

1 **FOREST PRACTICES BOARD**
2 **Regular Board Meeting – November 10, 2021**

3 via Zoom

4 *Meeting materials and subject presentations are available on Forest Practices Board's website.*
5 <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board>

6
7 **Members Present**

8 Alex Smith, 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 (9:55 a.m.-12 p.m.)
13 Cody Desautel, General Public Member (9 a.m. – 2 p.m.)
14 Dave Herrera, General Public Member
15 Jeff Davis, Designee for Director, Department of Fish and Wildlife
16 Kelly McLain, Designee for Director, Department of Agriculture
17 Laura Watson, Director (9 a.m. – 12 p.m.)/Rich Doenges, Designee for Director (12:30 p.m. – 2:20 p.m.),
18 Department of Ecology
19 Tom Nelson, General Public Member
20 Vickie Raines, Elected County Commissioner
21 Wayne Thompson, Timber Product Union Member

22
23 **Staff**

24 Joe Shramek, Forest Regulation Division Manager
25 Mary McDonald, Forest Regulation Assistant Division Manager
26 Marc Engel, Senior Policy Advisor
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Senior Counsel

29
30 **WELCOME AND INTRODUCTIONS**

31 Chair A. Smith called the Forest Practices Board (Board) meeting to order at 9:03 a.m. Roll call of Board
32 members and introduction of staff was made.

33
34 **ZOOM MEETING INSTRUCTIONS**

35 Tracy Hawkins, DNR, provided instructions on how the Zoom meeting would be conducted and how to
36 provide public comment.

37
38 **REPORT FROM CHAIR**

39 Chair A. Smith shared the following:

- 40 • Recognition of Stephen Bernath's service on the Board.
41 • Retirements, new staff and other employee transitions of the program.
42 • Commissioner Franz' Timber, Fish and Wildlife (TFW) principal's meeting is scheduled for
43 December to begin addressing the State Auditor's recommendations to make improvements in the
44 Adaptive Management Program (AMP).
45 • The following reports will be provided to the legislature in December 2021 as requested through
46 operating budget provisos:
47 ○ Update on Board projects and progress on the State Auditor's Office (SAO) recommendations
48 about the AMP.
49 ○ Status of development of a programmatic safe harbor agreement for northern spotted owls.

- Recommendations for how the forest industry might help defray some of the costs of the new online forest practices application review system.

APPROVAL OF MINUTES

MOTION: Wayne Thompson moved the Forest Practices Board approve the August 11, 2021 Board meeting minutes.

SECONDED: Kelly McLain

ACTION: Motion passed unanimously.

UPDATE ON STUDY DESIGNS FOR PHB VALIDATION AND DEFAULT PHYSICAL CHARACTERISTIC

Saboor Jawad, Adaptive Management Program Administrator (AMPA), said the Board, at their November 2019 meeting, directed the Cooperative Monitoring, Evaluation and Research Committee (CMER) to develop study designs for the potential habitat break (PHB) validation, default physical characteristics, and map-based Lidar model studies. CMER gave this task to the Instream Scientific Advisory Group (ISAG) and ISAG developed the Water Typing Strategy for CMER’s approval including the developments of the study designs.

Cody Thomas, ISAG member, highlighted the major updates. He said ISAG has been meeting to focus on the PHB validation study design to address stakeholder concerns and comments. A statistical consultant was contracted to provide advice for the study design. He said ISAG is looking to add an eDNA element into the study, but is still unsure how this will fit. ISAG is on track to submit a final proposed draft of the PHB study design to CMER by February 2022 with the goal to submit the study design for an independent science peer review (ISPR) and approval no later than July 2022.

He noted that the timeline for the field implementation of the PHB validation study back from FY 2023 to FY 2024. He said once the study design is complete they will have a better idea of the budget needed.

Thomas clarified that they updated their timeline to make adjustments for finalizing the study design. It is approximately one year behind their original estimate. He said if the eDNA component does not fit adequately in the PHB Validation Study, they may recommend a separate study for eDNA.

UPDATE ON TYPE NP BUFFER ALTERNATIVES

Saboor Jawad, AMPA, provided an update on the Type N Experimental Buffer Treatment in Hard Rock Lithology Study Phase 2 (hard rock), which is the extended phase of the Type N Experimental Hard Rock study, and the Type N Experimental Soft Rock Study (soft rock). Both studies were approved by CMER in August 2021, but each study has been delayed until the CMER dispute resolution process invoked for the findings for each has been resolved.

