

Timber, Fish, & Wildlife Policy Committee
September 8, 2016 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
Approved the SFLOS template request to add a piece to the literature synthesis for up to \$40,000.	Approved by all caucuses with a mixture of “thumbs up” and “thumbs sideways” votes.

Action	Assignment
1. Revise OCH recommendations from 9/8 meeting input; add drawing to complement the recommendations.	Ray Entz, Adrian Miller, Hans Berge, Marc Ratcliff, & Marc Engel
2. Share the recommendations from the Protocol Survey Method Technical Group at the next Policy meeting.	Hans Berge
3. Bring to Policy ideas of how DNR could improve the mapping process.	Marc Engel
4. Clarify the 8/4 discussion on the physicals proposal initiation; share revised meeting summary.	Claire Chase, Adrian Miller, Ray Entz, & Hans Berge

Welcome, Announcements, & Old Business – Ray Entz and Adrian Miller, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (“Policy”), welcomed participants and led introductions (please see Attachment 1 for a list of participants). The Co-Chairs noted the need for more time during the small forest landowners’ (SFLOs) Template Subgroup update, and that it would be a decision instead of an update.

Announcements

- Dick Miller announced that he will be stepping down from his position as the representative for the Washington Farm Forestry Association at the end of October. Starting at the November meeting, Steve Barnowe-Meyer and Ken Miller will take over his roles on Policy and on the SFLOs Template Subgroup, respectively. Dick will forward to Policy resumes from both. The Co-Chairs thanked Dick for his years of service to the Adaptive Management Program.
- The Adaptive Management Program Administrator (AMPA) introduced the new CMER project manager, Angela Johnson.
- EPA is advertising to hire a new person to the position that will, in part, be the liaison between EPA and Policy. A link to the job announcement will be sent out.

August 2016 Draft Meeting Summary – Policy reviewed the draft meeting summary and several caucuses suggested edits. There were no objections to those edits, but the draft was not accepted as final due to the need to clarify the section on the Physicals Proposal Initiation. The Co-Chairs and facilitator will work to clarify that before the October meeting.

Ground Rule of the Month – Scott Swanson highlighted section B of the ground rules, which emphasize that all Policy representatives are responsible for representing their diverse caucus with one vote. He encouraged Policy to empathize about the responsibility of each representative before making decisions at Policy.

Forest Practices Board Update – Marc Engel reported that the Forest Practices Board (“Board”) accepted the CMER Master Project Schedule and draft budget for the FY17/19 biennium, which fulfills the program’s requirement to show the scientific need for the budget. The Board also accepted Policy’s recommendations on the Unstable Slopes Proposal Initiation, and asked that Policy report progress at each Board meeting.

Type F: Off-Channel Habitat (OCH)

Off-Channel Habitat Technical Report

The AMPA thanked caucuses for sending in the comments or questions from the draft report shared with Policy at the August meeting. He sent those to the authors and they worked through all the comments, creating the final report. The main changes were on pages 2-3 about Channel Migration Zones (CMZs), and some changes in the references. The authors also included an annotated bibliography, which the AMPA encouraged Policy members to read.

Discussion

- The conservation caucus appreciated the report for summarizing information, but noted that there is still unknown information as the authors point out. Specifically, the caucus asked that Policy clarify if “connected at bankfull flows” means periodically inundated. The caucus is interested in exploring the ecological significance of those habitats that are not described by connectivity at bankfull flows. They are also curious about the performance standard that would be used for protection.
 - The AMPA agreed that the language should be clear so implementation is as consistent as possible.
 - One Co-Chair suggested that in addition to clarifying language, the recommendations could also be linked to a CMER study to verify that the rule is protecting the intended habitat.
- The AMPA clarified that the authors recommended against using bankfull elevation in rule because they felt the definition can be interpreted ambiguously in implementation.
 - Policy discussed the differences between bankfull elevation (BFE) and bankfull width (BFW), both theoretically and practically in the field.
 - The AMPA explained that it is easier to identify BFW in the field, but there may be other tools not traditionally used for this purpose that could help identify BFE more consistently and accurately.
 - The AMPA further noted further defining BFE would require an addition to the Board Manual and a thorough examination to ensure repeatable methods.
- The conservation caucus encouraged Policy to think about using both BFW and BFE to delineate the OCH feature correctly.
- The small forest landowners’ caucus encouraged Policy to clarify the return interval to help set the OCH definition.

Co-Chairs’ Revised Recommendations for OCH

While the Co-Chairs prepared a new draft set of recommendations based on the August Policy meeting and subsequent one-on-one conversations, they are open for discussion on this draft.

