

1 **FOREST PRACTICES BOARD**
2 **Special Board Meeting (Field Tour) – November 13, 2018**
3 Natural Resources Building, Room 172, Olympia, WA
4

5 **Members Present**

6 Stephen Bernath, Chair, Department of Natural Resources
7 Bob Guenther, General Public Member/Small Forest Landowner
8 Carmen Smith, General Public Member/Independent Logging Contractor
9 Dave Herrera, General Public Member
10 Ben Serr, Designee for Director, Department of Commerce
11 Jeff Davis, Designee for Director, Department of Fish and Wildlife
12 Lisa Janicki, Elected County Official
13 Patrick Capper, Designee for Director, Department of Agriculture
14 Paula Swedeen, General Public Member
15 Tom Laurie, Designee for Director, Department of Ecology
16 Tom Nelson, General Public Member
17

18 **Members Absent**

19 Brent Davies, General Public Member
20 Noel Willet, Timber Products Union Representative
21

22 **Staff**

23 Joe Shramek, Forest Practices Division Manager
24 Marc Engel, Forest Practices Assistant Division Manager
25 Patricia Anderson, Rules Coordinator
26 Phil Ferester, Senior Counsel
27

28 **WELCOME AND INTRODUCTIONS**

29 Chair Bernath called the Forest Practices Board (Board) meeting to order at 12:35 p.m.
30 Introductions of Board members and staff were made.
31

32 **DESCRIPTION OF AN ALTERNATE PLAN AND AN ALTERNATE PLAN TEMPLATE**

33 Marc Ratcliff, DNR, presented a brief overview of the alternate plan process in the forest practices
34 rules and the two alternate plan templates in Board Manual Section 21, *Guidelines for Alternate*
35 *Plans*. He shared how alternate plans are a tool used to landowners to address a variety of
36 situations including ways to enhance riparian objectives or to address unique site conditions. The
37 standard for evaluation requires the plan to provide protection to public resources at least equal in
38 overall effectiveness as provided by the rules. The rules require a review by an interdisciplinary
39 team before DNR can approve or condition (if necessary) a Forest Practices Application (FPA)
40 containing an alternate plan.
41

42 Ratcliff covered how Board Manual Section 21 provides guidance for proposing alternate plan
43 prescriptions to enhance riparian forests. Each alternate plan within a riparian management zone
44 (RMZ) must include how the proposed management prescriptions will address the five riparian
45 functions: stream shading, sediment filtering, streambank stability, recruitment of down wood and
46 nutrients and leaf litter fall. Section 21 also contains two alternate plan templates available for

1 small forest landowners to use when harvesting adjacent to Type S and F waters. One is for conducting
2 thinning strategies in overstocked stands and the other template is for implementing fixed width
3 riparian management zones. He said the benefits to using a template allows landowners to assess
4 stand eligibility and set up the RMZ relatively quickly. In most cases, applying a template
5 decreases the need for DNR to convene an interdisciplinary team review.

6 7 **UPDATE ON TFW POLICY COMMITTEE'S WORK**

8 Marc Engel, DNR, provided an update on the Timber, Fish and Wildlife (TFW) Policy Committee
9 (Policy) Board-requested review for: the Proposal Initiation for a small forest landowner western
10 Washington Alternate Plan Template; and the review of two draft alternate plan templates for
11 conifer restoration and conifer thinning within riparian management zones. Both reviews must
12 determine how well the proposed template prescriptions meet or exceed the five riparian functions
13 required in all alternate plans.

14
15 When Policy accepted the Adaptive Management Program Administrator (AMPA) Proposal
16 Initiation recommendations, they formed a workgroup for the review of the small forest
17 landowner's proposed alternate plan template. Policy has approved a charter for the workgroup
18 outlining the steps for review and the response to be delivered to Policy. The review involves three
19 steps: (1) a determination whether the proposal meets the criteria of a template; (2) conduct a
20 literature syntheses of the science used to support the proposed template prescriptions; and (3)
21 provide a written response with recommendations to the Board.

22
23 Engel said the workgroup determined the proposal, as a whole, does not meet the criteria for a
24 template (consensus was not reached on that determination). He said the literature synthesis report
25 is complete and is going through an independent science peer review. He said as a result of a
26 request by the small forest landowner caucus, Policy requested the alternate plan template
27 workgroup to continue discussions on which prescriptions within the proposed template and the
28 existing draft templates could be incorporated into an applicable template(s) for small forest
29 landowners. Policy has asked the workgroup to provide recommendations for template
30 prescriptions by February 2019. Policy is also committed to present recommendations for the
31 western Washington Low Impact Template Proposal Initiation, and the conifer restoration and
32 conifer thinning templates at the Board's May 2019 meeting.

