



**Timber, Fish and Wildlife Policy Committee
Forest Practices Board
PO BOX 47012, Olympia, WA 98504-4712**

Policy Co-Chairs:
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January 18, 2019

TO: Forest Practices Board

FROM: Terra Rentz, Co-Chair, Timber, Fish, and Wildlife Policy Committee
Curt Veldhuisen, Co-Chair, Timber, Fish, and Wildlife Policy Committee

SUBJECT: Consensus proposal in response to study results of Type Np streams in Westside basalt lithology

On 12 July 2018 TFW Policy formally accepted the Findings Report and associated materials of the study entitled *Effectiveness of Experimental Riparian Buffers on Perennial Non-fish-bearing Streams on Competent Lithologies in Western Washington* (hereafter: Type N Hardrock Study). This action put into motion a 180-day timeline specified in Board Manual Section 22 that directs policy to (i) review and evaluate the findings, (ii) determine if the findings warrant action, and (iii) develop, and select by consensus, alternative actions for consideration by the Board. More specifically, Policy took action according to the following timeline:

- A. 12 July 2018 – Findings report and associated materials formally accepted (consensus)
- B. 26 August 2018 – Policy determined that the findings warrant action and approves the formation of a Workgroup to develop action alternatives for consideration (consensus)
- C. 25 October 2018 – Workgroup delivers action alternatives to Policy for consideration (no action)
- D. 6 December 2018 – Policy formally accepts an action alternative for Board consideration (consensus)
- E. 3 January 2019 – Policy approves a functioning Charter for the Technical Type Np Prescriptions Workgroup as a supplemental element of the action alternative (consensus)

After review of the findings, Policy affirms that the Type N Hardrock study indicates a temperature increase associated with the buffer treatments tested. Therefore, Policy agrees action is warranted. The following consensus proposal outlines an alternative action process including creation of a Technical Workgroup charged to develop for Policy's consideration proposed Riparian Management Zone (RMZ) buffer prescriptions for Type Np streams in Western Washington. The associated workgroup charter is the product of the collaborative TFW Policy process with input from all caucuses. The purpose of the Charter is to guide workgroup operations, timeline, and outcomes and was approved by full consensus.

Policy requests that the Board accept the consensus proposal and associated Charter.

TFW Policy Consensus Proposal to the Board on a response to study results of the *Effectiveness of Experimental Riparian Buffers on Perennial Non-fish-bearing Streams on Competent Lithologies in Western Washington*

Approved v. 12-6-18

The *Effectiveness of Experimental Riparian Buffers on Perennial Non-fish-bearing Streams on Competent Lithologies in Western Washington* study (hereafter: Type Np Hardrock) indicates there is a temperature increase associated with the buffer treatments tested. Therefore, Policy agrees action is warranted. Policy recommends the following components:

1. Formation of a technical workgroup.
 - a. This workgroup shall be governed by a charter. The charter will be drafted by Policy member(s) and approved by Policy.
 - b. For efficient decision-making, the composition of the workgroup will include no more than 10 members:
 - i. Two representatives of Policy caucuses, one of whom will chair the process. The primary role of Policy members will be to manage the process. The policy members are non-voting in the workgroup.
 - ii. Up to eight people balanced among the following areas of expertise: biological and physical stream processes, and silviculture/field forestry.
 - iii. Additional experts can be added on a temporary, ad-hoc basis as needed per the direction of the workgroup.
 - iv. The caucuses and AMPA will put together a list of names for Policy to approve. Policy will choose potential members by least objectionable. In the event of a tie, there will be a random draw.
 - v. This workgroup will be staffed by a project manager from the AMP.
 - c. Expectations of the workgroup:
 - i. Meet on a regular and timely schedule
 - ii. Adhere to a timeline [established by the Board]
 - iii. Report regularly to Policy
 - d. The deliverable of the workgroup is a set of proposed Type Np Riparian Management Zone (RMZ) prescriptions that meet the following objectives.
 - i. Protect water temperature to meet the rule (WAC 173-201A-200, -300-320)
 - ii. Are repeatable and enforceable
 - iii. Are operationally feasible
 - iv. Provide wood to the stream over time
 - v. Account for windthrow
 - vi. Consider options that allow for management in the RMZ
 - vii. Minimize additional economic impact
2. The workgroup shall utilize all relevant information to inform proposed RMZ prescriptions for Np streams, including available literature and data while adhering to the timeline.
3. Additional Type N projects currently in the CMER process shall also inform the workgroup, upon receipt of approved findings reports from CMER. Policy agrees to support timely completion of these projects, including regular status reports at Policy meetings. The projects include:
 - a. Buffer-Shade Amphibian Response (anticipated Feb '19)
 - b. Buffer Characteristics, Integrity and Function (BCIF) (anticipated Spring '19)

