

Timber, Fish, & Wildlife Policy Committee  
December 5 & 6, 2018 Meeting Summary  
12.28.18

Action	Responsibility
Distribute to Policy a revised version of the budget re-allocation recommendation spreadsheet	Terra Rentz
Send the list of suggestions from Policy members to CMER with a request that CMER discuss during its December 18 meeting in order to provide guidance to the Policy Budget Workgroup.	Co-Chairs

Decision	Notes
Approve the November meeting summary with edits.	The Eastside Tribal caucus and Federal caucus were absent; all other caucuses voted thumbs up.
Change the smallest buffer size requested in the November decision on Riparian Characteristics and Shade Study to 25 feet on both sides of the state.	The Eastside Tribal caucus and Federal caucus were absent; all other caucuses voted thumbs up.
Accept the Type N Hard Rock proposal (see Attachment 2)	The Federal and Eastside Tribal caucuses were absent; all other caucuses voted thumbs up.

**Day 1: Wednesday, December 5**

Welcome, Introductions, & Old Business – Policy Co-Chairs Terra Rentz and Curt Veldhuisen opened the meeting. The first day of the December meeting was dedicated to a discussion on Type N alternatives. The goal was for Policy to come to consensus on an alternative or set of alternatives to deliver to the Board.

Review timeline & guidance for recommendations to Board— Meeting facilitator Rachel Aronson, Triangle Associates, reviewed the timeline for Policy’s response to the Type N Hard Rock study.

- Fall 2018: Workgroup met to work on alternatives
- December 6: Policy reaches a consensus decision on alternative(s)
- Dec 9: Deadline for Policy’s consensus on recommendation to the Board
- 30-day period to refine the chosen alternative (or multiple alternatives with consensus)
- January 3: Policy finalizes alternative at January meeting
- January 8: Deadline for delivery of Policy’s final decision to the Board
- February 2019: Board makes decision on alternative

There were some questions posed about the Board manual’s language on the dispute resolution process. It was clarified that the two options for decision making are consensus or dispute resolution. Dispute resolution must be triggered by a member, in writing, in order to start. It was suggested that Policy

consider recommending edits to the Board manual text in order to provide clearer information on the topic of dispute resolution.

Hans Berge, AMPA, updated the group on the studies that are in review process. The following shows the status and expected delivery to Policy of each study currently in review:

Study	Status	Anticipated Arrival to Policy
Buffer-Shade Amphibian Response	Findings report	January 2019
Buffer Characteristic Integrity and Function (BCIF)	ISPR	Spring 2019
Hard Rock Phase II Extended Monitoring	Entering ISPR	September 2019
Soft Rock	Awaiting delivery to CMER	January 2020

“Round Robin” — Caucus representatives updated the group and Co-Chairs on the status of their caucus on this decision.

Review updated alternative(s)— The group reviewed updates to the proposals from the Washington Forest Protection Association (WFPA), Washington Farm Forest Association (WFFA), and WSAC and from Conservation, Westside Tribes and Ecology.

Darin Cramer, WFPA, presented an updated proposal from WFPA/WFFA/WSAC that attempts to address the needs of both groups. Policy discussed considerations for the balance of maintaining an efficient timeline and the agreement to wait for multiple scientific reports to arrive.

The Conservation/Westside Tribes/Ecology proposal was updated to specify that the CR101 rulemaking process should be started after the receipt of the Soft Rock study.

List of commonalities— Policy identified the following similarities between the proposals from both groups:

- Form a Workgroup with appropriate expertise, including the following: hydrologist, silviculturist, forest practices expert, water quality expert, and policy/technical members
- Rulemaking process
- Study shows a temperature response
- Inclusion of related Type N studies
- The Buffer Riparian Characteristics and Shade study should be moved up in the master project schedule (MPS) and initiated. It does not need to be completed before the workgroup concludes its work.
- TFW takes ownership of full timeline of related Type N products and will conduct regular check-ins at Policy
  - Ensure that Policy is ready to respond to studies as they come out
- Objectives of prescriptions are similar: Large wood in stream, enforceable prescriptions, etc.

- Workgroup consider mechanisms that influence stream sensitivities/temperature (varies reg. specific factors)
- Workgroup must have specific tasks and timeline
- Some form of literature review or BAS awareness for workgroup

**List of open questions/sticking points**— Policy identified the following points of unresolved difference between both proposals:

- Exact workgroup composition – depends on workgroup deliverables
- Which studies require completion?
- Agreement on shade among mechanisms, though disagreement the % threshold and the role of other contributing mechanisms
- Need for causal mechanism analysis and/or timing
- Specific tasks of the workgroup
- Elements of timeline
- Which streams specifically does this alternative apply to?
- Disagreement on the opening statement or “preamble” of the proposal

Through its discussion, Policy resolved the question of which studies require completion.

