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 (participated via telephone)
Carmen Smith, General Public Member/Independent Logging Contractor
Court Stanley, General Public Member
Dave Somers, Snohomish County Commissioner (participated via telephone)
David Herrera, General Public Member
Guy Norman, Designee for Director, Department of Fish and Wildlife
Kirk Cook, Designee for Director, Department of Agriculture (9 a.m. – 11 a.m.)
Paula Swedeen, General Public Member
Tom Laurie, Designee for Director, Department of Ecology

Members Absent
Heather Ballash, Designee for Director, Department of Commerce

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

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

PUBLIC COMMENT ON PETITION FOR RULE MAKING ON IMPROVED PUBLIC SAFETY NEAR UNSTABLE SLOPES
Karen Terwilleger, WFPA, stated that the actions taken at the last Board meeting are responsive to the petition and urged the Board to stay the course on those activities and move forward.

PETITION FOR RULE MAKING ON UNSTABLE SLOPES
Chris Hanlon-Meyer, DNR, provided a progress report on action taken at the last Board meeting to address unstable slopes. Update included:
  • CR-101 Proposal for Inquiry has been filed and rule development has begun
  • DNR has assembled an expert panel to begin work on Board Manual Section 16, Guidelines for Evaluating Potentially Unstable Slopes and Landforms
  • TFW Policy Committee formed technical subgroup to evaluate gaps in the science and information regarding GDSLS and GWRAs and an evaluation of mitigation measures under current rule

The Board considered whether the petition for rule making to develop rules to improve public safety
and local and state coordination efforts for those living near unstable slopes is being addressed with current efforts underway.

Paula Swedeen asked if current activities address the request for better notification. Hanlon-Meyer responded that is out of the scope of Forest Practices. Aaron Everett referenced Board conversation at the May meeting where they indicated that more discussion with governmental entities would need to occur and that this would be on-going.

MOTION: Carmen Smith moved the Forest Practices Board deny the petition for rule making on unstable slopes based on previous actions made at the May 2014 Board meeting.

SECONDED: Bob Guenther

ACTION: Motion passed unanimously.

PUBLIC COMMENT ON PETITION FOR RULE MAKING ON AERIAL CHEMICAL SPRAYING

Mark Smith requested the Board to review the rules related to the use of herbicide spray.

Bruce Barnes provided photos of elk with hoof rot disease and deformed antlers. He urged the Board to take a serious look at the rules and how the chemicals are being used and mixed.

Jon Gosch shared his perspective on how pesticides affect humans, elk and the soil. He encouraged a review of the use of pesticides.

Heather Hansen, Washington Friends of Farms and Forests, stated that all pesticides are regulated by the Environmental Protection Agency and the Department of Agriculture. She said that herbicides are non-toxic to mammals and designed to work on metabolic pathways to plants.

Karen Terwilleger, Washignton Forests Protection Association, stated that they support the current regulatory process and the studies conducted by Department of Fish and Wildlife to understand the origin and treatment of Elk hoof rot disease.

PETITION FOR RULE MAKING ON AERIAL CHEMICAL SPRAYING

The Board considered the petition for rule making to amend rules to eliminate certain chemical use and reduce the impacts of use to the health of humans, fish and wildlife by receiving the following presentations.

Marc Ratcliff, DNR, provided an overview on forest practice rules governing chemical spraying. Information included the purpose of the forest practices rules is to regulate the handling, storage, and application of chemicals in a manner that the public health, lands, fish, wildlife, aquatic habitat, wetland and riparian management zone vegetation will not be significantly damaged, and water quality will not be endangered by contamination. He mentioned that DNR does not oversee the regulations imposed on a specific pesticide product or the determination to remove such a product from general use. He also stated that WAC 222-38-020(7) states pesticides shall only be applied in accordance with:

- Limitations printed on the federal EPA container registration label, and/or established by regulation of the Washington Department of Agriculture;
• Limitations established by the Federal Occupational Safety and Health Administration, or the
  state Department of Labor and Industries, as they relate to the safety and health of operators and
  the public; and
• DNR or the state Department of Agriculture may suspend further use of any equipment
  responsible for chemical leakage until corrected.

Robin Schoen-Nessa, Department of Agriculture, provided an overview on its rules governing the use
of pesticide which includes that they are the lead agency that administers the law and rules related to
pesticides. She said they regulate all uses, applications, distributions, labels and any misuses of
pesticides. She also highlighted the management process and common household products that are
considered pesticides.

Kristin Mansfield, Department of Fish and Wildlife, presented information on hoof rot disease known
as “Wild Ungulate Hoof Disease”, specifically research that was conducted in recent years. She
concluded that the research indicated that there is no significant underlying musculoskeletal or
systemic disease and the disease is limited to the hooves.

The Board agreed that:
• Petitioner should consult with Departments of Fish and Wildlife and Agriculture;
• Research has not found a direct link to elk hoof disease and herbicide use;
• Petition is outside the Board’s authority;
• Research continue to find a solution;
• They appreciate the issue brought to their attention;

Everett asked staff to follow-up with Department of Agriculture on whether additional
communication needs to occur between agencies on enforcement responsibilities and would like
report back in November on how it is working.

MOTION: Bob Guenther moved the Forest Practices Board deny the petition for rule making on
aerial chemical spraying because the Board’s authority does not include regulating the
chemicals used on forestland. He further encouraged the petitioner to follow-up with
the Department of Agriculture and the Department of Fish and Wildlife.

SECONDED: Bill Little

BOARD DISCUSSION:
Bob Guenther stated that he looks forward to hearing an update in November.

Guy Norman appreciates the citizen’s involvement in this issue and will continue to work with them
as WDFW moves forward in finding a solution to the issue.

ACTION: Motion passed unanimously (11 support).

EXECUTIVE SESSION
None.

Meeting adjourned at 11:20 a.m.