

1 **FOREST PRACTICES BOARD**

2 **Regular Board Meeting**

3 August 8, 2018

4 Natural Resources Building, Room 172

5 Olympia, Washington

6
7 **Members Present**

8 Stephen Bernath, Chair, Department of Natural Resources

9 Ben Serr, Designee for Director, Department of Commerce

10 Bob Guenther, General Public Member/Small Forest Landowner

11 Brent Davies, General Public Member

12 Carmen Smith, General Public Member/Independent Logging Contractor

13 Dave Herrera, General Public Member

14 Jeff Davis, Designee for Director, Department of Fish and Wildlife

15 Lisa Janicki, Elected County Official

16 Noel Willet, Timber Products Union Representative

17 Patrick Capper, Designee for Director, Department of Agriculture

18 Paula Swedeen, General Public Member

19 Tom Laurie, Designee for Director, Department of Ecology

20 Tom Nelson, General Public Member

21
22 **Staff**

23 Joe Shramek, Forest Practices Division Manager

24 Marc Engel, Forest Practices Assistant Division Manager

25 Patricia Anderson, Rules Coordinator

26 Phil Ferester, Senior Counsel

27
28 **WELCOME AND INTRODUCTIONS**

29 Chair Bernath called the Forest Practices Board (Board) meeting to order at 9:00 a.m.

30
31 **REPORT FROM CHAIR**

32 Chair Bernath acknowledged and thanked Scott Swanson for his leadership as the Timber, Fish
33 and Wildlife (TFW) Policy Committee (Policy) co-chair from February 2017 to July 2018. He
34 then introduced the new co-chairs, Curt Veldhuisen, Skagit River Cooperative and Terra Rentz,
35 Department of Fish and Wildlife. He also recognized Mary Scurlock's role as the Conservation
36 Caucus representative at Policy and introduced Alec Brown as her replacement.

37
38 He provided an update on the status of the facilitated tribal cultural resources process, reporting
39 that a policy-level cultural resources meeting is scheduled for September between the tribes,
40 forest landowners and the state, with the goal of reaching an agreement for next steps to be
41 presented to the Board in November.

42
43 He said to date, DNR has responded to 958 fire starts, burning approximately 145,000 acres.
44 Many forest practices staff participate in fire suppression activities and if conditions continue as
45 forecasted, he may consider requesting landowners temporarily delay submitting forest practices
46 applications in light of short staffing.

1 He then reported that once DNR has developed the details of a proposed 2019/2020 biennium
2 budget, he plans to solicit stakeholder support for programs such as the Forestry Riparian
3 Easement Program and the Family Forest Fish Passage Program.

4
5 **PUBLIC COMMENT (AM)**

6 Jim Peters, Northwest Indian Fisheries Commission (NWIFC), said the Clean Water Act (CWA)
7 assurances have always been a high priority for the western Washington tribes. The tribes
8 recognize the Department of Ecology (Ecology) and the federal Environmental Protection
9 Agency as leaders on water quality projects and, as co-managers; the tribes support their
10 continued work and funding on water quality issues.

11
12 Ray Entz, Kalispel Tribe, suggested that an emphasis on wildfire impacts be a priority for Policy.
13 Entz also shared his concerns with the report from the Board's committee on Adaptive
14 Management Program (AMP) improvements. He appreciated the candid comments captured in
15 the report prepared for the committee providing an understanding of how folks felt about the
16 AMP, however he was shocked to read the personal attacks toward the Adaptive Management
17 Program Administrator (AMPA). He applauded Hans Berge for his work in the program and his
18 desire to maintain integrity through the science process. He said the Board has the authority to
19 implement change and does not believe the Board needs the principals to implement program
20 changes.

21
22 **APPROVAL OF MINUTES**

23 **MOTION:** Tom Nelson moved the Forest Practices Board approve the May 9, 2018
24 meeting minutes.

25
26 **SECONDED:** Jeff Davis

27
28 Board Discussion:
29 None.

30
31 **ACTION:** Motion passed. 12 Support / 1 Abstention (Serr).

