob Guenther asked how many small forest landowner Class IV applications are reviewed. Mahan
22 did not have the numbers available; however at the next day's meeting (May 13) she responded that
23 there were nine small forest landowners in calendar year 2013 and 74 large landowners that were
24 reviewed.

25
26 Tom Laurie asked to outline the differences in the DNR's conditioning authority on an application
27 and what is afforded under SEPA -is there a difference? Marc Engel responded yes, the SEPA
28 informs the Forest Practices Application and the mitigated determination of non-significance can be
29 incorporated into the application.

30 31 **PUBLIC COMMENT**

32 Mark Doumit, Washington Forest Protection Association (WFPA), stated that the forestry and wood
33 products industry are deeply saddened by the loss of life and tragedy of the Oso landslide. He said
34 that landslides will always be a part of the landscape in the Pacific Northwest due to the wet weather
35 and geology. He said in forestry there is a long-standing policy of avoiding unstable areas to prevent
36 landslides with most unstable slopes already protected by regulations or bounded out from the harvest
37 of timber. He said that they are willing to continue to adapt our forest practices as science points the
38 way and to participate in a broader public dialogue about public safety and environmental
39 protections.

40
41 Stephen Dillon, Hancock Forest Management, stated that there is a formal process within the forest
42 industry to identify rule identified landforms and other landslide potential. He said that the goal is to
43 prevent or avoid landslide-prone areas in order to protect natural resources, property and public
44 safety.

1 Rob Kavanaugh stated that he is concerned with public safety and believes something went wrong
2 with the system that allowed the catastrophe to occur. He said he has talked with some of the DNR
3 foresters and geologists and that they indicate there are numerous potential slides on the
4 Stillaguamish. He said the failure is not getting the point across to the residents in Snohomish county
5 or other areas where people are living underneath these catastrophic slide areas, especially when a
6 Forest Practices Application was approved just above the slide area. He indicated that there are
7 numerous reports warning of the dangers on the Hazel Slide area which could have been
8 communicated to the residents.

9
10 Wendy Gerstel, Qwg Applied Geology, presented a report on the results of a 2007 CMER funded
11 project known as “Groundwater Recharge to Glacial Deep-Seated Scoping Document”. She said the
12 scope was to study the relationship between evapotranspiration, timber harvests, groundwater, and
13 deep-seated landslides.

14
15 Miguel Perez-Gibson, Washington Environmental Council, encouraged the Board to move quickly to
16 advance whatever is needed, including developing new rules. He said the rules must meet the highest
17 standards regarding public safety. He recommended a funding package be submitted to the
18 Legislature that includes resources for LiDAR, additional geologists and foresters.

19
20 Debbie Durnell said that she lost her husband, along with many close friends and neighbors on March
21 22 when the mudslide happened. She urged the Board to do everything possible to prevent future
22 landslides in areas like Steelhead Haven, where people live. She said the State needs to identify the
23 risks, pass regulations and notify the public of the hazards to ensure that people are protected from
24 these dangerous features on our lands.

25
26 Kara Whitaker, Washington Forest Law Center (WFLC), said she commends DNR for making the
27 Forest Practices Application screening process more transparent and accountable. She encouraged the
28 Board to support and develop a standardized method or tool for estimating landslide delivery
29 potential.

30
31 Emily Shapiro spoke on behalf of Jaimie Mason who described her volunteer experience after the
32 mudslide and the questions she had to answer for her five year old who lost a friend. She concluded
33 by stating that landslide risks should be identified and homeowners should be told about them.

34
35 Chris Mendoza spoke about his experience as CMER co-chair, specifically research on and around
36 steep and unstable slopes. He confirmed that 2007 was the last time CMER moved any projects along
37 associated with unstable slopes. He said that CMER research is geared mainly on aquatic resources
38 and public safety would only be addressed if there was an overlap. He said that the Board would need
39 to update CMER and Policy’s work plan to expand the scope to include public safety.

