

Timber/Fish/Wildlife (T/F/W) Cultural Resources Roundtable Meeting Meeting Minutes

Date: September 15, 2015

Location: Market Place Building / Room 230 – 724 Columbia St. NW, Olympia, WA 98501

Attendees: Karen Terwilleger, Washington Forest Protection Association (WFPA)
Jeffrey Thomas, Puyallup Tribe of Indians
Marc Engel, Washington Department of Natural Resources (DNR)
Stephen Bernath (DNR)
David Powell, Confederated Tribes and Bands of the Yakama Nation
Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA)
Morgan McLemore, Washington Department of Archeology and Historical Preservation (DAHP)
Gretchen Kaehler, DAHP
Sherri Felix (DNR)
Dawn Vyvyan, Government Relations, Yakama Nation
Eric Beach, Green Diamond
Susannah Spock, Hoh Tribe
Note-taker: Agnes Castronuevo, Terracon Consultants
Facilitator: Rob Ziegler, Terracon Consultants

Via Telephone:

Ulysses Mark, Environmental Activist, Puyallup Area
Robert Bass, Hancock Forest Management (HFM)
Mark Gauthier, Upper Columbia United Tribes
John Sirois, Upper Columbia United Tribes

Next Meeting: October 20, 2015

1. Agenda Review

- The 12:15 item *FPB directive & TFWCRR current issues—recap* was clarified from the 1:15 agenda item *Forest Practices Board outreach—input to FPB*. Current issues to be discussed at 12:15 include the Yakama list of four issues.
- Karen notified the group that revised July 2015 meeting notes were not yet available for review. She will pass July and August notes to Terracon, the new notetaker for CRR meetings, for compilation. All three sets of meeting notes will be ready for review during the October 2015 meeting.
- A request was made to discuss the recent Forest Practices Board (the Board) motion on TFW committees and co-chair selection processes. This agenda item will be discussed in the 10:15 slot.
- Request to have time to discuss other “current issues” such as Forest Practice Agreements (FPAs). Gretchen K., DAHP indicated there is a possible non-compliance issue related to the implementation of management plans, changes to project boundaries, and triggering violations. May be pushed to October if not enough time to discuss during this meeting.

2. Co-Chair Remarks

- Jeffrey Thomas did not attend the Roundtable during the previous meeting as he was visiting family last month. “Good to be back”.

- Karen Terwilliger deferred to Sherri Felix for the introductions of Rob and Agnes, new facilitation team from Terracon, Consultants, Inc.
3. Introduction to Terracon Consultants
- Sherri Felix introduced Rob Ziegler and Agnes Castronuevo from Terracon Consultants. The firm has been retained by DNR Forest Practices Division to provide facilitation and note-taking support to the Roundtable through June 2016.
 - Rob Ziegler provided an overview of his environmental and organizational development experience, which includes working with various groups within the Indian Health Service for over ten years. Agnes provided an overview of her archeology experience with Northwest and Southwest tribes, including active membership of the Oregon Cultural Resources Roundtable for several years.
 - Rob indicated that his role as facilitator is not to adjudicate or mediate technical issues; rather, his job is to help build consensus decision-making on these issues as they arise.
4. T/F/W Committee Co-Chair Selection Processes – FPB Request for Input
- Stephan Bernath introduced the recent Board motion on committee co-chair selection process. The background on this motion is as follows:
 - There are three committees that report to the Board; in the past, there has been difficulty in filling the co-chair positions
 - Some co-chairs serve for a long period of time, and when they leave, there are huge holes because of unpreparedness for others to fill those roles
 - Rotating committee co-chairs provide opportunities for sharing in leadership – “spreading the wealth”
 - Each committee is being asked to develop a process for co-chair selection and rotation; currently there is no language in the CRR charter that addresses this issue.
 - 10 Board members supporting this motion; one member (Joe Stohr, WDFW) voted against the motion
 - The Board motion is as follows (read aloud by Stephen):

“The Forest Practices Board request each of the TFW committees that do not have a process for selecting co-chairs, to discuss a possible process and report back to the Board in November. The process should consider term limits, how many consecutive terms, staggered terms, how co-chairs are elected whether by consensus or by a majority quorum of members. The co-chairs should be reflective of the participant pool.”
 - Discussion points on this topic from the Roundtable included the following (Rob Ziegler also mapped some of these threads on the board; photographs of this output are attached to these notes):
 - Currently, the co-chair nominates a co-chair
 - Process seems to be working fine as there is continuity and history. Don’t know if we need to change how we are doing it.
 - Advisable if new co-chairs had previous experience with the group. As the new co-chair, Karen had to go up a steep learning curve.
 - Co-chairs need to be balanced – 1 tribal, 1 non-tribal agency
 - What are our expectations of co-chairs? It needs to be beyond setting agendas and taking notes. At the same time, these needs to be a renewed commitment to get meeting notes out on a timely basis and provide agendas well ahead of meetings. Capacity and competency at navigating big issues as they come up is important.
 - Co-chairs should have the ability to be a co-chair as well as an advocate but need to separate these roles – how do you stay unbiased in conversations?