32
33 **TFW POLICY COMMITTEE'S 2019 PRIORITIES**

34 Curt Veldhuisen and Terra Rentz, Co-chairs, reviewed the 2019 priorities outlined in their report.
35 This includes work on Type F, the small forest landowner riparian template, the unstable slopes
36 proposal initiation, continued budget review discussions and considering the Type N study
37 findings.

38
39 Rentz said they will be working to reestablish trust within Policy and will focus on the proposed
40 improvements from the AMP review. She mentioned two proposed recommendations –
41 incorporating potential impacts of climate change into scientific project planning and improving
42 relationships between Policy and the Cooperative Monitoring, Evaluation, and Research
43 Committee (CMER).

44
45 Chair Bernath asked about the timing for the Hard Rock Type N study.
46

1 Rentz said Policy voted to accept the findings and report at their July meeting and by August 23,
2 they hope to determine alternatives. Policy will then have 60 days to develop a suite of potential
3 recommendations and then an additional 45 days to develop a single set of recommendation(s) to
4 present to the Board.

5
6 Veldhuisen emphasized that the Hard Rock Type N study involves a lot of material. He said
7 current conversations are focused on the forest practices program commitments to clean water
8 requirements. He said the study focused on temperature responses resulting from different
9 riparian prescriptions along Type N waters.

10
11 Rentz confirmed Policy's commitment to keep the volume of information understandable and
12 transparent. She invited Board members to visit an upcoming Policy meeting to observe the
13 committee in action.

14
15 Phil Ferester, Board Counsel, reminded Board members to coordinate with Patricia Anderson in
16 advance of attending or participating in a Policy meeting to ensure the meeting is posted if there
17 is a potential for a Board quorum to materialize at such a meeting.

18
19 Board Member Laurie asked if January 2019 was the month Policy plans to send
20 recommendations to the Board in advance of the February 2019 meeting.

21
22 Veldhuisen said the clock started in early July and following the 180-day schedule indicates that
23 January is the target month for providing recommendations to the Board.

24 **CLEAN WATER ACT ASSURANCES ANNUAL REPORT**

25 Mark Hicks, Ecology, updated the Board on the status of the CWA milestones. Since his update
26 to the Board in February 2018, one milestone has been completed – the Eastside Type N
27 Experimental Treatment Study. He provided a brief history on how the CWA assurances came
28 about and the establishment of various milestones after Ecology granted a 10-year extension in
29 2009 for meeting the assurances. He said several milestones remain off track due to limited
30 project funding, disagreement amongst stakeholders and competing priorities.

31
32
33 He said that Ecology believes the AMP is not working as intended in the Forests and Fish
34 legislation. Ecology has not yet made a determination to offer programmatic CWA assurances or
35 an extension of the milestones after the 2019 deadline. He said although Ecology has not seen
36 the results they had expected, they still see a high intrinsic value to the program and is
37 encouraged with the Board's commitment for program improvements. He said Ecology is
38 optimistic the Board will continue to support CMER projects, which will help complete the
39 outstanding milestones.

40
41 Board Member Swedeen asked why the Type N Effectiveness study took nine years to complete
42 and if the subcommittee is on track for meeting the CWA milestones.

43
44 Hicks said the reasons are complex and diverse. He said changing priorities, inconsistent
45 decision-making or lack of commitment by caucuses have created the most difficulties. He said

1 the solution might be in getting folks at the table who understand the science, are willing to
2 follow the process and are willing to share each other's issues.

3
4 **UPDATE ON PHB PILOT STUDY AND VALIDATION STUDY DESIGN**

5 Hans Berge, AMPA, and Dr. Phil Roni, science panel member, provided an update on the
6 Potential Habitat Break (PHB) Pilot Study and Validation Study design. Berge said they plan to
7 present the final study design and the results of the pilot to the Board at the November 2018
8 meeting. The design of the validation study calls for the sampling of streams during three
9 seasons each year over a three-year timeframe. He said the design calls for the completion of the
10 final report in 2023 following the process to bring a study through the AMP as outlined in Board
11 Manual Section 22.

12
13 Berge said the original study design was provided to stakeholders for review. The science panel
14 received comments from stakeholders and from an independent science team. The revised study
15 design is currently under a formal independent science peer review (ISPR). The panel expects to
16 receive the results of ISPR review in September and will present the final validation study design
17 to the Board in November.

