

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting – November 12, 2020**
3 via Zoom
4

5 *Meeting materials and subject presentations are available on Forest Practices Board’s website.*
6 <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>
7

8 **Members Present**

9 Stephen Bernath, Chair, Department of Natural Resources
10 Ben Serr, Designee for Director, Department of Commerce
11 Brent Davies, General Public Member
12 Carmen Smith, General Public Member/Independent Logging Contractor
13 Dave Herrera, General Public Member
14 Jeff Davis, Designee for Director, Department of Fish and Wildlife
15 Kelly McLain, Designee for Director, Department of Agriculture
16 Paula Swedeen, General Public Member
17 Rich Doenges, Department of Ecology
18 Tom Nelson, General Public Member
19 Vicki Raines, Elected County Commissioner
20

21 **Members Absent:**

22 Bob Guenther, General Public Member/Small Forest Landowner
23

24 **Staff**

25 Joe Shramek, Forest Practices Division Manager
26 Mary McDonald, Forest Practices Assistant Division Manager
27 Marc Engel, Senior Policy Advisor
28 Patricia Anderson, Rules Coordinator
29 Phil Ferester, Senior Counsel
30

31 **WELCOME AND INTRODUCTIONS**

32 Chair Bernath called the Forest Practices Board (Board) meeting to order at 9:05 a.m. Roll call of
33 Board members and introduction of staff was made.
34

35 **ZOOM MEETING INSTRUCTIONS**

36 Marc Ratcliff, DNR, provided instructions on how the Zoom meeting would be conducted and how to
37 provide public comment.
38

39 **REPORT FROM CHAIR**

40 Chair Bernath reported on the following:

- 41 • DNR will evaluate the feasibility of opening the Natural Resources Building in March 2021– it is
42 anticipated the next few Board meetings will be virtual meetings due to the COVID-19
43 pandemic.
- 44 • DNR is working on a scope of work to move forward with the Center for Conservation
45 Peacebuilding (CPeace) contract.
- 46 • DNR retirements include Steve Ranten, Forest Practices Coordinator in Northwest Region and
47 Andrea Wagner, Executive Assistant.

- 1 • Joenne McGerr, Director of Tribal Relations, has accepted the position of Program Manager for
2 the Shorelands and Environmental Assistance Program at Ecology.
- 3 • Meghan Tuttle is the new Timber, Fish and Wildlife Policy Committee (Policy) Co-chair
4 replacing Terra Rentz.
- 5 • To bring spending into alignment with operating the budget cuts for this fiscal year, DNR has
6 been holding most vacant positions within the Forest Practices Program. The program is on track
7 to meet the budget reductions for this fiscal year.
- 8 • Legislative priorities include an agency request for legislation to amend the Forests Practices Act
9 giving DNR the authority to enter into a programmatic Northern Spotted Owl (NSO) safe harbor
10 agreement with the federal government.
- 11 • In advance of the 2021 legislative session, the Governor asked all agencies to submit 15%
12 general fund reduction proposals for their operating budgets. DNR did so; however, it is
13 unknown at this time they will be included in the Governor's proposed budget when it is released
14 in December 2020.
- 15 • The Adaptive Management Program biennial report was submitted to the legislature on the
16 Board's behalf. The report includes a request for a \$7 million General Fund-State proviso based
17 on the likelihood of spending down to near zero the fund balance in the Forests and Fish Support
18 Account.
- 19 • DNR has requested additional funding for the 21-23 biennium for:
 - 20 ○ Replacement of the Forest Practices Application Review System with a new information
21 system called fpOnline (\$3.68 million);
 - 22 ○ If the legislature provides requested authority for DNR to enter into a programmatic
23 northern spotted owl safe harbor agreement with the federal government, \$225,000 is
24 requested to support finalizing the safe harbor agreement and conducting the environmental
25 analysis;
 - 26 ○ Funding to implement some of the 2019 Aerial Herbicide Application Working Group's
27 recommendations (\$569,000).
- 28 • Capital Budget requests include:
 - 29 ○ Family Forest Fish Passage Program - \$10 million
 - 30 ○ Forestry Riparian Easement Program - \$10.42 million
 - 31 ○ Rivers and Habitat Open Space Program - \$6.1 million
- 32 • DNR staff will be correcting outdated or broken web links in several Board Manual Sections.

