

Timber, Fish, & Wildlife Policy Committee  
February 5, 2015 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Accepted the December 2015 meeting summary.	Consensus from every caucus
2. Supported the Eastside Type N Riparian Effectiveness Program TWIG's general direction.	

Action	Assignment
1. Share DNR's expectations for how to complete recommendations from Policy on unstable slopes.	Chris Hanlon-Meyer
2. Summarize Policy's recommendations for unstable slopes and the action items for Policy, CMER, and UPSAG.	Mary Scurlock
3. Send edits on the January 2015 draft meeting summary to Claire Turpel.	Karen Terwilleger
4. Send comments/edits on the Co-Chairs' proposal on electrofishing to Stephen Bernath and Adrian Miller.	All caucus representatives
5. Incorporate suggestions from each caucus on the electrofishing proposal; prepare for March Policy meeting.	Stephen Bernath & Adrian Miller
6. Share more information on the westside off-channel field trip and logistics.	DNR & Adrian Miller
7. Plan details for April eastside off-channel habitat field trip.	Ray Entz & Marc Gauthier

**Welcome & Introductions** – Stephen Bernath and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed the group and led introductions (*please see Attachment 1 for a list of attendees*). The Co-Chairs introduced the new Adaptive Management Program Administrator (AMPA), Hans Berge, who shared the following:

- He is very eager to begin working with the Adaptive Management Program (AMP) and understands the neutral role of the AMPA.
- He worked for King County for 16 years, mostly in salmon recovery. He has done modeling on stream temperature and lake stratification, among other issues.
- He is familiar with habitat and population monitoring in King County basins, has worked on several multi-stakeholder committees, and reviewed Plum Creek's Habitat Conservation Plan for the County.
- Diving into this work, he plans to meet with every Policy caucus representative, and will focus on how to move Policy's work forward as efficiently as possible.

Chris Hanlon-Meyer thanked the Policy and CMER Co-Chairs for helping him fill the gaps during the AMPA vacancy.

#### *Announcements*

- The Department of Ecology's Nonpoint Source Plan is being drafted; Ben Rau from Ecology spoke to Policy at the January meeting and will update Policy later this year. A public meeting on the draft will be on Monday, February 9, from 2-4pm at Ecology headquarters.
- Eric Rickerson, the new U.S. Fish & Wildlife Service (USFWS) supervisor, started at the beginning of the month and is looking forward to meeting with all the Policy caucus representatives. Marty Acker can help caucuses set up meetings with Eric in March.
- A legislative reception will be held on the evening of Wednesday, February 11 at the Water Street Café in Olympia. This is a good opportunity for legislators to learn about the AMP and several legislators have already responded positively to the event. Caucuses are encouraged to attend.
- Jim Unsworth, the new director for the Washington Department of Fish & Wildlife (WDFW) started at the beginning of the month. Phil Anderson, the former director, will overlap with Jim to help in the transition.

#### *Updates*

- Legislative/AMP funding
  - AMP representatives had successful two days of meetings with legislators in late January. All caucuses had the same message to the legislators which helps emphasize the need for funding.
  - A work session happened earlier in January where several AMP representatives testified. The legislators seemed impressed that the caucuses agree on the need for AMP funding.
  - Since the revenue forecast will not come out for a while, there will not be work soon on the biennial budget but so far the AMP seems as well positioned as possible for funding.
- Legislation – the following is a summary of the bills that DNR is tracking:
  - HB 1201/SB 5365: Would give the Governor or either legislative body the authority to repeal or abolish any agency rule.
  - SB 5197: Would institute an additional 90-day clock for the Forest Practices program to make decisions, and would add the ability to appeal to superior court. This would change the Forest Practice Application (FPA) period from 30 to 90 days.
  - HB 1203/SB 5368: Would add a requirement that after July 1, 2015, any rule of a state agency cannot be enforced until ratified by the legislature.
  - HB 1371: Would eliminate the ability for an agency to do rule-making until after July 1, 2018 or until the economic and revenue forecasts for three consecutive quarters report that state revenue collections have increased.
  - HB 1373: Would repeal the growth management planning requirements (Growth Management Act).
  - HB 1375: Would eliminate the right of a regulatory agency to enter private property for which inspections or meetings are necessary for approval. Would require notification to the landowner or agent and the landowner or agent to be present at the time of the inspection or meeting.