He reported that all of the outstanding issues regarding the hard rock study have been resolved after one informal dispute resolution meeting. He stated that the dispute resolution process for the soft rock study findings will begin on November 15, 2021 and that it could take at least three months to resolve the dispute. Both reports should be presented to the TFW Policy Committee (TFW Policy) in March 2022.

Meghan Tuttle, TFW Policy co-chair, reported that since the August 2021 Board meeting, TFW Policy has accepted the final Type Np work groups report. She said several TFW Policy caucuses brought forward prescriptions for evaluation as Type Np buffer alternatives for TFW Policy consideration.

1 Marc Engel, TFW Policy co-chair, stated TFW Policy is striving to work towards an alternative for Type
2 Np buffers. He said a dispute was invoked by the conservation caucus at the November 2021 TFW Policy
3 meeting regarding the completion timeframe for TFW Policy to develop Type Np buffer alternatives. As a
4 result, there will be a delay on developing the alternatives while the dispute is resolved.

5
6 Engel said there are a number of disputes which have been invoked within TFW Policy, which may affect
7 the timing and completion of the Type Np buffer dispute.

- 8 • The completion of the dispute invoked by the small landowner caucus based on a lack of consensus to
9 accept their proposal for narrower riparian buffers in an alternate plan template. This dispute has gone
10 through both stage one and two of the dispute resolution process without resolution, and Engel said
11 the TFW Policy majority/minority results coming out of the dispute resolution process are expected to
12 be presented to the Board by May 2022.
- 13 • The Proposal Initiation request from the industrial landowner caucus for a Type Np buffer GIS project
14 is now in stage two of dispute resolution, and that TFW Policy plans to hire a contractor to mediate
15 this dispute beginning in early January 2022.
- 16 • A dispute was invoked at the November 2021 TFW Policy meeting by the small forest landowner
17 caucus on the failure to accept for review their proposal initiation to define the criteria for relatively
18 low impact as it relates specifically to alternate plans for small forest landowners.
- 19 • A dispute was also invoked at the November 2021 meeting by the industrial landowner caucus based
20 on the inability for TFW Policy to approve the charter for the hard rock phase 3 study for continued
21 monitoring of amphibians.

22
23 He stated resolution of these disputes will take additional time that inhibits TFW Policy from doing its
24 normally scheduled work. The TFW Policy co-chairs are likely to come to the Board in February 2022
25 with a request for additional funding for a dispute resolution contract.

26 Board member Nelson asked what is TFW Policy's history in completing these dispute processes and if
27 there is a timeline for completion.

28
29 Engel responded that normally from beginning to end of dispute resolution, both stage one and two, it
30 takes at least six months, and none have been resolved in stage one. He said the timeframe associated with
31 each step is outlined in [WAC 222-12-045\(2\)\(h\)](#) and [Board Manual Section 22](#).

32
33 Board member Watson asked how many Type Np buffer alternatives have been submitted for
34 consideration.

35
36 Engel said they received four buffer alternatives in addition to the eight potential buffer recommendations
37 from the Type Np work group. At this stage, he said TFW Policy is reviewing the alternatives that have
38 been brought forward.

39
40 Board member Davies asked the co-chairs to speak to the reality of the estimated timeline and how much
41 longer this is going to take.

42
43 Tuttle said the main point is that TFW Policy will be mindful of the goals in the Forests and Fish Report
44 (FFR) and direction from the statutes for the AMP.

45
46 Engel acknowledged that many variables will contribute to the suggested recommendation completion
47 timeline outlined in Board Manual Section 22 in the development of the alternatives and that TFW Policy
48 needs to resolve the timeline dispute before completion of the development of alternatives. Additionally,
49 there is concern about the overall workload for TFW Policy with all the other disputes plus the need to

1 develop the Board requested recommendations to address the recommended changes identified in the
2 State Auditor’s report.

3
4 Board member Nelson said that the Board should not rush TFW Policy. He asked if there was anything
5 Board members could do to help with any of the contracting and administration of this work.