33 34 **APPROVAL OF MINUTES**

35 **MOTION:** Vicki Raines moved the Forest Practices Board approve the August 12, 2020 Board
36 meeting minutes.

37 **SECONDED:** Dave Herrera

38
39 Board Discussion:
40 None.

41
42 **ACTION:** Motion passed unanimously. (Jeff Davis not available for vote.)

43 44 **EXPEDITED RULE MAKING FOR CLARIFICATIONS TO TITLE 222 WAC**

45 Marc Ratcliff, DNR, presented the list of rule changes and requested Board approval for an expedited
46 rule making. The proposed amendments are to correct typographical errors and add minor
47 clarifications without changing the meaning of the rules which is the purpose for an expedited rule

1 making. He said an expedited rule making does not require a cost benefit analysis nor a public
2 hearing.

3
4 He said staff shared the proposed clarifications with stakeholders and provided opportunity to
5 preview the changes, ask questions and recommend changes. He noted one additional item to the
6 initial list: adding a left parenthesis in the compensation equation under WAC 222-21-045.

7
8 Upon approval by the Board, staff will file the amended rule language along with the CR105
9 Expedited Rule Making form with the Office of the Code Reviser. If no public comments of concern
10 are received, the rule will become effective 45-days after the date of publication in the Washington
11 State Register.

12 **Public Comment on Expedited Rule Making**

13 None.

14 **EXPEDITED RULE MAKING FOR CLARIFICATIONS TO TITLE 222 WAC**

15
16 **MOTION:** Carmen Smith moved the Forest Practices Board direct staff to file a CR-105
17 Expedited Rule Making with the Office of the Code Reviser to initiate expedited rule
18 making that will make miscellaneous corrections and clarify language throughout Title
19 222 WAC.
20

21
22 **SECONDED:** Vicki Raines

23
24 Board Discussion:

25 None.

26
27 **ACTION:** Motion passed unanimously. (Jeff Davis and Tom Nelson not available for vote.)
28

29 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

30 Marc Engel, DNR, described the purpose and the current membership of this group. On an annual
31 basis, the Board must consider and determine whether to continue the NSO Conservation Advisory
32 Group for another year.

33
34 In 2006, the Board adopted rules that included a moratorium on decertifying NSO site centers to
35 allow time to develop a long-term conservation strategy. In 2010, the Board adopted emergency
36 rules, which extended the NSO decertification moratorium and added the NSO Conservation
37 Advisory Group, which consists of three members designated by the Board. Each member must have
38 detailed working knowledge of owl habitat relationships and factors affecting conservation. The
39 advisory group (which has never been convened) currently consists of Marty Vaughn, Kara
40 Whittaker and Stephen Bernath.

41
42 Engel said the purpose of the expert group is to evaluate whether a NSO site center that is subject to
43 possible decertification should be maintained while the Board completes evaluation of rules affecting
44 NSO conservation. When a WDFW-approved survey demonstrates an absence of a NSO at a site
45 center, the advisory group is convened to evaluate the survey. If a survey finding the absence of owls
46 at a NSO site center is approved by WDFW and the spotted owl conservation advisory group, by
47 consensus, finds that the site need not be maintained then the spotted owl conservation advisory
48 group shall communicate in writing to DNR and WDFW within 60 days of WDFW approval of

1 surveys demonstrating the absence of northern spotted owls. In this case, Forest Practices
2 Applications submitted within the NSO circle shall not be classified as Class IV – Special based on
3 critical habitat (state) ([WAC 222-16-080](#) and [222-16-050](#) (1)(b)) for a species.
4

5 The rule is open ended with annual review by the Board, and is expected to provide assurances that
6 no potential important habitat will be lost. Engel said that staff recommends the Board approve
7 continuation of the NSO Conservation Advisory Group while the Board pursues voluntary recovery
8 measures.
9

10 **PUBLIC COMMENT ON NSO CONSERVATION ADVISORY GROUP**

11 None.
12

13 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

14 **MOTION:** Dave Herrera moved the Forest Practices Board maintain the Northern Spotted Owl
15 Conservation Advisory Group for another year.