18
19 Dr. Roni provided a brief update on the pilot study. He reported it is underway and when
20 completed it will help inform how to effectively conduct the validation study. He said
21 approximately 15 sites have been identified for western Washington and six sites have been
22 sampled to date. He said they are currently evaluating sites for eastern Washington. The
23 sampling is expected to be completed by the end of August and the science panel plans to
24 provide the results to the Board in November.

25
26 He said the stream survey methodology begins at the 'end of fish' point identified on an
27 approved water type modification form. From that point, the survey team will measure and
28 record detailed PHB data. The data collected will include bankfull width and wetted width data
29 on downed wood and a description of the stream's substrate. He said getting to some sites is
30 proving problematic due to increased fire risk, closed gates and difficult stream access.

31
32 Berge clarified that the validation study will be focused on those physical characteristics that
33 would define a PHB and is not focused on the anadromous zone.

34
35 Dr. Roni explained that the data collection process is extensive. He provided one preliminary
36 example for how extensive the data sampling is for one of the streams they have recently
37 surveyed.

38
39 Board Member Nelson thought it would be beneficial for Board members to see one of these
40 sites on the ground to gain a perspective for identifying PHBs.

41
42 Dr. Roni explained that most sites are near the Vail Tree Farm and some have adequate access.

43
44 **CMER MASTER PROJECT SCHEDULE**

45 Chair Bernath outlined the CMER budget approval process. He said the Board would be asked to
46 approve a proposed CMER Master Project Schedule budget for submittal to the Governor's

1 office. DNR will then put the request in the biennial legislative budget and, based on the funding
2 level actually allocated by the Legislature, Policy will fine-tune the CMER Master Project
3 Schedule and associated budget for Board consideration and approval next summer for the
4 CMER FY 2020-2021 budget.

5
6 Hans Berge, AMPA, discussed the process used by Policy to recommend a balanced budget. He
7 said the challenging part was to arrive at consensus regarding priorities. The budget presented
8 today is for the 2020-2021 biennial calendar. He further explained why some zeros occur within
9 the budget, contingency funding for future studies and adjustments that may occur to the
10 \$250,000 set aside for Type N extended monitoring.

11
12 Berge explained several of the ‘below the line’ (not currently recommended for funding)
13 projects. He said these projects may be candidates for funding and if so, Policy would come up
14 with the structure for arriving at funding. These projects used to be above the line, but moved
15 below due to prioritization.

16
17 **PUBLIC COMMENT ON CMER MASTER PROJECT SCHEDULE**

18 Alec Brown, Conservation Caucus, described why his caucus voted sideways on the budget.
19 They are concerned with how extended monitoring projects have been approved and funded. He
20 said their caucus is appreciative of how the budget came together, but would like to see a
21 formalized adaptive management process to evaluate the need to implement and fund future
22 extended monitoring projects.

23
24 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, said he appreciates
25 the effort by Policy to balance the budget. He has concerns with ‘add-on’ projects because it may
26 set a precedent for how such projects are funded in the future. They would like to see the AMP
27 move forward on rule effectiveness studies and not focus on extended monitoring projects.

28
29 Karen Terwilleger, Washington Forest Protection Association (WFPA), acknowledged the
30 considerable time Policy spent on the budget. She said that unfunded projects on the Master
31 Project Schedule (MPS) shown as “below the line projects” allows Policy to decide if they are
32 appropriate to remain on the MPS budget and allows new projects to come forward when
33 funding becomes available. The goal of the MPS process used by Policy is to provide a more
34 rational thought behind the prioritization of the AMP work. She said WFPA is in support of
35 extended monitoring, but does not want it to delay other water quality related projects.

36
37 **CMER MASTER PROJECT SCHEDULE**

38 Hans Berge, AMPA, referring to the budget spreadsheet, said line 38 (Type N Buffer Treatment
39 Project Extended Monitoring through FY 2021) did not go through the normal CMER process.
40 He said it is a placeholder, if needed, for extended monitoring. He said it would be helpful if
41 CMER came up with criteria for determining when extended monitoring is warranted. He
42 clarified that the eastside scientist position is scheduled to begin in December 2018.

