Members Present
Stephen Bernath, Chair, Department of Natural Resources
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
Heather Ballash, Designee for Director, Department of Commerce
Jeff Davis, Designee for Director, Department of Fish and Wildlife
Lisa Janicki, Elected County Official
Noel Willet, Timber Products Union Representative
Patrick Capper, Designee for Director, Department of Agriculture
Paula Swedeen, General Public Member
Tom Laurie, Designee for Director, Department of Ecology
Tom Nelson, 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 Stephen Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.

REPORT FROM CHAIR
Chair Bernath announced the retirement of Board Member Heather Ballash from state service and her conclusion from serving as a Board member after today’s meeting and thanked her for her years of service. Ballash conveyed her thanks to staff and fellow Board members for their work. She introduced her successor, Ben Serr, who works for the Department of Commerce Eastern Washington Office of Growth Management Services.

He also announced retirement of DNR staff member Garth Anderson, who has worked as the Northwest Region forest practices geologist.

Chair Bernath reported that the facilitated cultural resources meetings addressing the protection of tribal cultural resources continue to be held. An initial group is preparing draft proposals to move forward to the larger facilitated group to address: how and when tribes are notified of Forest Practices Applications (FPA) with potential cultural resources; a funding package for tribal participation; additional staff in the small forest landowner office to facilitate landowner/tribal discussions and to provide landowner training in partnership with tribes; and a revision of question nine on the FPA to encourage landowner/tribal communication.
He also reported that the annual Taylor’s Checkerspot Butterfly Report has been delayed until the August meeting.

PUBLIC COMMENT
None.

APPROVAL OF MINUTES
MOTION: Tom Nelson moved the Forest Practices Board approve the February 13 and 14 meeting minutes.
SECONDED: Patrick Capper
ACTION: Motion passed unanimously.

WATER TYPING SYSTEM RULE MAKING AND GUIDANCE UPDATE
Chair Bernath began the presentation by saying that several parties have suggested slowing down the water typing system rule process. He said additional time is needed to gather the necessary data and to evaluate the three potential habitat break (PHB) alternatives. He said the extra time may also provide an opportunity for folks to come to consensus on one specific PHB alternative.

Marc Engel, DNR, provided a brief overview of the development of the water typing rule beginning with the concerns addressed in 2013 by the conservation caucus, Washington Department of Fish and Wildlife (WDFW) and the Federal Services about the application of the current rule. He mentioned the Board’s subsequent direction to the TFW Policy Committee (Policy) to develop recommendations for a permanent water typing rule in 2016, the Board’s direction to DNR to begin drafting rule based on Policy’s recommended rule concepts including a Fish Habitat Assessment Method (FHAM) to delineate fish habitat, the dispute outcome for the definition of off-channel habitat in 2017 and the Board’s acceptance of three PHB alternatives at the February 2018 meeting.

Engel provided the status on the development of products for inclusion in the rule making packet. He said two stakeholder meetings have occurred to review the draft rule language and bi-weekly Board Manual stakeholder meetings have occurred to develop guidance for conducting the FHAM including best management practices for electrofishing. He stated two field days were scheduled to evaluate potential guidance for measuring PHBs in the field. In preparation for the economic analysis, Engel said DNR had assembled an economic panel to discuss the alternatives to determine the costs and benefits of the proposed rule in advance of the preparation for the cost benefit analysis and small business economic impact statement. He then walked Board members through a proposed timeline to extend the rule development process to May 2019.

Board Member Tom Nelson voiced concern over receiving this information a day prior to the Board meeting. He asked that in the future, more time is provided for Board members to review important recommendations.