16 **SECONDED:** Brent Davies
17

18 **Board Discussion:**

19 Chair Bernath said that as work continues on conservation opportunities for the NSO, including the
20 establishment of a safe harbor agreement, the necessity to reauthorize this group might no longer be
21 necessary.
22

23 **ACTION:** Motion passed (Jeff Davis and Tom Nelson not available for vote.)
24

25 **COMPLIANCE MONITORING 2018-2019 BIENNIAL REPORT**

26 Garren Andrews, DNR, provided an overview of the Compliance Monitoring Program’s compliance
27 process and the results of the [2018-2019 biennial report](#). He introduced Pete Grebowski as the
28 program’s field coordinator. The program evaluates the degree to which forest practice activities are
29 being conducted in compliance with the rules, and does this by analyzing nine unique rule
30 prescriptions per year.
31

32 He said the program also evaluates water typing determinations on the selected stream segments to
33 identify whether any water typing classification discrepancies are observed. He said out of 175
34 sampled stream segments, there were 11 discrepancies (6% of the sample): seven streams were
35 under-classified, three were over-classified, and one did not have enough information to determine
36 the correct typing.
37

38 The standard rule prescription compliance rates for the 2018-2019 reporting period are:

- 39 • 92% compliance for desired future condition (DFC) option 1 riparian harvest prescription
- 40 • 95% compliance for DFC option 2 riparian harvest prescription
- 41 • 98% compliance for no inner zone riparian harvest prescription
- 42 • 96% compliance for Type Np (non-fish perennial streams) activities
- 43 • 100% compliance for Type Ns (non-fish seasonal streams) activities
- 44 • 97% compliance for Type A and B wetland rule prescriptions
- 45 • 97% compliance for forested wetland rule prescriptions
- 46 • 98% compliance for road-related rule prescriptions
- 47 • 97% compliance for haul route rule prescriptions.
48

1 Andrews said that the Compliance Monitoring Program has been conducting trend analysis since
2 2015. Prescriptions that showed an increasing compliance rate included both DFC riparian harvest
3 options, the no inner zone harvest prescriptions and Type Ns activities. Other prescriptions showing
4 no observable trends, and none showed statistically significant decreases.

5
6 An unstable slopes rule compliance was added for this reporting period. The sample selection criteria
7 included completed FPAs with identified or potential rule identified landforms in/around the footprint
8 of the FPA. Andrews said that qualified experts from the forest practices' science team and staff from
9 Ecology's forestry unit conducted the field reviews and compliance determinations.

10
11 The compliance rate for the unstable slopes element was 98%. One deviation occurred where a rule-
12 identified landform was not identified in/around the sample FPA footprint and one deviation was
13 found where a harvest occurred within an identified no harvest area associated with a potentially
14 unstable rule feature. Andrews said that they did not observe any harvest operations occurring in or
15 around potentially unstable rule-identified features.

16
17 Donelle Mahan, DNR, said DNR implemented a new process for pre-application reviews in 2020 to
18 help interdisciplinary teams when working through unstable slope issues with landowners. The
19 results of the biennial compliance monitoring reports help identify where improvements or emphasis
20 are needed for training and for regulatory emphasis. She said that the program staff proactively work
21 with stakeholders and the regulated community to ensure everyone is on the same page for
22 understanding rule concepts and meeting rule compliance. She said some of the recommendations or
23 action items may include:

- 24 • Clarifying rule language or Board Manual guidance;
- 25 • Considering ways to improve or update FPA forms and/or instructions or the reviewing process;
- 26 and
- 27 • Reaching out to timber, fish and wildlife partners to share information about where deviations
28 were observed and where improvements can be made.

29
30 As an example, Mahan said they witnessed a trend in wetland compliance when fish streams
31 intersected with Type A or B wetlands. She said DNR responded by revising question 25 on the FPA
32 to account for stream-associated wetlands and made improvements to wetland trainings to help
33 landowners and operators in identifying these features.

