

Timber, Fish, & Wildlife Policy Committee
 May 7, 2015 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Accepted the March 13, 2015 draft meeting summary as final.	
2. Accepted the April 10, 2015 draft meeting summary as final with edits.	
3. Approved the 15-17 biennial budget.	Consensus with sideways votes from a few caucuses on specific line items (see page 4)
4. Approved the AMPA's Recommendations to the Board on the SFLOs template, with edits.	Consensus from every caucus
5. Agreed on the next steps for off-channel habitat: DNR make a proposal initiation that the AMPA will address.	Not a formal decision item but there was no opposition from any caucus on these next steps
6. Agreed to have the AMPA revise the literature review outline based on this meeting's discussion.	

Action	Assignment
1. Summarize Policy's recommendations for unstable slopes and the action items for Policy, CMER, and UPSAG.	Mary Scurlock
2. Send the video of off-channel habitat to Policy.	Marc Gauthier
3. Draft a proposal initiation that summarizes the discussion at this meeting on off-channel habitat.	DNR
4. Revise the electrofishing literature review outline.	Hans Berge

Welcome, Introductions, & Updates – Stephen Bernath and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcome participants and led introductions (*see Attachment 1 for a list of participants*). There were no changes to the draft agenda.

Updates

- Legislation – None of the high priority bills that DNR had been tracking continued onward. The geology bill has been passed in both houses and the Governor will sign the bill soon.
- Adaptive Management Program (AMP) Funding – The AMP funding has been included in the proposed budgets from the House, Senate, and Governor's office. At this meeting Policy members did not know the final outcome but continue to track legislative discussions to ensure that the funding stays in the final state biennial budget. Discussion included:
 - The "Report to Legislature" line item in the AMP budget was requested by the legislature and the proviso language will likely reference this report. It will likely be one report per biennium, not annually.
 - There was a question about which of DNR's funds is being re-appropriated. Chris Hanlon-Meyer will check on this and follow up with Policy.

- DNR had included in their request to the Governor to increase their compliance program (which does not include compliance monitoring). The Governor's and House budgets both included \$707,000 of DNR's \$3.2 million request, and included parameters to focus on a few specific pieces and have only one FTE. This change does not affect the current compliance team.
- Board Manual Section 16 – The stakeholder group has continued to meet at least twice a month. The geologists are now in the writing phase and are providing text to the stakeholder group, which is populating the outline that the group drafted.
 - The delivery and run-out part of the Board Manual includes:
 - Context (background of why this is important)
 - Framework
 - Description of landslides associated with Rule-Identified Landforms (RILs)
 - Field observations and descriptions of things that influence landslides (e.g., alluvial fans)
 - Description of when to call an expert using empirical models
 - The hope is to have all the language drafted by late May or early June. That will give Policy time to review the complete draft. The plan is to provide the draft Board Manual to the Board at their August meeting.
 - Whether or not the draft will be provided to Policy at the June meeting, it does not need to be an approval item for Policy. This process was set up to include Policy caucuses interested in this work, and those have opted to participate in the stakeholder group meetings and/or receive updated drafts as the group continues working.
 - DNR will need the month of July to prepare the draft Board Manual for the Board's August meeting.
 - It was clarified that it is not Policy's responsibility to review and approve Board Manual sections; that is DNR's responsibility and they can choose to involve Policy caucuses at whatever level is appropriate.
- AMP Training – It was 2009 when the AMP last did training about the Board Manual sections and rule language. Since then many new faces have replaced those who attended that training. There is interest in going through that training again at an upcoming Policy meeting. This could also include training on public disclosure laws and how they affect Policy and its caucuses (as a public entity all Policy business is publicly disclosable). Discussion included:
 - The training would include updates since the settlement agreement of 2012.
 - DNR is considering doing a similar training for Board members.
 - One caucus is interested in expanding the scope of the training and will talk offline with DNR and the Co-Chairs about that idea.
 - Part of the training in 2009 and could be replicated in 2015 is to keep track of questions that come up and if they do not get addressed, they turn into assignments for Policy or CMER or someone to check on (parking lot).
- Nonpoint Source Pollution Plan – Stephen Bernath will share with Policy leads a link to the Plan, which was shared on Ecology's website early this week for public review. There are several upcoming public meetings that anyone can attend, and the deadline for public comments is June 5. The Plan's revisions include information from Forests & Fish that Mark Hicks and Marc Engel.
- Co-Chair Replacement – The Co-Chairs are working on identifying a replacement for Stephen Bernath, who has co-chaired Policy for many years. They almost got a yes from one caucus but ended up with a no, so they are back to looking at all caucuses. They ask that anyone with ideas

