

1 **FOREST PRACTICES BOARD SPECIAL MEETING**

2 **MEETING MINUTES**

3 September 15, 2005

4 The Hilton Family Hotel

5 Vancouver, Washington

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8 **Members Present:**

9 Pat McElroy, Designee for Doug Sutherland, Chair of the Board

10 Alan Soicher, General Public Member

11 David Hagiwara, General Public Member

12 Doug Stinson, General Public Member/Small Forest Landowner

13 Eric Johnson, Lewis County Commissioner

14 John Mankowski, Designee for Director, Department of Fish and Wildlife

15 Sherry Fox, General Public Member/Independent Logging Contractor

16 Sue Mauermann, Designee for Director, Community, Trade and Economic Development

17 Stephen Bernath, Designee for Director, Department of Ecology

18
19 **Absent:**

20 Lee Faulconer, Designee for Director, Department of Agriculture

21 Bob Kelly, General Public Member

22 Toby Murray, General Public Member

23
24 **Staff:**

25 Lenny Young, Forest Practices Division Manager

26 Jed Herman, Assistant Forest Practices Division Manager

27 Paddy O'Brien, Senior Counsel

28 Patricia Anderson, Rules Coordinator

29
30 September 14th – Field Tour

31 The Board, staff, and public met at the Hilton Family Hotel in Vancouver, Washington. The field
32 tour focused on small forest landowner successes and challenges with the forest practices rules.

33 Topics included conversion pressures, riparian management zones, and long term management
34 plans.

35
36 September 15th

37 **WELCOME AND INTRODUCTION**

38 Pat McElroy called the meeting to order at 8:30 a.m. Introductions were made by Board members,
39 staff, and attendees. Patricia Anderson provided an emergency safety briefing.

40
41 **PUBLIC COMMENT**

42 Daniel Hall, American Lands Alliance and the Conservation Caucus, expressed support for the

1 petitions for rule making and urged the Board to act promptly and make the necessary corrections to
2 the Forests and Fish rules. The process is vitally important to the forest practices rules, and the
3 proposed Habitat Conservation Plan. There still needs to be refinement and improvements over time
4 including responses to change of circumstances. Likewise, the Adaptive Management Program is
5 crucial because some of the rules and technical components were based on untested assumptions at
6 the time they were written. The Perennial Initiation Points (PIP) and the Desired Future Condition
7 (DFC) studies before the Board are the first to be completed by the Adaptive Management Program.
8 Both studies clearly show important technical aspects of Forests and Fish rules. The PIP Study
9 clearly shows that the best default numbers are inaccurate. The rule petition before the Board is a
10 straight forward package designed to correct these inaccuracies. The Alliance urges the Board to
11 move forward with the petition. The DFC study also clearly shows that the DFC targets in the rules
12 are incorrect. The site class maps suffer from some serious inaccuracies. Policy is working to
13 develop more specific recommendations in response to the DFC study. The DFC study was already
14 several years behind schedule as envisioned in the original Forests and Fish Report and it is
15 important to correct the rules so effectiveness monitoring can proceed. He reiterated support for the
16 Forests and Fish process.

17
18 Peter Revesz said he supports going beyond the two-year forest practices application (FPA) and
19 having longer periods of time to obtain permits. Some of the land requires instant reaction to
20 constantly changing landscapes. Markets change and families change and we need to look at the
21 changes all around us and at other institutions. Revesz distributed an aerial photo calling attention to
22 small forest landowners in Section 27. Surrounding the sections are leading institutional tree farms.
23 He highlighted clear cuts by the institutions and noted Section 27 does not include clear cuts. The
24 key issue is that the style of land management for the small forest landowner is fundamentally
25 different than the larger institutions. There are some valid reasons why the institutions do things
26 differently than the small landowners. The map is a testimony to that fact. He indicated that small
27 forest landowners would like the freedom to manage the landscape without having to file FPAs. He
28 cautioned that the word “Family” included or associated in a legal sense is not appropriate. Revesz
29 referred to adaptive management and cautioned that scientists, researchers, biologists, engineers,
30 and statisticians do their best when given the opportunity to conduct their work with sufficient time
31 and resources. The outcome of their conclusions, their verification and field validation should be
32 judged by actual findings and professional review.

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1 McElroy commented on Revesz's remarks concerning "family" and indicated that the use of
2 "family" is not intended to be a legal definition but rather provides a mental image to the public. He
3 cited several examples of how the term is applied and suggested the notion of a "family forest
4 owner" is a more sympathetic term than "non-industrial private forest landowner." Revesz said he
5 appreciates the comment and noted it is the style of management that sets small forest landowners
6 apart.

7
8 Eric Harlow, Washington Forest Law Center (WFLC), thanked the Board for assembling an
9 excellent panel of experts to share the many questions about what the issues are concerning the
10 spotted owl at the last meeting. There are more threats now facing the species than at the time of the
11 listing and when the Board passed the 1996 rule. Although the exact causes of the decline are still
12 open to debate and more research is needed, there is no question that the population decline is
13 occurring at a rate much faster than scientists anticipated. The Board faces even more difficult
14 decisions now about what the Board's role is in maintaining native species. He urged the Board to
15 consider the interim recommendations by Audubon Washington while the scientific information is
16 gathered and the process moves forward. The recommendations are a cautionary approach until
17 more information is obtained.

18
19 Peter Goldman, WFLC, said there is an understanding of the challenges faced by small forest
20 landowners. He said everyone needs to help. It is not just the small forest landowner that needs the
21 help; it is a vital land use planning tool that we need in the state to prevent urbanization of the
22 forests. The conservation community recognizes that the small forest landowner plays a key role.
23 He commented on the need for good planning to avoid repetition and for flexibility in the rules,
24 such as variable buffers, if the alternative plan concept is followed and the targets are achieved. He
25 said the issue is bigger than the jurisdiction of the Board. Large agriculture businesses are replacing
26 small farmers in the Midwest. Goldman committed to working with small forest landowners and the
27 Board on small forest landowner issues.