34
35 Board member Doenges asked why Type Np streams had lower rates of compliance, and if there was
36 significant variation in compliance rates between small forest landowners and industrial forest
37 landowners.

38
39 Andrews responded that the program does capture statistical differences between small and large
40 forest landowners. He acknowledged the historical variability in Type Np compliance rates. He
41 speculated that one reason why there is variability is that they have changed the methodology for how
42 they capture compliance today versus the questions the program previously evaluated.

43
44 Board member Nelson recognized the positive results in the report and suggested DNR provide a
45 press release to share the results.

46
47 Board member McLain suggested DNR provide a fact sheet to legislators emphasizing the
48 importance of the program.

1
2 Board member Davies asked if the results would be as strong if they were evaluated under the older
3 methodology.

4
5 Mahan responded that less information was captured in the past. The newer statistical methodology
6 dives deeper into measuring key prescriptions that allows DNR to understand in a more concise way
7 where deviations are occurring. The new methodology looks at both compliance with the FPA
8 questions and compliance with how the rules are applied on the ground.

9
10 Chair Bernath asked what the main reason for cross drain non-compliance was with the roads
11 compliance component. He also asked if wetland compliance was a training issue.

12
13 Andrews responded that the main issue was either sediment buildup around inlets or plugged
14 culverts.

15
16 Mahan agreed that wetland compliance was a training issue. She acknowledged that it takes time and
17 practice to discern stream-associated wetland interactions.

18
19 Chair Bernath said that he would contact the DNR Communications team about making a public
20 announcement regarding the Compliance Monitoring Program results.

21
22 Board member Swedeen asked how water typing evaluations differ between stream typing on an FPA
23 or through the water type modification form (WTMF) using electrofishing.

24
25 Andrews responded that the program conducts compliance on a stream segment selected from the
26 FPA and only looks at the selected segment for the application of the specific rule prescription. They
27 do not challenge approved WTMFs. The only time they would note non-compliance is if the review
28 team visually observed fish in a stream segment that was identified as a non-fish stream in the FPA.

29 30 **WATER TYPING COMMITTEE UPDATE**

31 Marc Engel, DNR, said the Water Typing Committee (Committee) continued to oversee the effort to
32 evaluate sufficiency of additional eastern Washington fish data for the potential habitat break analysis
33 and continued to oversee the development of the anadromous fish floor (AFF).

34
35 He said the Board, at their August 2020 meeting, accepted the quality assurance/quality control
36 (QA/QC) screened 2001 CMER fish data for eastern Washington and requested that a QA/QC
37 evaluation also occur for the tribal fish data for eastern Washington to finalize the recommendation
38 for fish data points for use in a final PHB spatial analysis for the cost benefit analysis required for the
39 water typing rulemaking. He informed the Board that DNR has located the original CMER GIS data
40 to provide the spatial location for the data and that DNR is currently linking up the CMER GIS data
41 with the data identified from the QA/QC process and ensuring that the points align spatially with high
42 quality lidar.

43
44 Engel said the AFF project team is working to assemble and provide fish data to the contractor hired
45 to perform the GIS analysis. Once that is provided, the contractors will populate the synthetic stream
46 network with the appropriate fish data. He said that at present, the completion for the AFF analysis is
47 on time and scheduled to be completed late winter of 2021.

1 Board member Swedeen stated that she appreciated all the technical work, but reminded the Board
2 that the rule-making is taking longer than anyone envisioned. She asked the Board and stakeholders
3 to consider interim measures for the upcoming protocol stream survey season to address the lack of a
4 permanent rule and the water typing concerns addressed in the [conservation caucus' letter dated](#)
5 [November 6, 2020](#). She said she hopes that the conversation regarding performance targets of the
6 permanent water typing system rule occurs sooner than later.

7
8 Board member Davis said he hopes the CPeace option is still a priority for addressing issues that have
9 been going on for decades. He said the human component needs to catch up with the technical pieces
10 in order for this to be successful.

11
12 Board member Davies said she believes an interim step is necessary since a permanent water typing
13 system rule is potentially a year or two away.