40
41 Peter Goldman, conservation caucus, stated that there were extensive recent and legacy forest
42 practices above and adjacent to this well-studied landslide and that some of the logging occurred in
43 the specified “recharge area”. He said regardless of the degree to which logging contributed to the
44 mudslide, based on today’s testimony there are at least three inadequacies with the current
45 regulations: 1) no DNR-prepared maps showing where the deep-seated landslides are; 2) no
46 enforceable regulations or guidelines on how a precautionary “recharge area” line can be put on the
47 ground around them; 3) no regulations or guidelines setting forth how much risk is acceptable or
48 unacceptable for logging in unstable areas. He said that he welcomed DNR’s new internal review

1 guidelines announced via press release; however he does not believe they indicate where deep-seated
2 landslides are or how we can safely conduct logging on or near them. He urged the Board to adopt an
3 appropriate emergency rule imposing a moratorium on logging near these landslides.
4

5 **DISCUSSION** – Forest Practices Board

6 Bob Guenther said that Mark Doumit’s testimony really hit home for him when he indicated that we
7 really need to educate the public on what the hazards might be around where they are living or buying
8 land.
9

10 Dave Somers said he is focused on how to move forward and move the state of knowledge and
11 advance our practices in the area of erosion hazards. Not only for public resources but for public
12 safety where that is an issue too. Take away message for him today is that there is a lot of uncertainty
13 in finding these areas and understating the land use on those hazards and knowing what to do and to
14 measure the risks. He stated King County and Snohomish County are interested in advancing the
15 availability and accessibility of LiDAR and making the information available to the public.
16

17 Tom Laurie supported the idea of submitting a report to the Legislature to obtain funding for LiDAR
18 and possibly for CMER projects.
19

20 Paula Swedeen echoed other Board Members in that the presentations were very helpful. She said in
21 spite of the great job everyone is doing, she questioned what else or what more can be done. She
22 indicated that while DNR staff are doing a great job in screening the applications, she senses more
23 staff and tools would be helpful and in the absence of these what can be done in the meantime is the
24 question she is left with today.
25

26 Carmen Smith echoed Stephen Dillon’s comment on communication and that it is key to any process.
27 She also voiced support for a funding package for LiDAR and encouraged all stakeholders to work
28 together to support it.
29

30 Joe Stohr said that public safety needs to be front and center for the Board as it relates to forest
31 practices but that there are many other state agencies and local governments that need to be part of
32 the discussion. He also supports the idea of a LiDAR funding package sooner rather than later. He
33 said he would be interested in staff developing a list of options on how we might expedite some high
34 priority public safety forest practices oriented initiatives.
35

36 Dave Herrera acknowledged the implementation of the forest practices rules and the extensive
37 process that has been developed which looks good. He said the recent event indicates the need to
38 focus on public safety and not just protecting public resources. He said how to move forward will be
39 the challenge in finding ways to fund LiDAR and additional resources. He said that public safety
40 should be a focus of everyone including other state agencies and local governments, not just DNR.
41

42 Court Stanley congratulated DNR for a well thought-out and articulate day. He said LiDAR is a
43 fantastic tool but as said many times today, it does not substitute for walking the ground. He said he
44 supports additional resources for on-the-ground reviews.
45

46 Bill Little said he appreciated having this much needed meeting.
47
48

1 Heather Ballash said that she appreciated all the valuable presentations. She also said that she agrees
2 with Somers in that it needs to be a broader conversation with local governments on how public
3 safety issues are addressed.
4
5 Everett reviewed the agenda for the next day.
6
7 Meeting adjourned at 4:45 p.m.
8

1 **FOREST PRACTICES BOARD**
2 **REGULAR BOARD MEETING**
3 May 13, 2014
4 Natural Resource Building, Room 172
5 Olympia, Washington
6