33 34 **DESCRIPTION OF SITE DEMONSTRATION**

35 Ken Miller, Washington Farm Forestry Association (WFFA) thanked the Board for scheduling a
36 site visit to his tree farm. He said the visit will give Board members a visual representation for
37 how the proposed prescriptions within the western Washington Low Impact Template are
38 designed to be applied adjacent to Type F and N streams.

39
40 Meeting adjourned at 1:20. The Board departed the Natural Resources Building to visit the
41 proposed alternative plan template demonstration at the Miller's tree farm.

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting – November 14, 2018**
3 Natural Resources Building, Room 172, Olympia, WA
4

5 **Members Present**

6 Stephen Bernath, Chair, Department of Natural Resources
7 Bob Guenther, General Public Member/Small Forest Landowner
8 Carmen Smith, General Public Member/Independent Logging Contractor
9 Dave Herrera, General Public Member
10 Ben Serr, Designee for Director, Department of Commerce
11 Jeff Davis, Designee for Director, Department of Fish and Wildlife
12 Lisa Janicki, Elected County Official
13 Patrick Capper, Designee for Director, Department of Agriculture
14 Paula Swedeen, General Public Member
15 Tom Laurie, Designee for Director, Department of Ecology
16 Tom Nelson, General Public Member
17

18 **Members Absent**

19 Brent Davies, General Public Member
20 Noel Willet, Timber Products Union Representative
21

22 **Staff**

23 Joe Shramek, Forest Practices Division Manager
24 Marc Engel, Forest Practices Assistant Division Manager
25 Patricia Anderson, Rules Coordinator
26 Phil Ferester, Senior Counsel
27

28 **WELCOME AND INTRODUCTIONS**

29 Chair Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.
30 Introductions of Board members and staff were made.
31

32 **REPORT FROM CHAIR**

33 Chair Stephen Bernath reported that a tribal cultural resources meeting occurred earlier in
34 November to discuss potential solutions to ongoing issues and a letter identifying next steps will
35 be distributed in the near future. DNR is working with active participants to determine if proposed
36 legislation regarding cultural resource protections will be presented to the legislature during the
37 2019 session.
38

39 DNR's three large budget packages are: wildfire and forest health; rural communities and trust
40 health; and environmental resilience. DNR is asking for additional funding for staff in the Small
41 Forest Landowner Office and is asking for \$20 million for the Family Forest Fish Passage
42 Program and for \$17.3 million for the Forest Riparian Easement Program.
43

44 He thanked Karen Terwilleger for her work as a policy representative within the TFW Policy
45 Committee and welcomed her replacement Darin Cramer.
46

1 He stated DNR is still waiting to see if the State Auditor’s office will be able to conduct an
2 Adaptive Management Program performance audit in 2019. DNR is currently unable to complete a
3 fiscal audit because the internal auditor has left the department and DNR is looking to fill that
4 position.

5
6 **PUBLIC COMMENT (AM)**

7 Jim Peters, Northwest Indian Fisheries Commission (NWIFC), provided a document to the Board
8 titled “Teaching of our Ancestors, Tribal Habitat Strategy”. He said the Commission has been
9 working on this strategy for the past couple of years and is proud to share it with the Board.

10
11 **APPROVAL OF MINUTES**

12 **MOTION:** Lisa Janicki moved the Forest Practices Board approve the August 8 meeting
13 minutes.

14
15 **SECONDED:** Dave Herrera

16
17 **ACTION:** Motion passed unanimously.

18
19 **PUBLIC COMMENT ON FIELD TOUR**

20 Elaine Oneil, Washington Farm Forestry Association (WFFA), provided Board members with
21 copies of additional visual pictures of a live stream to augment the field tour yesterday. She noted
22 the lack of a live stream at the field tour site created difficulty in imagining the adequacy of a 25-
23 foot wide buffer on a less than five foot wide stream.

24
25 Vic Musselman, WFFA, thanked the Board for the tour to visually witness the proposed thinning
26 template. He said the prescriptions for different stream widths addresses water resource protection
27 while offering small landowners options for smaller stream buffer widths and increased ability for
28 timber harvest.

