

1 **FOREST PRACTICES BOARD**  
2 **Regular Board Meeting – August 11, 2021**  
3 via Zoom

4 *Meeting materials and subject presentations are available on the Forest Practices Board’s website.*

5 <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>  
6

7 **Members Present**

8 Stephen Bernath, Chair, Department of Natural Resources  
9 Ben Serr, Designee for Director, Department of Commerce  
10 Bob Guenther, General Public Member/Small Forest Landowner  
11 Brent Davies, General Public Member  
12 Carmen Smith, General Public Member/Independent Logging Contractor  
13 Cody Desautel, General Public Member  
14 Dave Herrera, General Public Member  
15 Jeff Davis, Designee for Director, Department of Fish and Wildlife  
16 Kelly McLain, Designee for Director, Department of Agriculture  
17 Rich Doenges, Department of Ecology  
18 Vickie Raines, Elected County Commissioner  
19 Wayne Thompson, Timber Product Union Member  
20

21 **Absent:**

22 Tom Nelson, General Public Member  
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 9:03 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 wildfire situation across the state and DNR’s role in fire suppression  
41 efforts. Because of minimal staffing, he asked the public to delay submitting any Forest Practices  
42 Applications (FPA) that are not immediately necessary.  
43

44 Chair Bernath provided an overview of the current reorganization within DNR, which includes ‘Forest  
45 Practices Division’ becoming ‘Forest Regulation Division’. Over time, Forest Regulation will house all  
46 the forest regulatory programs including the burn permit program. Forest Regulation will be under the  
47 Deputy for Forest Regulation and Forest Resilience (formerly known as Forest Health). DNR is

1 implementing a one-stop-shop concept where small forest landowners can obtain information from one  
2 source.

3  
4 He introduced Alex Smith as the Acting Deputy effective September 1, 2021. Chair Bernath will retire  
5 sometime in October. He added that Mark Hicks retired on June 30 and Saboor Jawad is the new  
6 Adaptive Management Program Administrator (AMPA).

7  
8 **APPROVAL OF MINUTES**

9 **MOTION:** Bob Guenther moved the Forest Practices Board approve the May 12, 2021 Board  
10 meeting minutes.

11  
12 **SECONDED** Jeff Davis

13  
14 Board Discussion:  
15 None.

16  
17 **ACTION:** Motion passed (10 Support / 2 Abstention (Raines and Thompson)).

18  
19 **UPDATE ON TFW POLICY COMMITTEE’S TYPE NP BUFFER DELIBERATIONS**

20 Meghan Tuttle and Marc Engel, TFW Policy Committee (Policy) co-chairs, provided an update on the  
21 Type Np buffer deliberations. Tuttle said since the May 2021 Board meeting, Policy accepted the final  
22 Type Np Workgroup Report and convened the first meeting to discuss alternatives and develop a Type  
23 Np buffer recommendation. Engel said the first step is to review the findings of the completed Type  
24 Np studies and access if the alternatives are scientifically credible and operationally feasible.

25  
26 Tuttle said the final step will be to develop a consensus decision whether to make an adaptive  
27 management recommendation to the Board. She said they are adhering to the goals of the Forests and  
28 Fish Report and statutory direction in chapter 76.09 RCW. If Policy agrees on an alternative, they will  
29 finalize their recommendation within 30 days and provide a recommendation to the AMPA for  
30 delivery to the Board. If Policy does not reach consensus, she said any Policy representative may  
31 invoke dispute resolution.

32  
33 Engel said Policy has agreed to initiate the development of a Type Np buffer alternative based on the  
34 findings from the [Type N Experimental Buffer Treatment in Hard Rock Lithology phase 1](#) (Hard Rock  
35 Study) and the initial findings of the additional Type Np studies. He noted that Policy’s  
36 recommendation for further action or a Type Np buffer rule petition will come to the Board when all  
37 studies are final and deliberations are complete. He added that if dispute resolution is invoked, it would  
38 take up to an additional six months to develop recommendations.