- Trust between members of the group is important, and trust of the co-chairs. This enables good listening, and eventually solutions for the issues.
- Stephen: I chaired TFW Policy Committee for six years. Worked to get DOE, WDFW and DNR to speak as one voice. Important to get to a point where a committee is speaking in one voice – a commitment is needed to speak as one voice. Three caucuses are present at the table: state, tribal, and landowner. How do we navigate through an issue to get to one voice?
- Jeffrey: There has been no support for the Cultural Resources Roundtable from the Board or other TFW committees. We are a canoe of specialists with no place to dock. If I'm pushed out, I want to be able to set standards for the next co-chair; these standards should be developed and dealt with within Indian Country. RCW 76.13 provides a protocol for choosing a new Tribal co-chair for the small forest landowner advisory committee. Suggests using this methodology. Co-chair needs to be passionate, driven, persistent, have standing in their community and be professional. An intertribal connection is important to be able to put forward needs of tribes around CR issues.
- The group agreed to table this motion until the October meeting. However, due to the Board request for a proposal by their November meeting, it was also decided to give each member the homework assignment of thinking more about this issue between now and the October meeting, based on these notes and the visual mapping of the conversation.

HOMEWORK ASSIGNMENT: Continue to consider this issue of a co-chair selection process, based on these notes. Come to the October CRR meeting prepared to share these thoughts and support a consensus process to develop a proposal to be submitted to the FPB. Rob and Agnes will provide a separate list of strategies/ideas that the group identified to be distributed to Roundtable members for consideration.

5. Overview of the T/F/W Cultural Resources Module

- Jeffrey provided an overview of the Cultural Resources Module, beginning with a historical chronology of the development of this Module, culminating in the July 2003 publication of the Cultural Resources Management Plan (CRMP) and the Cultural Resources Module, which was approved by the Board for use with watershed analysis.
- This Module is being presented in the context of introducing the Roundtable members to the cultural resource models that are currently available and being used.
- Aspects of the Module include:
 - Chapter 1—Introduction
 - Uses: for landscape or site assessment; inventory; also FPA concerns
 - Chapter 2-- Assessment (methodology)
 - Conducting the work itself (basic archaeological work); investigation and research
 - Risk assessment—sensitivities; 5 cultural resource questions
 - Tribal and Non-Tribal—produce a single unified module
 - WA ST Public Disclosure Act (find implementing regulation); confidentiality; Tribal rights
 - Five Critical Questions
 - Commenting? Content of the area or also site conditions? For J-2 Interview format form
 - Chapter 3—Synthesis
 - Merging Tribal CR and natural resources, to determine “risk calls”
 - Causal mech report
 - Comment: Synthesis is important
 - Protection of CR can be accomplished through existing rule

- Chapter 4—Process for developing management strategies
 - MOUs
 - Field managers “team”
 - Field review
 - Field managers “report”
 - Chapter 5—Wrap-up & Appendices
 - Low, medium, high probabilities and management strategy for cultural resources.
 - Jeffrey noted that this module was produced for non-watershed analysis. Landowners currently don't have the incentive to use this module.
 - Forest and Fish Report (FFR) commitment to the development of this module
 - This presentation completes the Roundtable exploration of different culture resource methodologies available to landowners, tribes and other stakeholders in Washington State.
6. FPB Directive and TFW CRR Current Issues /WAC 222-20-120
- David: Karen and he were given the assignment to provide a concise summary of the Yakama Nation CR issues that have been discussed over the last year. David provided this list in an e-mail to Karen. The focus of today's discussion is to identify the “kernels” and come to a clear decision on which of these items require further discussion/recommendations from the Roundtable and which of these items now reside with parties outside of the Roundtable.
 - These four kernels (and associated discussions) are as follows – a visual map of these is provided following these notes:
 1. Condition FPAs with plans
 - Is the current system working or not? Have we identified the underlying issue with this?
 - Attorney general attended a recent Roundtable meeting and explained why the permit could not be conditioned with the plan
 - Yakama Nation is now seeking a second opinion from their tribal attorney
 - DNR: this is a huge communication issue regarding the conditioning of permits; this is DNR's responsibility and the agency is exploring a new alternative. A different path is being implemented on this issue – is it still important to continue bringing this to the Roundtable?
 - Tribal comment: communication resulted in breakdown – DNR communicated internally but the relevant entity who needed to know was not informed. State agency caucus did not inform the other caucuses about the change in the rule. Trust was comprised as a result. T/F/W doesn't value the CRR.
 - Predictive models are not perfect. Cultural resources are not just archaeological.
 - Most of the time plans don't need to be conditions of FPAs; the plans are implemented beforehand.
 - DAHP: None of the plans were being made conditions, although DAHP thought they were. And changes to project plans and boundaries need to go through the SEPA process
 - DNR: Interpretation of lack of attention from the Board is a different topic. The work is being done, things are moving forward.
 - Jeffrey: Assumption being made by DNR. He feels the Board is not paying attention to the Tribe's work. “We are a canoe of specialists with no place to dock”.
 2. When a meeting is required based on tribe's identification of cultural resources
 - What are the questions surrounding this issue?
 3. To be on the Roundtable, you should be committed to the 1987 goals
 - David has circulated a commitment signature form
 - This does appear to be a CRR discussion