please share with them as soon as possible. It is ideal to find a caucus that can have two people at the Policy table: one as the caucus lead and one as Co-Chair, but they understand that that might not be possible and a caucus might have to wear both hats.

Meeting Summaries

Policy reviewed the March 13 and April 10 draft meeting summaries. There were no changes to the March draft meeting summary, so it was accepted as final. There were some suggested edits to the April 10 draft meeting summary, and after some discussion Policy agreed on those edits and then accepted the draft with edits as final.

Biennial Budget – The Adaptive Management Program Administrator (AMPA) addressed questions that came up in the April meeting regarding the biennial budget:

- **New AMP job description** – Policy had some questions at the April meeting about this new line item in the budget, so the AMPA drafted and circulated a job description for this new position. Discussion included:
 - This is a Planner 3 position, meaning that it is fairly high level. The hope is to have the person take on coordination work that the project managers are currently doing, leaving them to focus on ensuring that milestones are met. This person would also help CMER. The hope is that this position could then turn into a project manager over time.
 - Several caucuses thanked the AMPA for providing more detail.
- **Riparian Function Literature Synthesis** – Due to the discussion at the April 10 meeting when Policy discussed the similarity of this literature synthesis to the Riparian Update WDFW is doing for their Priority Habitats and Species Program, the AMPA revised his recommendations to Policy. The cost was reduced to \$30,000 and the synthesis would build upon WDFW's Riparian Update. This synthesis would be more focused on forest practices, would identify literature not noted in the WDFW Update, and would include information from CMER scientists and studies. Discussion included:
 - The intent of this literature synthesis is to provide an update from the information included in the Habitat Conservation Plan (HCP). It will be a reference for CMER and Policy whenever there is a need for more information on riparian functions.
 - WDFW will produce a database of literature through their Riparian Update, which they will share with the AMPA as soon as that is ready which is expected to be earlier than September 2015.
 - A caucus commented on the importance that this product not sit on a shelf once complete, that it will be used to inform specific areas that need development in the Board Manual. There was general agreement about this.
 - It was noted that this synthesis is tangential to the small forest landowners' template; while it has come up in the context of the template proposal it will not exclusively inform that but also many other potential needs.
- **Report to Legislature**
 - See notes on page 1.
 - A caucus commented on the high cost for such a report and Policy generally agreed that if the AMPA can produce the report for less than \$10,000, the funding could be applied elsewhere in the budget.

Decision: After discussion, Policy approved the biennial budget by consensus, with a few sideways thumbs on two line items:

- Report to Legislature (industrial timber companies caucus voted sideways).
- Riparian Function Literature Synthesis (federal, conservation, non-industrial timber companies, and westside tribal caucuses voted sideways).

Small Forest Landowners' Alternate Template – DNR reviewed the definition of low-impact and the criteria for templates and alternate plans. This review included excerpts from RCWs 76.13.100, 76.13.110, 76.13.130, 76.09.368, and 76.09.370, as well as excerpts from WACs 222-12-040 and 222-12-0403. Questions and discussion included:

- RCW 76.13.130 is separate from the 80/20 rule.
- Templates are a form of an alternate plan. The Board's vision was to make options for small forest landowners (SFLOs) with limited economic means. Alternate plans require investment including hiring a consulting forester. But if an alternate plan is applied repeatedly, it could become a template and then SFLOs could follow the rigid guidelines of that template without hiring a consulting forester. Therefore, traditionally templates have been modified from alternate plans that have been applied repeatedly, not new guidelines that have not been applied nor tested.
- DNR clarified that it is difficult to identify a template that has not yet been applied through an alternate plan. Even the fixed width buffer template used Desired Future Conditions as applied by large landowners, and therefore was not a "new" scenario that had been untested.
- It was noted that Schedule L-1 ensures that changes to the Program don't reduce riparian function significantly at site-specific or cumulative scales.
- Alternate plans are applied on a site-specific basis and must provide protection for public resources at least equal in overall effectiveness to the protection provided by the Forest Practices Act and rules. A DNR guidance memo developed to strengthen the overall process for issuing alternate plans and to direct the collection of baseline data needed to reasonably assess the success of the alternate plans was approved as meeting one of the Clean Water Act Milestones.
- Policy discussed whether the proposal to the Board should be modified to include a specific proposal for DNR (or others) to assess effectiveness of every past alternate plan, specifically results of monitoring as required in rule.
- The SFLOs looked at every alternate plan for hardwood conversion and how well each plan worked, and used this information to inform the template.

The AMPA addressed his revised recommendations to Policy, and points included:

- The Policy review of whether or not the template fits the criteria is noted to begin on or before October 2015, and the AMPA figures this could start as early as the June Policy meeting. The hope is to have the Policy review complete by March 2016.
- A caucus noted concern that the timeline to complete a policy review seemed long. Another caucus noted that Policy could try to speed up that timeline by having discrete assignments that do not conflict with other workload assignments.
- SFLOs noted that they are interested in advice from Policy and CMER about how their template prescriptions can be improved.
- It was clarified that the Policy review is not for determining what the science is, or to determine a recommendation based on science. The issue for Policy to determine is whether or not the SFLO's proposal meets the criteria of a template, which does not need to wait for scientific input. The hope is that the literature synthesis will inform the model mentioned in the template proposal and whether it is consistent with the state of the science. In order to do this, Policy must first affirm the AMPA's revised recommendations.

- A caucus noted that the *Treaty Rights at Risk* white paper outlined that Washington continues to see fish stocks decline while a lot of money is being spent to restore habitat that is disappearing faster than it can be restored. This caucus noted that this template could be another negative impact on natural resources and treaty rights, and therefore wants a robust study of how this template will affect the landscape.
- A caucus asked that the Policy review consider the discomfort felt by some caucuses about how this proposal came forward as a template (instead of as an alternate rule).
- Policy revised the AMPA's recommendations, including:
 - Switching the first and second bullets, so the Policy review is first and the literature synthesis is mentioned second (though they may happen concurrently). Several caucuses agreed that completing the Policy review before October is a good goal.
 - The Policy review could also include discussion of other options for moving forward (outside of the proposed template), and will consider evaluating previously-approved relevant alternate plans. The latter piece may be more effort than what DNR can do individually, which may require some help from other caucuses.
- The AMPA noted that any assessment of the literature synthesis and the Policy review and how they influence each other would happen in reporting the work for the Board (the third action in the recommendations). The AMPA's role is to assess what the SFLOs template says, what the science says, what Policy says, and what the recommendation is to the Board based on all of that.

Decision: Policy agreed to slightly revise the AMPA's recommendations and approved the recommendations with those edits. This will be presented to the Board next week by the AMPA.

UCUT's Herbicide Study Scoping Document – Marc Gauthier had revised the scoping document based on the discussion at the April Policy meeting. The revisions included impacts to water quality and looking at buffers on Type F streams. The hope with this study is to address the concern by the Upper Columbia United Tribes (UCUT) that runoff from N/F streams may be entering Np and Ns systems and herbicides may transport and impact resources beyond the treated area. Discussion included:

- The study design is not complete – what UCUT has done so far is developed an outline of what an herbicide study would look like while trying to keep the study consistent with the AMP's focuses. UCUT is planning to fund the study but want to follow the CMER track and be transparent about the study design, intent, and results. UCUT understands that this is only a preliminary scoping document and would need more science to develop this from a proposal into a full-fledged study design.
- There is a mechanism by which Policy can consider science outside of CMER, and there are a few instances of precedence in the last decade.
- UCUT hopes to put this study into motion as soon as possible, but is willing to wait to see if the AMP would like to play a role in the study.
- The Department of Ecology representative offered to talk with UCUT offline about operational issues with chemicals that would likely need conversation with DNR and the Department of Agriculture.
- It was suggested that UCUT prepare this for the discussion about the CMER workplan early 2016. This would likely need to be brought to SAGE later this year, and then it could be adopted as a CMER project. In order for that to happen, caucuses speculated that the link between the study and the riparian zone would need to be strengthened, particularly to the problem statement.