43
44 Nelson suggested Board members be in support of securing other funding sources to cover these
45 projects since the Business and Occupation Tax surcharge funding the Forests and Fish account
46 is set to expire in 2024.

1
2 Swedeen said extended monitoring should be a placeholder, not an expectation. She asked that
3 discussions occur to arrive at the feasibility and appropriateness to include extended monitoring.

4
5 Chair Bernath asked Veldhuisen and Rentz if discussions could occur regarding extended
6 monitoring evaluations.

7
8 Rentz said she believes so but thought it should be coordinated with CMER. Veldhuisen added
9 that the Policy budget subcommittee will be continuing their discussions and may take up this
10 issue. He said it is a fair request and believes it could happen.

11
12 Chair Bernath confirmed that the group would bring back clarity on when projects would need
13 extended monitoring.

14
15 **MOTION:** Patrick Capper moved the Forest Practices Board approve the 2019-2021 Master
16 Project Schedule. The Forest Practices Board also finds that the program is in
17 substantial compliance with the 2017-2019 CMER master project schedule.

18
19 **SECONDED:** Bob Guenther

20
21 Board Discussion:
22 None.

23
24 **ACTION:** Motion passed unanimously.

25
26 **WATER TYPING SYSTEM RULE MAKING & GUIDANCE UPDATE**

27 Marc Engel, DNR, said staff is working to incorporate the Board-accepted items for a permanent
28 rule and board manual guidance. Four rule development meetings have occurred to review the
29 draft language. The working draft includes combining elements of WAC 222-16-030 and -031,
30 new definition for off-channel habitat and the two ways to establish the Type F/N break –
31 retaining the physical characteristics currently in -031 and the new fish habitat assessment
32 methodology (FHAM).

33
34 He said that board manual development includes guidance for how to conduct the FHAM,
35 updated best management practices for protocol electrofishing surveys and how to delineate off-
36 channel habitat. Three field visits have occurred to assess the feasibility for finding the PHBs on
37 the ground identified in the three Board approved options for consideration. Staff is also working
38 with stakeholders to create language for consistently measuring stream gradient, bankfull width
39 and the obstacles for each PHB option. He said additional field days would be scheduled for next
40 spring to further test and refine the process.

41
42 He said the rule proposal, per the Administrative Procedures Act, Regulatory Fairness Act and
43 SEPA, would include an economic and environmental analyses. DNR has convened an advisory
44 group of economists to help identify the elements for consideration to assess the costs of the
45 rulemaking to the landowners and the benefits of the rulemaking to fish. The group includes

1 economists from DNR, Ecology, WFPA and the small forest landowner community as well as
2 tribal participation.

3
4 The economist advisory workgroup is tasked with the review of the cost benefit analysis (CBA)
5 and, when completed, advise on the need for the small business economic impact statement
6 (SBEIS). DNR is currently soliciting economist services to prepare the CBA and, if needed, the
7 SBEIS. He said that the solicitation period closed on July 31 and DNR received two qualified
8 bids. It is anticipated that the contract will be awarded by September 14.

9
10 Engel described how draft rule language and board manual guidance is being developed based on
11 Board motions and decisions recorded in meeting minutes. He discussed the need to gain
12 additional Board direction regarding clarification on the three PHB options under consideration;
13 specifically, how the proposed PHBs will be applied to lateral streams within the anadromous
14 floor.

15
16 Nelson said he liked the process for the economic analysis, and asked if members from the
17 eastside tribes were included in the economic stakeholder process since one of the PHB
18 alternatives is from that caucus. He also suggested DNR contact each caucus that provided a
19 PHB alternative to ensure that there is a clear understanding of each alternative.

20
21 Engel acknowledged that DNR could reach out to the eastside tribes during the economic
22 analysis review. He also acknowledged that DNR could reach out to each pertinent caucus to
23 ensure there is clarity about their specific PHB alternative.

