

DEPARTMENT OF NATURAL RESOURCES  
MEDIATION REPORT

TIMBER, FISH, AND WILDLIFE POLICY COMMITTEE  
RIPARIAN WIDTH DISPUTE - PHASE 2 MEDIATION

Fulcrum Institute Dispute Resolution Clinic

Gayle Cooper  
Roger Crum  
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May 8, 2021

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## ATTENDEES

Ken Miller – Small Forest Landowners

Steve Barnowe-Meyer

Elaine O’Neil

Darin Cramer – Industrial Landowners

Doug Hooks

Court Stanley – County Governments

Kendra Smith

Chris Mendoza – Conservation

Alec Brown

Jim Peters – Western Washington Tribes

Ash Roorbach

Ray Entz – Eastern Washington Tribes

John Sirois

Marc Engel – Washington Department of Natural Resources

Mary McDonald

Marc Ratcliff

Donald Nauer – Washington Department of Fish & Wildlife

George Wilhere

Brandon Austin – Washington Department of Ecology

Meghan Tuttle – Policy Co-Chair

Mark Hicks – Department of Natural Resources

## **DNR Ground Rules Agreed to at the First Session**

All participants shall

1. Leave the past in the past
2. Respect the process
3. Speak with respect, kindness, and candor
4. Respect time constraints
5. Discuss issues or positions from the standpoint of the issue or position, not from the identity of the person or group stating the position or issue
6. Recognized the legitimacy of the goals of others and assume that their own goals will also be represented as well as the goals of their organization
7. Commitment to attempt to reach consensus on a plan, proposal or issue being considered
8. Commit to being an advocate for an agreed consensus
9. Acknowledge that if their caucus does not agree that they will offer reasons why and alternatives
10. Ensure all issues identified by any party must be addressed by the whole group
11. Provide the dispute resolution process with priority attention, staffing, and time commitments. This shall specifically include attending all dispute resolution meetings
12. Commit to listen carefully, ask questions to understand and make statements to explain or educate
13. Commit to reading all materials provided
14. Circulate all materials through the mediation firm
15. No single issue through the press without the agreement of the group

## **Background Documents Reviewed**

Position Papers from each caucus: Western Washington Tribes; Conservation Caucus; Counties; Eastside Washington Tribes; Small Forest Landowners; Department of Ecology; Department of Fish & Wildlife; Department of Natural Resources; Washington Forest Protection Association

WFFA request for SFLO Template – Feb 10, 2015

Minutes of TFW Policy Meetings – various, 2015-2021

TFW Agreement – A Better Future in our Woods & Streams – Final Report – Feb 17, 1987

Washington State RCW – Section 222 – Riparian Management Zones

Forest Practices Board Manual, Section 22, Guidelines for Adaptive Management Program

Pat McElroy Report to Legislators – July 1, 2003

Exempt 20 Acre Parcel RMZ: An Assessment of Riparian Function - DNR, Dec 9, 2004

Draft Template Simplified – WFFA 2016

Lessons Learned following the FHAM/OCH Dispute Resolution Process – Triangle Associates, July 2017

Aquatic Restoration – US Dept of Agriculture, Aug 2017

SFL Alternate Plan Template Review - Teply – Apr 28, 2019

A Summary Comparison of Adaptive Management Program Science Findings – WFFA, July 1, 2019

The Case for the WFFA Westside Low Impact Template Proposal – WFFA – Aug 27, 2019

Hardwood Conversion Field Data & Assessment Spread Sheet - Galleher

Hardwood Conversion Field Assessment, Qualitative Score Frequencies - Galleher & ID Team

WFFA Letters to Forest Practices Board – Re: Update of WFFA Template Proposal, May, Feb & Nov 2020

Westside SFLO Harvest Options: Today, WFFA Proposed, State Proposed – TFW Work Group, May 2020

SFL Dispute Resolution – TFW Policy – July 14, 2020

Dispute Resolution Process – Aug 2020

Small Forest Landowner Demographic Report – DNR - March 2021

Washington's Small Forest Landowners in 2020 – University of Washington, Feb 2021

## **Internet Reviews**

Forestry BMP – Riparian Management Zones – Indiana DNR

Michigan Riparian Management Zones

Oregon Field Guide for Riparian Management

British Columbia RMZ

Note: This document contains information that is confidential to the participants. The writers of this document have taken care not to break the confidentiality shared with any one member. However, there are certain themes and objections that were made clear and need to be provided in this report. The release of this information is designed to move this issue to the Forest Policy Committee for final determination.