39  
40 Board member Davies asked what the expected timeline is without dispute resolution.

41  
42 Tuttle said Policy hopes to have a recommendation by the end of the calendar year, which is consistent  
43 with the process outlined in Part 3.4 of Board Manual Section 22, *Guidelines for Adaptive*  
44 *Management Program*, but an absolute date is difficult to assume given the additional work still to  
45 come.

46  
47 Board member Doenges asked for more detail regarding Policy’s process between now and the  
48 November 2021 Board meeting.

1  
2 Engel said the focus is to take the results of the Type Np workgroup’s final report including its suite of  
3 alternatives to develop a recommendation. He said Policy would be unable to finish the adaptive  
4 management process until they have the results of all of the Type Np studies. However, they assume  
5 the forthcoming study findings will not significantly change their preliminary findings.

6  
7 Board member Davies asked if Policy could move forward with just the Hard Rock study’s findings  
8 and without the other Type Np studies.

9  
10 Engel said Policy agreed to begin discussions based on the findings of Phase 1 of the Hard Rock study,  
11 but decided to embrace the full suite of Type Np studies before developing a final recommendation.

12  
13 Board member Doenges said he expects to see a Type Np CR-101 on the agenda in November 2021  
14 meeting and if not, he said Ecology may lose confidence that the process is protective of Type Np  
15 waters and that the Clean Water Act assurances will cover forest practices after 2021.

### 16 17 **UPDATE ON IMPLEMENTATION OF THE SAO WORK PLAN**

18 Chair Bernath shared that CPeace resigned as the facilitator, however the Commissioner of Public  
19 Lands plans to convene a principals meeting in the fall.

20  
21 Joe Shramek, DNR, provided an update on the State Auditor’s Office Response Plan prepared by staff  
22 that the Board took action on at the May 2021 meeting. He reported on progress and plans to  
23 implement the plan. He reminded the Board that there were three categories of actions.

- 24 • The first category involve caucus principals. He indicated Commissioner of Public Lands Franz  
25 intends to convene a principals meeting in the autumn to consider the consensus decision-making  
26 model and the future role that caucus principals could play on the Board and on Policy.
- 27 • The second category are actions that were directed to the Adaptive Management Program (AMP)  
28 to provide recommendations to the Board for action. Policy has begun work on developing an  
29 options paper about decision criteria or predetermine thresholds for action up front for the  
30 Cooperative Monitoring, Evaluation, and Research Committee (CMER) studies and development  
31 of recommendations about a net gains approach to decision making.
- 32 • He said Board and AMP staff will be addressing the third category, which are administrative in  
33 nature and include proposing updates to Board Manual Section 22.

34  
35 He indicated that DNR intends to submit a funding decision package to accelerate work on a number  
36 of the plan’s actions during fiscal year 2023. The decision package is due to the Office of Financial  
37 Management in September, and DNR intends to reach out to stakeholders beforehand to share the  
38 content and ask for feedback. He said the decision package will include four elements: (1) support the  
39 principals meeting by hiring a facilitator; (2) develop a CMER research project lifecycle tracking  
40 system and public-facing on-line dashboard; (3) create an onboarding/training program for new Policy  
41 and CMER members; and (4) conduct a peer review of the science program in fiscal year 2023.

42  
43 Shramek said the Board Manual updates will include clarifying language to what is currently in the  
44 Board Manual about dispute resolution and include additional description for the performance audits  
45 and fiscal audits. Those changes are intended to come before the Board in February 2022.

46  
47 Board member Davies asked if the funding for facilitating the principal’s meeting is in place.  
48

1 Chair Bernath said no, and confirmed the request included in the decision package will be is for  
2 logistical support to help set up and run principals' meetings in fiscal year 2023.

