

Timber, Fish, & Wildlife Policy Committee  
 August 3, 2017 Meeting Summary

Action Items and Decisions from Meeting

Action	Assignment
1. Add Scott Swanson and Marty Acker to the CMER product review distribution list.	CMER Co-Chairs/DNR
2. By August 18, respond to Ray with your caucus's edits on the Budget Subgroup summary and ideas.	Each caucus representative
3. Reconvene between Aug 18-30 to review caucus edits on the Budget Subgroup summary; bring more thoughts to Aug 31 Policy meeting.	Budget Subgroup
4. Follow up with dispute resolution questions (see page 6).	Marc Engel / Hans Berge
5. Continue reading Hard Rock study chapters prior to the October presentations.	Caucus representatives
6. Send out Type N historical documents.	Claire Chase (caucuses can send historical documents to Claire)
7. Present on the CMER/Palmquist and the landowners' studies at the August 31 meeting.	Hans Berge or Howard Haemmerle

Decision	Notes
1. Accepted the July 6 meeting summary as final, with edits.	All caucuses thumbs up except for the conservation caucus (thumbs sideways).
2. Asked DNR to look into what it would take to create and finalize Board Manual 23. Also agreed to have a presentation on both the CMER/Palmquist and landowners' studies at the August 31 meeting. Marc Engel will add to the History of Type N document and Claire Chase will ensure that the packet of relevant documents is sent out to caucuses.	

**Welcome, Introductions, & Old Business** – Scott Swanson and Ray Entz, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed participants and led introductions (*please see Attachment 1 for a list of participants*). There were no suggested changes to the draft agenda.

*Announcements* – The conservation caucus invited all caucuses to the Washington Environmental Council's Carbon-Friendly Forestry conference at the Cedar Brook Lodge from 8am-5pm on September 12, 2017.

*July 6, 2017 Draft Meeting Summary* – Policy reviewed two edits suggested by the Ecology/WDFW and the federal caucuses. With those edits, Policy accepted the meeting summary as final (the conservation caucus voted sideways, the remaining caucuses voted thumbs up).

**CMER Update** – Doug Hooks, CMER Co-Chair, reviewed some of the latest work from CMER, including:

- Approved the Extensive Monitoring report.

- Received Dan Miller's presentation on the non-glacial deep-seated landslides literature synthesis that Policy also received at this meeting. The Uplands Scientific Advisory Group (UPSAG) approved the complementary Findings Report & 6 Questions at their meeting, so CMER will review and likely approve it at their August meeting, and therefore it will be ready for Policy by the August 31 meeting.
- Approved chapter 7 of the CMER Protocols & Standards Manual; Ash Roorbach was asked to present that to Policy at the August 31 meeting.
- The Bull Trout Overlay Add-On project just ended its period for technical review. The federal caucus asked if anyone from their caucus had reviewed this study, which none had. The representative expressed interest in their caucus being able to provide review after the review period ended, which was agreed to for this study. *[Note: after the meeting, the federal caucus representative confirmed that the scope of the study does not warrant federal technical review.]*
  - This indicated a need for both the federal and counties caucus Policy representatives to be included in the CMER listserv for product review, that way those caucuses will not miss a review period.
- The Buffer/Shade Integrity Study is now moving along again after receiving comments.
- The Roads Technical Writing & Implementation Group is buying equipment for their study design which will create a \$100,000 surplus in the fiscal budget.

**August Board Meeting Topics** – Marc Engel presented on the Policy-relevant topics queued up for the Forest Practices Board meeting on August 9, including:

- Recommendations from the technical group tasked with identifying criteria for the Potential Habitat Breaks (PHB).
- Potential recommendations from the Board Subcommittee reviewing potential changes to the Adaptive Management Program (AMP).
- Reviewing the change to DNR's e-business model to allow for electronic signatures and payments through the FPARS system. This is the first step to make the change, though DNR was uncertain at the time of how long the process will take.
- Reviewing DNR's staff recommendation that the Board adopt the same public records fee schedule as DNR has (which is the same fee schedule set in statute).
- Reviewing the compliance monitoring report.
- Planning for the Board's 2018 workplan.