4. Proposed six revisions

- These are not demands but rather suggestions
- Nine tribes have agreed to these revisions
- Accepting these suggestions will lead to implementing goals of the T/F/W/ Agreement
- Rob asked a general question – “does the Roundtable feel marginalized in terms of its influence?” Several members indicated “yes” to this question. At the same time, Stephen pointed out that the Roundtable has functioned well and accomplished things, although recently there has been a lack of direction. A statement was made that the Board has little knowledge of cultural resources. DNR response: policy was orchestrated to enable Roundtable direct access to the Board.
- DNR: Understand the frustration that Yakama Nation has had and that the agency has not communicated effectively.
- David: This is a funding issue. All tribes use dollars for natural resource personnel – Yakama used their funding to hire an archeologist.
- Rob: Can the Roundtable re-energize itself with a focus on education of stakeholders in Indian Country on cultural resources? Karen: cultural resources are not funded as well as natural resources. Jeffrey: education is an unfunded mandate.
- Rob: What is the endpoint for each of these issues? Response: Waiting for Yakama attorney opinion on issue #1. At the same time, an alternative path is being implemented. How do we regain the protection we used to have? Landowner should make an amendment to the FPA after the fact.
- Yakama response: Disagreement on #2. Lacking commitment on #3. #4 needs to be worked through. This will be a long process. It may not happen in a few months or a year
- Karen: For our thinking on these issues - what’s the issue, what’s the process for dealing with the problem, what’s the solution?

HOMEWORK ASSIGNMENT: Review the six Yakama suggestions to implement the 1987 agreement and compare these with the other 14 issues identified in previous Roundtable work. Can any of these issues be integrated into the six Yakama suggestions? Rob will provide a decision matrix for the Roundtable members to use to evaluate the status of each of these six issues. For example, choices could be –assign to DNR to resolve; continue to discuss as Roundtable, present to Board as a proposed rule change, etc.

7. General Comments / Meeting Wrap Up

- DNR comment: Figure out what to address before we begin addressing it. Shorter agendas for the future. Suggestion: simple agenda. Finish motion for the board, and the Yakama list. Stop rushing through agenda items—it’s not accomplishing enough.
- Jeffrey comment: appreciate input for the agendas. Either we trim down agenda items, or not have enough time to address key topics. This committee is always “agenda full”. Should have a central item to meet about; in addition to secondary items. Also interested in workshops, possibly extended hours.
- Focus on a couple of the kernel issues in October.
- Rob comment: The passion and energy of this group is a good thing. Much better to have this than a flat dynamic in the group.
- Rob comment: structuring homework to address some issues before the next meeting. Karen comment: What’s the issue, what’s the process for dealing with the problem, what’s the solution?
- Comment: Communication with the Tribes develops trust and sharing of information on “shared” lands.

Meeting adjourned at 2:30.