Engel acknowledged Nelson’s comment and said DNR staff will strive to send out all products as they are developed in a timely manner.
Engel continued the presentation by reminding Board members that the discussions for draft rule
and Board Manual development is following the normal stakeholder process. He said the
collection of the data to conduct an analysis on three PHB alternatives in comparison to the current
rule and prepare the rule making packet is the primary reason an extension is needed. In order to
conduct a statewide analysis, additional time is needed for DNR to obtain the end of fish data.
These data, which are also needed by the expert science panel for the validation study, are being
obtained through a review of water type modification forms (WTMF) to gather the fish data. This
additional review of WTMF data is needed because end of fish data was not used in the initial
expert panel PHB analysis. He said additional time is also needed to understand the idea and
differences contained in the anadromous floor concepts.

Engel added that an economist panel will be convened to assess the impacts of the rule using an
analytical model. The key assumptions include costs to landowners, costs to labor, benefit to the
ecosystem including fish, simulation and discount to stumpage values and any differences between
eastern or western Washington.

Board Member Paula Swedeen asked why end of fish is important in the economic and
environmental analyses since the new process is not related to end of fish.

Engel said existing data is needed to perform the analysis and under the current rule, the end of
fish is an essential point that needs to be identified under the current protocol. He confirmed that
to reduce potential harm to fish through electrofishing, the FHAM process will require folks to
cease electrofishing when the first fish is detected upstream of a PHB. The last fish is needed to
perform the analysis comparing Type F/N breaks established under current rule and Type F/N
breaks established using FHAM for the three PHB options. Although the end of fish point is not
required under the new FHAM process, the end of fish data will establish the stream segment
between PHBs where the last presence of fish is found.

Nelson said the current rule is not end of fish or last fish, but a combination of fish presence
informed through protocol surveys and supplemented by information from the ‘Lenny memo’,
which encompasses additional fish habitat above last fish. He said the current process is fish use
and includes both fish presence and associated habitat.

Board Member Bob Guenther asked Engel to define the anadromous floor.

Engel said the westside Tribe’s anadromous floor proposal begins at salt water and ends when it
reaches a ten percent stream gradient. DNR is working with the industrial landowners to fully
understand the additional elements contributed to laterals. He said the criteria and analysis for the
anadromous floor will include 5, 7 and 10 percent threshold options as directed by the Board.

Nelson asked if it would make sense to change the WTMF to capture end of fish.

Engel said the WTMF has evolved over time. He said current changes are being evaluated to
modify the form to capture the appropriate information moving forward.

Swedeen suggested that additional benefits need to be added to the economic analysis such as
benefits to the ecosystem and individuals. She asked why the rule is being delayed one entire year.
Engel said the extension is needed not only for gathering additional data, but to provide additional time for working with stakeholders to complete all the elements needed for the rule package. He confirmed that gathering and assessing additional data may take seven weeks to complete and the time to evaluate and work with stakeholders to complete the economic analysis is estimated to take approximately thirty weeks.

**POTENTIAL HABITAT BREAK (PHB) VALIDATION STUDY**

Howard Haemmerle, DNR, and Dr. Jeff Kershner and Dr. Patrick Trotter, science panel members, provided an update on the PHB validation study design. Haemmerle said the study will be focused on different ecoregions and will use the end of fish points with longitudinal profiles conducted both up and downstream from end of fish points at the time of the survey. The study will document seasonal fish presence and includes surveying each site over multiple seasons. The approach is to measure sites for each season of the year across seven ecoregions. He said the study design will also include an eDNA element conducted in the last survey year.

Haemmerle said there are two phases to the study design – a pilot study to be conducted in the summer of 2018 and the full validation study. The pilot will help determine the correct fish sampling methods to use during the full validation study. The pilot method will look at streams with geomorphic complexity in eastern and western Washington. He said the science panel received comments back from stakeholders on the study, but have not received comments back from the independent science peer review (ISPR). He said the goal is to provide recommendations on the validation study to the Board in August 2018 and share the results from the pilot study to the Board at their November 2018 meeting.

Regarding the preparation of the validation study, several Board members asked if there should be a connection with the Cooperative Monitoring Evaluation and Research Committee (CMER) and any stakeholder or ISPR comments.