3  
4 **UPDATE ON IMPLEMENTATION OF BUDGET PROVISIO FOR PROGRAMMATIC SAFE**  
5 **HARBOR AGREEMENT**

6 Chair Bernath said the Northern Spotted Owl Implementation Team (formed in 2008) had originally  
7 encouraged the Board to develop a programmatic Safe Harbor Agreement (SHA) to provide voluntary  
8 incentives to landowners and enhance owl habitat. The 2021 legislation session included SB 5411,  
9 which would have provided authority for DNR to enter into a programmatic SHA with the US Fish and  
10 Wildlife Service. Although SB 5411 failed to pass, DNR did get funding to finish the SHA work.

11  
12 Marc Engel, DNR, said the legislature provided proviso funding for \$407,000 in FY 2022 for DNR to  
13 development a programmatic SHA, draft the environmental assessment and draft rule language. He  
14 said the proviso funding included \$180,000 to be allocated for WDFW to assist in this work. He said  
15 DNR must prepare a report to the legislature by December 15, 2021 outlining the status of the rule  
16 making effort and the resources needed to implement a SHA by October 2022.

17  
18 He said the request for quotes and qualifications (RFQQ) to develop the SHA closed on July 29  
19 without any proposals received. DNR will be reaching out to the companies that showed an interest in  
20 the contract, but did not formally submit a bid. DNR will revise the RFQQ and plans to re-advertise  
21 soon.

22  
23 **BOARD MANUAL SECTION 12 APPLICATION OF FOREST CHEMICALS UPDATE**

24 Chair Bernath said the 2021 legislature appropriated funding to implement three of the [2019 Aerial](#)  
25 [Herbicides in Forestland Legislative Report's recommendations](#). Accomplished recommendations  
26 include updating the FPARS website with new information and updating the Forest Practices  
27 Illustrated regarding information on posting requirements. Additional recommendations that received  
28 funding include: (1) updating Board Manual Section 12, *Guidance for Application of Forest*  
29 *Chemicals*; (2) incorporating the review of aerial chemical application FPAs into the Compliance  
30 Monitoring Program; and (3) exploring alternatives to using chemicals through State Lands and  
31 associated university research. Calvin Ohlson-Kiehn (DNR State Trust lands) is working with the  
32 Vegetation Research Management Cooperative from Oregon State University to develop a plan.

33  
34 Marc Ratcliff, DNR, gave an overview of the topics for inclusion in updating Board Manual Section 12  
35 and the plan to complete the process. The report's recommendations and the legislative direction for  
36 Section 23 include:

- 37 • Incorporate language regarding the required information to post prior to spraying herbicides;
- 38 • Develop best management practices for: equipment; weather conditions; neighbor communication,  
39 signage and information about alternatives to herbicides, and
- 40 • Clarify adjacent property buffer rules, particularly concerning buffers around residences and  
41 agricultural land.

42  
43 Ratcliff said DNR formed the workgroup with folks having expertise in aerial herbicide spraying,  
44 having regulatory roles and those having concerns over chemical use. Members are representatives  
45 from Policy and from the Aerial Herbicides in Forestland workgroup. He said the first meeting was  
46 July 20, 2021. Discussions should wrap up by the end of the year with the goal to bring  
47 recommendations to the Board in February 2022.

1 Board member Davies asked if the rules address school buildings or water intakes and what the  
2 required notification is.

3  
4 Ratcliff said the rules do not address school buildings or drinking water intakes, but does mention that  
5 a 200-foot buffer needs to be applied for adjacent residences. He said most companies are proactive in  
6 notifying adjacent neighbors prior to spraying herbicides. The required notice is 5-days in advance of  
7 spraying.

8  
9 Chair Bernath mentioned that surface waters and riparian management zones are buffered according to  
10 the rule.

11  
12 Board member McLain added that most herbicides used in forestry do not have ground water  
13 restrictions based on their specific chemical analyses, but if the label does include restrictions, DNR  
14 has the ability to assess for FPA conditioning.

15  
16 Board member Herrera said having a tribal representative on the workgroup is important because of  
17 vegetative cultural resources impacts and when plant products are harvested.