- c. Type N Experimental Buffer Treatment in Hard Rock Lithologies- Extended (anticipated September '19)
 - d. Type N Experimental Buffer Treatment Project in Soft Rock Lithology (anticipated December '19)
4. Policy agrees the Riparian Characteristics and Shade study should be funded and initiated as soon as possible. This study does not necessarily need to be completed for decision-making by the workgroup (see below), but it is expected that the study can inform the workgroup and vice-versa. It is anticipated that rulemaking will be needed to implement prescriptions that result from Policy's recommended actions.
 5. The workgroup process is expected to run concurrently with the CMER process associated with the remaining Type N projects, and conclude within 6 months of receipt of the final Type N study. A final Policy recommendation to the FPB is anticipated in mid to late 2020.
 6. By the January 2019 Policy meeting, Policy will consider a draft charter for the technical workgroup reflective of the elements described in this proposal and that clearly articulates the manner in which the workgroup will conduct their analysis and their deliverables to Policy.

CHARTER: TECHNICAL TYPE NP PRESCRIPTIONS WORKGROUP

- I. **Date:** March 7, 2019
- II. **Project Duration:** March 7, 2019 through completion.
Completion is to occur six months after receipt of final affiliated report, estimated June 19, 2020

III. Introduction

This charter is intended to guide the formation and efforts of a Technical Type Np Prescriptions Workgroup (hereafter: Workgroup), which is a sub-group of the Timber, Fish and Wildlife (TFW) Policy Committee (hereafter: Policy). The Workgroup will be formed as an outcome of alternative actions proposed by Policy in response to the study entitled *Effectiveness of Experimental Riparian Buffers on Perennial Non-fish-bearing Streams on Competent Lithologies in Western Washington* (hereafter: Hard Rock Study). The purpose of the workgroup is to develop proposed Riparian Management Zone (RMZ) buffer prescriptions for Type Np streams in western Washington for Policy's consideration. Based on the scope of the Hard Rock Study, the initial focus is on western Washington streams in areas of hard rock lithology, to achieve temperature protection objectives. However, this scope may be expanded per the direction of Policy as more information becomes available.

Policy affirmed, through consensus, that the Hard Rock Study indicated there was a temperature increase associated with the buffer treatments tested. Therefore, Policy agreed the findings warrant action and proposed the following process components:

1. Formation of a technical workgroup, governed by a charter, to develop and deliver a set of proposed RMZ buffer prescriptions for Type Np streams that meet a suite of resource protection, feasibility, and economic objectives.
2. The workgroup will utilize all relevant information to inform proposed RMZ buffer prescriptions for Np streams, including available literature and data while adhering to the timeline.
3. Inclusion of additional Type N related projects currently in the CMER process including the *Buffer Integrity – Shade Effectiveness (Amphibian)* project, *Westside Type N Buffer Characteristics, Integrity and Function (BCIF)* study, *Type N Experimental Buffer Treatment in Hard Rock Lithology - Phase II Extended Monitoring* study, and the *Type N Experimental Buffer Treatment in Soft Rock Lithologies* study. These products would be available for the workgroup upon delivery to Policy from CMER.
4. Expedited funding and implementation of the *Buffer Characteristics and Shade* study to both inform, and be informed by, the workgroup
5. Adherence to a timeline that is expected to run concurrently with the CMER process associated with remaining Type N projects and conclude within 6 months of receipt of the final study. At the time of drafting, the *Type N Soft Rock* study is anticipated to be the final study delivered by CMER in this series.

Policy anticipates that rulemaking will be needed to implement RMZ buffer prescriptions for Type Np streams that result from recommended actions.

IV. Workgroup Purpose

The purpose of the Workgroup is to develop proposed RMZ buffer prescriptions for perennial, non-fish bearing (Type Np) streams in western Washington that meet the following objectives:

- i. Protect water temperatures to meet the rule (WAC 173-201A-200, -300-320);
- ii. Are repeatable and enforceable;
- iii. Are operationally feasible;
- iv. Provide wood to the stream over time;
- v. Account for windthrow;
- vi. Consider options that allow for management (e.g. selective harvest) in the RMZ; and
- vii. Minimize additional economic impact.