- SB 5374: Would require the Court to make its own interpretation when making decisions, without deferring to the relevant agency.
- SB 5088: Would refine DNR's authority to include LIDAR as part of the geologic hazard work and to maintain a database as a statewide, central repository.
  - There was some discussion on this bill because it might overlap with the Governor's proposal to fund the Department of Transportation to cultivate statewide LIDAR data. So far the question is unanswered whether this will be work for DNR or WSDOT.
- HB 1162: Would suspend WDFW's gold and fish rules for mineral prospecting and placer mining.
  - A related bill in the Senate would create a legislative committee to advise WDFW on mineral prospecting.
- There are two bills related to Forest Service lands, though it was unknown the status of those bills at this time.
- Board Manual Section 16 Revision
  - The stakeholder group met for the third time in early February. One more meeting in late February will likely wrap up the review of the current material.
  - Next month the group will begin addressing how to incorporate run-out and delivery in the revised Section 16.
  - So far the group has been reaching agreement fairly easily. Where there is no agreement, the section will be given back to DNR which will decide the best way to go forward given stakeholder input and Board direction.
  - The updated version of the Board Manual is emailed to all Policy caucus representatives after each stakeholder meeting, so those not participating in the meetings can stay in the loop.
  - The group is on track to finish all revisions by June so that it can be reviewed by Policy in advance of bringing the Manual to the Board at the August meeting.
- Bull Trout Overlay Subgroup
  - The Bull Trout Overlay (BTO) Subgroup had been convened to look at outstanding questions from the BTO Final Report and potential actions as a result of the Report.
    - The Subgroup met for the first time on January 9, after scheduling difficulties prevented the group from meeting in December. At the first meeting, each participant shared his/her concerns about the Final Report, Ash Roorbach presented the preliminary findings from the Eastern Washington Riparian Assessment Program (EWRAP), and they discussed the state caucuses' suggestions on how to move forward given the outstanding questions.
    - The Subgroup has not met a second time. Potential topics for this second meeting could include an overview of water quality standards so the study results can be reviewed in that context, and a discussion with the report author about the anomalies of the sample sites and a summary of the sample results.
  - The Subgroup ended with no consensus for moving forward so this is back on Policy's agenda.

- The industrial landowner caucus noted their disappointment that the Subgroup was unable to continue working on the questions. They noted that they will likely send a letter to the Policy caucuses invoking dispute resolution.
  - Dispute resolution would start a new timeline and will likely re-prioritize Policy's workload.
- The Co-Chairs will report this to the Board at the meeting the following week.

### *Meeting Summaries*

- December 2014 Meeting Summary
  - Policy initially reviewed this draft at the January meeting but several people suggested edits so worked between meetings to provide those.
  - With those edits, Policy accepted the meeting summary as final.
- January 2015 Meeting Summary
  - Policy reviewed the draft meeting summary but one caucus wished to review old notes from that meeting to verify a section of the summary.
  - Policy will review this draft meeting summary at the March meeting.

**RSAG Progress Report** – Joe Murray, Chair of the Riparian Scientific Advisory Group (RSAG), presented to Policy on the current status of the group's effort to produce a matrix of tools for vegetative extensive monitoring. Updates and discussion included:

- RSAG is working with Dr. Monika Moskal from the University of Washington, who drafted the matrix of tools. RSAG reviewed the matrix and sent edits to Monika who is incorporating those edits and will present the updated version to RSAG later this month. She will also provide ideas for a literature review and cost assessment to be added to the matrix.
- RSAG hopes that once Policy reviews the matrix, they can recommend moving forward on a pilot study in the spring.
- A caucus member thanked RSAG for doing this important work; Policy is eager to see the matrix.

**Eastside Type N Riparian Effectiveness Program, FHS Extension** – This TWIG is the first to go through the new TWIG process (LEAN). They collected data last field season and are now ready to move into study design. One of the questions Policy asked last year was if dry Np basins and wet Np basins can be incorporated into one study. The TWIG considered that and suggested the following direction for their study design.

Dr. Rick Woodsmith from the TWIG presented to Policy on the status of this project. Comments and discussion included:

- This study follows from the Forest Hydrology Study (FHS). We know from the FHS that there is a lot of variability on eastside streams.
- The TWIG initially proposed a two-step approach to Policy: one step to extend the FHS by collecting data in the driest Np basins over a broader period of time, and one step to modify the Westside Type N study design for basins with wet Np streams. Policy expressed interest in combining the two into one study if feasible, which the TWIG considered and after having collected data last summer, are confident that can be done.