18  
19 Board member Doenges suggested having a pamphlet separate from the Forest Practices Illustrated  
20 that could be used for clarifying how the rules are implemented and how seasonal waters are  
21 addressed.

## 22 23 **INCLUSION OF FOREST CHEMICAL APPLICATIONS IN THE COMPLIANCE** 24 **MONITORING PROGRAM**

25 Donelle Mahan, DNR, said staff have begun the initial process to develop methods to incorporate the  
26 review of aerial chemical FPAs into the Compliance Monitoring Program. She said the compliance  
27 monitoring program itself does not currently assess compliance with rules pertaining to aerial chemical  
28 FPAs, but that forest practices regulatory foresters do performance compliance on such approved  
29 FPAs.

30  
31 She said a meeting is scheduled in August with the Compliance Stakeholder Committee to discuss the  
32 development of the sampling design in preparation for conducting a pilot study to determine the best  
33 operationally feasible and statistically sound method. The pilot is intended to conduct field sampling  
34 and gather data during the summer/fall of 2022, after which the final design chosen will be integrated  
35 into the 23-25 biennial Forest Practice Program compliance monitoring standard sample.

## 36 37 **UPDATE ON WATER TYPING COMMITTEE & THE WORKGROUP ON THE** 38 **ANADROMOUS FLOOR**

39 Marc Engel, DNR, said the Water Typing Committee (Committee) is continuing to oversee the work  
40 of the anadromous fish floor (AFF) workgroup including the technical work by the AFF project team.  
41 The Committee received a presentation and preliminary results from the project team analyses at their  
42 August 3, 2021 meeting.

43  
44 Engel said questions were raised regarding the additional work being done by the contractor. He said  
45 the DNR contract ended June 30 – the deliverables were coordinated and confirmed with the AFF  
46 project team. The additional work past June 30 involves statistical analyses not part of the DNR  
47 contract, but done under a separate contract with the Northwest Indian Fisheries Commission  
48 (NWIFC). The work in July and August is to complete the NWIFC contract requirements.

1 The AFF project team is planning to meet more frequently to prepare AFF recommendations. The plan  
2 is the share recommendations to the Committee in October with the goal of having recommendation to  
3 the Board in November 2021.

4  
5 Committee Chair Guenther said the Committee would be staying up to speed in order to make solid  
6 recommendations to the Board and recommended that the Committee meet at least two more times  
7 before November.

8  
9 Chair Bernath suggested that Board member Desautel take Board member Swedeen's place on the  
10 Committee. He reminded Board members that the Committee was tasked with gathering additional  
11 eastern Washington fish points for the potential habitat break (PHB) analysis and metrics for an AFF.

12  
13 He said the Board could request DNR begin the process to prepare a rule packet once the AFF  
14 recommendations are provided.

15  
16 Engel said the Board could accept more than one AFF metric from the Committee. He said DNR still  
17 needs to re-run the spatial analysis for the PHBs and re-convene the economic workgroup once the  
18 Board approves a conceptual AFF.

19  
20 Chair Bernath ask Board members to anticipate a two-day November 2021 Board meeting to discuss  
21 the items and recommendations coming in November.

## 22 23 **GENERAL PUBLIC COMMENT**

24 Elaine Oneil, Washington Farm Forestry Association (WFFA), shared their concerns and frustrations  
25 on the lack of movement on small forest landowner issues and the effects on the small landowner  
26 community. She mentioned that a mass resignation of landowner participants almost occurred due to  
27 conflicts after the last Small Forest Landowner Advisory Committee meeting.

28  
29 Chris Mendoza, Conservation Caucus, said all of the chapters and executive summary of the Hard  
30 Rock Study, Phase 2 CMER study have been approved through independent science peer review. The  
31 six questions for Phase 2 is up for approval by CMER this month. He said half of the chapters for the  
32 Soft Rock CMER study were approved by CMER last month and four more are up for approval this  
33 month.