- An alternative is to do the study design without CMER and then run it through ISPR or another review process. If this leads to an expansion of the study, there would be an increased cost to implement.
- It was noted that it might be challenging to point to where the study could create a rule change, but it could uncover information that could lead to another action down the road.
- It was noted that there are some timber companies which own land in the UCUT area and these landowners are willing to work with UCUT to develop the study design.
- It was uncertain at the time whether this work fully falls within the jurisdiction of the AMP.
- It was noted that the AMP generally does not address wildlife; that is done by the Board and WDFW and sometimes the Cultural Resources Roundtable.
- Some caucuses noted that this study responds to some questions in Schedule L-1.

Type F: Off-Channel Habitat – Policy addressed two work products during this discussion:

Identifying Unclear Language in Rule and Board Manual

Ray Entz and Dick Miller, following the March meeting, took excerpts of the rule language (from WACs 222-16-030 and 222-16-031) and the Board Manual to highlight language that was unclear or ambiguous, particularly associated with identifying and protecting off-channel habitat. They also worked on other documents including posing potential revised rule language, but recommend at this time to just focus on the unclear and ambiguous language they highlighted. Discussion included:

- Periodicity could be dealt with by referring it to the average annual flood return window and choosing a point that is active enough to be used by fish and not overly conservative.
- Bankfull flow is between that occurring at 1- to 2-year intervals and not at a long-term interval like 25 to 100 years.
 - It was noted that bankfull width includes features that are not within the wetted perimeter of the stream (visually), so tools like the USGS flood chart, base flow data, or peak flow data are important to use.
 - It was noted by another caucus that off-channel habitat is being identified fairly accurately now, or at least there are few complaints about it being mis- or under-identified.
- There is general agreement that the Type 2 and Type 3 distinction is no longer useful.
- Ray and Dick were thanked for their work and it was noted that the document highlighting the unclear and ambiguous language could be used as a benchmark as Policy moves forward on updating off-channel habitat protection.

Conceptual Ideas on Off-Channel Habitat

Following the April meeting, the Co-Chairs developed a short list of conceptual ideas that Policy caucuses had general agreement around. This is a draft to work from and may tie in concepts identified by Ray and Dick in the previous document. Discussion included:

- Guidance on identifying and protecting off-channel habitat is sporadic and lacks specificity around parts of the rule. It is also unclear how to identify the outer perimeter of off-channel habitat to apply the buffer to protect the feature appropriately.
- Policy identified several geomorphic features during the field trips that inundate with water when the river reaches bankfull stage, and these should be qualified as off-channel habitat.
- It might be helpful to add examples to these conceptual ideas to make the document more practical based.

- A proposal was suggested: DNR takes the information from Policy's discussions in March, April, and May meetings and develops an informal proposal initiation which would then go to the AMPA. The AMPA would develop a recommendation for Policy to consider, which would include whether this issue should go down the policy or science track, or both. Then it gets wrapped into the regular AMP process with associated timelines.
 - It is important to include the bankfull depth concept but that might not be sufficient to include those areas of off-channel habitat that are flooded less frequently.
 - There are some scientific information and processes that can help make decisions. Bankfull depth is already a defined concept, which will sometimes fall within the channel migration zone (CMZ). The inundation concept is probability of being wet every one to two years, but not a guarantee that it will happen every one or two years.
 - A caucus noted concern that this could lengthen the time Policy would need to take to fully address this issue. Another caucus wondered about how this would affect the current workload for the AMPA and/or Policy.
 - If this proposal happens, when the AMPA receives the proposal initiation from DNR he would consider documents on this subject from USGS, USFWS, NMFS, EPA, and others that define off-channel habitat based on bankfull elevations. Then it would likely go to CMER for discussion before it would come back to Policy.

Decision: Policy agreed that this was an acceptable way to move forward.

