



**Timber, Fish and Wildlife Policy Committee  
Forest Practices Board**

**PO BOX 47012, Olympia, WA 98504-4712**

**Policy Co-Chair:**  
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July 26, 2022

TO: Forest Practices Board  
FROM: Marc Engel  
SUBJECT: TFW Policy Committee Report and 2023 Policy Work Plan

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The Timber, Fish, & Wildlife Policy Committee (Policy) workload is driven by internal process deadlines and priorities directed by the Forest Practices Board. To accommodate the heavy workload, Policy relies on additional meetings, email communications between meetings and policy workgroups to address specific issues and meet deadlines to accomplish their work.

**TFW POLICY COMMITTEE BUSINESS UPDATE for June and July 2022**

**Ongoing Work**

**Type Np Buffer Recommendation Development**

Policy completed the mediated stage of dispute (Stage 2) on the 20<sup>th</sup> July. The formal dispute resolution process was completed without a consensus product which will require the preparation of majority/minority reports to present to the Board. Policy caucuses have agreed to continue to meet with the assistance of a professional facilitator to fully understand each of the two Type Np buffer alternatives on the table at the conclusion of Stage 2 of dispute resolution.

The final majority/minority reports and the mediator report will be completed during the month of August to be presented to the Board in advance of the planned Special meeting of the Board in the first week of October. The reports will outline the points of agreement, provide a full description of the Type Np buffer alternatives, and will present the perspective of the caucuses regarding the buffer alternatives.

**SAO Report Recommendation - #5 Net Gains**

Policy continues to develop an options paper for SAO Recommendations #5: *Adopt a Net Gains Model for Project Planning*. This document is still in draft form and, at present, Policy is discussing potential recommendations for:

- Net gains options;
- Clarification process for outside science;
- Setting clear AMP Priorities;
- Length of dispute resolution timelines;
- Potential AMP program reform; and,
- Development of additional guidance or a manual for TFW Policy.

Though Policy was unable to deliver recommendations for SAO recommendation #5, to the Board at the May 2022 meeting, Policy is still on track to provide recommendations to the Board at the November 2022 meeting. In addition, in November, Policy is working with the Adaptive Management Program

Administrator (AMPA) to propose to the Board different ways that decision criteria could be made part of the AMP process, SAO recommendation #6.

### **Completed Work**

#### **Master Project Schedule and Adaptive Management Program Budget**

Policy, at their July 2022 meeting, approved by consensus:

- The FY 24 – 25 Master Project Schedule (MPS) and associated Adaptive Management Program budget to be presented to the Board; and,
- A motion informing the Board that the ongoing projects on the MPS are scheduled to be completed by FY 31.

Policy also approved continuation of the Policy Budget Workgroup to remain engaged in the maintenance of the MPS including review and approval for work on ongoing project and funding contingencies and Board priorities. Additionally, Policy discussed the benefits of gaining oversight of the Board approved Cooperative Monitoring Evaluation and Research (CMER) water typing group of projects intended to inform the Water Typing System rule. The benefits of Policy oversight would include the ability to quickly review and approve key project documents such as project charters and scoping documents, and the ability to manage and make budget recommendations as part of the overall MPS to the Board. In addition, Policy would receive the findings reports from CMER to determine whether a final study report warrants action and to submit Policy recommendations and alternatives to the Board.

Policy, by consensus, passed a motion to request the Board to assign the CMER water typing strategy group of projects to Policy for oversight of the projects according to the AMP process. The CMER water typing strategy projects include: 1) Evaluation of potential habitat breaks (PHBs) for use in delineating end of fish habitat in forested landscapes in Washington State, 2) Default physical criteria assessment (DPC) project, and 3) LiDAR based water typing model.

At the August meeting the AMPA will present to the Board for approval of the FY 24 – 25 Master Project Schedule and associated budget; acknowledgement that the Adaptive Management Program is in substantial compliance with the MPS, per the adaptive management program rule in WAC 222-12-045; and, a request for the Board to assign oversight responsibilities of CMER's water typing group of projects to Policy.

#### **Small Forest Landowner Request for Smaller Riparian Buffers Dispute Resolution**

The Small Forest Landowner (SFL) caucus invoked dispute resolution over the results of the Policy Workgroup tasked with review of the potential to incorporate smaller stream buffer widths into an alternate plan template for small forest landowners. The SFL Caucus dispute was based on the lack of progress on the Riparian Management Zone (RMZ) width prescriptions associated with the proposed widths of 25, 50, and 75 feet in the WFFA prepared *Alternate Plan Prescriptions for SFL in Western Washington* proposal.

The Policy Committee completed Stage 2 of the dispute in April 2021 without a Policy consensus solution and received the mediators' final report in May 2021, however, the SFL caucus requested a delay in the preparation of the majority/minority reports for presentation to the Board until after Policy received the results from the CMER Committee review of the Washington Farm Forestry Association (WFFA) submitted scientific justification supporting the buffer widths of their proposal.