34  
35 Ray Entz, Eastside Tribal Caucus and Kalispel Tribe, said his caucus had asked Policy to go beyond  
36 what the State Auditor recommended. He asked the Board to do more, to do better and to go beyond  
37 just simply answering the State Auditor Office (SAO) questions. He asked the Board to go back and  
38 address stakeholder comments that have been provided in the past to the Board and the Commissioner  
39 of Public Lands. He said not all of the issues need to be principal-based solutions, some improvements  
40 could happen through Board discussions and could be done parallel with other upcoming actions.

41  
42 Jim Peters, Northwest Indian Fisheries Commission (NWIFC), asked the Board to include NWIFC in  
43 the upcoming caucus principals meetings. This would help get the information out to their tribal  
44 leadership to ensure they are prepared for those discussions. He added that NWIFC entered into a  
45 contract with Terrainworks with Ash Roorbach in the lead related to the AFF work. Although the  
46 monies have been spent, Terrainworks is finalizing their report.

47

1 Darin Cramer, Washington Forest Protection Association (WFFA), asked the Board to review the  
2 [November 2019 memo from the Water Typing Rule Committee](#) and the motion passed accepting all of  
3 those recommendations. He said there has been work on some of the recommendations, but many have  
4 received little to no attention, in particular the performance target criteria and the field based science.  
5 He said he hopes that important step catches up with the rest of the process at some point.

6  
7 Ken Miller, WFFA, said their science-based low impact template proposal initiation is still in the  
8 works. He said given the discussions in the AMP about the template proposal, it has been clear that  
9 many folks were unaware of the RCW regulatory deference to smaller and relatively low impact  
10 harvests. He said the RCW requires DNR to develop a definition or criteria for ‘relatively low impact’.  
11 He said a definition was developed by the Small Forest Landowner Advisory Committee and  
12 forwarded to the DNR Small Forest Landowner Office. He said the language is still very general and  
13 does not determine what small forest land owner buffers should be. He urged the Board to have Policy  
14 move the proposal initiation forward quickly.

15  
16 John Henrikson, WFFA, said he is the chair of the Small Forest Landowner Advisory Committee and  
17 the primary author of the relatively low impact definition. He said it was a very collaborative  
18 document and was completed in the spirit of TFW to address all stakeholder needs. The document  
19 defines three core principles of exemplary forest management: (1) be wise and make hard decisions  
20 now, (2) don't waste resources for minimal benefit, and (3) recognize the importance of small forest  
21 landowners on the landscape. He questioned why movement on this issue is moving very slowly  
22 through the process. He said their caucus is hoping the process will pick up some speed and be before  
23 the Board soon.

24  
25 Jake Stewart, private landowner, provided an overview of a situation he is witnessing as a tree farmer  
26 on Whidbey Island. He said they are observing a lot of ‘after the fact’ land conversions, part of which  
27 is due to the pandemic and urban exodus. He said land developers are harvesting forest land without  
28 indicating true intentions for reselling or developing. He asked the Board to look into the practice of  
29 land conversions under the guise of class III forest practices activities.

### 30 **CMER MEMBERSHIP**

31 Saboor Jawad, AMPA, said the Washington State Association of Counties (WASAC) has nominated  
32 Dr. Mark Meleason as a new CMER voting member. He said per WAC 222-12-045, the Board is  
33 required to approve CMER voting members.  
34

35  
36 Court Stanley, WASAC, voiced support for Meleason’s appointment and asked the Board to approve  
37 their nomination.

38  
39 Dr. Meleason shared some of his education background and some of his research project topics. He  
40 said he is looking forward to contributing towards the efforts within CMER.

### 41 **PUBLIC COMMENT ON CMER MEMBERSHIP**

42 Darin Cramer, WFFA, voiced his support for Meleason.  
43

44  
45 Ray Entz, Kalispel Tribe and eastern Washington Tribal Policy representative, voiced his support for  
46 Dr. Meleason. He encouraged the Board to look back at their past concerns regarding transparent  
47 CMER appointments and said his caucus supports guidelines for official CMER membership.  
48

1 Kendra Smith, Skagit County, voiced her support for Dr. Meleason.

2

3 **CMER MEMBERSHIP**

4 **MOTION:** Brent Davies moved the Forest Practices Board approve Dr. Mark Meleason as a voting  
5 member of CMER.