24 25 **PUBLIC COMMENT (PM)**

26 Ken Miller, Washington Farm Forestry Association (WFFA), thanked the Board for continued
27 discussions on the small forest landowner riparian template. He asked the Board to include
28 riparian template updates at the next two Board meetings. He also asked the Board to consider a
29 site visit to his tree farm for a visual of the proposed template applied on the ground.

30
31 Board Members Guenther and Nelson encouraged the Board to consider Miller's invitation to
32 visit his tree farm.

33 34 **CLARIFICATION OF PHB ALTERNATIVES**

35 Chair Bernath indicated that this is an opportunity for those who submitted PHB alternatives to
36 clarify their alternatives in order for staff to capture the alternative in draft rule language.

37
38 Ray Entz, Kalispel Tribe and representing Upper Columbia United Tribes, said their PHB
39 proposal has not changed from the one originally presented. Their alternative is from the science
40 panel's report and they believe it is the best fit. He said that they added the anadromous floor
41 idea to capture small low elevation, low gradient streams. He said that the anadromous floor is
42 separate from the PHB evaluation and added that their alternative is for statewide application.

43
44 Jim Peters, NWIFC and representing Westside Washington tribes, said that their PHB proposal
45 had not changed from what was presented. He said interdisciplinary teams are still an integral
46 part of their alternative. A proponent could propose a stream survey within the 10% anadromous

1 floor that would be reevaluated by an interdisciplinary team. He added that their proposal is for
2 statewide application.

3
4 He clarified that for streams in geographic areas above the anadromous floor, the FHAM
5 evaluation would begin at a tributary junction. A bankfull width reduction at a tributary junction
6 by itself would not necessarily be a PHB.

7
8 Karen Terwilleger, WFPA, referenced a memo and accompanying materials sent to the Board by
9 Jim Lynch. She said the documents the Board received for today's meeting are identical to those
10 provided in February 2018 and that their original PHB alternative has not changed. She said
11 although the details of their alternative were not extensively discussed, they felt that their
12 alternative was properly presented to, and approved by the Board.

13
14 She said they developed their alternative based on the data in the science panel's report and built
15 their alternative to address the criteria to assess accuracy, equity and risk allocation within the
16 Forests and Fish Report and Forest Practices Habitat Conservation Plan (FPHCP). She clarified
17 two points: (1) they envisioned that technical stakeholders would develop the anadromous layer
18 details and that it would not necessarily be based on a 5, 7, or 10% gradient threshold and, (2) for
19 streams located outside the anadromous overlay, tributary junctions would be used as a PHB if
20 they met the criteria for gradient, size or obstacles.

21
22 Board Member Davies asked Terwilleger if the WFPA alternative is to evaluate tributary
23 junctions as PHBs, and if so, to explain how their caucus' evaluation came from the science
24 panel's report.

25
26 Terwilleger said that their tributary concept comes from the data used in the analysis and the
27 literature cited in the report, not from the panel's recommendation regarding tributaries. She
28 reminded the Board that the science panel did not reach consensus for how tributaries would be
29 treated and that the request to provide a minority report was denied.

30
31 Board Member Davies referred to the science panels' recommendation, which suggested a PHB
32 assessment begins at the most downstream end of a tributary and any assessment for PHB
33 criteria is measured from the tributary junction. She asked if Dr. Roni could address the tributary
34 issue and lack of agreement within the report Terwilleger mentioned.

35
36 Nelson said he did not think the Board needed to look at the technical merits of each PHB
37 alternative. The idea was to analyze all alternatives for benefits to fish and costs. He suggested
38 that a work group be convened to arrive at language for each PHB alternative.

39
40 Swedeen took issue with the comment that Board "voted on" the full landowner proposal. She
41 reminded Terwilleger that some of the WFPA documents they received at February's meeting
42 came as Board members were actively considering options. She said that she did not believe
43 Board members had time to fully digest and understand the landowner's alternative. She
44 acknowledged that the Board did not fully discuss and address tributary streams during the
45 February meeting, but the Board voted on what they felt was an accurate representation of the
46 alternatives.

1
2 Nelson said the Board is not being asked to approve these alternatives, but rather asked Board
3 staff to analyze them.