7 **Members Present**

8 Aaron Everett, Chair, Department of Natural Resources
9 Bill Little, Timber Products Union Representative
10 Bob Guenther, General Public Member/Small Forest Landowner
11 Carmen Smith, General Public Member/Independent Logging Contractor
12 Court Stanley, General Public Member
13 Dave Somers, Snohomish County Commissioner
14 David Herrera, General Public Member
15 Joe Stohr, Designee for Director, Department of Fish and Wildlife
16 Heather Ballash, Designee for Director, Department of Commerce
17 Paula Swedeen, General Public Member
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent**

21 Kirk Cook, Designee for Director, Department of Agriculture
22 Vacant, General Public Member
23

24 **Staff**

25 Chris Hanlon-Meyer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel
29

30 **WELCOME AND INTRODUCTIONS**

31 Aaron Everett called the Forest Practices Board (FPB or Board) meeting to order at 9:00 a.m.
32

33 **APPROVAL OF MINUTES**

34 **MOTION:** Bob Guenther moved the Forest Practices Board approve the February 11, 2014
35 meeting minutes as amended.
36

37 **SECONDED:** Carmen Smith
38

39 **ACTION:** Motion passed unanimously.
40

41 **PUBLIC COMMENT**

42 Bruce Barnes, Mt. Saint Helens Rescue, elk hunters, said he wanted to make a complaint about
43 chemical use on clear cuts. He said he knows that the chemicals used in the forest are labeled with a
44 specific use; however when chemicals are mixed there is no way to tell the use or affects. He
45 presented photos of elk with hoof rot disease and said that in Southwest Washington the elk are dying
46 of hoof rot disease indirectly or directly from these chemicals. He asked the Board to investigate the
47 types of chemicals being used to ensure that the chemicals are safe for humans and wildlife.
48

1 Mark Smith, Eco Park Resort, said he is concerned with the aerial herbicide spraying permit process.
2 He said that recent independent and departmental studies show a decrease in native habitat for all
3 species from herbicide spraying and he listed several concerns and observations. He asked the Board
4 to conduct their own investigation into the use of aerial herbicide spraying.
5

6 Gene Crocker, Cowlitz Game and Anglers, said he is a long time resident of Ryderwood and has seen
7 a decline in wildlife in the past 50 years. He said he attributes the decline to herbicide use and asked
8 the Board to make a policy change in the use of herbicides.
9

10 **FOREST PRACTICES APPLICATION REVIEW AND SCREENING PROCESS FOR** 11 **UNSTABLE SLOPES**

12 Leslie Lingley, DNR, described how DNR's Forest Practices Science Team reviews Forest Practices
13 Applications with unstable slopes. She said the Science Team:

- 14 • Consults with forest practices foresters during Forest Practices Application reviews, alternate
15 plans, RMAPS;
- 16 • Participates in training on wetlands, unstable slope training, and channel migration zones;
- 17 • Participates on interdisciplinary (ID) teams;
- 18 • Conducts geologic studies;
- 19 • Works on and off for CMER; and
- 20 • Provides expert testimony for appeals and enforcement actions.
21

22 She also discussed rule identified landforms in the forested environment. Lingley said all FPAs with
23 potentially unstable slopes or landforms must be field verified. She also indicated that deep-seated
24 landslides could be more easily defined if LiDAR was more widely available in each region.
25

26 **PUBLIC COMMENT ON THE TFW POLICY COMMITTEE'S WORK PRIORITIES**

27 Karen Terwilliger, Washington Forest Protection Association, said they support the mass-wasting
28 recommendations and believe it is a good framework in how to move forward in looking at the next
29 steps. She said the strength in the FPA review process is that it is a site-by-site review process.
30

31 **TFW POLICY COMMITTEE'S WORK PRIORITIES**

32 Adrian Miller, TFW Policy (Policy) co-chair, stated that Policy shifted their priorities from the Type
33 F issues to address questions related to mass wasting projects and mass wasting research strategy. He
34 said Policy seeks specific action from the Board to confirm, amend, or qualify the Board Chair's
35 request that we make mass wasting a near-term priority.
36