Haemmerle assured that stakeholder and ISPR comments will be reviewed by the science panel and where appropriate, incorporated into the validation study recommendations provided to the Board at the August 2018 meeting.

Board Member Lisa Janicki asked how CMER is involved in this process.

Haemmerle said the way this project was directed by the Board has not followed the standard adaptive management process. He acknowledged that normally CMER develops and/or reviews validation studies, but because of the fast pace set by the Board, neither CMER nor the In-stream Scientific Advisory Group (ISAG) were asked to provide a validation study framework. He said the final report for the validation study will follow the normal Adaptive Management Program protocol involving CMER, ISPR, and Policy.

Guenther asked where the eDNA samples will be taken.

Haemmerle said the eDNA process will identify the location and provide input for how many samples will need to be taken above and below the detected end of fish.
Swedeen asked how fish seasonality will be incorporated into the study design outside of the current protocol electrofishing season.

Dr. Kershner said the concerns about the seasonal location of fish will be addressed with seasonal sampling. Multiple sampling will help determine the extent of fish migration and movement. He suggested that annual variability will capture changes from season to season.

Chair Bernath asked what they hope to learn from the pilot.

Dr. Trotter said the pilot will inform the way stream slope or gradient is measured. He said they found people measure slope three different ways and the pilot will refine the most appropriate measurement procedure in order to arrive at a fixed protocol.

Dr. Kershner confirmed that the pilot will refine the method to arrive at the best measuring protocol to reduce variability.

**WATER TYPING SYSTEM RULE MAKING AND GUIDANCE, AND PHB VALIDATION PILOT STUDY RECOMMENDATIONS**

Marc Engel, DNR, reiterated the staff recommendation to slow down the water typing rule development process to ensure full transparency and stakeholder involvement. The extra time will provide Board members with the benefits from the pilot study, additional time for field review of FHAM and PHB guidance and ensure that the preliminary economic analysis is fully vetted.

Engel recommended the Board consider the following:

- Amend the timeline for the water typing rule package to be considered in May 2019;
- Approve and fund the validation pilot study, with a report delivered by the expert science panel to the Board in November 2018; and
- Request the expert science panel present a fully scoped validation study at the August 2018 meeting after stakeholder comments have been considered and after the study goes through a second ISPR.

Engel said the consideration in May would include an analyses for each set of the PHB alternatives. He said upon Board approval at the May 2019 meeting, staff would file a CR-102 and conduct rule making hearings. This would be in preparation for a final rule adoption by the Board in August 2019. He concluded by describing the staff-prepared materials for final rule adoption, which would include: the draft concise explanatory statement; final economic analysis; long term application analysis; and a rule implementation plan. Once the Board adopts the rule, staff will file the final rule making order.

Nelson said he had not seen the validation study and asked who wrote the study. He said he had concerns about making a decision about a proposal he had not seen and was reluctant to make budget decisions on a study he had not seen.

Engel said the scientific expert panel prepared the study design which includes a pilot to be conducted this summer.
Swedeen wanted to clarify that the Board is being asked to only approve moving ahead with the pilot study and that the larger validation study design had not yet been completed and would come later to the Board for consideration.

Bernath confirmed that the decision before the Board was about the pilot component, but the item in the budget is for both the pilot and the first season of the validation study. Further discussions about the budget would occur later in the meeting agenda.

**PUBLIC COMMENT ON THE WATER TYPING SYSTEM AND PHB VALIDATION PILOT STUDY RECOMMENDATIONS**

Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), asked for the Board’s continued support for the development of the LiDAR water typing model identified in the CMER budget. He suggested the study design would provide the correct physical defaults to delineate the upper end of fish habitat and further develop a LiDAR-based model to accurately predict fish habitat and avoid bias. He said most small forest landowners utilize the default physicals and likely not apply the FHAM protocol, but would readily use a model that is balanced and simple to use. They support a rule package that includes funding and work toward a model.