## **Background of Dispute**

In 2015, the Western Farm Forestry Association (WFFA) commissioned a report that used scientific literature to propose alternative harvest prescriptions for Western Washington Small Forest Landowners (SFL's). This plan, known as the WFFA Western Washington Alternate Plan Template was proposed to the Forest Practices Board and referred to the Timber Fish and Wildlife Policy Committee (TFW Policy) for review and recommendation. After five years of work in a TFW Policy workgroup and within the full Policy Committee, there remained a lack of agreement on whether the proposal provided adequate scientific justification to change riparian stream protections for SFL's. Specifically, at issue was a proposed decrease in width dimensions to widths of 25, 50, and 75 feet with determination that the distances could be fixed or offered as an average determination. In the spring 2020, the SFL caucus initiated the formal dispute resolution process. The members engaged in two months of informal meetings to resolve the issue. Without a successful resolution, the next step was to complete up to 3 months of formal mediation. This is a report of that mediation.

## **The Contract with Fulcrum Institute Dispute Resolution Clinic, Mediators**

State of Washington Department of Natural Resources (DNR) Contract No. 93-101893: "The purpose of this contract is to provide mediation services to the Timber Fish and Wildlife Policy Committee (TFW Policy), one of three decision-making bodies of the Forest Practice's Adaptive Management Program...The contractor will provide mediation in accordance with a formal dispute resolution process, in order to develop a consensus over whether or not less restrictive stream buffers should be allowed for small forest landowners (SFL) in Washington State."

Mediation Services under the contract were to be provided through a series of six defined areas of performance with time deadlines provided for each of the six steps. Specifically, the areas of performance were clarified as research of the issue, pre-mediation participant contact, preparation for six mediation sessions, facilitation of six mediation sessions, drafting a final report, and completion of the final report. The contract was signed on February 2, 2021 and the completion date was identified as May 8, 2021 for the final report.

The selection of the Fulcrum Institute Dispute Resolution Clinic was achieved through a Department of Natural Resources Open Bid process. The mediators identified with the mediation were Jack Hebner, Roger Crum, and Gayle Cooper. The cost of the Stage 2 mediation process was set at just under \$44,000.00.

## **Executive Summary**

The Fulcrum Institute Dispute Resolution Clinic entered contract with the Department of Natural Resources to facilitate a Stage 2 Dispute Resolution mediation arising from a disagreement within the TFW Policy Committee over a proposal to allow Small Forest Landowners to modify current Western Washington Riparian Management Zones. Specifically, the request was to allow timber harvesting closer to aquatic resources with proposals of 25, 50, and 75 feet under a fixed distance format, or as an average variable width. Prior discussion by the members of the Policy Committee had failed to produce an agreement to move forward with a recommendation to the Forest Practices Board. Stage 1 Dispute Resolution also failed to achieve a consensus agreement.

Mediation under this contract required a review of background materials, one-on-one conversations with each Committee member and six formal mediation sessions. These, along with additional conversations and research, were all accomplished within the timeline specified, with the last session occurring on April 7, 2021. Although many constructive ideas were discussed, no consensus for further action occurred. To formalize the completion of the process, the mediation team requested that the final discussions and vote occur in a committee setting with the TFW co-chair asking for a vote on consensus or non-consensus. The TFW Policy Committee voted unanimously that no consensus had been reached and that extension of the mediation would be unlikely to produce such a consensus. The Mediators concurred with this action and were instructed to proceed with a final report on the mediation. This is that report, and after review and corrections, will serve as the termination of the contract.

As part of the executive summary, it is noted that there were two items that were not formerly adopted by the committee however were met with universal agreement. The first item was that the funding and operation of the Small Forest Landowner Office funded by the Legislature through the Department of Natural Resources was underfunded with limited personnel for assistance to small forest landowners. Secondly, there was general acceptance of the idea that members of the Western Tribes could be of benefit to small forest landowners in the formation of alternative plans through the Department of Natural Resources. There was no formal documentation on how such assistance would be provided, however, it was clear that initial steps for such assistance should come from small forest landowners.