Discussion

- Policy discussed whether or not their recommendations should include categories for language that would go in rule, guidance, research, or other. The conservation caucus noted that they see the definition of OCH as part of Type F waters needs to be in rule, not just guidance.
- Policy discussed ideas for how to revise the Co-Chairs' recommendations. Some ideas were edited during the meeting and other comments included:
 - Fluvial connectivity is important to capture.
 - Bankfull flow, instead of BFE or BFW, emerged as a potentially more desirable term.
 - The conservation caucus asked that language about the optimum survival of fish be included.
 - The industrial timber landowners' caucus asked that language about the connectivity through drainage less than 5% gradient be included. One Co-Chair explained that if bankfull flow is used in the definition, the gradient percentage might be irrelevant, unless that description is helpful for implementation. The WDFW representative recommended taking out the reference to 5% gradient (if BFE is used) because some interpret this as including perched habitats with connectivity no greater than 5% gradient.
 - One Co-Chair suggested that after the recommendations are revised again, it might make sense to crosswalk the new recommendations with the existing rule language (from WAC 222-16-031) to ensure that Policy is not missing anything.
 - The conservation caucus suggested that the guidance include information on identifying the extent of the feature, not just the area of inundation. The AMPA explained that the area of inundation is helpful because it defines the beginning of the Riparian Management Zone (RMZ), which then begins a set of different protections.
 - Policy discussed the differences between wetlands and OCH protections that are currently in the rule. Wetlands are not created from fluvial processes like OCH, which is why identifying those features is different. The question for Policy is how conservative to be in protecting fluvial OCH versus wetlands adjacent to fluvial areas.
 - Policy drew and discussed a diagram of off-channel habitat and wetlands, plus their protections. Wetlands and OCH will be protected, but under different parts of the rule. The greater protection is always used when an area could be considered under multiple parts of the rules.
 - Policy agreed that whatever the rules and guidance going forward, they must be implementable in the field. Using maximum survey tools, a field implementer could always find the extent of habitat but that would take extreme measures which would be rarely used. So what is more likely is the implementer uses other indicators to establish the outer edge of the habitat, and Policy's job is to create rule and guidance that can help people do that accurately.
 - Policy considered potential requests to DNR, such as a documentation or tracking method to be able to track over time through FPAs whether the protections are working well.
 - The conservation caucus asked that other tools could be used to see the extent of the feature.
 - It was clarified that the area of inundation is captured within the definition of BFE.

Based on this discussion, the Co-Chairs committed to revising the recommendations for the September 21 meeting. They also asked DNR to provide an accompanying drawing of OCH, something more clearly labeled than the drawing done at this meeting.

Type F: Protocol Survey Method – The AMPA reported from the Protocol Survey Method Technical Group, which had met three times to date. The group identified 20 recommendations to Policy on determining the regulatory F/N break, and at this point are adding detail to each one. They have found that several terms are inconsistent so their recommendations will be helpful when Policy begins editing Board Manual Section 13. Their recommendations will also be relevant to parts of Board Manual Section 23. The group is scheduled to meet one more time before the September 21 Policy meeting to finalize their recommendations.

Type F: Mapping – The Co-Chairs had begun thinking about, and started discussing with DNR, how to make the water typing system more accessible to users and the public. DNR agreed to draft language that Policy could include in their recommendations about what DNR could do in terms of improving the mapping process accessibility. Policy discussed potential suggestions to DNR, including:

- The DNR representative noted that currently, DNR does not make changes to the map based on information from an FPA. That means that DNR is unable to make conclusions about why previous changes were made, but if the process is changed they can capture conclusions about future changes.
- The industrial timber landowners' caucus asked if the maps could be transparent, credible, and easy to use – if so, she predicted it could help her caucus members minimize electrofishing because practitioners could access more information from a computer.

Policy asked DNR to consider the following questions:

1. Can OCH be captured?
2. Can CMZs be captured?
3. Consider how to make the maps more transparent, credible, and easy to use.
4. What is the cost to update the maps and information?
5. QA/QC on existing data: which water type modification forms (WTMFs) on the map underwent consultation from the tribes and WDFW? Which of the WTMFs occurred in over-sized streams (greater than 5ft width as stated in Board Manual Section 13)? Which of the WTMFs using physical criteria and protocol surveys, and included documentation of the physical characteristics of the stream?