Although the site specificity of the *Hard Rock Study* applies to above ground stream components in basalt (hard rock) lithology, Policy may expand the objectives and/or geologic/geographic applicability of proposed prescriptions if findings from subsequent Type N projects warrant action.

The workgroup shall understand results of the *Hard Rock Study* and utilize all available information to inform the development of proposed RMZ buffer prescriptions for Np streams as described above, including best available science and related documents from within the Adaptive Management Program (AMP), and additional final CMER-approved findings reports from Type N projects. These studies include:

- A. Buffer Integrity – Shade Effectiveness (Amphibian) Project
- B. Westside Type N Buffer Characteristics, Integrity and Function (BCIF)
- C. Type N Experimental Buffer Treatment in Hard Rock Lithology - Phase II Extended Monitoring
- D. Type N Experimental Buffer Treatment in Soft Rock Lithologies

As each study becomes available, the Workgroup will assess its implications and incorporate the new results into the Workgroup’s ongoing work, per Policy’s direction. These studies and their associated findings are the products of an agreed upon process within WAC 222-12-045. It is not the role of the Workgroup to reanalyze the Hard Rock Study, or the additional Type N projects listed above, to refute the findings produced through the CMER process.

Policy expects the Workgroup to understand the findings and full reports of the Hard Rock Study, and subsequent projects and, if needed, solicit additional input from project Principal Investigators (PIs) or outside experts to identify knowledge gaps and gain a better understanding of the CMER research. The Workgroup may employ any necessary information gathering, synthesis, and/or understand cause and effects to inform prescription development. However, Policy expects the Workgroup to adhere to the timeline established in Section VI of the Charter.

V. Deliverables

1. Development of one or more forest practice RMZ prescriptions for perennial, non-fish bearing (Type Np) streams in western Washington that meet the objectives in Section IV.
2. Estimate the level of effectiveness of proposed Type Np water RMZ buffer prescriptions at meeting resource objectives identified in The Forest Practices Board approved Schedule L1 of the Forest and Fish Report and affirmed in the Forest Practices Habitat Conservation Plan using literature, modelling or other methods.
3. Submission of final report no later than 6 months post-receipt of final Type Np study (estimated June 19, 2020) to Policy that articulates Deliverables 1 and 2, any major process findings, and any areas of non-consensus.

VI. Timeline and Milestones

| Task | Anticipated Timeline* |
|---|---|
| Board acceptance of Policy Proposal | February 2019 |
| Workgroup is convened | March 2019 |
| Workgroup members become familiar with Type N Hard Rock study results and Washington State water quality standards. | April 2019 |
| Receipt of Buffer-Shade Amphibian Response study | Early Spring 2019 |
| Written update for Policy and Board (I) | April 19, 2019 |
| Receipt of Buffer Characteristics, Integrity & Function study | Late Spring 2019 |
| Written update for Policy and Board (II) | July 19, 2019 |
| Receipt of Hard Rock Phase II Extended study | Fall 2019 |
| Written update for Policy and Board (III) | October 25, 2019 |
| Workgroup drafts new Type Np prescriptions for initial Policy review | Early Winter 2019 |
| Receipt of type N Soft Rock study and findings | Winter (<i>Est. Dec 2019</i>) |
| Written update for Policy and Board (IV) | January 24, 2020 |
| Workgroup update, if necessary, proposed Type Np water RMZ buffer prescriptions based on review of Type Np Soft Rock study findings | 3 months post Soft Rock (<i>early Spring 2020</i>) |
| Written update for Policy and Board (V) | April 24, 2020 |
| Final submission of deliverables to policy | 6 months post final Type Np study (estimated June 19, 2020) |

*The dates in this timeline are subject to change based on the dates of receipt of the Type Np studies. The Workgroup will adjust as necessary to accomplish its deliverables within the allotted overall schedule.