Photo #1 – Visual Mapping of Topic #4 – TFW Committee Co-Chair Discussion – Panel 1

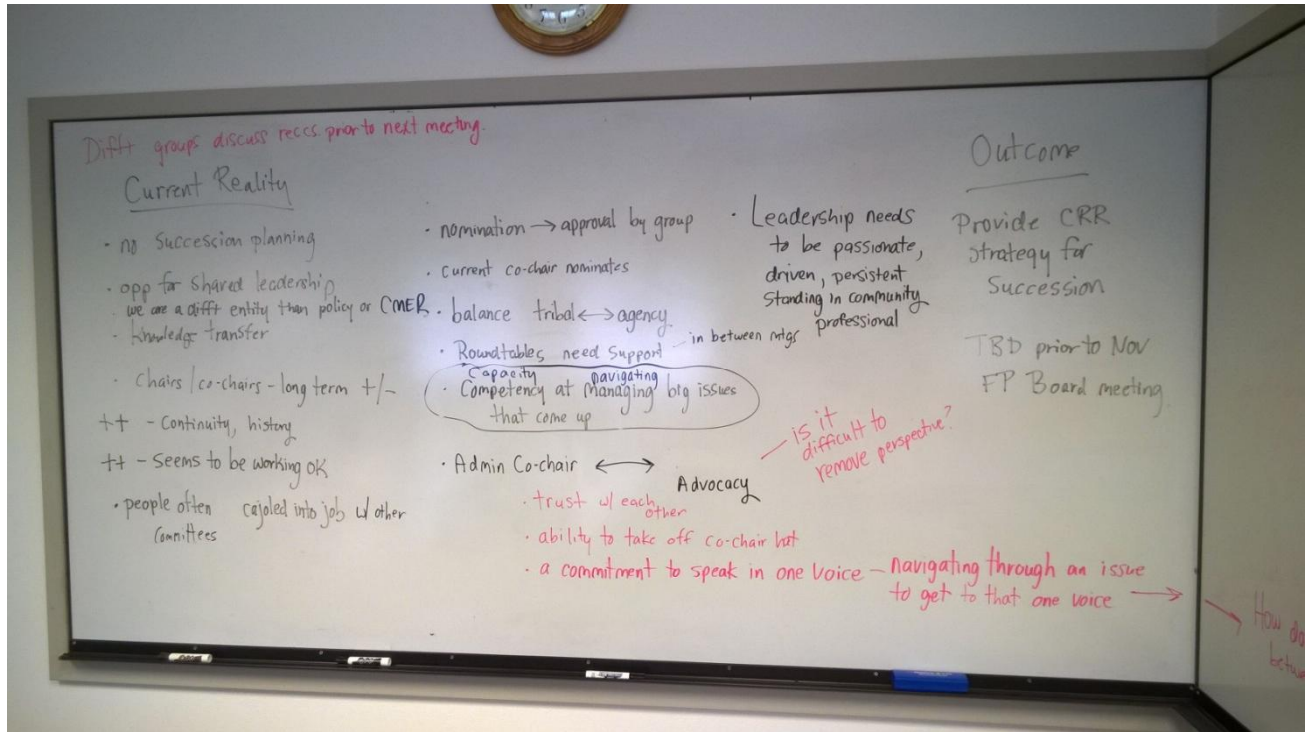


Photo #2 – Visual Mapping of Topic #4 – TFW Committee Co-Chair Discussion – Panel 2