6
7 Engel said assuming that the Board accepts a TFW Policy recommendation for a Type Np buffer rule, it
8 will take about 12 to 18 months for the completion of the rule. The rule making process has many
9 required steps including the required work product for the filing of the CR-101, CR-102 and CR-103
10 forms. He said an estimate timeline could be made for each step, but not the entire process.

11
12 Board member Serr asks what the estimate time is for filing the CR-102.

13
14 Engel responded that if the Board accepts the recommendations and requests staff to prepare the
15 rulemaking packet during calendar year 2022, the completed packet could come to the board in calendar
16 year 2023.

17
18 Board member Davies said given that the studies indicate warming stream temperatures, this timeline is
19 very hard to accept. She asked what the Board could do to support prioritizing this effort and working to
20 complete this as soon as possible.

21
22 Board member Nelson said he believes the data is inconclusive to indicate warming across all of
23 Washington. The Board needs adequate science and additional data up front before considering changing
24 the rule.

25
26 Board member Desautel said he agrees that the timeline is quite lengthy. He said the diversity of
27 ecosystems and climates complexity makes this challenging, but given the anticipated warning on the east
28 side of the state, a rule change is appropriate.

29
30 Board member Herrera said from a tribal perspective, this process is becoming frustrating because the
31 tribes believe there is an urgency for change. He said the program will always follow the scientific
32 process, but it may never get an empirical answer or exact scientific outcome on all topics. He said one of
33 the goals of the FFR is to keep the timber industry viable and suggested that the timber industry will
34 always will be viable as long as people need wood products. He said tribal interests and the urgent need of
35 resource protection is an equal goal.

36
37 **PUBLIC COMMENT ON TYPE NP BUFFER POTENTIAL RULEMAKING**

38 Chair A. Smith said the Board is considering filing a CR-101 *Pre-proposal Statement of Inquiry* for rule
39 making related to Type Np (non-fish perennial) Water riparian management zones. The information
40 provided on a CR-101 form states the subject of the rule and provides contact information for people who
41 would like to participate in rule development. There is no commitment to a final outcome.

42
43 Steve Barnowe-Meyer, Washington Farm Forestry Association (WFFA), said that TFW Policy, based on
44 the Type Np workgroups completed report, is making steady progress and continues to operate within the
45 timelines to bring recommendations to the Board. He does not support the Board filing a CR-101.
46 However, if the Board moves forward with a CR-101, he requested that no timeline be included.

47
48 Elaine Oneil, WFFA, said given the Type N Hard Rock study findings, she questioned whether a rule
49 change was necessary. She said the scope of inference for the Hard Rock study does not provide enough

1 information to require the recommended action of filing a CR-101. She said the Board is rushing through
2 a process that requires more information.

3
4 Dan Brown, Environmental Protection Agency (EPA), provided the Board some additional context about
5 water quality temperature standards, specifically the importance of protecting cold water. He said
6 Department of Ecology based its temperature water quality standards on a 2003 EPA published guidance
7 and would use its CWA authorities to ensure DOE fully implement its water quality policies and
8 procedures to protect existing cold water temperatures to the maximum extent possible. He said given that
9 the current rules are not adequate to stabilize water temperatures, EPA supports the Board action of filing
10 a CR-101 to provide stream buffering in compliance with the Ecology anti-degradation and water quality
11 standards rules.

12
13 Sherry Dysart, League of Women Voters of Washington, said forest management should be responsive to
14 the science in support of functioning forest ecosystems and that forest practices has increased
15 temperatures in streams levels above acceptable standards for the state. She said a timeline must be
16 established to respond to the AMP recommendations for stream temperature since the AMP is falling
17 behind in completing the CWA milestones. Additionally, she suggested that the AMP is not meeting the
18 protection requirements of the Conservation Habitat Plan, which increases the risk for endangered
19 species.

20
21 Janice Burger, Olympic Climate Action, said the Forests and Fish Report (FFR) was adopted to protect
22 the forested landscape and its impacts to the environment. She requested the Board take its responsibility
23 seriously. She said the FFR needs to be reformed and the Board needs to be more effective.