## **Process Definition**

The mediation process used for this dispute resolution is described as a combination general meeting of all members and a series of caucus (one on one) sessions with each of the members. All sessions were scheduled and conducted through “zoom” as Washington State is still in a phase of lockdown as detailed by Washington’s governor. As detailed, the process called for a review of pertinent background materials, phone calls with each participant to explain the process and to set up times for subsequent confidential one-on-one interviews, six formal mediation sessions, and a final report. In addition to these required elements of the contract the mediators conducted several additional confidential discussions with members of the committee and performed a site visit to a small forest landowner’s farm. Each of the meetings were conducted on time. The participating members appeared to be open and fully involved in the process.

## **Review of Background materials**

Fulcrum was provided with complete background files from the Adaptive Management Program Office, received additional materials from various participants, reviewed the recently completed University of Washington study entitled Washington’s Small Forest Landowners in 2020, and performed additional internet research on Riparian Management Zones from around the country. Included in the report is a listing of pertinent documents and background materials received. The initial ‘Position Papers’ completed by each caucus prior to entering into dispute resolution served as the foundational element for discussion of potential avenues of agreement. The “Position Paper” also documented acceptable ground rules as identified and accepted by the participants.

## **Preliminary Phone calls with each participant**

Prior to the first mediation session, Fulcrum conducted confidential telephone interviews with each participant to clarify their thoughts, attitudes, and positions. Each participant was open and appeared to give an honest appraisal of what they thought might be the outcome of the process. In a broad sense the phone calls revealed three major thoughts which would permeate the entire discussion; a) this dispute had been ongoing for too long as the participants were into their seventh year of discussion, b) the science involved in the recommended change was to be heard and argued within a different committee, and c) rules of the Department are difficult to change as the Department’s main goal and the committee’s main goal is to protect the State’s natural resources.

## **Six formal mediation sessions**

### Mediation Session 1 – Tuesday, March 16, 2021

This session, conducted on Zoom, was open to all committee members and all attended and participated. Back-up members of each caucus were also allowed to participate. The format used for the first session was to allow each caucus to give an overview of the issue from their perspective for a period of 20 to 25 minutes. In a mediation process this is known as allowing each participant to give ‘an opening statement’ without interruption or debate from other parties. By doing this all participants were made cognizant of the ‘official’ opening position of other caucuses. From the Mediators’ viewpoint this was a very good session and all members participated in good faith. Specifically, the mediators found the following items to be of general acceptance:

- participants were concerned as to the potential success of the mediation process
- information presented appeared to offer avenues for on-going discussion and potential consensus.
- there was a great deal of frustration that this dispute had been ongoing dispute for seven years

### Mediation Session 2 – Wednesday, March 17, 2021

The second session opened with the full group receiving a brief status report and an outline of future sessions. The session also contained a brief analysis offered by the Department of Natural Resources as to what could be done by this committee and what could not be accomplished through mediation. The remaining portion of the day consisted of confidential Zoom caucus meetings with each Committee caucus. The purpose was to follow up on what they had heard during the opening session and to gain ideas and clarity as to what might be accomplished during the rest of the process. All members participated, several having additional members of their caucus involved. By the end of this session, it was apparent that consensus on reduced buffer widths would be difficult to achieve, but not an impossible task. Specifically, the mediators found the following items to be of general acceptance:

- while 25’ and 50’ buffer widths were described by several as ‘non-starters’ there was room for discussion on some variations of the 75-foot proposal
- Department rules dictated that a change of riparian width required more study
- further clarity was provided and accepted on the definitions of templates, rules, prescriptions and alternate plans

### Mediation Session 3 – Wednesday, March 31, 2021

Having determined that discussion of the smaller buffer zones would not be beneficial to all members of the committee, Session 3 was devoted to additional individual caucus sessions to further explore a 75’ option, and to discuss other areas of assistance that might be rendered to

Small Forest Landowners. At the end of each individual session, each caucus was given a ‘homework assignment’ to come to the next session prepared to give a 20-25-minute informal presentation on their thoughts, at this point, on the potential for resolving the dispute.