- Review of work this past year:
  - Sampled 39 of the FHS basins which all had at least 500 feet of dry channel, and conducted four surveys through the field season.
  - Installed temperature sensors (air and water) and time-lapse cameras to find the pattern of drying in these channels.
- The variation in hydrologic condition, particularly on the eastside, makes the study design more challenging than if it was on the westside.
- Isolated reaches are those that do not have channel connection with the larger network, though it does not mean that the isolated reach is dry.
  - For this sample, they found that the total length of dry Np streams increased threefold over the course of the season.
  - Rick said that in his opinion, the isolated reaches are often created when a debris flow or other sedimentation event buries a section of channel, thereby eliminating the surface flow connection to the lower network. There is still a subsurface connection, but surface transport is no longer channelized.
  - Policy discussed the regulation on isolated reaches. This could be a topic for the parking lot to get to common understanding of the rule interpretation before the study is implemented.
- Key findings from this last season's field work:
  - 35% of the Np channel length was dry in late summer, whereas the FHS found that 21% was dry.
  - 12% of the Np channel length was dry in late spring.
  - 70-75% of dry Np channels have a channel connection to downstream waters, whereas the FHS found 77%. This connection is important for delivery of wood, sediment, and nutrients to the fish-bearing network.
  - Stream hydrologic condition is generally stable as pertains to seasonal drying patterns. Therefore, a single study design is feasible.
- The TWIG plans to write a report of this FHS extension, and work with landowners to identify at least 20 potential study sites. They hope to start pre-harvest data collection from spring 2016 to 2017 and apply the designed harvest from fall 2018 to 2019.
  - Help from landowners is essential for study site identification and timely and appropriate harvest treatment. Policy noted that industrial landowners are usually more able to participate than small landowners.
  - A caucus member reminded Policy that the potential for any study to fall behind schedule could affect the Master Project Schedule (MPS) and budgets in future biennia. This is something to consider when looking for sites, because the more likely the landowner is to maintain the schedule, the better for the overall timeframe and budget.
  - As the TWIG develops the study design and they know more about the specifics of the sites they hope to use, they will reach out to both landowner caucuses to help with participation.
  - The study sites cannot be from the FHS study because they told landowners of those FHS sites that they would not use the sites for any other study. So unless the landowner is willing to participate in another study, there is no guarantee that the FHS sites will be re-used.

- It is too early to tell if there could be cost savings from combining these studies into one study design. There will be cost savings from only having one field crew and contractor, but the rest of the study design has not been developed yet so it is hard to tell how much savings there will be.
- A caucus member suggested that the TWIG consider experimental temperature and shade prescriptions when developing the study design.
- At Policy's request, the ENREP TWIG is happy to provide another update when the study design is complete and study site confirmation with landowners is proceeding.

**Type F** – The Co-Chairs thanked Policy for participating in the January 30 electrofishing workshop. The Co-Chairs had agreed at the end of the workshop to take the comments/suggestions and draft into a proposal for how to move forward. They shared that draft proposal with Policy at this meeting. The goal at this meeting was to focus on overall comments on the draft proposal; any specific comments/edits can be done between this meeting and the March meeting through direct communication with the Co-Chairs. Overall comments and discussion included:

- The federal caucus noted that they understand Policy's need to respond to the Board motion but does not feel able to spend much time on electrofishing best management practices because the HCP does not explain how the water types will be identified or how the AMP will move forward on the water typing process.
  - The federal caucus does not want to hinder cooperation among Policy caucuses to respond to the Board, but also feels that they may be unable to support something related to electrofishing in the future.
  - The federal caucus clarified that the HCP only described a habitat standard, not a fish use standard. This means that if the electrofishing conversation continues to be about a fish use standard instead of a habitat standard, the federal caucus will feel unable to participate or support that discussion.
  - Several caucuses expressed concern that the federal caucus might be unable to support something in the future related to electrofishing.
  - One caucus member expressed that it would be helpful if Policy's decision space on this issue could be more clearly defined so Policy does not spend time and effort on issues that are not negotiable.
  - If or until the Board re-directs Policy, the direction to Policy was to address electrofishing best management practices. Independent of whether or not the Board re-directs Policy, there are several issues in the Co-Chairs' proposal that would be good for Policy to address.
  - The Co-Chairs suggested that they update the Board on this discussion at their meeting the following week. By describing the larger picture and caucuses' potential ability or inability to participate in the consensus-building process, perhaps the Board will make a more refined decision.
- Reviewing electrofishing (and Type F as a whole) might be a similar structure to how Policy reviewed the MPS in 2014. Several topics are inter-related, so the Co-Chairs asked caucuses to remain flexible throughout the discussions. Policy could even create a "hold list" like they did for the MPS discussion for the issues that will need more work.