24
25 Court Stanley, Washington State Association of Counties, stated the Type Np buffer discussions have
26 been on track within TFW Policy. He said everyone needs to be accountable in the process as these are
27 important decisions and it is better to be done correctly than simply faster. He said the common ground to
28 minimize risk can be achieved and said he is committed to finding the right solutions and asked the Board
29 to let TFW Policy do their job under the time frames outlined by Marc Engel.

30
31 Peter Goldman, Washington Forest Law Center (WFLC), said his caucus has urged the Board to give
32 some direction and sense of urgency in the approval of going forward with the CR-101. He said he does
33 not believe that the Board is rushing into rule making and he will come to the table in good faith for Type
34 Np buffer negotiations. He said the Board needs to recognize its responsibility in this rulemaking and
35 asked that DNR work with Ecology if a CR-101 is approved.

36
37 Jason Spadaro, Washington Forest Protection Association (WFPA), voiced a sincere objective for
38 industrial landowners is to bring forward a new TFW era of collaboration. He said it is time to bring back
39 leaders from TFW to the table. He said they conditionally support the Board in filing a CR-101 for Type
40 Np streams. He believes TFW Policy has been making good progress and expects some important
41 recommendations to come to the Board from TFW Policy in 2022. His vision is to stay true to the Forests
42 and Fish Adaptive Management process and with a spirit of collaboration, work together.

43
44 Rachel Baker, Washington Environmental Council, said CMER studies show that buffers do not work to
45 protect stream temperatures and that Type Np rules need to be strengthened to protect water quality and
46 temperature. She asked the Board to proceed with filing a CR-101 and set an ambitious timeline for rule
47 making. She also said that Ecology should not renew CWA assurances based on the CR-101 process.

48
49 Ray Entz, Kalispell Tribe, said the Type Np workgroup recommendations came from five completed
50 consensus CMER studies and showed a temperature increase. He recognized the number of disputes

1 going on within TFW Policy and noted that they will not be able to work quickly or together if
2 participants are not made accountable. He asked the Board to help solve this problem as the disputes on
3 Type Np are going to hamper this process. He said he would asked TFW Policy members to revoke the
4 Type Np buffer dispute and move forward to accomplish the necessary work.

5
6 Ken Miller, WFFA, said the Np study results indicate a moderate concern that rules need to be changed.
7 He said he feels there is a rush to judgement that furthers the distrust of the small forest landowner
8 community and he questions whether the issue is about functionality or the taking of more of their trees.
9 He said he hears the complaint about how long this is taking, but said the small forest landowners have
10 been waiting 22 years for the AMP to respond to their concerns. He said they have yet to have the
11 conversation about the net gains of protection on Type Np streams.

12
13 Jim Peters, Northwest Indian Fisheries Commission, said TFW Policy agreed that there is action that
14 needs to be taken regarding the Type Np stream buffers. He acknowledged that the timeframe was over
15 estimated by quite a bit, however, he encouraged the Board to approve the filing of a CR-101. He said
16 there are still actions needed in the non-fish bearing systems and the protection of other species that rely
17 on the healthy stream systems.

18
19 Ed Chan said he had concerns with the term ‘free public resources’ and feels the state’s resources are
20 continuing to degrade. He said public resources should be protected and should not exclude those
21 resources owned by private forest landowners.

22
23 **TYPE NP BUFFER POTENTIAL RULEMAKING**

24 Mary McDonald, DNR, asked the Board to request staff to file a CR-101 Preproposal Statement of
25 Inquiry for Type Np waters.

26
27 **MOTION:** Dave Herrera moved the Forest Practices Board request staff to file a CR-101 Preproposal
28 Statement of Inquiry to notify the public that the Board is considering rule making related
29 to the Type Np riparian management zones in Chapter 222-30 WAC.

30
31 **SECONDED:** Cody Desautel

32
33 Board Discussion:

34 Board member Nelson said he believes the Board is out of sync with the AMP process and that the motion
35 is premature. He said he would not vote for anything with a timeframe for a final rule action.

36
37 Board member Davies asked if language could be added that supports the urgency to process this as
38 quickly as possible.

39
40 Board member Raines said this action is premature and that this could set a precedent for rulemakings in
41 the future. She said she will support filing a CR-101 in order to maintain the Clean Water Act Assurances
42 but is not interested in establishing deadlines for finalizing a rule.