Ken Miller, WFFA, believes the water typing debate is not about fish or fish habitat, but about additional protection of riparian management zones. He said a precise rule is fraught with error without a meaningful difference to capture the benefits to fish where they may not exist. He questioned whether additional science or a validation study would actually lead to concrete answers and the best outcome.

Jenny Knoth, Green Crow, said she was concerned that the current efforts to improve fish habitat through riparian buffers and road maintenance projects will be undermined by the current rush in rule making timeline. She said the Board needs to address both the biologic and economic impacts of the rule, and that the process should be based on science.

Kevin Godbout, Weyerhaeuser Company, agreed with DNR staff recommendations to slow down the water typing rule process. He suggested some approaches could include a tune-up of the recommendations from the electrofishing technical group and conduct workshops for the upcoming field season. He said he is okay with the hybrid approach for some of the projects and supports the motion today for extending the timeline.

Karen Terwilleger, Washington Forest Protection Association (WFPA), said their members support canceling the June Board meeting, support delaying the rule package until 2019 and support the continued PHB alternative testing. She said they support the validation study only after an adequate stakeholder review and comment period is established. She mentioned that WFPA has not received, but would like to see an explanation for how the spatial analysis will be conducted during the economic evaluation. She mentioned the goals of the Forests and Fish Report and the Forest Practices Habitat Conservation Plan. She concluded by stating that scientific evidence has not been brought forward indicating that the current rule does not protect fish or fish habitat.

Chris Mendoza, Conservation Caucus, said in his interpretation of the operating standards in Board Manual Section 22 language, the validation study development is not following the normal CMER coordination under the Adaptive Management Program. He said because it does not follow
the normal process, it has not gained support from all stakeholders. He said one fatal flaw with the
validation study is that participants have yet to see a multi-region approach work, and it could end
up being costly and inefficient. He opined that the current track to have stakeholder comments
after the independent science review is backwards.

Jamie Glasgow, Conservation Caucus, said Washington is overdue for a permanent rule. Although
they are disappointed with a delay, they hope a delay will help arrive at a better rule. He believes
the current guidance in Board Manual Section 13 under represents where fish are at various stages
and does not account for seasonal variability. He alluded to the CMER research on Type N buffer
effectiveness, which underscores the need for accurate water typing. He asked the Board to
consider an alternate approach in the interim by having the tribes and WDFW develop a draft
approach to address the inadequacies of status quo before adoption at the August 2018 Board
meeting.

Peter Goldman, Washing Forest Law Center, said he is frustrated with the idea of a delay and the
over-complication of what should be a simple approach for a permanent rule. He urged the Board
to establish an interim approach to electrofishing for the 2019 water typing season. He said that
there is no lack of science to inform on fish habitat – delaying further only wastes tax payer’s
money. He mentioned the efforts by various technical and policy groups that have worked to find
a resolution and is surprised that a delay is still being considered. He said the status quo is
unacceptable to the Conservation Caucus and urged the Board to implement an interim process
immediately, such as a guidance memo by DNR staff.

Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, mentioned four
important concepts to this issue – trust, status quo, delay and fear. He said trust means a lot to the
tribes. He said the current system fails at protecting fish habitat and a delay without an interim
process would further degrade trust. He concluded by saying it would appear to them that their
comments are being ignored if an interim process is not in place during the proposed delay.

Jim Peters, Northwest Indian Fisheries Commission and representing western Washington tribes,
requested DNR to work with the co-managers to establish an interim process during this delay. He
referred to the declining salmon runs and habitat and suggested folks work together to protect fish
habitat and work together to rebuild trust. He shared how he wanted to ensure fish are present and
available for his grandchildren to enjoy.