- One of the suggestions from the Co-Chairs' proposal is to have a flowchart outlining the electrofishing process, roles, and responsibilities Overall, Policy caucuses seemed to support this idea, noting that it should be a flowchart and not a map.
- A caucus member suggested adding a timeline to the document to show commitment to the process.
- Policy noted that they should suggest to the Board when they can complete the response to the Board, as opposed to asking the Board when they would like the deliverable.
  - Currently, the Board has in their 2015 workplan that Policy would complete this by November 2015, but that was only a suggestion at the end of 2014.
  - The map/model was an assignment from the Board directly to the AMPA, with \$100,000 to be used by June 30, 2015. With the AMPA vacancy, it is unlikely that that will be done by the deadline, which could impact the MPS and budget for the next biennium.
- The Co-Chairs' proposal noted that electrofishing is not a covered activity and electrofishing threatened and endangered species is considered take. It was clarified that electrofishing can be covered as incidental take if permits are authorized. These opportunities are rare but possible.

**February 2015 Board Meeting** – DNR reviewed the agenda topics for the February Board meeting the following week. Those relevant to Policy's work include:

- Rule language directing additional geologic information will be reviewed and considered for adoption.
- Policy's recommendation for no action on the RMZ-Resample Bird Study Final Report.
- Update on Board Manual Section 16 revisions.
- Proposal initiation from the non-industrial landowner caucus for an alternate plan template; they will ask the Board to put this through the AMP review process because it affects aquatic resources.
  - This request is to be done by the November 2015 Board meeting, which might affect Policy's current workload and timelines.
  - There will be a public comment period on this.
- At the end of the meeting, the Board will evaluate their workplan which might affect Policy's priorities.

**Wetlands mitigation** – At the January 2015 Policy meeting, WETSAG brought to Policy a draft research strategy, and Policy made a commitment to talk further about wetlands mitigation and what is needed to do that work effectively. Comments included:

- Policy's interest is in learning about the effectiveness of active mitigation, not how often wetland impacts are avoided.
- The federal caucus does not suggest that this be prioritized at CMER or in the workplan; they recognize that there is no standardized approach to wetlands mitigation and that doing so is likely outside the Policy table.
- Wetlands mitigation is on the MPS hold list. It was noted that this placeholder includes potential studies that might not be specific to wetlands mitigation, which Policy could choose to clarify at a later date.

## **AMP 2014 Activities**

### *Policy Committee Activities*

The Co-Chairs drafted a summary of Policy's activities in 2014. They will use this for the Board meeting the following week. There were no edits to this document.

### *CMER Accomplishments*

Policy thanked the CMER Co-Chairs for summarizing their accomplishments. There were no suggestions or edits for this document.

### **CMER Update** – Mark Hicks, CMER Co-Chair, provided the following updates:

- CMER has been focused on the biennial Science Conference so did not meet in January.
- Eastern Washington Riparian Assessment Program (EWRAP) – SAGE provided comments to the author and he is incorporating their comments. After that, it will go to CMER but it is not likely that that will be soon.
- Type F Buffer Effectiveness TWIG – Work is progressing smoothly. CMER should see a best available science document next month, and upon CMER approval it will be presented to Policy.
- Extensive Vegetation – This is what RSAG is working on; Policy will likely see the matrix of tools at next month's meeting.
- Extensive Temperature – The main author had been really engaged in the Hard Rock study, but now that that study is wrapping up the author has more capacity to return to this effort.
- Forested Wetland Effectiveness Monitoring Study – WETSAG is working to assemble the TWIG members and is finding it challenging to get ahold of people for this study.
- Type N Experimental Buffer Treatment Project – Soft Rock Lithologies – Work is progressing smoothly, on budget, and will likely catch up to the final data collection and analysis for Hard Rock study (i.e. amphibian genetics and extended recovery monitoring reports). Sites are being harvested on schedule and in between the two monitoring schedules.
- WETSAG has begun to revise their workplan.
- Unstable Slopes Criteria Evaluation and Development – the TWIG met but has not yet reported their progress to CMER.
- Road Prescription-Scale Effectiveness Study – the TWIG is working to write a best available science document with alternatives.
- Buffer Integrity – Shade Effectiveness (Amphibian Response) Study – this has gone through ISPR and CMER. A few CMER reviewers were not satisfied that the ISPR comments were fully incorporated into the document. This could end up in dispute, which would likely remain as a technical dispute within CMER as opposed to going back through ISPR.