29
30 Ken Miller, WFFA, provided additional information related to the tour. He said WFFA would
31 prefer the western Washington alternate plan template prescription be in rule, but WFFA is open
32 to alternative harvest pathways. He offered to meet with individual Board members to address any
33 concerns in order to arrive at a ‘yes’ in support of WFFA’s template.

34
35 Peter Goldman, Washington Forest Law Center, said the conservation caucus recognizes the small
36 forest landowner community as part of the larger picture and is aware of the issues they face. He
37 said their concern is for forest practices regulatory rollbacks for an alternate plan template that
38 may deviate from the rules. They believe site specific alternate plans are a better tool.

39
40 **FIELD TOUR DEBRIEF**

41 Marc Engel, DNR, provided general statistics in response to a question posed during the prior
42 day’s Board discussion regarding the number of alternate plans submitted by landowners. He said
43 from 2009 to 2015 there were a total of 9,714 small forest landowner Forest Practices
44 Applications (FPAs) submitted. Of these, 533 contained alternate plans, which was roughly five
45 percent of all small forest landowner FPAs. Of the 533 alternate plans, roughly three quarters
46 utilized an alternate plan template.

1 Board member Bob Guenther said he saw an opportunity for the proposed alternate plan template
2 to maintain riparian functions and provide some harvest within a riparian management zone
3 (RMZ).

4
5 Board member Tom Nelson said the approval standard in rule is a hang up. He said the benefit of
6 keeping small forest landowners in forest management by providing flexibility for thinnings
7 outweighs the impacts in the difference from a 50-foot to a 100-foot RMZ buffer.

8
9 Board member Jeff Davis wondered if it would be helpful to understand the scale between forest
10 landowners actively managing their land, landowners who may harvest only once and landowners
11 using their land for non-forestry purposes. The data may help the Board understand the impact of
12 the small forest landowner template.

13
14 Board member Paula Swedeen said she was impressed with the effort that has gone into the
15 development of the template. She encouraged the Board and technical group to be open to change
16 and creative thinking to produce a workable template.

17
18 Board member Carmen Smith provided reflection from her experience of landowner choices for
19 converting or remaining in forestry. She hopes a template could be developed so small forest
20 landowners wouldn't be inclined to sell their land.

21
22 Board member Lisa Janicki said that complicated rules do create a risk for small forest landowners
23 who want to sell their land for development. She suggested aggressive pathways for funding to
24 support small forest landowners.

25
26 Board member Tom Laurie thought the larger discussion on small forest landowner options and
27 impacts would be beneficial.

28
29 Board member Dave Herrera appreciated the creativity of the proposal to address riparian
30 functions. He said he didn't want the Board to lose sight of the decline in salmon and how fewer
31 salmon impacts tribal fisheries and the tribal way of life. He said he hopes the Board can be
32 creative by ensuring riparian functions are addressed and make it work for small forest
33 landowners.

34
35 Board member Ben Serr thanked the Millers for hosting the tour. He appreciated the discussion to
36 lessen the potential for small forest landowners to convert their land.

37
38 Chair Bernath acknowledged that Policy will be wrapping up the discussions on templates by May
39 2019. He suggested a work session for understanding small forest landownership data and current
40 land use. He said the Commissioner of Public Lands is committed to looking at ways to lessen
41 conversions of forest lands on the landscape.

42 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

43
44 Marc Engel, DNR, reminded the Board of the yearly obligation to evaluate the need to maintain
45 the Northern Spotted Owl Conservation Advisory group. This group would be convened to
46 evaluate the need to maintain northern spotted owl habitat within spotted owl special emphasis

1 areas when a Washington Department of Fish and Wildlife (WDFW) approved survey notes the
2 absence of northern spotted owls within suitable habitat. Historically the Board has approved
3 maintaining this group even though the group has never been convened.
4

5 He said the northern spotted owl survey has been increased to a five year protocol and noted there
6 were no WDFW approved absence surveys this year. He recommended the Board maintain the
7 advisory group.
8

9 **PUBLIC COMMENT ON NORTHERN SPOTTED OWL CONSERVATION ADVISORY**
10 **GROUP**

11 None
12

13 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

14 **MOTION:** Tom Laurie moved the Forest Practices Board maintain the Northern Spotted Owl
15 Conservation Advisory Group.
16