Over lunch, Policy representatives caucused. Meanwhile, the Co-Chairs and Rachel Aronson drafted an alternative proposal that combined the commonalities identified in the pre-lunch discussion. Policy then reviewed this draft as a group and made suggested edits.

Policy then returned to the list of commonalities to begin resolving them through dialogue. The group spent the rest of the day discussing the

Rachel suggested that Policy representatives consider the following points before the Type N alternative discussion the next day:

- Shade among mechanisms and the need for causal mechanisms study
- Specific tasks
- Elements of timeline

The first day of the meeting adjourned at 4:28 p.m.

## **Day 2: Thursday, December 6**

**Welcome, Introductions, & Old Business** – Policy Co-Chairs Terra Rentz and Curt Veldhuisen opened the meeting and reviewed the day’s agenda.

**Decision:** Approve the November meeting summary with edits. The Eastside Tribal caucus and Federal caucus were absent; all other caucuses voted thumbs up.

**CMER update** – Doug Hooks, CMER Co-Chair, provided an overview of the CMER November meeting summary.

- Abigail Gleason, DNR, presented on the applications of Light Detection and Ranging (LiDAR) and how the Washington Geologic Service acquires the data. Approximately half of the state has LiDAR coverage, including most of the metropolitan and urban areas.
- CMER is working on updates to its work plan. The remaining update to be approved is for the Scientific Advisory Group Eastside (SAGE), and is expected to be approved in December.
- At the Forest Practices Board Meeting, the Board elected to direct work on site selection for the Potential Habitat Break (PHB) Evaluation study rather than beginning fieldwork in the spring. This provides more time for review and comments on the study and implementation plan, and reduces funds that will be spent in this fiscal year.
  - It was clarified that CMER will work with the Instream Scientific Advisory Group (ISAG) to provide comments on the study. The response matrix, if there is one, will be presented to the Board in February.
- CMER would like the opportunity to provide to Policy technical information on which projects will be likely ready to begin in 2019.
- In October, CMER approved the Roads Prescription Scale Effectiveness Monitoring request to bring on an engineer. The team is still working on its updated charter. It is not expected to need any additional funds for this fiscal year.
- The Riparian Scientific Advisory Group (RSAG) is considering the work plan for the extensive monitoring study request and is determining which SAGs will participate in the study subgroup.
- CMER discussed how to decide if or when projects should include extended monitoring. In May, Policy and CMER co-chairs are to provide a report to the Board on their collaborative process of determining when extended monitoring is necessary.
- CMER discussed operations and implementations of contracting. CMER reviewed the Protocol and Standard Manual Chapter 7, which provides guidance specific to project management. CMER hopes to improve its contracting process to avoid miscommunications between the contractor, CMER, SAGs, and project managers.

On behalf of CMER, Mark Hicks, Ecology, provided feedback on the Policy’s November decision about the Riparian Characteristics and Shade study. He explained that the process for this study is different from the normal process. Mark has been working on the study design. He recommended leaving it to the study design team to decide on the buffer length to be tested, or pick one or the other.

- The Small Forest Landowner caucus noted that the 25' buffer was a specific request from Smalls caucus in order to address an information gap.
- CMER will work hard to provide a draft by June 2019.

A motion was made to change the smallest buffer size requested in the November decision on the Riparian Characteristics and Shade Study to 25 feet on both sides of the state. The motion was seconded. The motion was discussed and edited further by the group.

There was discussion of the study request regarding timing and budget. There was question of whether there is enough money in the budget to accommodate a shorter timeframe of the study. Hans Berge, AMPA, stated that the more sideboards are given in a study request, the more quickly and less expensive the study design will cost. Hans recommended giving these directions earlier rather than later.

The motion was then called to question. The motion passed.

**Decision:** Change the smallest buffer size requested in the November decision on Riparian Characteristics and Shade Study to 25 feet on both sides of the state. The Eastside Tribal caucus and Federal caucus were absent; all other caucuses voted thumbs up.

Legislative Preview – Curt Veldhuisen opened the floor for guest legislative liaisons to provide updates from their affiliations.

Jason Callahan, Government Relations Director of WFPA, gave a legislative update from WFPA. Highlights are listed below.