37 Stephen Bernath, Policy co-chair, presented Policy's considerations which include:

- 38 1. Complete the review of DNR's existing implementation procedures of the rules and associated
39 board manual, considering both public resources and public safety and report back to the Board in
40 August.
- 41 2. Begin review of the existing mass wasting research strategy and report back to the Board in
42 August.
43

44 Miller also presented key points raised in the discussions initiated by Everett and Policy's subsequent
45 response for the Board to consider in providing direction.
46

47 Tom Laurie asked that Policy consider the "public notification process" identified as a concern during
48 yesterday's public comment. Miller stated this is a discussion for a broader set of stakeholders than is

1 currently represented within the Policy Committee. Dave Somers said the counties recognize their
2 role in addressing the notification issue and agreed with Miller that the discussion needs to occur with
3 other entities.

4
5 Dave Somers said he would like to see a prohibition of activities in ground water recharge areas in
6 documented deep-seated landslides that can impact public safety until better information is available.
7 He said it is not clear on whether the Board has this authority but would like to have the conversation.

8
9 Everett stated that he agreed that there is a considerable amount of question on whether a moratorium
10 is within the Board's legal authority. He suggested that the Board seek legal advice from the Office of
11 the Attorney General before taking any action. He said he is committed on behalf of the
12 Commissioner of Public Lands, Peter Goldmark to make the request.

13
14 The Board then discussed next steps and direction to the Policy Committee.

15
16 **MOTION:** Dave Somers moved the Forest Practices Board direct the Adaptive Management
17 Program to prioritize the mass wasting work as follows:

- 18 1. Complete the process review related recommendations resulting from the Mass
19 Wasting Effectiveness study, including potential threats to public safety, and
20 report to the Board at the August meeting. In addition, make recommendations
21 related to:
 - 22 • Identification of potential gaps in information about location of glacial deep
23 seated landslides and recommend measures to close gaps; and
 - 24 • Evaluation of existing mitigation measures under current rule pertaining to
25 groundwater recharge areas associated with glacial deep seated landslides.
- 26 2. Begin the review of the existing mass wasting research strategy, including
27 potential threats to public safety and the glacial deep-seated landslide program,
28 with an initial report back at the Board's August meeting.

29 Somers further moved that the Forest Practices Board direct TFW Policy Committee
30 to complete the Type F assignments by the November meeting and report back to the
31 Board at the August meeting on progress.

32
33 **SECONDED:** Bob Guenther

34
35 Board Discussion:

36 Paula Swedeen asked if it was possible for all of #1 to be completed before the August meeting.
37 Miller responded that due to the review specificity in the motion he is not certain how long it will
38 take. Miller indicated that a draft plan of action can be provided to the Board when available.

39
40 **ACTION:** Motion passed unanimously.

41
42 **PUBLIC COMMENT ON UNSTABLE SLOPES WORK SESSION**

43 None.

44
45 **UNSTABLE SLOPES WORK SESSION**

46 Everett reviewed some topics of concern heard yesterday and this morning about hazard identification
47 tools, public notification, board manual changes, and availability and need of LiDAR.

1 The Board discussed next steps and action to be taken. The Board is supportive of convening a group
2 to look into the sharing of LiDAR data.

3
4 Everett recommended convening a group of experts on ground water recharge to amend *Board*
5 *Manual Section 16 Unstable Slopes*.

6
7 Everett suggested conducting rule making that would clarify that DNR may request a more detailed
8 geotechnical report to appropriately classify an application.