Type F: Electrofishing – The AMPA presented his draft outline of the electrofishing literature review to Policy but explained that this is draft only and he was seeking feedback on whether this gets at the right information. Discussion included:

- Several caucuses had additional questions or concepts that they suggested be incorporated into a revised outline. These included:
 - How accurate is single-survey fish presence versus non-detection as indicators of fish habitat, including habitat likely to be used at any time of the year and recoverable habitat?
 - How can a presence protocol be used to delineate recoverable habitats?
 - How does the established electrofishing season achieve:
 - Minimization of adverse effects on fish?
 - Accurate estimates of the locations of fish during high water conditions?
 - Do single visit surveys have effects on fish populations?
 - Do single visit surveys underestimate the extent of habitat used by fish?
 - Are surveys ineffective at low flow? At high flow? In streams over 5 feet wide?
 - Do fish in general move upstream in winter (survey window is inappropriate)?
 - Is ¼ mile sufficient to demonstrate fish absence?
 - Are multiple surveys necessary to demonstrate absence?
 - Is detection poor in small headwater streams?
- Policy agreed to add a Discussion section prior to the Conclusions section, and that would address protocol surveys.
- Pulsed and un-pulsed direct current would be incorporated into the Equipment Evolution section.
- While there was interest in learning more about direct harm to eggs in the gravel, it was noted that there is limited information on that.
- Policy discussed that there are better questions to ask than what the Board outlined in their motion from February 2014. Based on the information learned from the literature review, the

intent is to address the third part of the Board's motion that asks for options to reduce the overall extent of the survey's use.

- There was a suggestion to re-define the Board's motion as Policy sees it best outlined, and report that to the Board.
- There is some difference of opinion on what the Board intended with their motion.
- There was some debate about how broad to make the literature review – either focused on the practice and potential direct harm of electrofishing or a broader discussion on protocol surveys.
- The literature review would likely be done by an outside contractor (depends on the scope of the review).

Decision: Policy agreed to have the AMPA revise the literature review outline based on this discussion and bring to the next Policy meeting for further discussion, as well as explain this discussion to the Board next week in case they can provide further direction.

CMER Update – Due to lack of time, the only part of the CMER update given at this meeting was a quick request for each caucus to think about potential CMER Co-Chairs to replace Mark Hicks who has served in that position for four years.

The Co-Chairs adjourned the meeting at 4:30pm.

Attachment 1 – Participants by Caucus at 5/7/15 Meeting

Conservation Caucus

Chris Mendoza
*Mary Scurlock

County Caucus

*Kendra Smith, Skagit County

Federal Caucus

*Marty Acker, USFWS
*Jo Henszey, EPA

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

State Caucus – DNR

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

State Caucus – Ecology and Fish & Wildlife

*Stephen Bernath, Ecology, Co-Chair
*Terry Jackson, WDFW

Tribal Caucus – Eastside

Marc Gauthier, UCUT (phone)
Todd Baldwin, Kalispel Tribe (phone)
*Ray Entz, UCUT/Kalispel Tribe

Tribal Caucus – Westside

Mark Mobbs, Quinault Nation
*Jim Peters, NWIFC
Nancy Sturhan, NWIFC
Curt Veldhuisen, SRSC (phone)

Others

Hans Berge, AMPA
Claire Chase, Triangle Associates

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status &Notes
Type N	Type N policy subgroup	On hold until other workload lessens.
Type F	Policy	Policy is complete with the off-channel habitat field trips and now is in discussions on both electrofishing and off-channel habitat, to respond to the February 2014 Board motions.
Unstable Slopes	Policy	Board accepted Policy’s recommendations; now DNR and UPSAG are working on implementing those recommendations. UPSAG is in the middle of hiring a contractor to do a literature review.
Adaptive Mgmt Program Reform Rule Changes		Accepted by Board at August 2013 meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings.
Ongoing CMER reports reviewed by Policy	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
TFW Policy Committee	June 4	
CMER	May 26	
Type N Policy Subgroup		To be discussed at upcoming Policy meeting.
Type F		Discussed at regular Policy meetings.
Forest Practices Board	May 12	