PUBLIC COMMENT
Ken Miller, WFFA, said the proposed small forest landowner riparian template is still moving
forward. The Policy subcommittee will forward the template prescriptions and supporting science
for an ISPR in late summer 2018. The review is scheduled to be completed by the end of the
calendar year. He then asked the Board to schedule their 2018 October field trip to the Miller tree
farm to discuss the proposed small forest landowner riparian template.

BOARD SUBCOMMITTEE UPDATE ON EFFICIENCY AND EFFECTIVENESS
IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM
Board Member Lisa Janicki introduced facilitator Connie Lewis. Lewis stated she has interviewed
about 50 stakeholders and indicated there are a few more she’s hoping to talk with. Her draft
summary of stakeholder concerns and suggestions along with her recommendations on program
improvements will be completed around the end of June. She will be including an opportunity for folks to provide feedback on her recommendations. She shared several key take-away points stakeholders hold in common: a universal belief in re-invigorating the program, move to a more useful structure, bring back the original collaborative intent and shared interest of the principal players, clarify the roles and boundaries between the various parts of the program, and a desire for process and administrative modifications (consensus models, term appointments).

Lewis clarified that interviews will conclude this month and a draft summary report should be available to all interviewees by mid-June. The timing for involving key principals will depend on the subcommittee.

WATER TYPING SYSTEM AND PHB VALIDATION PILOT STUDY
Marc Engel, DNR, presented the draft motions for the Board to consider regarding the permanent water typing rule and subsequent studies.

MOTION:    Tom Laurie moved the Forest Practices Board approve the Validation Pilot study to be completed in the summer and fall of 2018 with a report to the Board at the November 14, 2018 meeting.

SECONDED:  Brent Davies

Board Discussion:
Board Member Tom Laurie asked how the pilot and validations study is divided within the budget.

Joe Shramek, DNR, stated that of the $726,489 identified in the FY 2019 CMER budget, $128,000 would be allocated to conduct the pilot study.

Guenther asked when Board members might see the validation study design.

Chair Bernath said the study design has been through a first round of the ISPR – a second ISPR review will include stakeholder comments.

Haemmerle said they are anticipating comments back from the ISPR this week. The next step in the process will be to build the comment matrix and the panel will then consider and address the comments. A meeting later in May will address the comments from both the ISPR and technical stakeholders. Addressing comments and making any potential adjustments to the proposed study design should be done by mid-July. He said the July goal should still provide adequate time for implementing the pilot study and reporting back to the Board in November.

Haemmerle clarified that the program is still waiting on comments from the ISPR on the overall PHB validation study, which includes both the pilot and the main validation study. He said that the Policy-approved budget is for fiscal year 2019. $726,000 is identified for the PHB study: $128,000 covers the pilot and the majority is for the first year of sampling. An ISPR will be conducted for the entire packet.
Board Member Jeff Davis acknowledged that obtaining the scientific collector’s permit to perform the study may be difficult to obtain in short order.

Dr. Kershner agreed that obtaining the permit may be onerous and suggested that assistance from WDFW to facilitate expediting the effort would help. He was hopeful that by getting started now, they would be on track to finish within the stated timeline.

Haemmerle said they would be willing to receive additional comments from those voicing concern regarding not having enough time to weigh in on the study design leading up the May meeting with the science panel.

Nelson suggested that the specific dates be removed from the motion.

Laurie said he understands the concern, but felt that the date was important to set the goal for all those involved.

**ACTION:** Motion passed. 12 Support / 1 oppose (Nelson)

A new motion was presented:

**MOTION:** Tom Laurie moved the Forest Practices Board approve the staff recommended water typing system rulemaking timeline to complete rulemaking materials for the Boards’ May 8, 2019 meeting.

**SECONDED:** Heather Ballash

**Board Discussion:**
Board Member Dave Herrera suggested having the tribes and WDFW, as fisheries co-managers, work together to arrive at an interim approach for the 2019 survey season. He acknowledged some of the requests for an interim process made by individuals during public testimony earlier in the meeting.

Chair Bernath clarified that an interim process or solution would need to be done through an administrative guidance memo rather than by a rule or new Board Manual guidance.