17 **SECONDED:** Carmen Smith
18

19 **ACTION:** Motion passed unanimously.
20

21 **WATER TYPING SYSTEM RULE UPDATE**

22 Marc Engel, DNR, provided an update on the completion and availability of the DNR GIS data
23 used for the potential habitat break (PHB) spatial analysis. He said DNR has created a 'Box' site,
24 available to the public, which contains the data and methodology for the spatial analysis of the
25 PHB options under review for the water typing system rule. The site link address has been sent to
26 the Board and Policy members with a brief description of the content in the Box.
27

28 He presented the DNR GIS data analysis for the three PHB alternatives:

- 29 • For alternative A, the Type F/N break moves upstream 305 feet for western Washington.
- 30 • For alternative B, the Type F/N break moves upstream 9 feet for western Washington and
31 downstream 318 feet for eastern Washington.
- 32 • For alternative C, the Type F/N break moves upstream 86 feet for western Washington and
33 downstream 260 feet for eastern Washington.
34

35 He said the draft water typing system rule should be completed in December 2018 and the
36 associated Board Manual development would resume after the draft rule has been finalized.
37

38 Board member Nelson asked if a workshop could be provided to help folks understand all the
39 information in the Box.

40 Engel said DNR is planning a presentation for Policy members on the GIS analysis and
41 accompanying information and that it could be expanded to include Board members.

42 Board member Swedeen asked if the average stream distances include Type F/N breaks within
43 tributaries segments or just main stem stream segments.

44 Engel said the PHB spatial analysis includes both main stem and tributary reaches.

1 Chair Bernath confirmed that DNR could conduct a presentation to discuss the GIS data in
2 preparation for February's meeting.

3 Engel said DNR awarded a contract to Industrial Economics, Incorporated to conduct the cost
4 benefit analysis (CBA) and if needed, a small business economic impact statement (SBEIS).
5 Industrial Economics, Incorporated are preparing a description of their proposed methods and data
6 sources for the CBA and SBEIS. DNR will present the proposed methods to the economist
7 advisory committee for their comments. Engel shared that economists in the workgroup include
8 David Chertudi (DNR), Kristoff Larson (DNR), John Ehrenreich (Washington Forest Protection
9 Association) Paula Swedeen (conservation caucus), and Kasia Patora (Department of Ecology).
10 Other participating stakeholders include Jim Peters, Vic Musselman, Karen Terwilleger and Darin
11 Cramer.

12 He concluded by providing a status and estimated completion dates for the rule making package:
13 the environmental analysis has been started, the DNR GIS spatial data will be used to perform an
14 evaluation of environmental impacts, with the initial threshold determination for the SEPA
15 environmental analysis expected to be issued in April 2019; preparation of the draft rule language
16 will be completed in December; and the preliminary CBA/SBEIS is expected to be completed in
17 March 2019.

18

19 **POTENTIAL HABITAT BREAK PILOT STUDY RESULTS**

20 Hans Berge, AMPA and Phil Roni, science panel member, provided an update on the pilot study.
21 Berge reminded the Board that the Board requested the science panel to provide the Board with
22 the results of the pilot study by November 2018.

23

24 Roni said the goal of the pilot was to test their survey methodologies across sites in eastern and
25 western Washington to determine if the PHBs could be identified reliably to inform the validation
26 study. The goal was to select sites where end-of-fish points had previously been established. He
27 said they identified 13 sites in western Washington and 14 sites in eastern Washington. The
28 methods included locating the end of fish for each stream, surveying longitudinal profiles up and
29 downstream from the end of fish, and identifying PHBs within that stream reach.

30

31 Roni provided a slide showing an example of a stream profile with gradient and spatial profiles.
32 Due to time involved to conduct the survey, he said they chose to survey 100 meters up and
33 downstream instead of the intended distance of 200 meters. He provided a few slides showing how
34 the three PHB alternatives fall spatially within a stream profile. He said that the protocol
35 successfully identifies PHBs in eastern and western Washington. Due to what they found in the
36 pilot, Roni said they figure it will take one to two days to survey each site and in order to be
37 consistent during the validation study, the group recognized the need to develop a field manual for
38 the crews performing the work.

39

40 Board member Nelson asked why data from the northwest part of the state was not used in the
41 pilot and if that would jeopardized their findings.