14
15 Chair Bernath reminded the Board of the 2019 memo drafted by DNR with input from WDFW, tribes
16 and stakeholders. The memo clarified existing guidance and provided recommendations for
17 improving consistency during the review of water typing decisions under the current rule.

18
19 Board member Davis suggested the Board look at the November 6, 2020 conservation caucus memo
20 in conjunction with the previous guidance to assess future refinements for potential interim steps.

21
22 Board member Nelson said he does not see the need for the water typing system rule in the first place
23 and is concerned that the economic analysis is progressing without all the necessary technical parts
24 resolved. As a result, he said he does not see the need for an interim step at this time.

25
26 Board member Herrera said he would be willing to review the 2019 guidance and look for ways to
27 improve on what was previously developed.

28
29 Board member Swedeen said she is concerned that Board member Nelson believes a permanent water
30 typing system rule is not needed. She reminded the Board that a permanent rule is 20 years past due
31 and is needed to meet the commitments in the Forest Practices Habitat Conservation Plan.

32
33 Chair Bernath acknowledged Board members Davis and Herrera's willingness to review the 2019
34 DNR guidance in conjunction with the issues raised in the conservation caucus memo, and he
35 committed DNR to doing so. He said that this effort would be guided by determining the need and
36 value for additional guidance before March 2021. He offered that if other caucuses want to provide
37 input, to let DNR know. He added that DNR would be careful to ensure that any guidance developed
38 would be consistent with the existing water typing rule and Board Manual technical guidance. He
39 also acknowledged the interest to move forward on the CPeace effort.

40 41 **GENERAL PUBLIC COMMENT**

42 Alec Brown, Conservation Caucus, commented on the Compliance Monitoring Program report and
43 said it is essential program. However, he said the conservation caucus has made it known that they
44 have some concerns with the way statistics are compiled within the report. He said the high rate of
45 compliance is great and deserves recognition, but at the same time, if one looks at FPAs on individual
46 level, it indicates a much lower rate of compliance. He is glad DNR is looking at why that is
47 happening. He also said they are pleased to see that an unstable slope rule component was included
48 this year.

1
2 Ken Miller, Washington Farm Forestry Association, said the dispute resolution process has been
3 going well. He said all parties have been collaborative and said he was appreciative of individuals for
4 their particular creativity in search of workable compromises. He said the state caucus has made
5 some progress on some of the prescriptions, which could be potentially rolled into the outcome. He
6 also is looking forward to the report from the University of Washington, which should include an
7 update on that partial database from their 2007 first initial effort. He expects the report will show
8 trends for the disproportionate impact to small forest landowners. He said additional technical
9 support and financial incentives may help keep working forests on the landscape.

10
11 Darin Cramer, Washington Forests Protection Association, said he agrees with the follow up
12 conversation on the Compliance Monitoring Program and noted the compliance rate improvements
13 over time. He said he was pleased to hear Board member comments regarding the need to take
14 seriously one of the recommendations from the Water Typing Rule Committee—determine how the
15 performance target will be measured and what the interpretation of that performance target is. He said
16 there is an underlying assumption contained in the conservation caucus memo dated November 6,
17 2020 and in some Board conversations, that the current rule is ineffective at protecting fish habitat.
18 He said rule ineffectiveness has not been demonstrated with any kind of scientific credibility and
19 hopes that folks can resolve the performance target issue in order to assess if the current rule is
20 working or not.

21
22 Gloria Flora, Sustainable Obtainable Solutions, provided an overview of the Sxwuytn-Kaniksu
23 Connections ‘Trail’ project in the Colville National Forest. It involves a 90,000-acre restoration
24 project over mixed ownership that was identified in DNR’s forest health strategic plan as an area in
25 significant need of restoration. She said DNR was successful to convince the legislature to provide
26 funds for increasing the pace and scale of restoration across Washington. She said the project is
27 unique because it is a collaborative approach to address broad landscape goals across several
28 ownerships and has contributed to the local economies. The goal is to reach and maintain sustainable
29 land management through collaboration.