Davis said that WDFW would be willing to brainstorm ideas to arrive at possible interim approaches.

Swedeen suggested the Board memorialize the idea of a tribal and WDFW proposal for interim solutions for the 2019 season, but questioned whether it would need to be captured in a formal motion.

Nelson questioned the basis for a special interim rule for the upcoming protocol survey season. He suggested that the current process is not the end of fish, but fish use – the end of fish plus additional habitat. He said that nothing has been brought forward to show the inadequacies of the current rule that lends itself to an interim process.
Engel clarified to make sure to involve DNR Region staff in the development of recommendations for interim guidance to be applied for the 2019 survey season.

**MOTION TO AMEND #1:** Brent Davies moved to amend the motion by adding the following to the end of the motion:

allow the Tribes and DFW to lead a process involving all caucuses to develop recommendations by August 2018 for interim guidance via an administrative memo to be applied during the 2019 protocol survey season.

**SECONDED:** Paula Swedeen

**Board Discussion:**

Board Member Noel Willet said he had concerns putting the two motions together. He felt the development should include all stakeholders and caucuses to address concerns. He suggested the wording include ‘all caucuses’.

**MOTION TO AMEND #2:** Noel Willet moved to separate the amended motion into two separate motions.

**SECONDED:** Bob Guenther

**Board Discussion:**

Chair Bernath confirmed that if Willet’s motion passes, the two thoughts would be contained in separate motions.

**ACTION ON 2nd AMENDMENT:** Motion passed. 10 Support / 2 Oppose (Swedeen & Davies) / 1 abstention (Capper)

**ACTION ON 1st AMENDMENT:** Motion was modified further and re-offered after Willet’s motion separating the amended motion.

**ACTION ON ORIGINAL MOTION:** Motion passed. 12 support / 1 oppose (Guenther)

A new motion was presented:

**MOTION:** Brent Davies moved the Forest Practices Board request the Tribes and DFW to lead a process involving all caucuses to develop recommendations by August 2018 for interim guidance via an administrative memo to be applied during the 2019 protocol survey season.

**SECONDED:** Paula Swedeen
Board Discussion:
Guenther felt this motion captured the intent of what Herrera proposed.
Chair Bernath clarified that any administrative interim process would need to align with existing rule and Board Manual guidance.
Board Member Carman Smith wanted to clarify that the interim process would be just for the 2019 season and once a permanent rule was in place, the interim process would cease.
Nelson, referring to the rule making timeline motion, questioned the need for further rule changes until the data and science is made available. He referred to the science panel’s three to five year estimate to inform on the validity for PHBs.
Swedeen said she would be opposed to a multi-year delay given all the work done to date. She said she believes that those who have worked on this effort have all the science and information they need to move forward.
Board members Guenther and Nelson both asked that the motion not include specific dates.
Swedeen said the dates provided are staff recommendations and that the Board did not impose the dates on them. Delaying it further without dates is unfair to those with strong concerns about the delay.
Janicki asked how modifications would be made if the validation study showed changes are needed. She asked if the rule process and study would be concurrent paths.
Engel clarified that the overlap in the process is intended to adjust and modify as needed. He said the rule making process is proposed to end in 2019, and that the validation study would test the adopted rule and conclude in 2023. He said the rule would be constructed on the framework for the FHAM and if PHB changes were warranted, then rule making could occur at that point.
ACTION: Motion passed unanimously.
Engel addressed the confusion around the pilot study and the validation study and its subsequent timeframe. He said staff suggests the Board consider passing a motion for gaining better understanding of the study design at the August Board meeting.
Nelson, although he stated that did not want it be incorporated into the motion, wanted the ad hoc fish group to be more involved in this process since they have been doing a lot of the initial work.
MOTION: Tom Nelson moved the Forest Practices Board receive the validation study design from the Adaptive Management Program Administrator including ISPR completed review for
the August 2018 meeting in preparation for final Board approval at the November 2018 meeting.