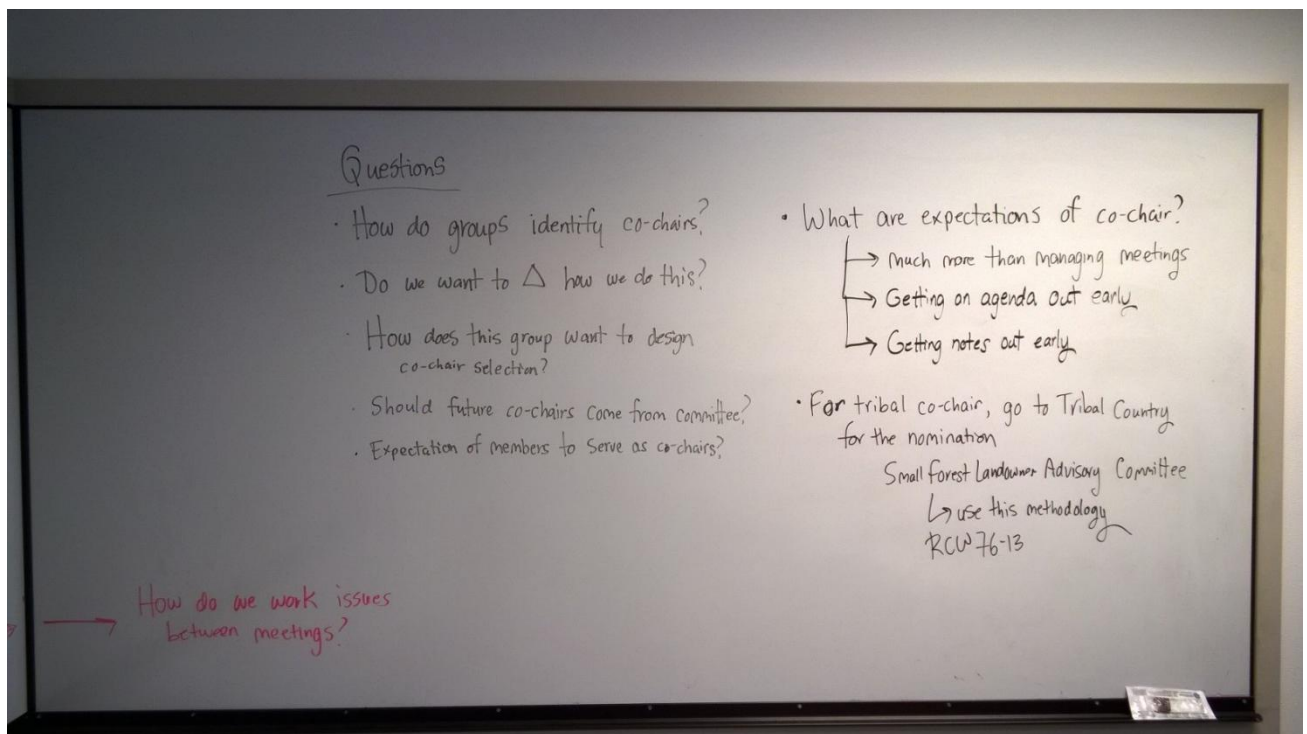


Photo #3 – Visual Mapping of Topic #6 – Panel 1

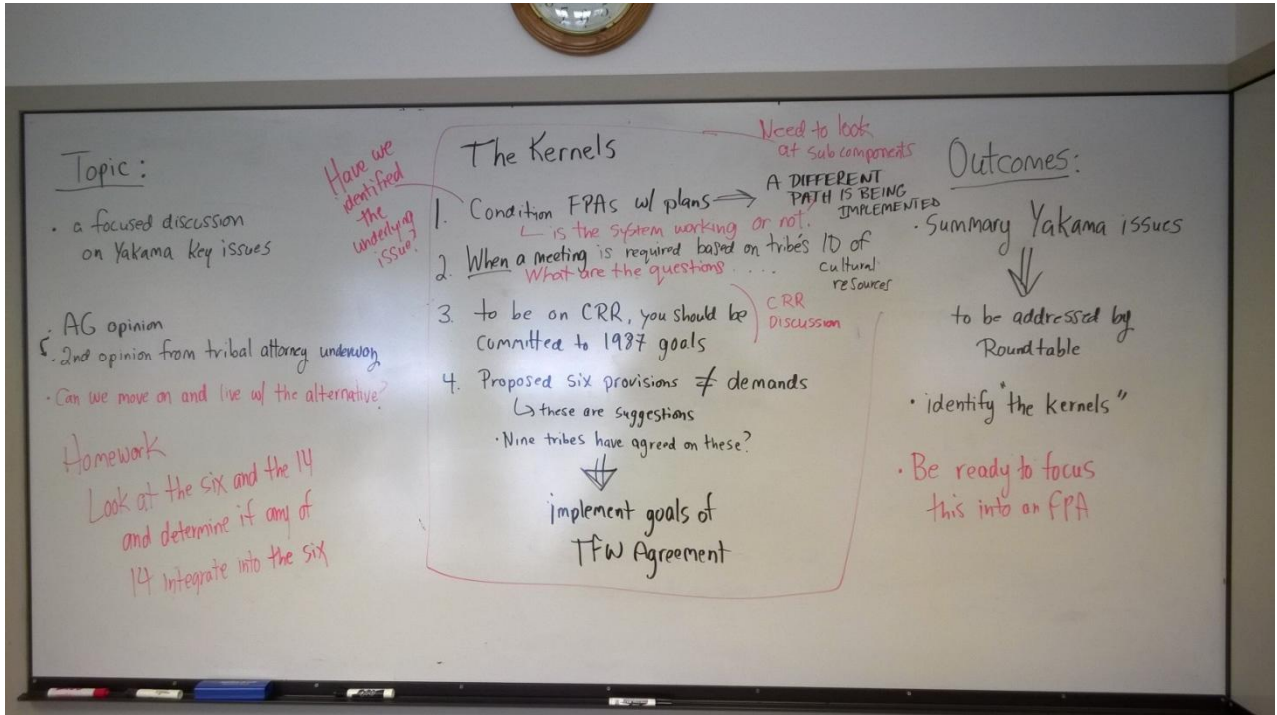


Photo #4 – Visual Mapping of Topic #6 – Panel 2