The CMER Committee responded to the Policy request for review of the scientific justification by presenting two position papers in December 2021. In January 2022 the SFL caucus invoked dispute resolution to request further review by CMER. In March 2022 this dispute was resolved with a Policy consensus resolution to:

- 1) To preserve the CMER position papers within the Policy record. The materials will be available to the Forest Practices Board upon request; and,
- 2) The two CMER position papers may be used by caucuses at a final meeting of full TFW Policy to discuss completed science reviews relative to the 2015 WFFA Low Impact Alternate Plan Template Proposal Initiation (PI), as well as to inform caucus preparation of minority/majority reports to present to the Board as the final step in the completion of Stage 2 of dispute resolution of the Small Forest Landowner Request for Smaller Riparian Buffers dispute.

With resolution of the scientific justification dispute Policy discussed how the results informed the proposed riparian buffers in the WFFA proposal and made the position papers available to the Policy caucuses who participated in the dispute resolution Stage 2 process to use in the preparation of the majority/minority reports to be presented with Policy's recommendations to the Board. These reports are being presented by the AMPA to the Board at your August 2022 meeting.

**Proposal Initiation (PI) Request for Inclusion of a Specified Definition of “Relatively Low Impact”  
Criteria in Board Manual Section 21**

The Small Forest Land Owner Caucus invoked dispute resolution in January 2022 based on the lack of consensus for Policy to accept their proposal initiation requesting inclusion of a specified definition of “relatively low impact” criteria in board manual 21 *Guidelines for Alternate Plans*.

Policy initiated the dispute process at their February 2022 meeting with the intent to seek resolution through: discussion of the criteria requirement in WAC 222-12-0403(5); review of the existing guidance in Board Manual Section 21; WFFA requested discussion about their interpretation of a Legislative regulatory mitigation standard to only be applied to small forest landowner alternate harvests; and, a Policy review of the requested definition of “relatively low impact” for inclusion in Board Manual Section 21.

This dispute was resolved on July 20<sup>th</sup> during Stage 2 of dispute resolution with Policy consensus of a resolution motion developed by DNR and the SFL caucus (WFFA). The Policy recommendations will require action by the Board. As such, the next steps for this dispute are the preparation of the mediator final report and the preparation by the AMPA of the Board memo outlining the Policy recommendations. These documents will be accompanied by the WFFA PI request, the Policy motion and an attachment outlining points of agreement, and Board Manual Section 21, *Guidelines for Alternate Plans*.

The key points of resolution within Policy included recognition of the need to reorganize the manual and dedicate a part for small forest landowners to help clarify the alternate plan process; and to develop criteria for small forest landowner low impact alternate plans by consolidating existing guidance in the board manual and developing an expanded list of examples for harvest opportunity to be considered within RMZs for small forest landowners and includes information on situations where the design of the alternate plan and field review can be more successful. Policy also recognized the need to add user friendly guidance encouraging small forest landowners to utilize the available expertise through the DNR Small Forest Landowner Office (SFLO) to assist their harvest design within the RMZ while maintaining or improving riparian function.

## MAJOR TFW POLICY COMMITTEE TOPICS FOR CALENDAR YEAR 2023

- **Adaptive Management Program (AMP) budget and the Master Project Schedule (MPS):** Policy will review and prepare recommendations to present to the Board at the May 2023 meeting.
- **CMER Work Plan:** CMER will deliver to Policy for approval in January 2023.
- **SAO:** The AMPA will deliver recommendations for transitioning to a net gains approach, SAO recommendation #5, and recommendations for AMP decision criteria to the Board at the November 2022 meeting. With Board approval, Policy will develop the implementation criteria for inclusion in the rule or guidance in calendar year 2023.
- **Small Forest Landowner Experimental Harvest Prescription:** Policy has received the workgroup recommendations for two alternative harvest prescriptions. With the conclusion of the small forest landowner buffer dispute, it is expected Policy will complete the review to bring forward recommendations for experimental harvest prescriptions to the Board in 2023.
- **Water Temperature and Amphibians in Discontinuously Flowing Type Np Water Reaches:** Policy will receive from CMER for approval the study scoping document in March 2023.
- **Unstable Slope Criteria Project – Object Based Landform Mapping with High Resolution Topography Report:** CMER will deliver to Policy in April 2023.
- **Extensive Riparian Monitoring:** Policy will receive for approval from CMER recommended extensive riparian monitoring scoping documents for riparian vegetation and stream temperature in July 2023.
- **Riparian Literature Synthesis Report:** CMER will deliver to Policy in August 2023.
- **WFPA Headwater Stream Smart Buffer Pilot Project:** CMER is completing an on-going dispute over the scientific review of the proposed study design that was provided by WFPA. The study design is currently in arbitration with a final decision expected in late August. If the study design is completed it is expected that CMER will deliver it to Policy in September 2023.
- **Eastside Forest Health Strategy:** CMER will deliver to Policy in November 2023.
- **Wetland Management Zone Effectiveness Monitoring Program Scoping Document:** CMER will deliver to Policy in December 2023.

### New Projects:

The Policy Committee workload is heavy, yet must also remain sensitive to the changes in various timelines and to new issues as they come up. The capacity for Policy to accept any new work as assigned by the Forest Practices Board or taken on for other reasons could require delaying existing priorities and/or scheduling additional meetings.