6

7 **SECONDED** Bob Guenther

8

9 Board Discussion:

10 Board member Davies asked how many voting members each Caucus is supposed to have.

11

12 Chair Bernath replied that the rule states that CMER will be made up of members that have expertise  
13 in scientific disciplines. The rule is not specific on one vote per caucus for CMER as it is for Policy.

14

15 Board member Davies said she supports a one vote per caucus as that seems like a good process and  
16 will contribute to a healthy working group. Board member Doenges said he agrees.

17

18 Chair Bernath said since the rule is marked with an asterisk that a recommendation from Policy is the  
19 pathway to have this discussion and recommend action.

20

21 **ACTION:** Motion passed unanimously.

22

23 **ADAPTIVE MANAGEMENT PROGRAM WETLAND INTRINSIC POTENTIAL TOOL**

24 **PHASE 2 STUDY**

25 Meghan Halabisky, University of Washington, provided an overview of the [Wetland Intrinsic Potential](#)  
26 [\(WIP\) Tool Study](#). The tool attempted to address out of date wetland inventories and correct the  
27 potential of wetland omissions form aerial photo interpretation.

28 She said this was a two-phase project. Phase 1 developed a tool for mapping hydrological and  
29 geomorphological controls on wetland occurrence. Phase 2 used field data on wetland locations  
30 (developed in Phase 1) and developed models for mapping wetland occurrences. The study used four  
31 criteria to develop the model: topographic attributes, hydrologic modeling, spectral indices, and vector  
32 datasets to identify topographic indication and water movement. She added that ‘ground-truthing’ was  
33 used to test the model.

34

35 The study found that the WIP tool had an overall 96% accuracy result compared to 88% accuracy  
36 under other wetland inventories. She said the model had variable accuracy results given one watershed  
37 to another, but could be improved after modelling calibration. It is a valuable tool for initial screening.

38

39 Conclusions from the study:

- 40 • The WIP tool does identify wetlands missed in existing wetland inventories;
- 41 • The model can be improved as new input data layers are identified;
- 42 • The tool can be used for improving sampling efficiency and used to screen for potential wetlands,  
43 and
- 44 • The model performs better when field data is used, but works very well with other wetland  
45 inventory training data.

46

47 Limitations include:



- 1 • The WIP tool does not delineate wetland borders or classify wetland types;
- 2 • Identifying wetlands in eastern Washington is inconclusive since the study did not evaluate eastern
- 3 Washington;
- 4 • The WIP tool may not provide useful results for sloped wetlands, nor does the tool account for
- 5 well-drained soils, and
- 6 • The WIP tool may not produce accurate results associate with human caused modifications.

7  
8 Board member Doenges asked about the degree of accuracy for stream-associated wetlands and if  
9 slope aspect was evaluated in the study.

10  
11 Halabisky said the tool might produce false positives for riparian wetlands by means of wetland  
12 omissions; they did not evaluate slope aspect.

13  
14 Board member Thompson asked what percentage of slope aspect data might be missing in the state.

15  
16 Halabisky did not specifically know since they do not have a good map of sloped wetlands. She said  
17 they would need a large data set of sloped wetlands and examples of areas along slopes that are not  
18 wetlands in order to test the model.

19 Jawad said Policy agreed by consensus to recommend that the Board take no formal action in response  
20 to this study. He added that Policy did suggest the Board consider promoting use of the WIP tool as a  
21 non-regulatory screening aide available for use by the public, tribes, other agencies and landowners.

22  
23 **PUBLIC COMMENT ON WETLAND INTRINSIC POTENTIAL TOOL PHASE 2 STUDY**  
24 **RECOMMENDATION**

25 None.

26  
27 **WETLAND INTRINSIC POTENTIAL TOOL PHASE 2**

28 **MOTION:** Kelly McLain moved the Forest Practices Board take no formal action in response to  
29 the Wetland Intrinsic Potential Tool Phase 2 study.