4
5 Swedeen said her interpretation of the science panel’s recommendation for using channel size as
6 a PHB criteria at tributaries results in false negatives and she did not think a size-based PHB at a
7 tributary junction would protect all fish at all live stages. She acknowledged that the science
8 panel did not reach consensus, but the majority—seven to one—recommended not using
9 tributary junctions as PHBs. She stated the Board’s analysis would need to assess biological
10 benefits and whether the rule is meeting the obligations of the FPHCP.

11
12 Chair Bernath asked Engel if he felt staff had a full understanding of each alternative.

13
14 Engel said he believed DNR had enough information given today’s Board discussion, staff’s
15 prior meeting with WFPA representatives, and the information contained in the WFPA memos.
16 He said staff would meet with the three separate caucuses to ensure clarity about the respective
17 alternatives.

18
19 Engel said staff could meet with the three caucuses to clarify their PHB alternatives. He said the
20 Board, in considering rule, will need to assess the costs, the benefits and the biological impacts
21 to get a complete packet. The Board will make a determination of the best overall alternative for
22 the rule in regards to the definition of fish habitat in WAC 222-16-010.

23
24 Engel clarified that the environmental analysis will start with a SEPA checklist which will
25 inform whether an environmental impact statement is needed.

26
27 Swedeen acknowledged that the analysis will assess costs, but questioned if the analysis will be
28 rigorous enough to assess the risk and impacts to fish and fish habitat in being under protective
29 in regards to tributary junctions. She suggested that if one proposal does not protect fish
30 adequately, the analysis should potentially arrive at that conclusion.

31
32 Nelson said it would be beneficial for Board members, once the draft rule language is ready, to
33 view how these PHB proposals work on the ground.

34
35 Engel said a spring field tour for the Board could include visiting stream sites for the purpose
36 requested by Board Member Nelson.

37
38 Chair Bernath said discussions for feasibility of a field trip could occur later in the agenda. He
39 said the decision to hold a field tour could occur next February.

40
41 Board Member Herrera said he is struggling to understand what the benefits to fish might be
42 under the three PHB alternatives and if the Board is meeting the obligations under the FPHCP.
43 He said he would be interested in hearing the federal agencies’ opinion on whether these
44 proposed alternatives meet the intent of the FPHCP in protecting fish habitat. He suggested
45 hearing from the federal agencies at the November 2018 meeting. He said it seems like we’re
46 chipping away at fish and fish habitat.

1
2 Chair Bernath said that an invitation would be extended to the federal agencies regarding their
3 evaluation of the PHB proposals in relationship to the FPHCP.

4
5 **PUBLIC COMMENT ON CLARIFICATION OF PHB ALTERNATIVES**

6 Vic Musselman, WFFA, said small forest landowners prefer using physical parameters when
7 typing waters. He said they would benefit most from a LiDAR-based water typing model.

8
9 Jamie Glasgow, Conservation Caucus, indicated that the WFFA clarification is a big deal to their
10 caucus because their biggest concern is false negatives from fish surveys.

11
12 Chair Bernath asked him to explain false negatives.

13
14 Glasgow indicated that this refers to a stream typing survey for fish detection based on one day.
15 For context, he shared conclusions from a Snoqualmie watershed study where 9 of 29 previous
16 Type N confirmations through water type modifications showed fish presence after utilizing
17 eDNA. He said he believed that the Board did not accept PHB criteria for tributaries based on
18 size alone and said the science panel recommended against a size determination for tributaries.
19 He referred to Chair Bernath's statement made at the February 2018 Board meeting, which
20 directed staff not to use tributaries as a width change PHB in their cost benefit analysis. He noted
21 that the science panel was convened to meet the Board's best available science requirements. He
22 concluded by saying that the Conservation Caucus supports the motion passed at the February
23 2018 Board meeting.

24
25 Kevin Godbout, Weyerhaeuser, said his company would be happy to host the Board to visually
26 understand the PHB alternatives. He said they are motivated to move this process along and
27 asked the Board to accept the PHBs as presented and urged DNR staff to bring forward the costs
28 and benefits of the PHB alternatives. He said the Cole study done by CMER is part of the
29 science that supports the landowner proposal.