30
31 Elaine Oneil, Washington Farm Forestry Association, said the results of the high compliance rates in
32 the compliance monitoring results show a continued need for technical assistance for small forest
33 landowners. She said support from all agencies and from all advocates is needed to ensure there is
34 legislature support for funding for small forest landowner assistance in the DNR budget. She said
35 there is often inconsistency for how forest practices foresters view guidance versus rules, which
36 demonstrates the need for continued technical assistance. She added that best available science and
37 best available information offered by landowners is needed for appropriate water typing decisions.

38
39 Lorna Moffitt said the public’s input is crucial to provide the Board the support to make changes. She
40 suggested that the Board is under enormous economic influence to utilize Washington's forestlands
41 and to cut down as many trees as possible for economic gain. She described a clear cut in eastern
42 Washington, which demonstrates the need for changes to the forest practice rules towards a more
43 sustainable rule forbidding clear cuts and preserving large trees. She said DNR staff concurred that
44 the harvest in questions was rule compliant. She suggested the Board consider creating an advisory
45 board with the same people who helped create the Colville National Forest agenda to create a
46 sustainable rule structure.

1 Brian Rosen said there are responsible loggers who want to preserve and protect the land and make it
2 better than when they found it. He said there are also irresponsible loggers who do harm to the
3 environment. He said it is important that we all come together and celebrate the environmentalists
4 and responsible loggers because hopefully we are all working together for a better forest. He
5 suggested that the Northeast Washington Forest Collation and stronger rules could help balance the
6 interests of logging. He asked that transparency be provided to understand the surface area involved
7 in harvesting and to understand the economic damage from the results of logging. He also urged the
8 Board to consider rules addressing the forecasts of extreme weather.
9

10 **TFW POLICY COMMITTEE PRIORITIES FOR CALENDAR YEAR 2021**

11 Meghan Tuttle, Policy Co-chair, said that while work plan is not a complete list of everything Policy
12 will discuss in 2021, it does highlight the priorities that will come to the Board next year. Two annual
13 items Policy wanted to mention – the master project schedule and associated budget – will come to
14 the Board in May 2021.
15

16 Marc Engel, Policy Co-chair, said there are three items that Policy is working on to bring forward to
17 the Board in 2021. These items are outlined in the Policy 2020 work plan memo, dated October 23,
18 2020. They are:
19

- 20 1. Type Np Water buffers. Policy expects to receive the final report from the Type Np
21 Prescription Workgroup in mid-winter 2021. The report will start the Policy review of
22 potential Type Np water buffer prescriptions for Policy consideration.
23

24 As background, the Board approved the Policy’s recommendations to form a Type Np
25 workgroup to develop Type Np stream buffers to address the findings of the CMER hard rock
26 study and the related CMER Type Np studies which would be available within a short time
27 after.
28

29 Engel stated that DNR staff, based on the anticipated receipt of the Type Np Workgroup
30 report, intends to recommend the Board consider issuing a CR-101 at their May 2021
31 meeting.
32

33 Engel went on to talk about the Policy work addressing the proposed Small Forest Landowner
34 Riparian Template. At the August 12, 2020 meeting, the Board accepted the Policy
35 recommendations to continue a review of two elements of the proposed small forest landowner
36 low-impact template for western Washington. These elements are the alternate plan riparian
37 buffer widths for Type F and Np streams and the development of draft experimental conifer
38 thinning and conifer restoration alternate harvest prescriptions for Type F and Np streams.
39

- 40 2. Small Forest Landowner riparian buffers. Engel said a buffer width dispute resolution was
41 invoked at Policy since the Policy buffer workgroup was unable to bring forward
42 recommended RMZ widths for inclusion in an alternate plan template. Stage 1 of dispute
43 resolution has been completed, resulting in non-consensus. Stage 2 dispute resolution has
44 been invoked and it is expected that a mediator will be under contract in December 2020 for
45 this stage. He said Stage 2 dispute resolution will take a minimum of two months and opined
46 that it is likely to end in a non-consensus majority – minority report to the Board.

1 Engel said an essential element of the proposed template pertaining to the issue in dispute is a
2 review of the science accompanying the small forest landowner low impact template for
3 western Washington. He said that review is currently at CMER, and is expected to be
4 completed by late January 2021. Based on the timeframes, it is expected that the Stage 2
5 dispute resolution and scientific review will not be completed in time for the Board's
6 February 2021 meeting. Therefore, Policy would like to bring forward recommendations at
7 the May 2021 meeting.

