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# HARD ROCK TYPE N ACTION DEVELOPMENT TIMELINE DISPUTE RESOLUTION

Initiated December 2, 2021

The following is a living document to help guide and frame the dispute resolution process. As process details are solidified or modified, this document should be updated to reflect the most current operating space.

## DISPUTE RESOLUTION DETAILS

INITIATED BY : Conservation Caucus

PARTICIPATING CAUCUSES:

Caucus	Representative	Support #1	Support #2
Conservation	Alec Brown		
Industrial Landowners	Darin Cramer		
County Governments	Court Stanley		
Small Forest Landowners	Steve Barnowe-Meyer		
Western WA Tribes	Jim Peters		
WA Dept. Natural Resources	Marc Engel		
WA Dept. Fish & Wildlife	Tom OBrien		
WA Dept. Ecology	Brandon Austin		
Eastern WA Tribes	Non Conferred		

CONSERVATION CAUCUS DESCRIPTION OF THE DISPUTE:

*TFW Policy received the workgroup report titled "Review of current and proposed riparian management zone prescriptions in meeting westside Washington State antidegradation temperature criterion: FINAL REPORT" on June 3, 2021. The Forest Practices Board Manual guidelines for Policy drafting a Policy response to the Board allows for 150 days post receipt of a report "to reach a consensus decision on an alternative to recommend to the Board." It has been more than 150 days since receipt of the report and a consensus decision has not been made. Not only has a consensus decision not been made, but there has been no meaningful progress towards a consensus decision. Therefore, the Conservation Caucus calls for dispute resolution.*

*THE CONSERVATION CAUCUS SEES THE FOLLOWING AS A SUCCESSFUL RESOLUTION OF THIS DISPUTE: TFW POLICY WILL, PER THE FOREST PRACTICES BOARD MANUAL GUIDANCE, DEVELOP ONE CONSENSUS ALTERNATIVE RECOMMENDATION FOR TYPE Np STREAMS IN WESTERN WASHINGTON AND SUBMIT A FORMAL RULEMAKING PETITION TO THE FOREST PRACTICES BOARD.*

## TIMELINE:

Process Step	Date
<b>Stage 1 Initiated</b>	December 2, 2021
<b>First Organizational Meeting</b>	January 6, 2022
<b>Meeting #2 (full day)</b>	Late-January
<b>Meeting #3 (full day)</b>	mid-February
<b>Stage 1 Concludes</b>	March 3, 2022
<i>If a caucus wishes to elevate the dispute to Stage 2</i>	
<b>Stage 2 Initiation</b>	March 3, 2022
<b>Mediator identified &amp; prepped</b>	March 15, 2022
<b>Mediated Dispute Concludes</b>	June 2, 2022
<b>Report(s) Due to FPB</b>	July 20, 2022

## GROUND RULES

During this dispute resolution process, members commit to the following ground rules, which have been modified and abridged from the standard TFW ground rules for this forum.

All participants shall....

1. Bring with them the legitimate purposes and goals of their organizations.
2. Recognize the legitimacy of the goals of others and assume that their own goals will also be respected.
3. Provide the dispute resolution process with priority attention, staffing, and time commitments. This specifically includes attending *all* dispute resolution meetings.
4. Commit to search for opportunities; acknowledge that solving problems or issues of other caucuses is more likely to lead to solutions for own's own problems and issues.
5. Commit to listen carefully, ask questions to understand and make statements to explain or educate.
6. Ensure all issues identified by any party must be addressed by the whole group.
7. State needs, problems, and opportunities first and positions last, and avoid hidden agendas.
8. Acknowledge that if their caucus does not agree that they will offer reasons why and alternatives.
9. Commit to attempt to reach consensus on a plan, proposal or issue being considered.

Further, participants shall..

1. Speak with respect, kindness and candor.
2. Respect the time of those participating by being clear and concise.
3. Respect the process – dispute resolution is a tool for consensus and should not be utilized for alternative means or agendas.
4. Commit to reading *all materials* provided in the DR process prior to the meeting in which those materials will be discussed.
5. Withhold from circulating materials directly to Dispute Resolution participants – all materials and communications must go through the co-chair for dispersal. This does not limit cross-caucus discussion to try and identify solutions.
6. Commit to be an advocate for an agreed plan.

7. Leave their weapons of war at home. This includes not negotiating these issues through outside parties (such as media, legislative officials, or Board members).