Process and Milestones

The following process steps are recommended to complete the deliverables:

1. Review the completed Hard Rock report and associated findings;
2. Review and understand Forest Practice rules associated with Type Np streams and how Washington's water quality standards apply to forest practices;
3. Identify information gaps and assess available information to assist Workgroup in deriving proposed RMZ buffer prescription for Type Np streams;
4. On an ongoing basis, review newly completed Type N related studies and their associated findings; integrate relevant information into decision making process; consider field visits/practical field application time as needed;
5. Develop a suite of possible alternatives and assess on-the-ground feasibility;
6. Through consensus, select final prescription(s) for recommendation to Policy;
7. Develop associated language that articulates how/where to implement a given prescription;
8. Aggregate proposed prescriptions and a description of the process pursued, additional resources utilized, and any other relevant information into a final proposal for Policy's consideration.

VII. Membership & Composition

| Workgroup Name | Role |
|--|------|
| [Insert Workgroup roster once completed] | |

Composition

The workgroup consists of two representatives of Policy, one of whom will serve as Chair and up to eight experts with the following areas of expertise: biological and physical stream processes, and silviculture/field forestry.

An Adaptive Management Program Project Manager, [NAME], will serve as staff support for the workgroup. Specifically, the Project Manager will be responsible for assisting with meeting logistics, providing necessary materials related to the AMP process, and securing resources, as necessary, to achieve the workgroup's objective.

Expectations

All workgroup members shall operate as technical experts and will not serve as representatives for any specific caucus. However, an understanding of the field and policy context will be valuable. Because familiarity and continuity among members are crucial to timely completion, meetings will require participation by all members. With Workgroup approval, members may invite associates to provide additional information. Associates' role will be technical, short-term, and specific.

Workgroup members agree to:

- Acquire a deep understanding of past and incoming CMER studies on Type N streams;
- Familiarize themselves with other related materials in preparation of the meeting;
- Assist in the identification and evaluation of relevant non-CMER studies;
- Read and understand Forest Practices WACs relevant to Type Np prescriptions;
- Meet on a regular and timely schedule;
- Attend all meetings (in-person or by phone);
- Adhere to the timeline; and
- Assist in reporting regularly to policy.

VIII. Group Process and Governance

Norms

The Workgroup will follow standard Policy norms and ground rules. However, the small size and technical nature of the work may allow for a more informal approach than occurs at Policy meetings. Members of the Workgroup agree to collectively provide a collaborative space to foster the development and presentation of proposed RMZ buffer prescriptions for Type Np streams that achieve the aforementioned objectives.

Meetings will be open to the public, but with no public comment.

Governance

The Workgroup will actively work toward consensus. If there is a lack of consensus, a simple majority vote can occur to move a decision forward. Majority-minority reports will be catalogued for all non-consensus decisions.

It is the role of Workgroup co-chairs to inform Policy of non-consensus issues and to elevate those issues, if needed, for Policy resolution.

Roles and Responsibilities

Chair & Alternate

- Run workgroup meetings that maintain open and productive discussion and decision making;
- Work with Project Manager (PM) to set up meeting schedule in advance;
- Work with PM and Workgroup members to develop a work plan that meets deliverables, expectations, and timelines as articulated in the Charter;
- Work with PM to ensure that meeting announcements and meeting summaries are prepared and distributed;
- Provide written and oral updates to TFW Policy on Workgroup progress, issues, and decisions according to the timeline;
- Provide updates to the Workgroup on status of affiliated CMER studies and/or pertinent decisions or discussions made by Policy; and
- Identify if the workgroup is at an impasse and notify Policy immediately with a recommended course of action.

Project Manager

- Serves as staff support to the Workgroup;
- Assist Chair with meeting logistics and providing necessary materials related to the AMP process;
- Post on the TFW Policy Website Workgroup meetings, agendas, and relevant materials for the public; and
- Work with AMP Administrator (AMPA) to identify and secure any necessary resources to achieve the Workgroup's objectives – if funding is needed, work with the AMPA and Policy to determine availability of funds.

Workgroup Technical Members

- Provide expertise that helps solve technical problems related to developing new Type Np prescriptions that meet the objectives articulated in the Charter;
- Along with the Hard Rock Study results, become familiar with the other CMER Type N study results when available;
- Attend in person or via conference line/video link all regularly scheduled workgroup meetings;
- Participate in organized field trips;
- Be prepared for regularly scheduled workgroup meetings and complete assigned tasks within agreed upon deadlines;
- As requested by Workgroup Chair, attend Policy meetings and provide updates to Policy members;
- Follow guidelines established by the workgroup Charter; and
- Adhere to Workgroup ground rules.