- House Bill 1011: This bill deals with real estate disclosures in the Right to Farm Act. It aims to update the real estate disclosure to the bill and ensure that individuals buying property next to working forests understand that they cannot sue the forests for nuisance.
- Conservation of Working Lands: Keep land area in working forests rather than developed into housing for
- Workforce Development: Increase the number of workers trained to address local community needs in the forest health workforce. Work with local community colleges to train forest professionals.
- Carbon Management: WFPA is looking for ways that forest landowners can provide leadership in carbon management and be recognized for their assistance in carbon sequestration.
- Salmon Recovery: WFPA seeks to support legislature that supports orca and salmon recovery, and show how the Forest and Fish Agreement process made a difference in these areas.
  - Mark Mobbs, Quinault Indian Nation, clarified that the “culvert case” applies only to state-owned culverts on state-owned roads, which are only a small portion of the total number of culverts in the state. He noted that the timber industry began fixing their culverts decades ago and that cities and counties are behind.

Darcy Nonemacher, Washington Environmental Council (WEC), gave an update on the Council’s legislative work. Highlights are listed below.

- The Environmental Priorities Coalition works to help its organization members speak with one voice. The Coalition identified the following priorities in Washington state:
  - 100% Clean Energy: Develop a path to transition off of fossil fuels.
  - Orca Emergency Response: Rooted in work of the Orca Task Force, including habitat restoration, vessels and toxics. For example, the Coalition seeks an expansion of the Children-Safe Products Act that would allow authorities to screen for toxic chemicals.
  - Oil Spill Prevention: Focused on marine environment.
  - Reducing Plastics: Prioritize the statewide plastic bag ban.
- Community Forests: WEC is looking for ways to assist communities, tribes, local governments and organizations in protecting lands that are not secured in conservation but provide public benefits in recreation or habitat. WEC is gauging agency interest in discussing such a program. The legislature passed a budget proviso last year for DNR to put out a call for community forest projects to assess demand. Out of ten projects submitted, three would be ready to begin. WEC hopes to point out to legislature the benefits of working with communities to create buffer zones between developing areas and working forests.
- Budget: Priorities include orca recovery, climate and clean energy, and a \$10 million request to fund the top community forestry projects related to the above-mentioned Policy bill.
- WEC is supporting the Forestry Riparian Easement Program (FREP) and the Family Forest Fish Passage Program (FFFPP) and will work on the details once the Governor’s budget is released next week.
- WEC is interested in having a general, reliable funding source for the DNR Forest Practices division, since Model Toxics Control Act (MTCA) funding is variable year to year. Forest Practices is particularly vulnerable since it does not fit well within the MTCA category.

Comments:

- Jim Peters, Northwest Indian Fisheries Commission (NWIFC), suggested contacting Todd Bolster at NWIFC as well as individual tribal legislative liaisons.

Report Out from Board Meeting – Marc Engel, DNR, provided an update from the November Board meeting. On November, the Board went on their field trip to view a demonstration of the Small Forest Landowner proposed Alternate Plan Template. The Board decided to devote one day of its February 2019 meeting to a work session in which it will discuss the demographics of small forest landowner communities.

On December 7, DNR will present to the Board on how it conducts its GIS analysis to review the Potential Habitat Break (PHB) options.

Recognition of Karen Terwilleger – Hans Berge, Adaptive Management Program Administrator (AMPA), recognized Karen Terwilleger, WFPA, for her contribution to the Committee and to Forest Practices policy work.

Options for Re-allocation of Remaining Biennium Funds – Terra Rentz, WDFW and Co-Chair, presented the Budget Workgroup’s latest version of its re-allocation recommendation, in the form of an Excel spreadsheet. She noted expected cost savings and increases. There were some edits made to the

spreadsheet at the beginning of the discussion based on clarifications. Please see the attached spreadsheet for details.

Action: Terra Rentz will distribute to Policy a revised version of the budget re-allocation recommendation spreadsheet.

The AMPA reminded Policy that if a project spent less than expected, that doesn't always mean that the need for that project has gone away.

Given time constraints, Policy decided to use its meeting time to give the budget workgroup direction on how to prioritize unspent funds for the biennium. The Budget Workgroup will meet within the two weeks following the meeting in order to draft a recommendation for reallocation, which Policy will decide upon at its January meeting. Policy representatives suggested the following items as priorities.