## PROCESS

### VIRTUAL DISPUTE ETIQUETTE

Dispute resolution is best served when members can be together in the same room, to own each other's issues and to be fully present. Further, under normal circumstances, participants would be asked to check their technology at the door to minimize outside influence and distraction. Under the current circumstances, these actions are not possible. To achieve these ends, the following etiquette is requested of all participants:

1. Keep cameras on. While bandwidth may be an issue, seeing each other matters.
2. Commit to minimizing side conversation. If you need to speak to your supporting team, please call a caucus. Do not conduct side chats or texts. Being in the moment and listening to your peers matters.
3. Respect the chat. Concurrent discussions in chat and orally run in conflict with one another. The chat should be used while calling role, to get into the speaking queue, and to clarify text or language.
4. Mute your mic when not speaking.
5. Speak openly, honestly and often. This process only works if *everyone* commits to the discourse.

### FACILITATION

Facilitation is the responsibilities of the co-chairs. All members should commit to fulfill the requests of the co-chair to ensure a timeline completion of the dispute resolution process.

### CALLING CAUCUS

At any time, a caucus may identify the need to speak with either like-minded caucuses or to work through a specific detail with an opposing caucus. Under these circumstances, a member may "call for caucus." Virtual caucus rooms will be made available for these purposes.

### WRITTEN ARTICULATION OF ISSUES, CONCERNS, AND OPPORTUNITIES

Dispute resolution requires complete transparency and an open and shared understanding of the issues. To facilitate this, **each caucus will be required to submit a written discussion of the disputed issues and potential solutions**, per guidance in Board Manual 22 (M22-22). Written responses from caucuses should be specific to the questions and shall not exceed 5 pages in total content. All written responses should be made without coordination and discussion with other caucuses. This is imperative - we are not looking for 2 sides to this debate; we are looking for all perspectives, regardless of the variation.

**Remember Ground Rule #7:** State needs, problems, and opportunities first and positions last, and avoid hidden agendas.

### Background

The conservation caucus established the basis of the dispute as that Policy has made no meaningful progress towards the development of a consensus Type Np buffer alternative, and has missed the board manual guidance timeline to develop a Type Np buffer alternative recommendation and rule petition to submit to the Board.

Policy has been following the process outlined in Part 3.4 of Board Manual Section 22 for the development of Policy Committee Recommendation(s) in response to the Type Np temperature findings in the Hard Rock study. A summary of the process as outlined in the board manual calls for Policy to:

- Analyze courses of action and determine an appropriate management response. Alternatives will include information necessary to show whether the proposal is scientifically credible, operationally practical and administratively feasible; and then
- Determine by consensus whether to make an adaptive management recommendation to the Board. Recommendations to the Board should include:
  1. Specific recommendations and/or alternatives developed by the Policy Committee;
  2. Any final CMER report, Policy Committee product, and/or the Administrator discussion report of potential implications to the rules and guidance;
  3. Any appropriate scientific peer review reports and documentation;
  4. Any other information or reports as appropriate specifically generated as a result of the Adaptive Management Program process related to the original Board approved proposal of concern;
  5. Draft rule language when appropriate to the recommendation; and
  6. Minority and majority reports on issues lacking consensus.

**Caucuses are asked to answer the following questions:**

1. In your own words, what do you understand is the nature of the dispute?
2. What is your understanding of the Type Np Charter timeline for the delivery of the Policy alternative recommendation(s) to the Forest Practices Board?
3. Does Policy have enough information to develop a Type Np buffer alternative recommendation and rule petition to submit to the Board?
4. If not, what kind of information is needed to complete the Policy analysis to develop a Type Np buffer alternative?
5. Acknowledging the dispute at hand, what do you see as possible solutions?

Written responses are due to Marc Engel and Meghan Tuttle, co-chairs, no later than Friday, January 14, 2022. Positions should be mailed directly to the co-chairs without cc'ing other caucuses. The co-chairs will then batch all written materials and provide those immediately to all participants.

**CONCLUDING DISPUTE RESOLUTION**

Stage 1 dispute resolution may conclude prior to March 3, 2022 if a consensus agreement is reached. If consensus is not reached, Stage 2 *can be* initiated if a caucus wishes to elevate the dispute to a mediated process. Stage 2 is not automatic – the process can end if a dispute is resolved or dropped by the initiator.

If Stage 2 is initiated, it is the responsibility of the Adaptive Management Program Administrator to identify a "qualified individual with experience in natural resources dispute resolution and mediation. That individual must be: (1) acceptable to all parties, and (2) available for the task on short notice. The administrator will assist the mediator in identifying the disputed issue(s), introducing the parties, and setting up meeting dates, times, and locations. The AMPA has 30 days to complete this process.