SECONDED: Carmen Smith

Board Discussion:
Davis asked what a fully scoped validation study might look like.

Haemmerle said the pilot will inform on the study design for the validation study. A fully scoped project means that an ISPR of the study design should be completed by August.

Guenther asked if CMER will be communicated with as the study design as it moves along.
Chair Bernath said he did not believe so. He said the people on the ground and ISAG will be involved.

Haemmerle said as the study design is being implemented, CMER will be receiving regular updates.

Nelson said he would be okay withdrawing his motion if it is clear to all how the updates will be provided to the Board.

ACTION: Motion withdrawn

Chair Bernath asked whether Board members had any desire to form a group to work toward achieving consensus for PHB alternatives.

Several Board members expressed uncertainty with what the process would look like to arrive at one PHB option to analyze, how potential changes would relate to the current direction for staff, and who the group should be to arrive at consensus.

Chair Bernath said any recommendations a group would provide would have to be brought back to the Board and the Board would have to redirect the rule making process in a formal manner. He said any decisions to arrive at consensus by folks would have to be done prior to November.

No action was taken and no motion was proposed.

2017-2019 CMER MASTER PROJECT SCHEDULE AND PROPOSED BUDGET FOR 17-19 BIENNIAL
Howard Haemmerle and Angela Johnson, DNR, presented the Master Project Schedule (MPS) budget for the 17-19 biennium. Haemmerle said that although the Board approved the MPS for the 17-19 biennium, the Board needs to approve the Adaptive Management Program budget for FY 2019. Haemmerle highlighted the significant changes to the FY 2019 CMER work plan within the MPS to arrive at a balanced budget:
• Two CMER scientists positions identified in the budget will not be filled at this time – this will be re-evaluated for FY 2019
• The CMER eastside scientist staff position will be funded for one half year
• The ISPR funding has been modified to reflect when projects will be competed
• The LiDAR model and default physical study has been combined. The additional costs shown on the budget reflect the estimated cost needed to completed this project
• The PHB validation pilot study has been added to the budget. The $726,000 covers not only the pilot, but also a scouting exercise for sampling for 350 sites
• Additional $14,000 is allocated for the WFFA proposal initiation riparian template to address re-hiring a contractor
• Additional funding was added for the Adaptive Management Program improvement principals meeting
• $75,000 of the $100,000 for the Wetlands Scientific Advisory Group mapping tool project will be moved into FY 2019
• The Type N hard rock study funding will continue into FY 2019. The amounts shown on the budget will allow funding to finish phase two of the study
• The amounts allocated for the Eastside Type N Riparian Effectiveness Project reflect funds needed for the study design. This is an increase in FY 2019 from $600,000 to $793,000

Johnson outlined additional changes to the budget:
• Funding for the Unstable Slopes Criteria Project was reduced based on the realistic timing for the two study designs
• Funding for the Forested Wetlands Effectiveness Project was reduced for FY 2019 due to refined study design and ISPR timing
• The Deep-Seated Landslide Research Strategy will not be funded at this time. This will be reassessed in the following biennium
• Policy recommended not to fund the Wetland Management Zone Effectiveness Project at this time. This will also be reassessed in later years
• $28,000 for the Mass Wasting Landscape Scale Effectiveness Project will be moved into FY 2019 in order to complete a feasible assessment

Haemmerle concluded by highlighting that the readjustments and changes made to the budget created a positive balance of eleven dollars forecasted for the end of the biennium.

Chair Bernath mentioned the on-going work for the financial and performance audits. He said the DNR internal auditor had been temporarily pulled off the work for other priorities. The auditor would continue the work at a later time, and completion of the performance audit would not be feasible by August 2018.

Nelson asked that continued updates on the performance audit be provided.