42

43 Roni said the group felt that the lack of additional data from northwest Washington was not
44 needed for conducting the pilot. He confirmed that the validation study will include all forested
45 ecoregions including northwest.

1
2 Board member Davis asked if biological aspects and fish populations were considered in the
3 development of the pilot study.

4
5 Roni said the validation study will include a range of time periods to address seasonality. He said
6 most of the end of fish points are within headwater streams and contain resident trout so
7 seasonality should not be a problem.

8
9 **POTENTIAL HABITAT BREAK VALIDATION STUDY DESIGN AND BUDGET**

10 Hans Berge (AMPA) and Phil Roni, Pete Bisson, and Jeff Kershner (science team members),
11 presented the independent science peer review (ISPR) - approved PHB validation study design.
12 Berge briefly explained the history of how the validation study was conceptualized and originally
13 requested by the Board. He stated the study design received stakeholder review and was found to
14 be acceptable through ISPR. He reminded the Board that several components of the study design
15 including quality assurance-quality control to test repeatability of PHB identification across the
16 state, testing across years and seasons for a complete picture and inclusion of an eDNA element in
17 the second year are necessary.

18
19 Berge reminded the Board that stakeholders had opportunities to review drafts of the study design
20 in May and August 2018. Many important and constructive comments were incorporated into the
21 study design and if a comment was not included, the science team provided the reasons why the
22 comment was not incorporated. The science team felt the stakeholder review process was
23 transparent. He said every comment was entered into a matrix and the team's response was then
24 shared with stakeholders.

25
26 Berge clarified the intent of the study is to validate what PHBs are in streams across the State for
27 the Board to review and select to use as part of the FHAM to determine the Type F/N break. In
28 order to accomplish the needed level of accuracy, the study is designed to take stream
29 measurements at a much finer detail, this will allow the Board the ability to consider changing the
30 PHBs as adopted in the rule.

31
32 Board member Davis expressed concerns with the additional costs of the validation study.

33
34 Berge said the science team attempted to refine the costs as best they could. Their goal was to
35 develop a study design with high accuracy in consideration of costs for arriving at the most
36 efficient method to test PHBs. The pilot study helped to provide certainty to the costs from the
37 original estimates. He also reminded the Board that the PHB study has been in the Cooperative
38 Monitoring, Evaluation, and Research Committee (CMER) Master Project Schedule for over a
39 year, although the total cost has increased by roughly 25% from the original estimate. In order to
40 reduce the estimated costs, tradeoffs would be needed with the study design and those changes
41 would likely require an additional check-in with the ISPR team.

42
43 Bisson said the group spent a lot of time discussing the appropriate sample size to inform the
44 study. He said the sample size they arrived at is their best conclusion for a consistent and precise
45 validation study given the financial resources they had to work within. The number of sites was

1 actually reduced from the original estimate based on the pilot study. He suggested that cutting
2 back on the sample size might save costs, but would compromise the rigor to test PHBs.

3
4 Roni agreed that the monetary value is high, but eliminating certain sample seasons or reducing
5 the number of ecoregions would reduce the rigor of the study design.

6
7 Board member Janicki asked how the 35 points will be selected within each ecoregion.

8
9 Roni said they will take a random sample of approximately 100 sites from each ecoregion to begin
10 with and from that, 35 logically adequate sites will be selected for the study. He said the intent is
11 for crews to screen 100 sites to find the most efficient and useful sites.

12
13 Board member Swedeen asked if ending the sample by December 31 would accurately account for
14 winter high flows.

15
16 Berge said December is the target, but it may need to be adjusted for reasons relating to sampling
17 procedures, crew safety, site specific hydrology or fish populations. He said the goal is to test
18 seasonality for low and high flow conditions and sampling into December may be an accurate way
19 to find fish and test PHBs in some settings, but may not work for others. The actual date for high
20 flow conditions will be determined for each site ultimately selected for the study. He said sites will
21 not be excluded from the study based on being a tributary or a main stem reach.

22
23 Board member Swedeen asked if the cost to conduct this study would bump other studies or
24 priorities on the CMER Master Project Schedule.

25
26 Berge said that with finite budget and staffing capacity in the Adaptive Management Program, the
27 implementation of this study does mean other projects will be delayed. He said it is the same
28 problem with each large project and the Board needs to consider implementation of each study in
29 the context of priorities.

30
31 Board member Laurie asked about the eDNA cost contained in the second year of the study.