Policy also discussed information that the University of Washington's Precision Forestry Cooperative presented to the Board in August:

- The federal caucus wondered about the practicality of updating the model with LiDAR data. The AMPA explained that UW's findings are that updating the model from 10-meter digital elevation model (DEM) to 10-meter LiDAR data is already an improvement, but going to 1-meter LiDAR presents a different challenge when streams meet roads. That will take some troubleshooting, but is not an insurmountable problem. The other option is to re-build the model anticipating LiDAR data instead of the older data. If Policy will include in their recommendations to re-build the model, the AMPA cautioned Policy to think about how that meshes with their other recommendations (particularly the physicals evaluation).
- The AMPA is confident that updating the model in any of the potential ways would get really close to the 95% accuracy standard required in the Habitat Conservation Plan (HCP).
- The AMPA is working with the UW lab to finalize their report, which will be available for Policy at a later date.
- The federal caucus recommended that the model be updated on a WRIA-by-WRIA basis, not the whole state at once (perhaps prioritizing basins by contentious issues, listed species, and/or where

data is most available). The HCP anticipated that this effort would be iterative in about a 5-year timeframe. The AMPA clarified that in order to have good LiDAR data to incorporate into the model (or re-build the model for that data), it will take a unique data collection, not re-using other LiDAR data.

- The question for Policy is whether to incorporate good LiDAR data into the old model (which was built for DEM data) or re-build the model anticipating LiDAR data. The conservation caucus suggested that Policy needs a cost comparison.
- The federal caucus suggested that this is a different element than is captured in the Type F matrix, and they questioned how to capture the issue of the model in Policy's recommendations to the Board in November. More discussion will be needed on this topic.

Type F: Overall Water Typing Package – The DNR and WDFW/Ecology caucuses sent a proposal to Policy right before the meeting about how to address the full water typing package. Those caucuses walked through their recommendations, which are open to suggestions, and discussion included:

- Their hope was that this acknowledges the rule not currently in practice (WAC 222-16-030), while also utilizing improved protocol (which would now include habitat above last detected fish) to establish the regulatory F/N break. The state caucuses acknowledged that this recommendation is contingent upon the outcome from the Protocol Survey Method Technical Group.
- The federal caucus expressed concern that this proposal does not reflect protection of fish habitat. Without the information from the Protocol Survey Method Technical Group, they are still concerned that habitat and permit protection are still not being addressed. The federal caucus also asked for clarification on why fish absence measured in a fish presence survey is still being considered as suitable information to make the regulatory break.
- The industrial timber landowners' caucus expressed concern that if this proposal makes landowners start from the modeled point, that may increase electrofishing.
- DNR also clarified that they are still analyzing data to understand all the points on the current map; there may be more they learn that could go into Policy's recommendations.
- The federal caucus asked other caucuses to clarify if anyone is seeking in Policy's recommendations to maintain fish presence surveys in stream reaches that are free of barriers and meet the physical criteria. Answers from caucuses included:
 - The industrial timber landowners' caucus believes that the current rule (031) is protective, which does use fish presence surveys. They are fine with having the physical criteria as long as they are not the only option for their practitioners. They see protocol surveys as a way to define fish habitat.
 - The WDFW representative suggested that Policy considers a stream width within which habitat would be assumed and no protocol surveys would be conducted. This would help to minimize electrofishing and provide more certainty to other caucuses.
 - The DNR representative hoped for good recommendations from the Protocol Survey Method Technical Group which will help practitioners consistently find the end of fish habitat.
 - The westside tribal caucus was concerned about surveying in large streams; they also find that accessibility is a big issue.
 - The eastside tribal caucus noted their focus on fish habitat. He reminded Policy that the Board asked for reduction in electrofishing, not elimination.
- The federal caucus suggested that Policy recommend not surveying the areas that are below all known barriers and meet the physical criteria. The Co-Chairs asked caucuses to think about how their caucus might suggest doing that.

The Co-Chairs agreed to bring revised recommendations to the September 21 meeting and asked that caucuses come to that meeting prepared to discuss options and negotiate potential solutions.

SFLOS Template Subgroup – Marc Engel walked through the proposal to Policy, which he developed with some input from Dick Miller. Previously, Policy had approved a literature synthesis of all riparian functions as it pertains to the current rules, though this has not started yet. The request to Policy was to increase the funding so that additional questions can be added to that riparian function literature synthesis that will answer questions specific to the SFLOs template request.

Discussion

- Though the request was written to be up to \$100,000 additional funding, it will likely be closer to \$40,000.
- Because this request would be linked with the existing literature synthesis, both would need to be completed during this fiscal year (done by June 30, 2017).
- The federal caucus noted concern about a slower-than-anticipated timeline; having a timely response to the SFLOs is important to their caucus. They also encouraged that the literature synthesis author(s) attend a Section 7 training so that their analysis acknowledges the thresholds necessary in the Endangered Species Act.
- A few caucuses expressed concern about supporting this effort given that the template proposed does not meet the criteria of a template.
- Though the SFLOs asked that cumulative effects be a part of this request, it was not a part of the request that Policy voted on.