30  
31 **SECONDED:** Rich Doenges

32  
33 Board Discussion:

34 Board member Guenther said that he found the report very interesting for forested land, He wanted to  
35 mention that there are thousands of acres in Washington that have been cleared and currently being  
36 used as farmland that sometimes reduces the water table to some degree.

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

39  
40 **ADAPTIVE MANAGEMENT PROGRAM eDNA STUDY**

41 Chair Bernath said the Environmental DNA (eDNA) study was undertaken by the AMP to evaluate the  
42 use in the demarcation of fish and non-fish presence, and to inform CMER on how to best incorporate  
43 eDNA sampling in future studies. It was an exploratory study in which CMER participated through  
44 cost share agreement with the USFS Pacific Northwest Research Station.

45

1 Jason Walter, Weyerhaeuser, provided a review of the [eDNA Study's Findings Report](#) (six questions).  
2 Since it was an experiential study, he said Policy agreed that the results do not warrant the Board to  
3 take any formal action. The six questions include:

- 4 • *Questions 1 & 2 - does the study inform a numeric or performance target, resource objective, a rule*  
5 *or Board Manual guidelines, and/or Schedule L-1 or L-2?*

6 No. The study did not directly inform a rule – it was designed to contribute information to a larger  
7 study yet to be scoped by CMER.

- 8 • *Question 3 – was the study carried out pursuant to CMER scientific protocols?*

9 No. The study was approved by Policy and the Board as a cooperative cost-sharing venture with  
10 the Pacific Northwest Research Station.

- 11 • *Question 4A – What does the study tell us?*

- 12 ○ Variability exists where positive trout eDNA detections align with confirmed trout presence  
13 through electrofishing, but the reasons for variability are not clear;

- 14 ○ The occurrence of trout eDNA is increased in field samples with greater electrofishing trout  
15 density, and

- 16 ○ The study does not provide time and place of fish and provides the potential of false positives.

- 17 • *Question 4B - What does the study not tell us?*

- 18 ○ The logistical practicality or ability to implement eDNA as a stand-alone water typing tool.

- 19 ○ The relative detectability (detection probability) of the specific eDNA and e-fishing protocols.

- 20 ○ How stream conditions and/or stream habitat factors may influence electrofishing detections.

- 21 ○ The persistence of eDNA in the environment or information about how far trout eDNA may  
22 travel in a stream.

- 23 • *Question 5 –What is the relationship between this study and others that may be planned, underway,*  
24 *or recently completed?*

25 The study's results are being considered as a potential component of the PHB and default physical  
26 characteristics studies (currently being developed in ISAG).

- 27 • *Question 6 – What is the scientific basis that underlies the rule, numeric target, performance*  
28 *target, or resource objective that the study informs?*

- 29 ○ This developmental study was not intended to and does not inform a rule, numeric target, and  
30 performance target or resource objective, and

- 31 ○ The potential to help inform if/how eDNA may be further investigated in additional eDNA  
32 research and/or included as a component of other proposed CMER research.

33  
34 Jawad said after reviewing the eDNA findings report, Policy agreed by consensus to recommend that  
35 the Board take no formal action in response to this study. Policy suggests that the Board encourage  
36 CMER to continue to develop and evaluate this tool through future studies as a potential tool for use  
37 within the Forest Practices Program.

### 38 39 **PUBLIC COMMENT ON eDNA STUDY RECOMMENDATIONS**

40 Ray Entz, Kalispel Tribe, encouraged the Board to allow CMER to continue to investigate how eDNA  
41 can be used to identify fish use and habitat.

### 42 43 **EDNA STUDY**

44 **MOTION:** Carmen Smith moved the Forest Practices Board take no formal action in response to  
45 the eDNA study. She further moved the Board encourage the cooperative monitoring  
46 evaluation and research committee (CMER) to continue to develop this tool and refine  
47 methods through future CMER studies for its development as a tool for use in the  
48 Program.