30
31 Peter Goldman, Washington Forest Law Center, said he has concerns about embarking on a
32 process that was not voted on by the Board. He would like the Board to hear from Dr. Roni on
33 how WFFA's PHB alternatives is at odds with the science panel's recommendation. He said if
34 the Board keeps this process grounded in science, it needs to consider the fish habitat definition
35 under 222-16-010.

36
37 Scott Swanson, Washington State Association of Counties, said he is surprised to hear that the
38 Board is further deliberating on the PHB alternatives. He thought the alternatives were very clear
39 and asked the Board to analyze all three alternatives as they were brought forward.

40
41 **FOREST PRACTICES BOARD DISCUSSION**

42 Board Member Smith, addressing earlier public comments, shared three observations:

- 43
- 44 • She felt that the new fish assessment process, given the potential to find or not find fish, will
arrive at a 50/50 shared risk split;
 - 45 • She felt that applying a size-based PHB to tributaries is appropriate since the new process
46 will require an evaluation for fish above the tributary PHB; and

- 1 • The Board did not endorse any one specific PHB proposal, but asked staff to evaluate them
2 all.
3

4 Chair Bernath he said he thought there was a general need to move forward with the analysis and
5 wanted to ensure transparency in the process. He acknowledged the concern to answer questions
6 around the science regarding tributaries, and the need for appropriate staff reports to the Board.
7

8 **MOTION:** Tom Nelson moved the Forest Practices Board direct staff to work with each of
9 the proponents to clarify each alternative, including PHB's as they relate to above
10 and within the anadromous floor.
11

12 The Board further directs staff to work with stakeholders to ensure the analysis
13 process is transparent to all caucuses.
14

15 The Board further directs the AMPA to convene the authors of the January 2018
16 report from the science panel to update the report to reflect all perspectives and
17 supporting science regarding tributaries.
18

19 And further requests the staff to provide updates at the November 2018 and
20 February 2019 Board meetings including recommendations regarding a Board
21 field trip on the alternatives.
22

23 **SECONDED:** Noel Willet
24

25 Board Discussion:

26 Chair Bernath asked if Board members wanted to provide input or had reflections on the motion.
27 He said the goal of this motion is to provide further clarification to staff for continued rule-
28 related analysis and to keep the process moving forward.
29

30 Board Members Willet, Janicki, Herrera, Laurie, Serr, Davis, Guenther, Smith, Capper and
31 Nelson said they support the motion.
32

33 Board Members Swedeen and Davies said they do not support the motion. Swedeen said she
34 feels like the Board is moving forward with an analysis that does not support fish habitat. She
35 wanted the science panel to go into more depth regarding their recommendation behind tributary
36 junctions. Davies believed that the landowner proposal is different from what was discussed in
37 February.
38

39 Chair Bernath asked Engel if he understood the direction provided through the motion. Engel
40 stated that he did.
41

42 Chair Bernath asked Berge and Dr. Roni if they understood the direction provide through the
43 motion. Berge and Dr. Roni offered their thoughts to provide an update to the original expert
44 panel report. They felt a few page report or addendum to the original report was doable. Dr. Roni
45 said that a report could be completed within a few months.
46

1 **ACTION:** Motion passed. 11 Support / 2 Oppose (Swedeen and Davies)
2

3 **RECOMMENDATIONS FOR 2019 FISH USE STREAM SURVEY PROTOCOL**

4 Board Member Herrera provided a brief overview on why the co-managers were tasked with
5 coming up with recommendations for a 2019 stream survey protocol.
6

7 He said that Board Member Davis and he have not met but said their staff have met to brainstorm
8 potential ideas. They will be discussing their staff's recommended options once those are
9 finalized. He concluded by saying that any recommendation brought to the Board would need to
10 align with DNR's administrative structure.
11

12 **BOARD COMMITTEE ON EFFICIENCY AND EFFECTIVENESS IMPROVEMENTS**
13 **FOR THE ADAPTIVE MANAGEMENT PROGRAM**

14 Board Member Janicki, Committee Chair, said the last meeting was held July 27 and a summary
15 of the interviews was provided to the group. She acknowledged that some of the comments were
16 raw, but said that the candid remarks were appropriate if issues are to be understood and acted
17 upon. She said most of those interviewed indicated that they are really focused on making the
18 AMP work.
19