Specifically, the mediators found the following items to be of general acceptance:

- the caucus members were split on the potential for a variable 75-foot riparian width
- members believed that the forest landowners were already being assisted by other DNR programs and by opportunities existing within Departmental guidelines and rules
- the Small Forest Landowner Office was underfunded and without adequate personnel for tasks at hand

#### Mediation Session 4 – Friday, April 2, 2021

Session 4 was a full Committee Zoom meeting in which each caucus was given up to 15 minutes to give a report on the actual options available under discussion for potential consensus. This was a valuable session in which it was clarified that there were several areas of agreement among the caucus members on general assistance, but that a specific buffer width prescription was probably not open to consensus. It was also apparent that the Department’s definition of terms was deeply ingrained in each of the caucuses and there was very little opportunity for interchanging those terms as it may have related to the opportunity to reach consensus. The inadvertent use of the wrong term was a red flag to various participants. From the discussions it appeared that any proposal must be an ‘Alternate Management Plan’ and not a rule change, a prescription, or new template. Specifically, the mediators found the following items to be of general acceptance:

- the alternate plan process would allow for the discussed riparian width change for specific landowner situations
- the Western Tribes could be a valuable partner for small owner landowner alternate plan development
- there was strong membership support for increased funding and increased personnel within the Small Forest Landowner Office.

The session ended early since it was Good Friday.

#### Mediation Session 5 – Tuesday, April 6, 2021

Mediation experience has shown that it is sometimes easier for a group to focus on a specific proposal for discussion rather than on generalities. Therefore, the mediation team drew up a ‘straw man’ Alternate Management Plan with a base buffer RMZ of 75’. This was sent to all participants prior to Session 5. The information also included support for the Small Forest Landowners Office and more involvement by the Western Tribes when asked by small forest

landowners for assistance in alternate plan preparation. This session was devoted primarily to confidential sessions with each caucus and discussions of the three items identified above. During these sessions we asked for the thoughts on the ‘straw man’ AMP, and finally, whether their caucus would vote in favor of such a concept if it were to be refined and brought forward for official review. This was not an official vote, and no official record was kept, and while membership votes were split, it was clear that there would not be a unanimous consensus from the Policy Committee to either favor or oppose any specific width plan. Specifically, the mediators found the following items to be of general acceptance:

- a consensus vote on a 75-width riparian distance was not going to happen
- all members voiced support for increasing funding for the Small Forest Landowner Office to help and to provide information training and guidance when using current regulations and for a program whereby the Western Tribes would be of assistance to small forest landowners when landowners requested assistance on alternate plan preparation
- the process of making a change to a rule of prescription is not one that is easy when applied to those seeking assistance within the process

#### Mediation Session 6 – Wednesday, April 7, 2021

This was the final required session of the Mediation process and was conducted as a full group Zoom meeting. To clarify some issues that had been mentioned during previous discussions, the mediators asked for two specific presentations before entering a group discussion. First Steve Barnowe-Meyer and Don Nauer explained their work-group results from the summer of 2020. This presentation helped to illustrate both the possibilities of the approach, and the difficulties in arriving at a mutually acceptable solution. It was pointed out that this presentation was taken from work group meetings discussing two other prescriptions currently being worked on by the Department. The document provided for discussion eliminated the smaller riparian distances and focused on a 75-foot variable width. This was followed by a presentation by Ken Miller, representing the Small Forest Landowners on their approach to using Alternate Management Plans. The presentation was factual and provided documentation of the small forest landowner’s current situation. Specifically, the mediators found the following items to be of general acceptance from this final session:

- there was an opportunity for change of riparian widths, but it would not happen in this session or setting
- further discussions could be held, but the mediation dispute process would not bring about a consensus that was currently at a split vote to offer riparian change
- while each of the members of the committee continued the process of working forward, many carried some resignation and hesitation to forget the past years of nonresolution for this question of change

Following the presentations, Fulcrum gave a short status report and reported that as of the previous day it did not appear that a consensus on any specific reduced buffer width would be possible. With that as an outcome, the mediators provided input that there were opportunities for agreement, but they were not acceptable at this time. Alternatives might be acceptable following the scientific review being conducted by the second committee, or they might be acceptable with a further definition and understanding of relatively low impact in relationship to any width change recommendation. It was expressed by Fulcrum that there were individuals in this committee who should continue working with the Department of Natural Resources to find a solution, either in or outside of the alternative plan model, to this issue. Committee members agreed that they, collectively and individually, should not allow the progress made in riparian width discussions fall by the wayside.

The Mediation team then turned the meeting over to Co-Chair Meghan Tuttle to allow for discussion as a Policy Committee, followed by an official action. That action was to agree that no consensus was reached during the Stage 2 Dispute Resolution Process, and that continuation of the mediation would not produce consensus.

## Outcome of Mediation

Officially, this Dispute Resolution Mediation ended without a unanimous consensus for a specific recommendation or an agreement for further action. There were, however, several significant points brought out which should be retained for possible future discussion.