*UPSAG Update* – Nancy Sturhan reported that UPSAG met earlier this month. The group members had sent comments on the literature review overview on glacial deep-seated landslides, and now those are being incorporated into a final draft for review. They plan to bring this to CMER at the end of the month and to Policy next month. They will contract out for the literature review, and noted that they might go beyond the June 30, 2015 deadline but are working not to extend.

**Upcoming Meetings** – Policy discussed the topics for upcoming meetings. There is speculation that the legislature will go into at least one special session, beyond the April end date. If so, that would affect the

AMP's schedule for approving the biennial budget (by Policy and the Board). Policy could consider doing a conditional approval in the spring with a final approval in the summer, meaning that the Board could address this at their August meeting instead of in May.

*March meeting* – From a previous agreement, Policy will hold a two-day meeting on March 12 and 13 in Port Gamble. Olympic Resource Management will host the field tour on a site with an FPA that has off-channel habitat. DNR will give an overview presentation before going out in the field. DNR will provide vans for carpooling from Olympia to Port Gamble. More information will follow.

*April meeting* – DNR and UCUT agreed to talk between the February and March meetings to plan details for this two-day field tour and meeting on April 9 and 10. UCUT has several sites in mind that have off-channel habitat and/or stream-associated wetlands on them, though they welcome partnership from landowners who might have better sites with off-channel habitat.

The Co-Chairs adjourned the meeting at 4:45pm.

DRAFT

Attachment 1 – Participants by Caucus at 2/5/15 Meeting

**Conservation Caucus**

\*Mary Scurlock  
Chris Mendoza

**County Caucus**

\*Kendra Smith, Skagit County (phone)

**Federal Caucus**

\*Marty Acker, USFWS

**Industrial Timber Landowners (large)**

Doug Hooks, WFPA  
Adrian Miller, Olympic Resource Management,  
Co-Chair  
\*Karen Terwilleger, WFPA

**Non-industrial Timber Landowners (small)**

\*Dick Miller, WFFA

**Others**

Hans Berge, AMPA  
Amy Kurtenbach, DNR  
Joe Murray, Merrill & Ring (phone)  
Rick Woodsmith, Woodsmith Watershed Consulting  
Claire Turpel, Triangle Associates

**State Caucus – DNR**

Marc Engel, DNR  
\*Chris Hanlon-Meyer, DNR  
Marc Ratcliff, DNR

**State Caucus – Ecology and Fish & Wildlife**

\*Stephen Bernath, Ecology  
Mark Hicks, Ecology  
\*Terry Jackson, WDFW

**Tribal Caucus – Eastside**

\*Ray Entz, UCUT (phone)  
Marc Gauthier, UCUT (phone)

**Tribal Caucus – Westside**

Todd Baldwin, Kalispel (phone)  
Mark Mobbs, Quinault  
Barbara Mueller, Puyallup (phone)  
\*Joseph Pavel, Skokomish  
\*Jim Peters, NWIFC  
Nancy Sturhan, NWIFC

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
<b>Type N</b>	Type N policy subgroup	On hold until other workload lessens.
<b>Type F</b>	Policy	<u>Westside off-channel habitat field trip: March 12/13</u> <u>Eastside off-channel habitat field trip: April 9/10</u>
<b>Unstable Slopes</b>	Policy	Board accepted Policy's recommendations; now DNR/UPSAG are working on implementing those recommendations.
<b>Bull Trout Overlay</b>	Policy	
<b>Adaptive Mgmt Program Reform Rule Changes</b>		Accepted by Board at August 2013 meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings.
<b>Ongoing CMER reports reviewed by Policy</b>	Mark Hicks & Todd Baldwin, CMER Co-Chairs	CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy

\*This table notes the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

Entity, Group, or Subgroup	Next Meeting Date	Notes
<b>TFW Policy Committee</b>	March 12 & 13	<u>March 12:</u> westside off-channel habitat field trip <u>March 13:</u> regular monthly Policy meeting
<b>CMER</b>	February 24	CMER Science Conference: February 11 & 12
<b>Type N Policy Subgroup</b>	TBD	On hold due to workload constraints.
<b>Type F</b>	March 12/13: westside off-channel habitat field trip April 9/10: eastside off-channel habitat field trip	
<b>Forest Practices Board</b>	February 10	