- 8 3. Small Forest Landowner Alternate Harvest Prescriptions. For the proposed small forest
9 landowner experimental alternate harvest prescriptions, he reported that Policy assigned to the
10 Policy experimental prescription workgroup the review the states experimental harvest
11 prescriptions. The workgroup is expected to bring forward recommendations in December in
12 time for Policy's January 2021 meeting. It will take several months for Policy to develop
13 recommendations to the Board. Engel said that recommendations are currently expected to be
14 presented to the Board in May 2021.

15 Board member Doenges asked how Policy would be taking action in support of the Type Np work,
16 specifically in reference to the CWA assurances letter that Ecology Director Bellon shared with the
17 Board in December 2019. He said there are important milestones and dates for rule making that he
18 would like to have Policy speak about.

19
20 Engel said Policy believes there could be enough information brought forward by Policy to the Board
21 in May 2021 for staff to recommend the Board authorize filing a CR-101 for the Type Np
22 rulemaking. At this time he is unsure if there will be enough time after Policy brings
23 recommendations to the Board for staff to bring forward a draft rule and associated documents for the
24 Board to initiate a CR-102 for rulemaking during calendar year 2021.

25
26 Tuttle said Policy is focused on accepting and then considering the technical reports anticipated to
27 come from the Type Np Workgroup, with the intent of receiving work group recommendations in
28 June 2021 and bringing recommendations to the Board in August 2021. She said the topic of the CR-
29 101 is not part of Policy's discussions and would be a recommendation by DNR staff.

30
31 Mark Hicks, Adaptive Management Program Administrator, said they are waiting on ISPR comments
32 on the soft rock study and that comments are expected in November 2020. They have received initial
33 comments on the hard rock phase 2 study and ISPR is currently considering whether the changes are
34 responsive. He said it is difficult to predict how many months it will take to get through all the
35 necessary steps but that they are in the final months of the process.

36
37 Board member Doenges said he appreciates the additional information shared. Since this is a priority
38 for Ecology, DNR and the Board, he looks forward to receiving updates at future Board meetings. He
39 encouraged DNR and Policy to work with Ecology staff to help the process move forward.

40
41 Chair Bernath made a commitment to provide an update on the Type Np Workgroup and the CMER
42 projects that are informing their efforts at each of the Board meetings in 2021.

43 44 **STAFF REPORTS**

45 There were no questions on the following reports.

- 46 • Adaptive Management Program Update

- 1 • Small Forest Landowner Office Update
- 2 • Upland Wildlife Update

3

4 **2021 WORK PLANNING**

5 Marc Engel, DNR, reviewed the accomplishments of the 2020 work plan and the carryovers to 2021.
6 He said the work plan is reviewed at every quarterly meeting for any adjustments. He then presented
7 the draft 2021 work plan and 2021 Board meeting dates – February 10; May 12; August 11;
8 November 10. He mentioned the inclusion of the CR101 Type Np Buffer rule making for 2021.

9

10 **MOTION:** Vicki Raines moved the Forest Practices Board accept the Board’s 2021 Work Plan as
11 amended today.

12

13 **SECONDED:** Tom Nelson

14

15 Board Discussion:

16 Board member Doenges noted that the completion of the Type Np Buffer rule is not reflective of the
17 CWA letter from Ecology, which extended the assurances for two additional years provided a CR102
18 is filed by the end of 2021 – the work plan indicates a completion in 2022.

19

20 Engel said the work plan could be amended in 2021 to reflect a CR102 for next year. However, he
21 reminded the Board that a Type Np buffer rule would be a significant rule making and involve a lot
22 of work including the cost/benefit and economic analysis before the November Board meeting.

23

24 **ACTION:** Motion passed. (11 support / 1 oppose (Doenges)) (Jeff Davis not available for vote.)

25

26 **EXECUTIVE SESSION**

27 None.

28

29 Meeting adjourned at 1:25 p.m.