### 1. Clarification of Issues

This dispute was centered on the request of the Small Forest Landowners to modify Riparian Management Zones to allow for smaller buffer widths in Riparian Management Zones than are currently permitted. Under their proposal this would be done under Alternate Management Plan templates which allowed for greater harvesting and simplified application process by Small Forest Landowners as defined by RCW 84.33. Discussions during the mediation allowed for the introduction of related issues and possible modification of the original proposal, however none were carried forward as an official mediation outcome.

### 2. Summary of arguments in favor of adopting reduced buffer zone widths to assist the Small Forest Landowners

- a. The original 1999 adoption of the Forest and Fish Report Agreement promised additional options for Small Forest Landowners if they had relatively low impact. That promise has never been acted upon.
- b. The proposal on the table is reasonable, would have relatively low impact, and is scientifically sound.
- c. Current AMP application and processes are too complex for SFLO's to utilize without hiring consultants.
- d. The proposal would make application and approval simpler and would reduce the workload and cost to the State.
- e. The proposal would allow SFL's more economic benefit for retaining their land for forestry purposes and would reduce the conversion of this land to urban uses.

### 3. Summary of arguments against adopting reduced buffer widths

- a. Washington aquatic and wildlife resources are in danger and anything that might further have an adverse impact should not be encouraged.
- b. The proposal is basically a 'rule change' and this body cannot change the rules
- c. The science used to support the proposal is out of date.
- d. The current AMP process already allows for individual SFL's to make application for increased harvesting on their land.
- e. Any proposal must be site specific and allow for on-site inspections before approval
- f. If Westside SFL's were given this option, others (Industrial and Eastside) would also ask for it
- g. If the proposal were adopted, it would become the 'expected' plan, and anyone denied would object.

4. Areas of general agreement
  - a. The state Small Forest Landowners Office is seriously underfunded and is not fully able to meet its original intent of providing adequate technical assistance to its clientele.
  - b. The Forestry Riparian Easement Program (FREP) is an excellent program but is seriously underfunded and has a multi-year backlog of applications.
  - c. It can be difficult for non-professionals to complete the Alternate Management Plans available to Small Forest Landowners. Additional technical assistance and simplified procedures would help.
  - d. The water and wildlife resources of the State of Washington are important and must be protected. All parties agreed that degradation has been occurring, although primary causes are generally considered to be conversion to urban use, run-off, and climate change, rather than forestry.
  - e. The current alternative RMZ's for exempt 20-acre parcels is a good program but is seldom used since most 20-acre parcel owners do not do active harvesting.
  - f. Any agreement reached here should only apply to the Westside; Eastside conditions are different.
  
5. Areas of non-agreement
  - a. Participants did not agree that reduction of buffer widths as a template or standardized alternate plan would have "a relatively low impact" on resources. However, as one party stated, "Any impact is too much of an impact."
  - b. Parties could not agree on the various 'science' used to justify or oppose the proposal. This issue is to be addressed by the CMER committee and was not further addressed here.
  
6. Ideas and suggestions brought forward during Mediation which might be areas for future action
  - a. Additional technical assistance to the SFL's in making AMP applications might be provided by other caucuses with seats on the TFW Committee. Both the Westside Tribal Council and the Eastside Tribal Council introduced this idea and expressed support for this concept.
  - b. Providing additional tax incentives for SFL's might be used as an incentive to maintain their land in forestry rather than conversion to urban purposes.
  - c. There might be support for experimental programs with smaller buffer zones, but not below 75'.
  - d. There might be support if acreage or harvesting acres were limited, and not available to the larger farms within the Small Forest Landowners definition.

## **Observations by the Mediators**

### **Process Observations**

Overall, the mediation process was in full accordance with the requirements of the Stage 2 Dispute Resolution Process as defined by the Guidelines for Adaptive Management Program. Again, it is noted that some of the material discussed in private one on one meetings is confidential and can't be attributed to one individual. This mediation report deals with general comments and ideas. No one should attempt to identify a single participant as to what he or she may have said.