20 She said the committee believes the best path forward is getting the sense of commitment re-
21 invigorated within the group in order to demonstrate stronger leadership and clarify roles and
22 responsibilities. The committee recommends three meetings involving caucus principals over the
23 course of the year, including having a refresher course – an “AMP 101” in a sense. She said that
24 the first meeting is scheduled for October 2018, followed by another in January 2019, with a
25 wrap-up meeting in June.
26

27 Davis acknowledged that some of the root causes have to be addressed at the principals meeting
28 and cannot be solved at the science panel level, through the AMPA, or within CMER. He said he
29 hopes to be part of the principal-level conversation when that occurs.
30

31 Herrera stated his belief is that the real issues are not at the level of PHBs or anadromous zone
32 discussions, but should focus on addressing how folks are going to share risk.
33

34 Swedeen acknowledged that honesty and creativity will be needed to get at the core issues. She
35 agreed that root causes include disagreements for the fundamental obligations for protecting
36 resources balanced with a viable timber industry.
37

38 Board Member Guenther thanked the committee for its work thus far. He felt that acknowledging
39 the accomplishments done by the program and all caucuses is valuable for the program's legacy.
40

41 Janicki acknowledged Berge for his leadership and commitment to the program and willingness
42 see this through.
43

44 Davies said she is looking forward to the gathering in October. She agreed that historical
45 knowledge is important and that shared knowledge will be helpful to solve some of the issues.
46

1 Nelson said he agreed with the recommendations thus far. He encouraged Board members to
2 attend a Policy meeting to see where some of these problems exist.

3
4 Laurie said he hoped Board members would be able to see some of the products coming out of
5 the group—plans or agendas—so that Board members could provide helpful input.

6
7 Janicki said that an upcoming committee meeting is scheduled for August 23. She said Ms.
8 Lewis is very familiar with convening groups around environmental issues. Any content coming
9 from that meeting including how to incorporate a root-cause analysis could be forwarded to
10 Board members. She said the committee is potentially considering two-day meetings in order to
11 reestablish relationships among the principals.

12 13 **STAFF REPORTS**

14 Taylor's Checkerspot Butterfly

15 Marc Engel, DNR, presented a staff recommendation to implement a two-year reporting
16 schedule rather than an annual report. He said the agencies are committed to alerting the Board
17 should any forest practices application protection issue occur.

18
19 Chris Conklin, WDFW, clarified that the two-year reporting was a recommendation from
20 WDFW staff given the current protection approach used today. He said that in the future, the
21 agencies may assess the need to shift to a five-year reporting period. There were no objections to
22 this recommendation.

23
24 There were no questions on other staff reports.

25 26 **OCTOBER 2018 FIELD TOUR PLANNING**

27 Marc Engel, DNR, presented potential field topics that might come before the Board in the next
28 calendar year. He suggested a field tour to occur in southwest Washington. Site visits could
29 include PHBs, tethered logging, discussing the dry season protocol for the upper most point of
30 perennial flow, marbled murrelet management and northern spotted owl habitat.

31
32 He suggested the Board conduct a field tour in the spring to avoid a potential conflict with the
33 principals meeting scheduled for October 2018.

34
35 Swedeen suggested an alternative—conduct a half-day field tour on November 13 to visit Ken
36 Miller's tree farm for discussing the small forest landowner alternate plan template. This would
37 occur prior to the regular Board meeting on November 14.

38
39 Engel briefly discussed the timing for the small landowner alternate template and mentioned that
40 November would be appropriate timing to discuss the template and see how the proposal works
41 on the ground.

42 43 **2018 WORK PLAN REVIEW**

44 Marc Engel, DNR, reviewed the changes to the work plan as a result from the last meeting and
45 today's decisions.

1 **MOTION:** Lisa Janicki moved the Forest Practices Board approve the 2018 Work Plan as
2 amended today.
3
4 **SECONDED:** Bob Guenther
5
6 Discussion:
7 None.
8
9 **ACTION:** Motion passed unanimously.
10
11 **Executive Session**
12 None.
13
14 Meeting adjourned at 4:15 p.m.
15
16