

Timber, Fish, & Wildlife Policy Committee  
 July 9, 2015 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Approved the May 7 and June 4 meeting summaries with edits.	
2. Tentatively approved the proposal to convene an electrofishing technical group (page 6).	Will hear soon from the eastside tribal caucus to confirm if the proposal is officially approved or not

Action	Assignment
1. Add Kendra Smith to the cc list for the SFLOs template subgroup.	Marc Engel/Dick Miller
2. Draft an outline for discussing risk tolerance at Policy.	Dick Miller
3. Submit vote to Co-Chairs on electrofishing technical group proposal the week of July 13.	Marc Gauthier and Ray Entz
4. Send ideas for participants for the electrofishing technical group to the AMPA as soon as possible.	Caucus representatives
5. Send comments to Co-Chairs on the matrix by July 31 so this can be revised for the August Policy meeting.	Caucus representatives

**Welcome, Introductions, & Old Business** – Adrian Miller and Chris Hanlon-Meyer, Co-Chairs of the Timber, Fish, & Wildlife Policy Committee (Policy), welcomed participants and led introductions (*see Attachment 1 for a list of participants*). Policy reviewed the agenda, at which point it was suggested that there be a few additional updates that were not scheduled on the agenda, as well as a discussion about the Eastside Type N Riparian Effectiveness Program (ENREP).

*ENREP Review*

Hans Berge, the Adaptive Management Program Administrator (AMPA), reviewed an issue from the ENREP TWIG that surfaced at the recent CMER meeting. The ENREP TWIG has already brought the problem statement as well as the Best Available Science (BAS) and alternatives analysis to Policy, and had begun the study design. CMER realized that the TWIG had developed the study design to include prescriptions different from the original plans, but which met the considerations that Policy had suggested to the TWIG earlier. Additionally, the strata suggested in the study design were no longer supported by any caucus, and it seemed timely to have Policy request the TWIG to develop an updated version of the BAS and alternatives analysis that would better meet the needs of the study and all stakeholders. The AMPA asked if Policy was ready to request the TWIG to update the BAS and alternatives analysis, which would then go to CMER for approval before being presented to Policy for approval. Requesting the TWIG to update the BAS and alternatives analysis would go in conjunction with freeing them from previous restrictions/additions that Policy had asked the TWIG to consider. The AMPA asked that Policy allow the TWIG to develop what makes sense from a science perspective, which will then be reviewed by CMER and Policy.

- A caucus asked that the guidance from Policy include that the TWIG could look at all the best ways to inform Policy, which could include alternate prescriptions (outside current rule).
- It was noted that a way to avoid this type of issue in the future is to ensure that the guidance from Policy is as clear as possible.
- A caucus asked that this only be resolved through a consensus vote of Policy.
- It was noted that what would help the TWIG is direction from Policy on:
  - The concept of no longer looking at intermittent streams but instead isolated Np streams with a wetlands buffer.
  - Using the clear-cut option.
  - Whether or not the TWIG should test the existing rule first.
  - Validation for taking certain prescriptions off the table.

Several caucuses noted that this conversation was unexpected as it was not on the agenda, and asked for some detail to consider next steps for ENREP. Policy will revisit this discussion at the August meeting.

*Announcements* – USFWS announced that Bridget Moran has left her position as the Washington Fish and Wildlife Office Division Manager. Patricia Cole is the temporary replacement, who comes with a long history with USFWS and in Section 7 consultations and Habitat Conservation Plans. Patricia has an interest in the Adaptive Management Program (AMP) and may attend an upcoming Policy meeting to learn more.

#### *Updates*

AMP Funding and Legislative Update – Chris Hanlon-Meyer updated Policy on a variety of issues that were recently finalized by the legislature and Governor signing a new biennial budget. These included:

- None of the \$3.2 million funding request for Forest Practices compliance was funded. That proposal included funds to replace FPARS with Version 4, which will not happen this biennium.
- The legislature reduced the amount DNR can spend within the Forest & Fish Support Account to \$2.8 million/biennium. This was a different funding change from the General Fund-State AMP request. It was unknown at the meeting whether this reduction is related to anticipated decreased revenue due to closed mills.
- DNR also received funding to provide participation grants to the tribes, non-governmental organizations (NGOs), and other state agencies. In past years, proviso language was attached to this funding. This year, proviso language was only attached to the tribal participation funding, which said that DNR must spend that funding only on the tribal participation grants. This funding level has not changed from the previous biennium, only the fact that the participation funding for NGOs and other state agencies no longer has the proviso language attached.
- The FP/HP effort was appropriated \$7.163 million which was included as part of the compliance package.
- The AMP was funded at the requested amount (\$5.894 million, or \$2.947 million/year). Because the funding is now coming from General Fund-State instead of the FFSA, DNR must spend no more than \$2.947/year, and if any less is spent than it will no longer be available to carry over into the next year. It was noted that this means that the AMP should carefully track when projects are getting behind schedule as that could affect all the projects in the upcoming year(s).
  - DNR clarified that all work must happen within the fiscal year (e.g., if contracted work is done through June 30 but is billed for after July 1, that counts as spending in the first year, but only for work that was done in that fiscal year).

- Proviso language was attached to the AMP funding to require regular reporting to the Forest Practices Board.
- The Forest Practices Fund Exchange has been partially funded through the State Toxics Control Account, not through the Aquatic Lands Enhancement Account as DNR had originally suggested to the legislature. The funding level is the same amount, however.
- A bill passed to create a program within DNR for assessing geological hazards. The legislature funded that at \$4.645 million.
- The Forest Riparian Easement Program was funded at \$3.5 million.
- The Rivers and Habitat Open Space Program was funded at \$1 million.
- The Family Forest Fish Passage Program was funded (through the Recreation & Conservation Office) at \$5 million.

A caucus noted that this was an especially tough legislative year to request funding, and the fact that DNR's program requests (especially for the AMP) got funded so well was helped through the joint effort from the stakeholders. The landowner caucus also mentioned that they are looking at how to re-commit to the AMP, particularly by providing capacity for the CMER Co-Chair through Doug Hooks. They also suggested that all caucuses re-commit to the ground rules so everyone knows everyone is committed to one another. There was also a request that the AMP training happen before Nancy Sturhan retires, if possible.

Board Manual Section 16 Revisions – DNR provided an update on the multi-stakeholder effort to help DNR update Board Manual Section 16 for the August Board meeting.

- July 7 & 8 were the final meetings of the stakeholder group and now the Manual is in DNR's hands to finalize (mostly formatting figures and photos) before submitting to the Board packet.
- The stakeholder group got through everything but the run-out portion, which they will suggest to the Board be finalized between August – October and presented to the Board at the November meeting. DNR also hopes to field test the updated Manual before the November Board meeting, hopefully with help from Qualified Experts (possibly with additional capacity funding).

*Small Forest Landowners' Template Subgroup* – Marc Engel and Dick Miller, as co-chairs of the subgroup, are finalizing a plan which the subgroup will follow in order to carry out the work requested from Policy. The subgroup will review the 13 prescriptions and consider: 1) do they meet the rule? 2) are they frequently implemented in alternate plans reviewed by an ID Team? 3) is there science to support the prescription? Once they consider each of the 13 prescriptions they will bring their findings to Policy for review.

*Meeting Summaries* – Policy reviewed the May 7 and June 4 draft meeting summaries. The May 7 draft meeting summary included an edit from Mark Hicks to clarify a section about information provided during the small forest landowners' template discussion. With that edit, the draft meeting summary was accepted as final. The June 4 draft meeting summary was edited to include more clarity on a caucus's comments about the electrofishing literature review outline. With those edits, the draft meeting summary was accepted as final.

**Type F: Review status of Type F in the AMP Proposal Process** – The Co-Chairs broadly reviewed the status of the Type F discussion within the broader adaptive management context. This review included the following points:

- Policy has had Type F as an agenda item for the past several years, on and off as it has gone up or down in workload priorities. The conversation has gotten more focused over the years, most recently through the partial development of a charter to outline the issues. When Policy did not finalize that charter, they went through Stages 1 and 2 of the dispute resolution process, which ended in majority/minority reports to the Board in February 2014. That was when the Board had an opportunity to take action in any direction. The Board chose to direct Policy to work on two specific issues that are necessary first steps towards developing a permanent rule (electrofishing and off-channel habitat). By directing the issue back to Policy, they initiated adaptive management on those two components, so the Co-Chairs interpret that Policy is in regular adaptive management, no longer in dispute resolution.
- Policy is further along in the off-channel habitat discussion. Through the field trips, a possible solution emerged and so DNR formalized that into a proposal initiation so Policy can bring the issue formally into the adaptive management process. The proposal initiation process is outlined in Board Manual Section 22.
- Once a caucus submits a proposal initiation to the AMPA, it is up to him to recommend to Policy whether the issue is addressed through the science or policy track, or both. DNR brought their proposal to Policy before submitting the proposal initiation to the AMPA to consider changes that could be made that would make it as comprehensive as possible to better meet all caucuses' needs.

Discussion on this process included the following points:

- The Co-Chairs clarified that dispute resolution has ended, due to the Board having intervened, despite the fact that the Board said that Policy did not make a final determination on a permanent water typing rule. Since Policy is back in adaptive management, this means that consensus is the decision-making protocol, not majority/minority reports.
  - The Co-Chairs agreed to share this with the Board at the August meeting to clarify Policy's assumptions.
  - It was also noted that the dispute arrived at the Board when Policy could not finalize the charter which was intended to outline the discussion on Type F. That became the dispute that was forwarded to the Board, not a substantive dispute. Therefore, the Board could only direct Policy how to go about the discussion, not resolve a substantive dispute.
- Two caucuses mentioned that while they are willing to continue with the process, they are getting fatigued of process and hope that the upcoming work is focused on substance.
- The timeline for completing the discussion on off-channel habitat will be in the AMPA's recommendation to Policy after receiving the proposal initiation from DNR. Once Policy reviews the AMPA's recommendation, Policy can specifically discuss timelines. The AMPA hopes to have that recommendation to Policy at the August meeting.
- A caucus noted that while it is important to have this discussion on off-channel habitat, it is within the larger context of the whole water typing permanent rule.

**Electrofishing Literature Review Outline** – Chris Hanlon-Meyer corrected a statement he made in an earlier meeting; he had misquoted the Board motion to say that the Board directed the AMPA to develop an electrofishing literature review. He corrected his earlier statement to say that the Board directed Policy to develop this literature review and in April 2015, Policy asked the AMPA to do so.

After the April meeting, the AMPA developed two versions of the electrofishing literature review outline which were presented to Policy at the May and June meetings. Both times Policy asked the AMPA to

revise the outline and in preparation for this meeting, the AMPA identified a different route to try to answer the Board motion. The Board motion asked that Policy evaluate electrofishing in the context of protocol surveys, not electrofishing as a general practice. The Board motion also asked that Policy convene a technical group to help evaluate these best practices.

Instead of a revised literature review outline, the AMPA suggested convening a technical group that would include practitioners or technical experts from the different caucuses to identify best practices regarding electrofishing within the context of protocol surveys, including how to reduce site-specific impacts from protocol survey electrofishing and how to reduce the overall extent of the surveys' use. Very likely, the technical group would identify a need for a literature synthesis, but instead of starting there, the AMPA suggested that Policy allow the technical group to identify that need and the question(s) that would target the literature synthesis. The products would probably be a literature synthesis, an evaluation of data, and the creation of a document that would meet the intent of a "best practices recommendation". There is still funding in the budget (\$50,000) for a literature review, and this might also include an evaluation of Board Manual Section 13, as well as other relevant documents.

Discussion on this proposal from the AMPA included:

- Policy considered whether the technical group should be an ad-hoc technical group or a formal CMER group (either a TWIG or a SAG).
  - It was suggested that the technical group be composed of practitioners and experts in electrofishing and the protocol surveys, not policy-level people.
  - It was also suggested that a SAG would be too formal of a group because this technical group will only be necessary for a certain amount of time, whereas a SAG is intended to be a standing group.
  - It was noted that a CMER group could impact adaptive management funding and the CMER Master Schedule.
- A caucus noted that one of the challenges of the Type F discussion is considering the big picture while also concentrating on the fine details.
- A caucus suggested that any issues identified by the technical group that are policy-level and not technical be forwarded to Policy. It was also noted that the technical group's first priority is to focus on addressing the Board motion. If there are other issues that are raised by the technical group or Policy members, Policy should work to discuss those, too.
- Policy also discussed the immediate timeframe for this technical group. The AMPA will work to convene the group before the August Policy meeting, and then hopefully at the September meeting Policy will review an initial workplan from the technical group for what they will work on. The Co-Chairs will plan to mention this technical group to the Board at their August meeting.
- A caucus asked that the technical group be specific about options and trade-offs.
- Policy members identified documents and questions that have been previously generated or discussed by Policy in the water typing discussions. While that list was not exhaustive, their hope was to have the technical group consider those documents. Policy added some documents and previous work into the motion below, but also noted that each caucus should bring to the August meeting a complete list from their perspective of what the technical group should consider.
- Caucuses clarified that the language "minimize site-specific impacts" in the Board motion not only means direct impacts to fish, but also false-negative determinations through electrofishing. A caucus noted that the discussion of fish presence should be related somehow to the discussion of potential habitat.

- The hope is to have all the right people on the technical group, not a certain number of representatives from each caucus. The AMPA asked that caucus members send all suggested participants to him as soon as possible so he can begin convening the group.
  - The AMPA will play a role in convening the group and keeping it moving forward, and the Co-Chairs will attend to mostly observe and help in any way they can.
  - A caucus requested that the conversations be recorded in some way.
- It was noted that the hope for this technical group is to strive for consensus.

**Decision:** Policy voted on the following proposal:

*Convene a group of practitioners with representation from caucuses to identify best practices regarding electrofishing within the context of protocol surveys (including a literature synthesis of some sort), including:*

- *How to reduce site-specific impacts of practices of protocol survey electrofishing, and*
- *How to reduce overall extent of the surveys' use.*

*Any policy issues identified during the technical group's work will be recorded and forwarded to Policy, not addressed by the technical group.*

*Timeframe:*

1. *The AMPA will convene a technical group by the August Board meeting. Policy asks the technical group: "What can the technical group identify to inform Policy's recommendations on how to reduce site-specific impacts of electrofishing and the overall extent of the protocol surveys' use?"*
2. *At the August Policy meeting, Policy will generate a full list of all things the technical group should consider (including implementation issues and other relevant documents and questions previously raised – for example: memo from UCUT to AMPA (Dec 2013), Tech/Op memo, FFR sections, draft water typing Charter documents (2013), comments to the draft electrofishing literature review (May/June 2015), comments to the electrofishing workshop summary (Feb 2015), etc.). Hans will pass that complete list to the technical group.*
3. *At the September Policy meeting, Policy will review a draft workplan for what the technical group will do to meet the Board motion. The workplan will also include a list of the documents from Policy's list that the technical group will review/consider and also those that they consider irrelevant so Policy knows where to review/consider those documents in another venue. Policy will approve the technical group's workplan with any edits necessary.*

After discussion of the above proposal, Policy voted to approve with contingencies. The conservation and westside tribal caucuses voted sideways and all other caucuses voted "thumbs up". The eastside tribal caucus representative was absent from the meeting so Policy agreed to wait until the representative returned on July 13, and hoped that the caucus alternate could relay this discussion and proposal soon so the eastside tribal caucus can vote and Policy will know the outcome of the final vote.

**Matrix for Pathway Forward on Type F** – The Co-Chairs developed a matrix identifying all pieces of the Board motion (to both Policy and the AMPA), and then identified all possible things necessary to get to the final outcome (which could include a permanent rule-making, Board Manual change, training, or other actions as appropriate). The intent of the matrix is to communicate to Policy and to the Board, and

for caucus representatives to communicate to their caucus about how Policy intends to address all issues related to the water typing discussion. Discussion on the matrix included:

- The matrix can be updated to be an ongoing tool to communicate where Policy is in the process of Type F discussions.
- Caucuses were encouraged to send comments or feedback on the matrix to the Co-Chairs so they can provide a revised version at the August Policy meeting.
- There are some tasks and timelines that are more or less certain in the matrix. As Policy continues to work, there will be more specificity on the tasks and timelines.
- Providing a plan such as this to the Board allows Policy the opportunity to show the Board that Policy is committed to resolving the water typing issue. The hope is that the Board will be less likely to provide more discrete tasks to Policy and therefore Policy can regain control of its workload.
- A caucus suggested to add to each box when decisions were made or discussions were had so it can always be traced back to that meeting summary.
- A caucus mentioned that the adaptive management process is critical and this matrix spells that out. However, they suggested adding criteria for making a decision.
- A caucus mentioned that having or creating a highly accurate map and model that balances error is important for their caucus in discussing the water typing system.
- A caucus suggested that as items are resolved along the way, they get formalized so that a long-term piece does not hold up the short-term resolutions.
- Since a lot of information is being communicated in the matrix, several caucuses suggested color-coding.