From the mediators' perspective, the process differed from many mediations that Fulcrum has performed due to three factors:

1. Membership Role Analysis – In this case, successful mediation required the unanimous consensus of all eight stakeholders with seats on the TFW Policy Committee. Since the State Caucus has two members, this meant nine people were directly involved, along with several alternates and support personnel. Each of these individuals were given the opportunity to participate openly and creatively. Arriving at unanimous agreement when some participants rely on the definition of rules and rule enforcement, rather than by moving interpretations forward will always be a challenge
2. Mediating at-a-distance with no face-to-face interaction was necessary during the Covid-19 crisis but is obviously a less desirable form of mediation than working in-person and changes the group dynamics so that people are somewhat more likely to stick to their own positions. For future mediations of this type, a hybrid model would probably be more effective with some sessions done at-a-distance, but others done in an in-person setting. This specific mediation may not have had a different outcome even with in-person meeting; however, it is possible that there would have been more opportunity for creative ideas, or specifics identified for future actions involving problem solving.
3. The Policy Committee members are not equal. Some are representatives of groups; some are state employees. Each has a constituency whose needs they represent. While each caucus did an excellent job of representing their own constituency, while treating others with respect, there appeared to be some hesitance to acting together as a Policy Committee.

The length of the process and the number of mediation sessions was pre-determined by contract. The timing of the group sessions was dictated by the participants' availability. It also occurred during a very busy time for those involved in State legislative processes. Fulcrum appreciated the assistance of Eszter Munes for helping put it all together, and Meghan Tuttle, Co-Chair for her guidance in working with the Committee. We would recommend that future mediations of this type allow for more flexibility in the type and number of sessions. We understand the difficulty in putting together meetings with nearly a dozen individuals. Flexibility may not have resulted in a different outcome; however, some flexibility may have helped the process.

We would be remiss if we did not address the length of time that this issue has been under discussion. We were not party to all the reasons for this, but to state the obvious, it has been going on too long. By the time the issue was brought to Dispute Resolution, it appears that all parties had long-before established their positions, and most had not seriously considered alternate approaches. While the

reasons for length of time may be many, no process should take seven years to resolve. A yes, no, or let's work on it should have happened a long time ago.

### **Issue Observations**

The issue in this Stage 2 Mediation was limited to the question of whether Riparian Management Zone buffer widths should be reduced to give more harvesting options to Small Forest Landowners. A specific proposal had been placed before the TFW Policy Committee by the Small Forest Landowner representative in 2015 and had been discussed many times over the intervening years. Officially the original proposal of 25', 50' and 75' buffer widths was still on the table, but all parties agreed that nothing but variations of the 75' proposal would be seriously considered during this mediation.

The mediation team provided no expertise in evaluating the relative merits and impacts of varying buffer widths, and it took no position on the basic issue. We were also informed that the CMER Committee was specifically studying the science behind the options and that 'science' was not part of this mediation.

As an observation, the mediation team, who, individually, have considerable experience working with 'policy' bodies, found it somewhat unusual to have the TFW Policy Committee making decisions on specific buffer widths. Normally we would have expected a 'policy' group to be discussing things more like: "Should it be the policy of the State of Washington Department of Natural Resources to find ways to allow small forest landowners to harvest timber from a greater proportion of their land?" And then, if the answer is affirmative, "How best can we modify rules, taxes, grants, assistance or procedures to accomplish this?"

While this specific proposal for modifying buffer, widths did not achieve a consensus among the members of the group, at some future date the TFW Policy Committee might wish to engage in a facilitated brain-storming session on the broader question of how best to balance the interests of the Small Forest Landowners with those of the other members of the group. We particularly noted that in this mediation process that not all issues were answered. For example, it was not clear how many of the SFL's would use the smaller buffer zone alternative, and how many harvest acres might be affected. No one addressed the issues of potential benefits of increased harvesting that might come from less conversion, more tax revenue, more re-planting, etc. A major issue will also continue to be potential impact on water quality and wildlife habitat. Unfortunately, future debate over 'relatively low impact' will probably not produce a clear answer to this question. There is a proposed definition of "relatively low impact", but very little agreement on what the phrase truly means.

### **Mediators Summary**

Overall, this was a very interesting mediation. It was made more challenging by Covid-19, but we believe that all participants acted in good faith and honestly represented their respective constituencies. The opportunity for more group ‘brainstorming’, and the ability of individuals to work together in a six hour in-person setting would have been helpful, but maybe not to a conclusion by consensus. There are additional items that can and should be accomplished. It is noted that the members of the caucus should not allow some of those items to suddenly stop. The mediators heard repeatedly, that too often good discussions have stopped and that ideas have been dropped only to resurface literally years later. Thank you for the opportunity to be of service.