Discussion regarding the Board agenda included:

- If there is no specific place for an update on cultural resources, DNR staff will add it into the Chair's comments.
- The compliance monitoring report includes more information about the methodology and the statistical technique used. The intent of sharing this now is to help readers understand and be able to replicate the monitoring if desired.
- The report on Board Manual Section 16 does not imply any action; it accounts from all the potential users of the Board Manual as to how well they are able to use the guidance.
- The Ecology representative noted that usually, Ecology gives the Board an update on the Clean Water Act assurances twice a year. This update was moved from the August Board agenda due to the focus on other issues, but DNR's intent is to include that update at the November Board meeting.

- The WDFW status report on upland wildlife is a notification to the Board but is not a decision item; it is up to WDFW as to if or when to bring it to the Board for a decision.

**Board Subcommittee on the AMP** – The Adaptive Management Program Administrator (AMPA) presented about the work of the Board Subcommittee on the AMP, including:

- The Subcommittee met once in June and once in mid-July; they plan to meet on August 8 right before the August Board meeting.
- The conversation has mostly focused on convening a principals’ meeting, where they will discuss improvements to the AMP and making a re-commitment to the TFW agreement. The Subcommittee has also started the discussion on other easily-accomplished tasks that could be done by the Board, Policy, and/or CMER. Policy has already started the conversation about its priorities.
- The August 8 meeting will focus on the specificity of the facilitation contract for the principals’ meeting, the funding need, and the source of the funding. The AMPA estimated that contract could be \$100,000 – 125,000.
- The industrial timber landowner caucus asked if the phone line could be extended to others who would like to listen in, beyond other Board members.
- Any other suggestions that caucuses may have shared with the Board or this Subcommittee to consider have not been forgotten but rather have been categorized into “quick”, “need Board action”, or “heavy lift”. The intent is that this Subcommittee may meet in an ongoing fashion.

**Criteria for Master Project Schedule Prioritization** – At the July 6 meeting, Policy agreed to delegate the beginning of this conversation to a Budget Subgroup. The Subgroup met on August 1 and provided an update to Policy, including:

- They first discussed how to save money on the current list of projects in this biennium, then discussed how to anticipate over-spending in future biennia.
- They discussed seven ideas for how to rank projects. This is a very preliminary draft list from their first conversation, and the Subgroup agreed to continue discussing these:
  - Project informs whether water quality standards will be achieved;
  - Project directly tests the effectiveness of a current rule;
  - Project tests specific priority resource objectives in support of one of the four FFR goals;
  - Project results are likely to be adequate to support adaptive management decision making;
  - Project’s implementation is dependent on or sequential to another project;
  - Reasonable alternatives can be identified that will effectively answer the priority critical questions; and
  - Based on best available science, the study is necessary and the priority questions cannot be effectively answered by peer-reviewed science.

The Budget Subgroup will continue discussion on these, and all caucuses were encouraged to send their feedback on this initial work to Ray Entz by August 18. After that, the Budget Subgroup will try to reconvene before the August 31 meeting and bring further recommendations to that meeting.

**Non-Glacial Deep-Seated Landslides Literature Synthesis** – Dr. Dan Miller presented his findings from the Non-Glacial Deep-Seated Landslides Literature Synthesis. The Policy Co-Chairs noted that this is a presentation only; Policy should see the study and the Findings Report & 6 Questions at the next meeting when they will be asked to take action or no action on the synthesis.

Highlights from the presentation included:

- The synthesis summarizes major findings from studies regarding landslides, though there was not much on the interaction between timber harvest and landslides. A 1988 case study evaluating the effects of timber harvest on deep-seated landslides was the most relevant he could find.
- There are, however, a vast literature looking at deep-seated landslides, since they pose such a risk throughout much of the world. This advances the knowledge particularly on water yield and groundwater.
- An UPSAG member noted that the AMP has decades of observations by on-the-ground professionals, and though DNR does have some aggregated information, that data is not summarized in one place.
- Two important questions that UPSAG and Dan considered:
  - Have forest practices had any significant influence on rates of DSL activity? Dan suggested that scientists can tell through population statistics, physical models, and site monitoring.
  - Are our current practices effective within the context of acceptable risk? Dan suggested that scientists can tell through historical record, population statistics, and defining “acceptable risk”.
- The recommendations from the literature synthesis are as follows:
  - Compile existing and incoming data.
  - Use the updated Forest Practices Landslides Inventory and other, new LiDAR-based inventories.
  - Apply simple geotechnical models to the inventoried landslides using available data (LiDAR DEMs).
  - Assess potential for detailed site monitoring and physical modeling.
  - Assess potential for remotely sensed monitoring (InSAR, repeat LiDAR surveys).
  - Determine next steps, based on these above steps.