43
44 Board member Guenther did not see any reason to change language in the motion to expedite the
45 rulemaking. He also believed the CR-101 is out of step with the AMP process.

46
47 Board member C. Smith said she is in agreement with others to approve the CR-101 without any
48 timelines.

49

1 Board member Watson said she supports filing the CR-101 without rulemaking timelines, however
2 supports the process moving forward as quickly as possible. She also stated that she disagrees that the
3 Board is out of step with the AMP. She said Ecology thought that a CR-102 would be possible by this
4 time, but that COVID might have caused a loss of time.

5
6 Board member Thompson agrees with members Nelson, Raines, C. Smith, and Guenther.

7
8 Board member Davies clarified that she is not proposing that there be a timeline but that the process move
9 forward with deliberate speed.

10
11 Board member Cody Desautel said there are opportunities for discussions to move this along, but without
12 specific timelines in the motion.

13
14 Board member Herrera supported member Desautel’s comments. He indicated a need to get the process
15 moving.

16
17 Mary McDonald, DNR, said the CR-101 could be completed and filed within a couple of weeks. She said
18 staff can develop a timeline for the CR-102 and present that to the Board at the February 2022 meeting.

19
20 **ACTION: Motion passed. (12 Support / 1 Abstention (Brent Davies))**

21
22 **UPDATE ON CLEAN WATER ACT ASSURANCES**

23 Department of Ecology (Ecology) Director Laura Watson said that she appreciates having time on the
24 agenda to talk about the Clean Water Act (CWA) Assurances, which are set to expire at the end of 2021.
25 She conveyed that she has talked with representatives from almost every caucus and that she appreciates
26 people sharing their thoughts on what the next steps should be with the assurances. Director Watson said
27 she had hoped to announce today that she would be extending the CWA assurances based on their
28 confidence that the AMP is continuing to move towards compliance with water quality standards on Type
29 N streams.

30
31 She said the key component of adaptive management is that the rules need to adapt to what the science is
32 telling us. The science is telling us that the current buffers are not meeting water quality standards for
33 Type Np streams, which means that the buffer prescriptions need to be updated to comply with the
34 standards. She thanked the Board for approving the CR-101 which she felt is a step in the right direction.

35
36 She said that when Ecology extended the assurances in 2019 for a two-year period, Ecology did so by
37 noting that TFW Policy and the Board had agreed to the Type Np workgroup process aimed at developing
38 new rules. She thought there was a consensus that agreed a rule update was needed – the question wasn’t
39 whether new rules were needed, but rather, what the rules would be. It was in light of this commitment to
40 rule making that Ecology extended the assurances for the additional two-year period so that the Board
41 would have time to reach agreement on the Type Np rules. She said it is not clear today that that there is
42 still a commitment to improving the rules, and therefore, because she needs time to digest comments, she
43 is not ready to announce a decision today.

44
45 She said that she hopes TFW Policy participants are going to work with deliberate speed to bring a
46 recommendation to the Board – Ecology is committed to working with the other parties to ensure that it
47 gets done. She values and commends the Commissioner’s leadership in pulling the TFW principals
48 together and that she looks forward to the engagement. She concluded by saying that she expects to
49 deliver a written letter on her decision on the assurances within the next several weeks.

50

1 **GENERAL PUBLIC COMMENT**

2 Jessica Randall, Jefferson County resident, said they have witnessed that the application of forest
3 chemicals over the last 70 years has changed the forests into a patchwork of tree plantations with very
4 little diversity of native species, contributed to a decline in soil quality, and compromised streams and
5 wetlands. She said the Olympic Peninsula has become a critical area and with a changing climate, will
6 become increasingly critical with each season. She asked the Board to silence the voices in their heads
7 that are not helping make responsible decisions for the future.

8
9 Elaine Oneil, WFFA, said it has been nearly seven years that the Board has been hearing about their
10 efforts on the western Washington riparian template. She said she believes the torturous pass through the
11 AMP is symptomatic of larger issues within the AMP and that TFW Policy no longer considers the
12 scientific merits of their template proposal or the definition of relatively low impact as it entered dispute
13 resolution at the last TFW Policy meeting. She said the issue is the unwillingness of caucuses coming
14 together looking for common solutions in favor of asserting their own singular focus or not engaging in
15 the discussion. She asked the Board to take a breath, pause and step forward into the middle to help
16 resolve these issues.