32
33 Berge explained how the dollar amount for eDNA is broken out in the proposed budget—roughly
34 \$50,000 for field kits, \$60,000 for the lab analysis in the same year and \$120,000 for finishing the
35 lab analysis and writing up the findings.

36
37 **PUBLIC COMMENT ON POTENTIAL HABITAT BREAK VALIDATION STUDY**
38 **DESIGN AND BUDGET**

39 Darin Cramer, WFPA, said they are generally supportive of the validation study. Their concerns
40 include better documentation on the purpose of the study and the cost of the study. He said they
41 believe the eDNA element is not necessary for this study. He said the process is lacking the formal
42 CMER buy off and would like to see a CMER vote and a timeline to get that accomplished.

43
44 Scott Swanson, Washington State Association of Counties, reminded the Board that the Board
45 elected to take the work being done on the water typing system from Policy to expedite the
46 process. He said it is important, although now in the hands of the Board, to get stakeholder buy in.

1 Steve Barnowe-Meyer, WFFA, said WFFA has several major concerns regarding the validation
2 study design and would like to see revisions prior to the Board's acceptance. He said the detailed
3 analytical plan needs to be developed further. He said they would like the additional information
4 provided by Brian Fransen in his supporting science document dated October 22, 2018 included in
5 the study design and believe a detailed assessment of the anadromous zone is needed. He said
6 CMER needs to be brought into the development of the study design for transparency reasons. He
7 concluded by saying they strongly recommend the findings from the study inform the need for and
8 development of revisions to the current default physical criteria.

9
10 **PUBLIC COMMENT (PM)**

11 Elaine Oneil, WFFA, provided comments concerning the scale and scope of small forest
12 landowner impacts to fish, water and habitat from timber harvesting in western Washington. She
13 recommended the Board keep in mind land use decisions and the options to convert as they
14 consider those impacts to small forest landowners.

15
16 Ken Miller, WFFA, provided some cumulative impact statistics from a previous developed
17 template in 2007. He indicated that he did not believe the data has changed much since then. He
18 said of the 91% of small forest landowners that own more than five acres have 1250 feet or less of
19 stream reach; 18% of fish stream reaches in Washington are owned by small landowners and not
20 all are managed for timber.

21
22 Darin Cramer, Washington Forest Protection Association (WFPA), said the Board needs to
23 consider the criteria they will use to select the appropriate PHB alternative. He also said that
24 WFPA had hoped to provide comments on the 2019 fish presence survey protocol and that it was
25 unfortunate that the principals meeting was canceled and hoped the momentum will not be lost.

26
27 Karen Terwilleger, WFPA, thanked the Board for their service and commitment to protect public
28 resources. She also said she appreciates the kind words spoken of her earlier in the day. She
29 indicated her thorough enjoyment in working with the Board and her Policy colleagues over the
30 last several years.

31
32 **PUBLIC COMMENT ON PHB**

33 Ash Roorbach, Northwest Indian Fisheries Commission, said he supports giving CMER the ability
34 to comment on the validation study and supports CMER having oversight of the study.

35
36 Debbie Kay, Suquamish Tribe, said she supports moving the validation study through the
37 Adaptive Management Program. She hopes that site selection for the study encompasses low
38 gradient watersheds.

39
40 Marc Gauthier, Upper Columbia United Tribes, said he believes sight selection will be difficult.
41 He hopes the Board could accept the study design and have CMER staff help to find suitable
42 sights. He suggested CMER could provide comments without holding up the implementation of
43 the study.

44
45 **POTENTIAL HABITAT BREAK VALIDATION STUDY DESIGN**

46 Chair Bernath asked if any Board member had a motion to present.

1 **MOTION:** Tom Nelson moved that the Forest Practices Board accepts the draft study design
2 and directs CMER to:

- 3 1. Review and confer with the study design authors and the AMPA to accomplish
4 any necessary clarifications, and approve as satisfactory to successfully
5 implement the study; and
- 6 2. Complete this work as expeditiously as possible.

7
8 **SECONDED:** Carmen Smith

9
10 Board Discussion:

11 Board member Davis said he would like to see a discussion about the fiscal impacts if the
12 validation study is accepted. He said he is struggling with how clean water assurance studies will
13 be impacted if the study goes forward and questioned the urgency of this study.