Questions from Policy caucuses included:

- Landslides can be categorized between “active” and “re-activated”; the difference being episodic activity after a period of stability. There are not very many good examples in Washington.
- The physical processes between glacial deep-seated landslides and non-glacial deep-seated landslides are similar, which means scientists can use similar conceptual modeling. But glacially-deposited materials often create different groundwater build-up that is important to understand.
- Policy discussed the advantages and disadvantages of best professional judgment; on the one hand, it can be biased or subjective but on the other hand, it sometimes is all we have and there are very skilled professionals available to make useful judgments.

**Potential Habitat Break Technical Group Recommendations** – The AMPA briefly reviewed the technical group’s recommendations regarding criteria for potential habitat breaks (PHBs) in a permanent water typing system. A science panel, convened by the AMPA at the request of the Board, put together a summary report of what they discussed and learned, plus their recommendations based on the best fit of available data. It was a six-week process which did not allow for a lot of time to collect or analyze data. The science panel also met with stakeholder technical representatives to review the results, which garnered a range of responses.

### Discussion

- The presentation to the Board at their August meeting will include:
  - The stakeholder input was offered at two opportunities: one before the analysis (and to solicit data), and one after the analysis to identify any fatal flaws.
  - The trade-offs given limited data and data analysis; the recommendations are based on the best fit of the data, which is a subset of approved water type modification forms (WTMFs).
- The AMPA is not planning to give his recommendation to the Board because they have only asked for a technical group's recommendation.
- The PHBs are part of the larger Fish Habitat Assessment Method (FHAM) that Policy worked on in early 2017 and was approved by the Board in May 2017. If the Board accepts these recommendations for creating PHBs, it will become part of the FHAM.
- Policy discussed the nature of the data; several caucuses expressed hesitation over the fact that the Washington Forest Protection Association (WFPA) had pre-reviewed data from various timber companies' approved WTMFs. The AMPA explained that the science panel was comfortable with that, given WFPA's offer to help and the tight timeline.
  - It was noted that the data came only from approved WTMFs (or "concluded with" forms), which means that reviewers were given an opportunity to review and comment. They reflect the F/N breaks as on the regulatory map.
  - No WTMFs were used from the eastside; the eastside tribal caucus expressed concern that the recommendations therefore do not take into account the specific nature of eastside streams. The AMPA explained that none were used from the eastside mostly due to lack of time to collect that information.
  - The science panel did throw out some data when it looked like the F/N break was placed right at the nose of the last fish, unless there was a barrier right there.
- There may be an opportunity to do more work on this, but the AMPA did not see that changing this set of recommendations.
- One Co-Chair noted the importance of the validation study within the set of recommendations to the Board.
- The federal caucus expressed concern that no analysis has been done yet to show if there are false negatives for PHBs downstream, and hopes that can be explained to the Board. Their comment is largely rooted in the concern that this could maintain a fish presence based system.
- Several caucuses expressed understanding that this work was done in a rapid timeline and appreciate the result, though are open to more work if the Board asks to go there.
- The conservation caucus noted that the criteria will be used high enough in the system.

**Mediator's Summary** – Policy reviewed the summary Betsy Daniels, the mediator used during the 2017 dispute resolution process on Type F, provided of the after-action interviews with caucuses and her own thoughts about lessons learned for the AMP dispute resolution process.

Thoughts from caucuses included:

- The federal caucus was unsure how to work through mediation after they were barred from mentioning the Habitat Conservation Plan in the mediation. If they do another mediation, they would ask that that requirement not be specified.

- The industrial timber landowners caucus emphasized that the time at the end of mediation to finalize the product(s) is really important. In this instance, the process moved so quickly that their caucus was unable to be comfortable with the product that ultimately went to the Board.
- The eastside tribal caucus will not participate in dispute resolution again if it is not confidential.
- The westside tribal caucus echoed the importance of confidentiality in the mediation process and would be open to other options that the Attorney General's office could support that would also allow for confidential conversations to allow for creativity.
- DNR will follow up to confirm with the Attorney General's office if:
  - Confidential meetings could happen with less than a quorum present; and
  - The whole mediation process could be confidential if it is not on a topic that is currently under rule-making.

**Re-Engaging the Type N Strategy** – The Co-Chairs reviewed some historical events in the Type N discussions, which is largely about the Board not adopting a Board Manual due to concerns about the default wet season methodology. The major question was about whether to use the information from the CMER/Palmquist study or the landowners' study to validate the Uppermost Point of Perennial Flow (UMPPF).