17
18 Ken Miller, WFFA, referred the Board to his [written comment](#) that states the intent of RCW 76.13.100(2)
19 “The legislature further finds that small forest landowners should have the option of alternate
20 management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low
21 impact on aquatic resources. The small forest landowner office should be responsible for assisting small
22 landowners in the development and implementation of these plans or restrictions”. He also referenced the
23 intent of WAC 222-12-0403 in part stating that the “The (Board) manual should include: . . . (3)
24 Template Prescriptions . . . (5) Criteria to assist the department in determining whether a small forest
25 landowner alternate plan qualifies as a low impact alternate plan.” He asked the Board to have the
26 overdue conversation on the intent of the RCW and WAC regarding small forest landowners.

27
28 Jim Peters, Northwest Indian Fisheries Commission, said his goal for the past 40 years in working with all
29 representatives, has been to come to solutions. He said he knows the small landowners feel like they don't
30 get anything, however, he said look back at the AMPA’s report to see all that has been done including
31 establishing a Small Forest Landowner Office. He said the tribes also feel as if their concerns are not
32 being addressed as seen in the lack of fisheries in recent years. He said dispute resolution is a needed tool
33 for them in order to have those conversations where there is not agreement. He said calling for dispute
34 resolution earlier might help get issues in front of the Board sooner.

35
36 Peter Goldman, WFLC, said that he does not support the claim that by trying to move forward with
37 deliberate speed for Type Np is somehow anti-collaborative. He said their focus for resolving these issues
38 today is not an attempt to put the timber industry out of business. He said his caucus just wants to ensure
39 that the AMP is functioning properly as it addresses new science and adapts over time as it as was
40 envisioned.

41
42 **UPDATE ON IMPLEMENTATION OF THE STATE AUDITOR’S OFFICE WORK PLAN**

43 Saboor Jawad, AMPA, summarized the status of the work underway to implement the action plan that the
44 Board adopted in May 2021, in consideration of the State Auditor’s recommendations for improvements
45 in the AMP. Highlights included:

- 46 • Commissioner Franz is convening of a principal’s meeting planned for December 2021.
- 47 • The CMER workgroup is on track to adopt decision criteria for determining actions.
- 48 • The TFW Policy workgroup is on track to develop a net gains model for project planning.
- 49 • Board staff are on track to develop updates for Board Manual Section 22 regarding updating dispute
50 resolution language and triggers for dispute resolution set by the Board.

- 1 • AMP staff are on track to develop draft language for Board Manual Section 22 regarding peer review
2 of the science program.

3
4 Board member McLain asked if the intent regarding the funding for the five year science review is to be
5 done by DNR or by an outside independent source.

6
7 Jawad said that funds are intended for procuring outside services to conduct a five year science review –
8 the last time this type of review occurred was in 2011 and was conducted under contracted services.

9
10 Board member McLain, encouraged DNR staff and the Board to consider the Washington State Academy
11 of Sciences.

12
13 Jawad said the work is dependent on receiving funding and that when staff begins preparing a scope of
14 work, they will consider all the options.

15
16 Board member Serr referenced the SAO recommendation to adopt an alternative to the consensus
17 decision-making model, and asked if the Jawad could expand on the other models described in the State
18 Auditor report. He also asked if the AMPA could address the limitations of authority the Board has to
19 enact changes given certain limits under RCW and WAC.

20
21 Jawad said that the consensus decision-making model is referenced in the statute, and any changes to the
22 model would require adjustments to rules and statutes. [Note: “consensus” is a requirement in WAC [222-
23 12-045.](#)] The AMPA said the State Auditor’s report said it needs to be considered whether there are
24 alternatives to the consensus decision-making model including using simple-majority or super-majority
25 models for TFW Policy and particularly for CMER. He said it is most appropriate to first assign caucus
26 principals to determine if agreement on a process can be reached. Staff would then assess if a
27 recommendation aligns within existing rules or will require adjustments to rules.

28
29 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

30 Marc Engel, DNR, said the Board, on an annual basis, is required to review whether the Northern Spotted
31 Owl Conservation Advisory Group is necessary to retain. He said that due to Stephen Bernath’s
32 retirement, DNR needs to recommend a replacement for the Board’s approval. He asked the Board to
33 approve the continuation of the group and allow staff to make a recommendation for a DNR
34 representative at their February 2022 meeting.