14
15 Board member Laurie acknowledged the importance of current studies and thought having a
16 discussion regarding the impact to the budget is a good idea. He questioned the timing for a
17 CMER interaction.

18
19 Chair Bernath clarified that the Board has not considered postponing the rule making at this time.

20
21 Board member Davis acknowledged that some priorities will have to fall off if the study is
22 accepted.

23
24 Berge said he has been meeting with the Instream Scientific Advisory Group to discuss a potential
25 CMER acceptance of the validation study. He said a phased approach could be done to make
26 progress, such as getting permits or selecting sites. He said there are several non-clean water
27 assurance studies on the Master Project Schedule.

28
29 Board member Herrera said he is concerned with the ‘approved CMER’ language in the motion.
30 He is doubtful CMER would reach consensus on the study design.

31
32 Board member Nelson felt that the formal process from CMER may not be warranted, but input
33 from CMER might help arrive at consensus by the scientists who worked on the study.

34
35 Chair Bernath said he is not aware of a non-consensus outcome on the study design. He clarified
36 that consensus was not reached on the use of tributaries as it relates to fish habitat.

37
38 Board member Serr said he would like to see a discussion on the budget impacts resulting from the
39 additional cost in order to make an informed decision on the validation study.

40
41 Berge said they always envisioned this study impacting other priorities on the budget. He
42 confirmed that accepting the validation study will impact other priorities on the Master Project
43 Schedule.

44
45 Chair Bernath summarized the direction Board members are leaning. He said he believes the
46 Board is comfortable in accepting the study design, and the need to include a step for CMER to

1 comment on the study design as well as see a benefit to implementing a phased approach. He
2 suggested addressing potential budget impacts as a result of adding the validation study to occur at
3 the February 2019 meeting.

4
5 Board member Nelson said he would like to withdraw his original motion and replace it with an
6 alternative motion.

7
8 **ACTION:** Motion withdrawn.

9
10 **MOTION:** Tom Nelson moved that the Forest Practices Board accepts the draft study design
11 and directs CMER to review and comment on the study design and send comments
12 to the AMPA for consideration.

13
14 He further moved that CMER work with AMPA to create an implementation plan
15 that employs a phased approach to include hiring staff and site selection within this
16 fiscal year.

17
18 **SECONDED:** Carmen Smith

19
20 Board Discussion:

21 Board member Laurie suggested clarifying the motion to include language on what will occur with
22 the comments from CMER. The motion was changed to add “send comments to the AMPA for
23 consideration”.

24
25 **ACTION:** Motion passed unanimously.

26
27 **ADDENDUM TO JANUARY 2018 SCIENCE PANEL REPORT LISTING SCIENCE**
28 **USED FOR PHB RECOMMENDATIONS ON TRIBUTARY STREAMS**

29 Hans Berge, AMPA, Phil Roni, Pete Bisson and Brian Fransen, science panel members, provided
30 a brief overview of the Board’s request for the science panel to provide an addendum to their PHB
31 report. Berge reminded the Board that in August 2018, the Board directed the AMPA to convene
32 the authors of the PHB science report to update the report to reflect all perspectives and supporting
33 science regarding tributaries.

34
35 Berge said the addendum is specific to how the literature addresses tributaries in relation to fish
36 habitat. He said consensus was not reached within the group and as a result, two documents were
37 prepared for the Board explaining the thought behind the two opposing viewpoints. The two
38 documents show the majority and minority opinions.

39
40 Board member Swedeen said that scientific professionals often disagree and it is not a failure to
41 have different science opinions rather than consensus.

42
43 **UPDATE ON RECOMMENDATIONS FOR 2019 STREAM SURVEY PROTOCOL**

44 Board member Davis said a first draft has been sent to DNR to establish if it is within the
45 sideboards of the existing rule and Board Manual guidance. After DNR has provided its response
46 it will then be provided to other stakeholders for feedback.

1
2 **UPDATE OF BOARD COMMITTEE ON EFFICIENCY AND EFFECTIVENESS**
3 **IMPROVEMENTS FOR THE ADAPTIVE MANAGEMENT PROGRAM**

4 Board member Janicki stated that for a variety of reasons the committee is not on the right path at
5 the right time to address efficiency and effectiveness improvements for the adaptive management
6 program. This means the “principals plus” meeting has been delayed and the facilitation contract
7 has been cancelled.