1  
2 **SECONDED: Vicki Raines**

3  
4 Board Discussion:  
5 None.

6  
7 **ACTION: Motion passed unanimously.**

8  
9 **STAFF REPORTS**

10 There were no questions on the following reports.

- 11 • Compliance Monitoring Update  
12 • Small Forest Landowner Office Update  
13 • TFW Policy Committee Update  
14 • Upland Wildlife Update  
15 • Western Gray Squirrel Annual Report

16  
17 **TFW POLICY COMMITTEE PRIORITIES FOR CALENDAR YEAR 2022**

18 Marc Engel, Policy Committee Co-chair, said that any additional work requests will need to be  
19 weighed against existing work Policy is currently undertaking. A lot of their work has succinct  
20 deadlines in which they need to bring a product to the Board. He said any additional work such as a  
21 proposal initiation or potential rule making on CMER voting membership would need direction from  
22 the Board to prioritize their work.

23  
24 He said Policy's priorities for 2022 include the following:

- 25 • Type Np Buffer recommendations  
26 • Hard Rock Study, Phase 2 and Soft Rock Study  
27 • Recommendations on a net gains approach to decision making.  
28 • Develop decision criteria or predetermine thresholds for CMER studies  
29 • Updates to Board Manual Section 22  
30 • AMP budget and Master Project Schedule

31  
32 Other items that may come before the Board in 2022 include:

- 33 • WFPA's headwater streams smart buffer pilot process  
34 • Alternate Plan templates for inclusion in Board Manual Section 21  
35 • Recommendations for Small Forest Landowner Experimental Harvest Prescriptions  
36 • Extensive monitoring strategy

37  
38 Board member Doenges asked when the Type Np rulemaking will be completed.

39  
40 Engel responded that it depends on when the studies from CMER are delivered to Policy. It is possible  
41 for rulemaking to be initiated in 2022 if Policy receives the studies and staff then can prepare a rule-  
42 making packet – rule making would likely extend beyond calendar year 2022.

43  
44 Chair Bernath suggested that staff present a timeline at the November 2021 meeting with all the tasks  
45 that need to be completed. He asked if the CMER voting issue could be rolled into Policy's current  
46 deliberations on the SAO recommendations.

1 Megan Tuttle, Policy Co-chair, said that before they commit to anything they want caucus consensus,  
2 but her initial thought is to roll it in with the discussions that are already happening at Policy.

3  
4 Chair Bernath asked that an update be provided at the November meeting on whether it will be  
5 considered.

6  
7 Tuttle also shared concerns and recommendations on the dispute resolution process. She said Policy  
8 will present a budget request for facilitation and mediation services. This would align with the SAO  
9 recommendation to use dispute resolution more frequently. The goal is to better meet the statutory  
10 requirements and complete the process in a timely manner. She said there is currently \$45,000  
11 allocated for dispute resolution and that Policy is requesting to use the money for the alternate contract.

12  
13 Chair Bernath said Policy does not need the Board to vote on that subject and that the AMPA has  
14 discretionary authority granted by the Board. He voiced concern over the length of time taking for the  
15 PHB study design and default physical characteristics study design. He asked for Policy to address this  
16 at the November 2021 meeting.

17  
18 Engel responded that the Board requested CMER specifically to develop the study designs; therefore,  
19 it will not go through Policy for review, approval or the development of recommendations. In this case,  
20 CMER would report directly to the Board.

21  
22 **2021 WORK PLAN**

23 Marc Engel, DNR, presented the Board's 2021 work plan for potential changes. No changes were  
24 made requiring action by the Board. It was noted on the work plan to hold November 9 as a possible  
25 second day for the November 2021 Board meeting.

26  
27 **EXECUTIVE SESSION**

28 None.

29  
30 Meeting adjourned at 3:45 p.m.  
31