Decision: Policy voted to approve the proposal of up to \$40,000 for this additional piece of the riparian function literature synthesis, not including cumulative effects. Caucuses either voted “thumbs up” or “thumbs sideways”.

CMER Update – CMER did not meet in August, though there were a few updates.

Eastside Type N Riparian Effectiveness Program (ENREP) – A new dispute has arisen within the ENREP Technical Writing & Implementation Group (TWIG), though they may have resolved the science issue that was previously under dispute. The TWIG and CMER Co-Chairs have begun informally addressing the dispute and if it is not resolved by October, it will come to Policy for resolution. The AMPA clarified that the resolution process is a few weeks later than outlined in the CMER Protocol & Standards Manual, and the federal caucus was concerned because they have previously emphasized that CMER disputes should be resolved or elevated in a timely manner.

Hard Rock Study – The Policy Co-Chairs, CMER Co-Chairs, and the AMPA met in late August to determine how best to bring the chapters of this large study to Policy for review and action. They determined to bring each chapter (or a small number) to Policy with a presentation from the authors. Instead of starting the timeline then for Policy approval, they agreed to waive the timeline until all have been received. There is still open discussion about whether it is valuable for Policy to have a Findings Report for each chapter, which would take more CMER time to develop. The Co-Chairs and AMPA recommend that some chapters do not need a Findings Report, though there will be one for some chapters and for the synthesis chapter. Once Policy has received everything, they recommend taking action at that point.

Policy recommended that the group keep track of a running list of concerns and comments from each chapter, as each chapter is presented to Policy. The federal caucus suggested that Policy remain open to taking action sooner if a chapter has a conclusion that reasonably results in urgent action. The Co-Chairs clarified that this will be an option.

Even though two chapters are already ready for Policy, Policy asked that they come no earlier than the December meeting.

Next Steps – The Co-Chairs and facilitator reviewed the action items from this meeting and the topics for the September 21 meeting, which will focus on the water typing discussions.

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

Attachment 1: Attendance by Caucus at 9/8/16 Meeting

Conservation Caucus

*Mary Scurlock, M. Scurlock & Associates

County Caucus

Kendra Smith, Skagit County

*Scott Swanson, WSAC

Federal Caucus

*Marty Acker, USFWS

Industrial Timber Landowner Caucus

Brian Fransen, Weyerhaeuser

Adrian Miller, Olympic Resource Management,
Co-Chair

*Karen Terwilleger, WFPA

Non-Industrial Timber Landowner Caucus

Steve Barnowe-Meyer, WFFA

*Dick Miller, WFFA

*Caucus representative

Others

Hans Berge, AMPA

Claire Chase, Triangle Associates

State Caucus – DNR

*Marc Engel, DNR

Angela Johnson, DNR

Marc Ratcliff, DNR

Joe Shramek, DNR

State Caucus – WDFW/Ecology

*Rich Doenges, Ecology

Mark Hicks, Ecology

*Terry Jackson, WDFW

Don Nauer, WDFW

Amy Windrope, WDFW

Tribal Caucus – Eastside

*Ray Entz, Kalispel/UCUT, Co-Chair

Tribal Caucus – Westside

Derek Marks, Tulalip Tribe (phone)

*Joseph Pavel, Skokomish Tribe

Ash Roorbach, NWIFC

Curt Veldhuisen, SRSC (phone)

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
Type F	Policy	At regular meetings, Policy is working towards responding to the February 2014 Board motions (specific to off-channel habitat and electrofishing) in addition to other related water typing issues (such as default physical criteria, recovery, habitat, etc.).
Small Forest Landowners Westside Template	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Dick Miller.
Unstable Slopes	Policy	UPSAG hired a contractor to do a glacial deep-seated literature synthesis. Policy is also considering how to respond to the AMPA's recommendations on the unstable slopes proposal initiation, presented to the Board in February 2016.
Ongoing CMER reports reviewed by Policy	Doug Hooks & 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/Subgroup	Next Meeting Date	Notes
TFW Policy Committee	September 21	Additional meeting; next regularly scheduled meeting will be October 6.
CMER	September 27	
Type N Policy Subgroup	TBD	
Type F		To be addressed at regular Policy meetings.
Forest Practices Board	November 8-9	
Small Forest Landowners Template Subgroup	TBD	As workload allows.