8
9 She noted that although the committee is on pause, DNR will be working to keep the motivation
10 going by considering scheduling a meeting with the appropriate people who understand the issues
11 and a vested interest after the conclusion of the 2019 legislation session. At that time, the group
12 would hire a facilitator with foundational knowledge.

13
14 Chair Bernath said DNR is working to make these things happen as soon as possible.

15
16 Board member Janicki thanked the committee for their work and thanked the 62 individuals who
17 were interviewed. Several Board members also thanked the committee members for their hard
18 work thus far.

19
20 **COMPLIANCE MONITORING 2016-2017 BIENNIAL REPORT**

21 Chris Briggs and Donelle Mahan, DNR, provided the results of the 2016-2017 Compliance
22 Monitoring Biennial Report. Briggs said the program asks the question, “Are forest practices
23 being conducted in compliance with the rules.” They test the various prescriptions within the rule
24 for compliance. From that, he said the program is able to determine compliance rates for various
25 forest practices activities. The prescriptions sampled include the various Type F and N RMZ
26 prescriptions, wetlands typing and road compliance.

27
28 He said they sampled 135 FPAs with 198 prescriptions during the 2016-2017 season. The report
29 also had an unstable slope component; in the pilot year they sampled nine FPAs and during the
30 2017 season, they sampled 43 FPAs.

31
32 He provided the results for water typing compliance and an explanation for how the program rates
33 compliance. The presentation showed that of 183 water sites sampled, 29 sites involved some
34 disparity, 14 waters were under classified, 12 waters were over classified and three water typing
35 determinations were indeterminate. The compliance results for standard rules include 92-96%
36 compliance for desired future condition options, 95% compliance for no inner zone harvest, 87%
37 compliance for Type Np waters, 100% compliance for Type Ns waters, 92% compliance for
38 wetlands and 95% compliance for forest roads. He said haul route assessments resulted in an
39 average of 92% compliance.

40
41 He said the unstable slopes component involved looking at rule-identified landforms (RIL) in and
42 around the FPA activity footprint. Field reviews and compliance determinations were conducted
43 by DNR qualified experts and individuals from Ecology’s forestry unit. He said compliance
44 determinations were based on FPA compliance only. He showed that two deviations occurred
45 where mitigation was not applied for RILs within an FPA footprint, four deviations were observed
46 where harvest occurred within a mitigation area associated with a potentially unstable RIL and no

1 deviations were observed where the qualified expert's report/recommendations were submitted
2 with the FPA.

3
4 He concluded by suggesting the results show high compliance rates on rule implementation since
5 their findings showed compliance rates at or above 90%. Over the last several years, the trends for
6 all prescriptions show improvement.

7
8 Mahan described how DNR is using the results and lessons learned from the Compliance
9 Monitoring Program to continue to make the program better. Some examples include clarifying
10 various FPA form instructions and protocol processes, conducting trainings throughout the year
11 and seeking educational opportunities.

12
13 She said education to the regulated landowner community to achieve voluntary compliance with
14 rules is key. Training for forest practices staff to support a consistent understanding of the rules
15 and Board Manual guidance and how they are implemented is the greatest need in relation to risk
16 management. She said the operations section communicates the trends and results at region TFW
17 meetings so landowners are aware of the deviations being discovered. These meetings involve
18 staff from WDFW, Ecology, tribal biologists and landowners as well as other interested parties
19 where they can discuss a variety of topics of interest in a particular DNR region. She concluded by
20 saying DNR will continue this outreach and information sharing approach in order to work
21 towards consistent and effective implementation of the Forest Practices Rules.

22 23 **STAFF REPORTS**

24 No questions on the following reports:

- 25 • Adaptive Management
- 26 • Compliance Monitoring
- 27 • Small Forest Landowner Office
- 28 • Upland Wildlife Update

29 30 **2019 WORK PLANNING**

31 Marc Engel, DNR, reviewed the 2018 completed work. He then presented staff recommendations
32 for the Board's 2019 work plan priorities. The work plan was amended to include a work session
33 on small forest landowner data, the PHB study design budget, water typing data and rule making
34 elements.

35
36 **MOTION:** Dave Herrera moved the Forest Practices Board approve the 2019 Proposed Work
37 Plan as amended.

38
39 **SECONDED:** Ben Serr

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

42 43 **EXECUTIVE SESSION**

44 Executive session occurred from 4:05 p.m. - 4:25 p.m.

45
46 Meeting adjourned at 4:25p.m.