- Literature review on windthrow
- Equipment for Riparian Characteristics and Shade
- Literature review on downstream and cumulative impacts to fish
- Financial and performance audits
- Type N Workgroup administration and management
- Completion of riparian function literature review
- LiDAR for CMER research project locations

Policy came up with the following timeline for the decision process to re-allocate biennium funds:

- December 6-7: Policy provides guidance on priorities to Budget Workgroup and CMER
  - AMP develops cost estimates and timelines for the items
- December 10: Deadline for additional suggestions for budget priorities from Policy representatives
- December 18: CMER provides input during its meeting and sends to Budget Workgroup
  - Budget Workgroup finalizes budget for mailing
- December 27: Policy mailing date
- January 3: Policy makes decision at meeting

Action: The Co-Chairs will send the list of suggestions from Policy members to CMER with a request that CMER discuss during its December 18 meeting in order to provide guidance to the Policy Budget Workgroup.

Type N Alternatives – Policy continued the previous day's discussion of the Type N Alternative in order to move toward a decision for a recommendation to the Board.

Review proposed edits – Darin Cramer introduced a revised version of the document created at the previous days' meeting. The group examined the revisions and representatives proposed further edits to the document. Then, the group began discussing the remaining topics on the open questions list.

Marc Engel, DNR, highlighted for the group the Board manual's language on petitioning the Board. In order to comply with the manual, Marc recommended that Policy provide draft rule language along with its consensus recommendation.

In a return to the draft combined alternative, the Counties caucus moved to accept the language in the combined alternative proposal as written. It was seconded by the Industrial Landowners caucus, but the second was then withdrawn. The motion was withdrawn.

The group took a break to caucus before returning to consider the timeline of the Type N Workgroup.

Marc Engel moved that Policy present the Hard Rock Study to the Board and say that it will get back to the Board when further studies come out. The motion was not seconded. The motion failed.

Marc Engel suggested a draft motion that Policy report to the Board that it will form a Workgroup that considers all the findings of the listed studies as they become available, that all work will be complete within 6 months of receipt of the final study, and that Policy will bring recommendations with draft rule language to the Board. By the January 3 meeting, parties will develop a draft workgroup charter for consideration.

The group inserted this language into the proposal document as the last recommendation, written as follows: “By the January 2019 Policy meeting, Policy will consider a draft charter for the technical workgroup reflective of the elements described in this proposal and that clearly articulates the manner in which the workgroup will conduct their analysis and their deliverables to Policy.”

The group took a break for caucuses to discuss with one another.

Upon return, Policy developed the following timeline for the Workgroup to review the Hard Rock-related studies:

Workgroup begins		
○ Buffer-shade	<i>Workgroup can see draft findings</i>	
○ BCIF		
○ Hard Rock extended		
Policy receives Soft Rock findings report		
6-month Policy review		
Workgroup ends; Workgroup presents recommendations to Policy		
Policy delegates rule-writing		
Policy recommendations to the Board		Mid-late 2020

The Small Forest Landowners caucus moved to accept the preamble. The Westside Tribal caucus seconded. Some process questions were raised in the discussion. The Counties caucus suggested an amendment to the motion to change the language in the preamble back to “may not be limited to.” The Small Forest Landowners caucus seconded. There was some discussion prior to the vote. The Federal and Eastside Tribal caucuses were absent; the Small Forest Landowner and Counties caucuses voted thumbs up; the all other caucuses voted thumbs down.

The group returned to the motion as stated before the amendment, but decided to instead move to the places in the proposal that are of disagreement.

A participant noted a process foul due to a language change after a vote was made. This created confusion for the participant. It was clarified that the vote in question was not an official motion, but rather a “temperature check” using thumbs.

The Industrial Landowners caucus moved to vote on the entire proposal document as presented on screen. The motion was seconded by the Small Forest Landowners caucus.

**Decision:** Accept the entire proposal document as presented on screen (Attachment 2). The Federal and Eastside Tribal caucuses were absent; all other caucuses voted thumbs up. The motion passed.

Please see the attached document (Attachment 2) for the proposal as voted on at this meeting.

Next Steps – Policy reviewed the monthly workload document and the meeting schedule for 2019. Terra recommended February and April be two-day meetings.

Regarding meeting location, it was suggested that Policy consider meeting in other locations once or twice a year. Possibilities include the Weyerhaeuser office in Federal Way or the Forest Service in North Bend.

Policy agreed on the following scheduling plans:

- Continue to meet on the first Thursday of each month.
- Schedule two meetings in 2019 to locations in the northern half of the state.
- Incorporate field trips into the meeting schedule.

The possibility of two-day meetings was considered, though there was concern from a representative about having enough budget to accommodate two-day meetings.

Next meeting date: January 3, 2019. Meeting location to be determined.