9
10 **MOTION:** Paula Swedeen moved the Forest Practices Board in a first phase direct staff to
11 assemble qualified experts with expertise in ground water recharge on glacial deep
12 seated landslides to review and amend guidance specific to the identification and
13 delineation of ground water recharge areas in Board Manual Section 16, Guidelines
14 for Evaluating Potentially Unstable Slopes and Landforms. In a second phase, amend
15 guidance specific to assessing delivery potential.

16
17 Swedeen further moved the Forest Practices Board direct staff to convene forest
18 landowner representatives and Puget Sound LiDAR Consortium members to
19 determine willingness to provide existing bare earth coverage data.

20
21 **SECONDED:** Dave Somers

22
23 **ACTION:** Motion passed unanimously.

24
25 **MOTION:** Dave Somers moved the Forest Practices Board direct staff to:
26 • File a CR-101 Preproposal Statement of Inquiry indicating the Board's intent to
27 amend DNR's authority to require information needed to appropriately classify a
28 Forest Practices Application where the presence of a potentially unstable slope
29 may threaten public safety; and
30 • Develop rule language, modifying WAC 222-20-010(2) to consider including
31 language from WAC 222-16-050(1)(d)(ii) and WAC 222-10-030(1) and (4)
32 providing information to DNR regarding unstable slopes in or around Forest
33 Practices Application areas to identify potential threats to public safety;

34
35 **SECONDED:** Tom Laurie

36
37 **ACTION:** Motion passed unanimously.

38 39 **STAFF REPORTS**

40 Rule Making Activity & 2014 Work Plan

41 Marc Engel, DNR, presented a revised 2014 work plan as a result of today's actions.

42
43 **MOTION:** Tom Laurie moved the Forest Practices Board approve the 2014 work plan that reflect
44 changes to the rule making and board manual development schedules to allow work
45 associated with water typing and unstable slopes and landforms to be completed.

46
47 **SECONDED:** Court Stanley

1 **ACTION:** Motion passed unanimously.
2

3 No further discussion on the following reports.

- 4 • Adaptive Management
- 5 • Board Manual Development
- 6 • Compliance Monitoring
- 7 • Legislative 2014 Session Review
- 8 • Northern Spotted Owl Conservation Advisory Group
- 9 • Northern Spotted Owl Implementation Team

10
11 **PUBLIC COMMENT**

12 Kara Whittaker, Washington Forest Law Center (WFLC), said she echoes the comments made
13 relating to the hoof rot disease. She said rule making may be necessary to protect the elk as a public
14 resource and to humans if it is found that the disease can be transferred to humans.
15

16 **PUBLIC COMMENT ON THE CMER 2015 WORK PLAN AND BUDGET/ CMER MASTER**
17 **PROJECT SCHEDULE**

18 None.
19

20 **CMER 2015 WORK PLAN AND BUDGET/CMER MASTER PROJECT SCHEDULE**

21 Jim Hotvedt, DNR, provided an overview on the status of projects in the FY15 CMER Work Plan and
22 FY15 Budget. He also outlined the Board's approval process for the CMER Master Project Schedule.
23 He indicated that the goals for the Master Project Schedule is to have all prioritized projects
24 completed by 2031 and all projects completed by 2040.
25

26 Everett noted the lack of resources to complete the Master Project Schedule and said that DNR will
27 be putting a budget request in to the Legislature to seek funding to sustain the program.
28

29 **MOTION:** Tom Laurie moved the Forest Practices Board approve the 2015 CMER work plan,
30 budget and CMER Master Project Schedule. He further moved that the Board direct
31 the TFW Policy Committee, in cooperation with CMER, to complete the prioritization
32 and scheduling of projects on the CMER Master Project Schedule and present the
33 revised schedule to the Board at the August or November 2014 meeting.
34

35 **SECONDED:** Dave Somers
36

37 **ACTION:** Motion passed unanimously.
38

39 CMER Membership and the Western Gray Squirrel discussions are moved to the August meeting.
40

41 **EXECUTIVE SESSION**

42 None.
43

44 Meeting adjourned at 3:00 p.m.
45