**Off-Channel Habitat (OCH) Proposal Review Packet** – DNR reviewed the revisions made to the proposal review packet presented to Policy at the June meeting. Discussion included:

- There is a difference between Channel Migration Zones (CMZs) and OCH. In short, a CMZ is established for potentially migratory rivers and shows the area in which the river can move in the 150-year near-term. This is related to thalweg, and takes a significant amount of energy to change the course of a river. Conversely, OCH is based on the stream flow regime (1.5-year flood event of bankfull width).
  - Often, OCH is covered within a CMZ but small streams do not have designated CMZs so the OCH for those streams is not always clearly defined.
- DNR's main purpose of this proposal initiation was to compare (or test) the new idea identified by Policy during the field trips with the current rule.
- Several caucuses suggested additions to DNR's proposal. These included:
  - How much OCH is being omitted from either the existing or proposed rule descriptions? Describe these habitats in a manner that would facilitate coverage under rule.
  - What flood return interval defines 95% of OCH? What field methods delineate that flood return interval?
  - What is the definition of OCH in the current rule?
- With these changes, DNR will update the proposal initiation and submit to the AMPA. These changes are not exhaustive but reflect input from several (but not necessarily all) caucuses.

The Co-Chairs adjourned the meeting at 4:30pm, and asked Policy to consider a 2-day meeting in September.

Attachment 1 – Participants by Caucus at 7/9/15 Meeting

**Conservation Caucus**

Chris Mendoza  
\*Mary Scurlock

**County Caucus**

\*Kendra Smith, Skagit County

**Federal Caucus**

\*Marty Acker, USFWS

**Industrial Timber Landowners (Large)**

Doug Hooks, WFPA  
Adrian Miller, Olympia Resource Management,  
Co-Chair  
\*Karen Terwilleger, WFPA

**Others**

Hans Berge, AMPA  
Claire Chase, Triangle Associates

**Non-Industrial Timber Landowners (Small)**

\*Dick Miller, WFFA

**State Caucus – DNR**

\*Marc Engel, DNR  
Chris Hanlon-Meyer, DNR, Interim Co-Chair

**State Caucus – Ecology and Fish & Wildlife**

\*Mark Hicks, Ecology  
\*Terry Jackson, WDFW

**Tribal Caucus – Eastside**

Marc Gauthier, UCUT (phone)

**Tribal Caucus – Westside**

Mark Mobbs, Quinault Indian Nation  
Nancy Sturhan, NWIFC (phone)  
\*Curt Veldhuisen, SRSC (phone)

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
<b>Type N</b>	Type N policy subgroup	Caucuses encouraged to talk offline.
<b>Type F</b>	Policy	Policy completed the off-channel habitat field trips and now is discussing both electrofishing and off-channel habitat to respond to the February 2014 Board motions.
<b>Unstable Slopes</b>	Policy	Board accepted Policy’s recommendations; now DNR and UPSAG are working on implementing those recommendations. UPSAG is hiring a contractor to do a literature review.
<b>Adaptive Mgmt Program Reform Rule Changes</b>		Accepted by Board at August 2013 meeting, CR-103 process initiated. Implemented initial changes at November 2013 meeting, will tweak changes for subsequent meetings.
<b>Ongoing CMER reports reviewed by Policy</b>	Mark Hicks & 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, or Subgroup	Next Meeting Date	Notes
<b>TFW Policy Committee</b>	August 6	
<b>CMER</b>	July 28	
<b>Type N Policy Subgroup</b>	TBD	Caucuses encouraged to talk offline.
<b>Type F</b>		Discussed at regular Policy meetings.
<b>Forest Practices Board</b>	August 11	
<b>Small Forest Landowners Template Subgroup</b>		