Davis echoed Nelson’s request and asked that perhaps the Board could be proactive in asking the State Auditor to compete a performance audit.
PUBLIC COMMENT ON 2017-2019 CMER MASTER PROJECT SCHEDULE AND BUDGET

Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, acknowledged the effort to balance the FY 2019 budget, mentioned his caucuses’ concerns that have not been addressed and the lack of consensus on items within the budget. He said some of their concerns include ‘add on’ extensive monitoring studies and species-specific studies lacking consensus that still show up in the “out years” of the budget.

Karen Terwilleger, WFPA, mentioned the extensive efforts by the sub-committee and DNR staff to arrive at the recommended FY 2019 budget. She said WFPA supports the budget. She suggested one way to conduct performance audits would be to fund it through allocated variance monies or other unspent funds. She said the State Auditor has a pool of money for performance audits, but completion for those funds is significant. She said she believes Board-directed projects such as the LiDAR and PHB study should go back into the normal stakeholder process to help arrive at consensus over the study design. She said she believes the study for default physical should continue to be funded.

Scott Swanson, Washington Association of Counties, said the counties support the budget as presented today. He said they recommend the performance audits be conducted through available funds. He mentioned that he will be stepping down as the Policy co-chair. He mentioned that consensus for the budget included four support votes and five abstention votes. The reason for this was due to the outlining years contain several red numbers. He said the budget sub-committee will continue to work to address these outstanding concerns and hopefully work toward full consensus throughout the summer with a recommendation by August.

Terwilleger clarified that the Board already approved the budget, but there are tweaks to the spending plan. The Office of Financial Management requires that by September all agencies need to have their spending plan in place. The subcommittee will be working to help DNR arrive at a full funded Adaptive Management Program budget.

2017-2019 CMER MASTER PROJECT SCHEDULE AND BUDGET

Haemmerle, DNR reminded Board members that the request is for the changes to the FY 2019 budget. He said the Board will be receiving a proposal from Policy for the next biennium.

MOTION: Carmen Smith moved the Forest Practices Board approve the FY 2019 Adaptive Management Program budget with changes.

SECONDED: Lisa Janicki

Board Discussion:
None

ACTION: Motion passed unanimously.

A new motion was presented:
MOTION: Tom Nelson moved the Board chair contact the State Auditor’s office and request an independent performance audit of the AMP at the earliest possible date. We further request the Auditor’s office respond with an estimated timeline and budget, if necessary, for completion of that request.

SECONDED: Carmen Smith

Board Discussion:
Chair Bernath said a financial audit is already underway, therefore a financial request is not needed for this motion. He said the internal financial audit does not involve any cost to the Board.
Laurie suggested the request include the uniqueness of the program and how the direction for the program was implemented in state law.

ACTION: Motion passed unanimously.

SAFE HARBOR AGREEMENT UPDATE
Lauren Burnes, DNR, said there has not been much progress made; however, DNR is still committed to this working group and is looking into staffing the group appropriately. She recapped the purpose of the programmatic voluntary opt-in agreement which is meant to be a win-win scenario for both owl conservation and for landowners. She said landowners who want to implement management plans that grow additional spotted owl habitat should not be penalized for it.

She said conversations between herself, Chair Bernath and DNR staff is occurring to reengage this process. She said they hope to have a plan in place within the next few weeks.

STAFF REPORTS
Chair Bernath, addressing western grey squirrel commitments, said only one landowner out of 87 total FPAs denied access to assess western grey squirrel habitat.

There were no additional questions on the staff or annual reports.

2018 WORK PLAN REVIEW
Marc Engel, DNR, reviewed the changes to the work plan as a result from the last meeting and today’s decisions. The changes include adding the PUB validation study design and pilot to the work plan, amending the completion date for the Taylor’s Checkerspot Butterfly, and the dates to complete both Board Manual Section 23 and the water typing rule adoption.


SECONDED: Bob Guenther

ACTION: Motion passed unanimously.

Meeting adjourned at 4 p.m.