The meeting was adjourned at 5:25 p.m.

Attachment 1 – Participants by Caucus at 12/5-12/6 Meeting\*

**Conservation Caucus**

\*Alec Brown, WEC

Darcy Nonemacher, WEC

**County Caucus**

Kendra Smith, Skagit County

\*Scott Swanson, WSAC

**Industrial Timber Landowner Caucus**

Karen Terwilleger, WFPA

\*Darin Cramer, WFPA

Doug Hooks, WFPA

**Small Forest Landowner Caucus**

\*Steve Barnowe-Meyer, WFFA

\*Ken Miller, WFFA

**State Caucus – DNR**

\*Marc Engel, DNR

Marc Ratcliff, DNR

**State Caucus – Ecology & WDFW**

\*Rich Doenges, Ecology

Mark Hicks, Ecology

Terra Rentz, WDFW and Co-Chair

\*Chris Conklin, WDFW

**Tribal Caucus – Westside**

Curt Veldhuisen, Skagit River System Cooperative and Co-Chair

Mark Mobbs, Quinault Indian Nation

**Tribal Caucus – Eastside**

Marc Gauthier, Upper Columbia United Tribes

\*caucus representative

**Others**

Rachel Aronson, Triangle Associates

Annalise Ritter, Triangle Associates

Hans Berge, Adaptive Management Program Administrator

Components of TFW Policy Consensus Proposal to the Board on a response to study results of Type NP streams in Westside basalt lithology  
Approved v. 12-6-18

The Type N Hardrock study indicates there is a temperature increase associated with the buffer treatments tested. Therefore, Policy agrees action is warranted. Policy recommends the following components:

1. Formation of a technical workgroup.
  - a. This workgroup shall be governed by a charter. The charter will be drafted by Policy member(s) and approved by Policy.
  - b. For efficient decision-making, the composition of the workgroup will include no more than 10 members:
    - i. Two representatives of Policy caucuses, one of whom will chair the process. The primary role of Policy members will be to manage the process. The policy members are non-voting in the workgroup.
    - ii. Up to eight people balanced among the following areas of expertise: biological and physical stream processes, and silviculture/field forestry.
    - iii. Additional experts can be added on a temporary, ad-hoc basis as needed per the direction of the workgroup.
    - iv. The caucuses and AMPA will put together a list of names for Policy to approve. Policy will choose potential members by least objectionable. In the event of a tie, there will be a random draw.
    - v. This workgroup will be staffed by a project manager from the AMP.
  - c. Expectations of the workgroup:
    - i. Meet on a regular and timely schedule
    - ii. Adhere to a timeline [established by the Board]
    - iii. Report regularly to Policy
  - d. The deliverable of the workgroup is a set of alternative Type Np prescriptions that meet the following objectives.
    - i. Protect water temperature to meet the rule (WAC 173-201A-200, -300-320)
    - ii. Are repeatable and enforceable
    - iii. Are operationally feasible
    - iv. Provide wood to the stream over time
    - v. Account for windthrow
    - vi. Consider options that allow for management in the RMZ
    - vii. Minimize additional economic impact
2. The workgroup shall utilize all relevant information to inform alternative prescriptions for Np streams, including available literature and data while adhering to the timeline.
3. Additional Type N projects currently in the CMER process shall also inform the workgroup, upon receipt of approved findings reports from CMER. Policy agrees to support timely completion of these projects, including regular status reports at Policy meetings. The projects include:
  - a. Buffer-Shade Amphibian Response (anticipated Feb '19)
  - b. Buffer Characteristics, Integrity and Function (BCIF) (anticipated Spring '19)
  - c. Type N Experimental Buffer Treatment in Hard Rock Lithologies- Extended (anticipated September '19)

- d. Type N Experimental Buffer Treatment Project in Soft Rock Lithology (anticipated December '19)
4. Policy agrees the Riparian Characteristics and Shade study should be funded and initiated as soon as possible. This study does not necessarily need to be completed for decision-making by the workgroup (see below), but it is expected that the study can inform the workgroup and vice-versa. It is anticipated that rulemaking will be needed to implement prescriptions that result from Policy's recommended actions.
5. The workgroup process is expected to run concurrently with the CMER process associated with the remaining Type N projects, and conclude within 6 months of receipt of the final Type N study. A final Policy recommendation to the FPB is anticipated in mid to late 2020.
6. By the January 2019 Policy meeting, Policy will consider a draft charter for the technical workgroup reflective of the elements described in this proposal and that clearly articulates the manner in which the workgroup will conduct their analysis and their deliverables to Policy.