- There were disagreements between the industrial timber landowners caucus and the federal caucus about where Policy left off on this issue.
- The industrial timber landowners caucus suggested that the adopted Board Manual could use the dry season methodology for both the dry and wet seasons.
  - The DNR caucus suggested that that would be a very productive conversation, as long as the dry season methodology is not debated again. They felt that this would have enough information in the Board Manual to be repeatable and enforceable.
  - The industrial timber landowners caucus suggested that some piece of the previously-drafted Board Manual from 2005 might need to be modified, such as the descriptions around biological indicators.
- The small forest landowners caucus reminded Policy that they should continue to think of a mapping method that reduces the burden on small forest landowners to follow and implement the rules correctly. The eastside tribal caucus suggested that the DNR interactive map could be made available online as a GIS tool, which would reduce burden on all landowners to follow the rules.

**Decision:** Policy asked DNR to look into what it would take to create and finalize Board Manual 23. Policy also agreed to have a presentation on both the CMER/Palmquist and landowners' studies at the next meeting, to make sure everyone is working with the same knowledge. Marc Engel will add to the History of Type N document and Claire Chase will ensure that the packet of relevant documents is sent out to caucuses.

**Next Steps** – Claire Chase reviewed the action items and likely agenda topics for the August 31 meeting. The September monthly Policy meeting has been rescheduled to August 31 and will be held at the Northwest Indian Fisheries Commission instead of at the Department of Ecology.

The Co-Chairs adjourned the meeting at 3:30 pm.

Attachment 1 – Attendance by Caucus at 8/3/17 Meeting

**Conservation Caucus**

Jamie Glasgow, Wild Fish Conservancy  
Chris Mendoza, Mendoza Environmental  
\*Mary Scurlock, M. Scurlock & Associates

**County Caucus**

\*Scott Swanson, Washington State Association  
of Counties, Co-Chair  
Kendra Smith, Skagit County

**Federal Caucus**

\*Marty Acker, USFWS (phone)

**Industrial Timber Landowners Caucus**

Brian Fransen, WFFA  
Doug Hooks, WFPA  
\*Karen Terwilleger, WFPA

**Small Forest Landowners Caucus**

\*Steve Barnowe-Meyer, WFFA  
\*Ken Miller, WFFA

\*Caucus representative

**Others**

Hans Berge, AMPA  
Howard Haemmerle, AMP  
Angela Johnson, AMP  
Dan Miller  
Claire Chase, Triangle Associates

**DNR Caucus**

\*Marc Engel, DNR  
Joe Shramek, DNR  
Marc Ratcliff, DNR

**WDFW/Ecology Caucus**

\*Rich Doenges, Ecology  
Mark Hicks, Ecology  
\*Terry Jackson, WDFW  
Don Nauer, WDFW

**Tribal Caucus – Eastside**

\*Ray Entz, Kalispel/UCUT, Co-Chair  
Jerry BigEagle, Spokane Tribe (phone)

**Tribal Caucus – Westside**

Mark Mobbs, Quinault Indian Nation  
\*Jim Peters, Northwest Indian Fisheries  
Commission (NWIFC)  
Ash Roorbach, NWIFC  
Curt Veldhuisen, Skagit River System  
Cooperative (phone)

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
<b>Type N</b>	Type N policy subgroup	Caucuses are encouraged to talk offline about the wet season default methodology.
<b>Type F</b>	Policy	At regular meetings and in mediation, 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.).
<b>Small Forest Landowners Westside Template</b>	SFLOs Template Subgroup	Subgroup is meeting separately; co-chaired by Marc Engel and Ken Miller.
<b>Unstable Slopes</b>	Policy	UPSAG hired a contractor to do a glacial deep-seated literature synthesis. Policy will present their perspective on the unstable slopes proposal initiation to the Board in May 2017.
<b>Ongoing CMER reports reviewed by Policy</b>	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
<b>TFW Policy Committee</b>	August 31	
<b>CMER</b>	August 22	
<b>Type N Policy Subgroup</b>		
<b>Type F</b>		The water typing mediation is complete and the AMPA and Co-Chairs presented the outcome to the Board at the May meeting. Additional technical work is ongoing.
<b>Forest Practices Board</b>	August 9	
<b>Small Forest Landowners Template Subgroup</b>	TBD	As workload allows.