35
36 **PUBLIC COMMENT ON THE NORTHERN SPOTTED OWL CONSERVATION ADVISORY
37 GROUP**

38 None.

39
40 **NORTHERN SPOTTED OWL CONSERVATION ADVISORY GROUP**

41 **MOTION:** Vickie Raines moved the Forest Practices Board maintain the Northern Spotted Owl
42 Conservation Advisory Group for another year.

43
44 **SECONDED:** Brent Davies

45
46 **ACTION:** Motion passed unanimously.

47
48
49

1 **UPDATE BY THE WATER TYPING COMMITTEE ON THE STATUS OF THE**
2 **DEVELOPMENT OF AN ANADROMOUS FISH FLOOR**

3 Bob Guenther, Committee Chair, provided an update on the Water Typing Committee’s (Committee)
4 oversight of the Anadromous Fish Floor (AFF) work. He said the Committee received a presentation on
5 the AFF Project Team’s draft report in September. To ensure the work does not fall behind, he said the
6 Committee agreed to specific timelines at their October 19 meeting:

- 7 • The Committee will hold a meeting on November 17 for receiving an update from the AFF
8 Workgroup
- 9 • The Committee has used December 3 as the expected date to receive the final AFF report and the
10 workgroup’s recommendations
- 11 • The Committee will hold a meeting during the week off December 13 for the AFF Workgroup to
12 further discuss the report and the recommendations
- 13 • The Committee will hold a meeting by January 7 to develop the Committee recommendations in order
14 to present those to the full Board

15
16 Committee Chair Guenther suggested the Board hold a 2-day meeting in February to present the
17 recommendations and allow time for adequate questions and answers. He suggested a workshop for
18 sharing the information.

19
20 Board member Davies asked where the Committee is with respect to the other permanent water typing
21 rule elements.

22
23 Engel said a workshop format would be beneficial for sharing the AFF results and recommendations as
24 well as the other rule elements. He said staff could share DNR’s revised spatial analysis methodology for
25 PHBs and the cost/benefit analysis effort. He said starting a Request for Qualifications and Quotations at
26 this time is premature since the Board has not accepted an AFF recommendation. The AFF spatial
27 criteria/metrics are needed before a contract can be initiated because the AFF will be factored into the
28 PHB spatial analysis.

29
30 Chair A. Smith agreed with the idea for a two day February 2022 meeting, for holding a workshop and
31 conducting regular Board business. She said it will be added that to the Board’s work plan.

32
33 **STAFF REPORTS**

34 Board member Davies asked for an update on the Northern spotted owl safe harbor agreement. Engel
35 reported that the Legislature required DNR to contract with an environmental firm to prepare a safe
36 harbor agreement and an associated economic analysis as well as enrollment language for inclusion in the
37 rule so landowners are able to enroll in a programmatic northern spotted owl safe harbor agreement. At
38 this time, a firm is under contract and engagement with the stakeholders has begun.

39
40 There were no questions on the following reports.

- 41 • Board Manual Section 12 Update
- 42 • Small Forest Landowner Office Update
- 43 • TFW Policy Committee Update
- 44 • Upland Wildlife Update

45
46 **2022 WORK PLANNING**

47 Marc Engel, DNR, reviewed the Board’s 2021 accomplishments and presented a draft 2022 Work Plan
48 for the Boards consideration. He highlighted four tasks that were scheduled in 2021 that have been moved
49 to 2022: recommendations for the small forest landowner low impact riparian template, the work within

1 the AMP to develop dispute resolution triggers, and the development of Board Manual Section 12 and
2 Section 22.

3
4 **MOTION:** Wayne Thompson moved the Forest Practices Board accept the 2022 Work Plan.

5
6 **SECONDED:** Vickie Raines

7
8 Board Discussion:
9 Board member Doenges said he supports the work plan given that a Type Np buffer rule making timeline
10 will be provided at the February 2022 meeting.

11
12 **ACTION:** Motion passed unanimously.

13
14
15 **EXECUTIVE SESSION**

16 None.

17
18 Meeting adjourned at 2:20 p.m.