28
29 Goldman continued by stating that the Board is considering a request for how aesthetics fit in the
30 larger picture of landscape planning, and that he has requested time on the November agenda for a
31 presentation. The Governor has personally conveyed that ecotourism is one of her highest priorities
32 and that work is needed on major tourist corridors, such as Highway 101. It is an economic interest
33 to the state and a topic of timely interest to the Board.

34

1 Ryan Dicks, Cascade Land Conservancy, spoke about the relationship between his organization and
2 small forest landowners. Last year, work was done involving a four-county area where growth in
3 the next 100 years is expected to add 3.5 million people. Current regulations and growth
4 management will result in a rural area that is completely built out in the next 30 years. The effort
5 concentrated on how to create tools, and the advantages towards working with small forest
6 landowners, who are major players in the rural areas. He said there will be mechanisms created for
7 small forest landowners. He acknowledged that one size does not fit all and that a broad set of tools
8 will be created. Many small forest landowners would like more freedom in the management of their
9 land. It is important for landowners to stay within the regulatory framework for habitat protection.
10 He encouraged the Board to look at transfers of development rights programs as well as purchases
11 of development rights. The goal is to ensure small forest landowners remain viable and productive.
12 Future generations of small forest landowners is also important. The next 15 years are crucial due to
13 increase in land price and if the tools are not created today, the rural area will be completely built
14 out. He said the organization looks forward to working with small forest landowners to help them
15 remain viable.

16

17 John Mankowski asked if there are other areas in forest practices that the Board can do to help.
18 Dicks replied that generally, in the situation where a landowner is receiving an advantage, there
19 should be some level of commitment about not selling or converting the property. The long term
20 plan proposal is a good idea and there must be a way to retain small forest landowners.

21

22 Mankowski asked whether forest practices have impeded the transfer of development rights. Dicks
23 said not to his knowledge. Transfer of development rights involves the counties and respective
24 ordinances. The state can encourage the counties to pursue transfers of development rights. He said
25 a small forest landowner pilot project that demonstrates a successful transfer and creates
26 opportunities for developers to create high density development would be important to show
27 counties how such programs can be successful. There are a number of counties that have expressed
28 interest.

29

30 Sherry Fox mentioned that the Washington Housing Commission offers low interest financing to
31 agricultural farmers. The Commission will be engaged in discussions about the potential for those
32 landowners who cut their ownership to pay state taxes too obtain low interest loans so that they can
33 sustain their businesses.

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1 **FIELD TOUR DEBRIEF**

2 McElroy and Mankowski thanked landowners, staff, presenters, and others involved in the previous
3 day’s field trip and presentations. Fox thanked the landowners who participated in the tour.

4
5 The goal of the field trip was to show the Board small, medium, and large-size forest ownerships so
6 that the Board could view the differences in approach and the complexities that each ownership
7 faces. Any type of discussion about small forest landowners and long-term plans should include a
8 more simplistic or outcome-based approach could be applied to small ownerships. Additionally, the
9 permitting process is very difficult and frustrating to small forest landowners. She challenged the
10 Board to fill out an FPA and then recount the experience. Some solutions involve long-term permits
11 and continuing management strategies that they have instituted. Partnerships continue to grow with
12 the agencies and it was demonstrated that those partnerships need to continue to grow.

13
14 The Board exchanged suggestions and views on stewardship programs for small forest landowners.

15
16 Ken Miller, Washington Farm Forestry Association (WFFA), thanked the Board for taking the time
17 to visit small forest landowners. He referred to information on “Family Forests in Washington – A
18 Vision for the Future” prepared specifically for the workshop to share concerns and issues facing
19 small forest landowners. These include lack of public awareness and appreciation, and state agency
20 recognition and promotion of the ecological benefits that working forests provide.

21
22 Miller reviewed the vision for family forest rules:

- 23 • Family Forest Management Plans are approved, providing a long-term benefit to the public and
24 the landowner.
- 25 • A viable Eastside Imminent Mortality and Restoration Template is approved, providing long-
26 term benefits to the landowners and all those depending on healthy riparian stream buffers in
27 eastern Washington.
- 28 • A usable Hardwood Conversion Template is approved that helps moves us towards desired
29 future condition (DFC).
- 30 • “Low impact” harvests are encouraged with a 20-mbf commercial harvest exemption.
- 31 • Forest practices rules are truly simplified for families.

32

1 Miller said the most important issues that the Board can assist landowners with is public awareness
2 and appreciation, agency support, advocacy for economic viability, and ecological benefits to the
3 public if the land remains as forest. He asked the Board to consider action to encourage ways to
4 expedite the process and finalize the template process and encourage low-impact harvesting with
5 regulatory incentives.

6
7 Maurice Williamson, Small Forest Landowner Advisory Committee, reported that the committee is
8 comprised of forest landowners, agency representatives, and Tribal members. The committee's
9 charge according to RCW is to develop policy and recommend rules to the Board. There is
10 however, confusion and uncertainty about the role of the committee particularly regarding adaptive
11 management. He cited some reasons for that uncertainty and confusion.

12
13 Williamson updated the Board on the recent committee activities, and announced that the Family
14 Forest Foundation has acquired a federal grant to develop the framework for a spatially explicit
15 database. The grant does not fund maintenance or conduct analysis.

16
17 He mentioned that the committee is not opposed to the PIP proposal, but it is another instance of not
18 knowing what kind of technical knowledge and expertise will be necessary for the small forest
19 landowner to identify PIPs and where the assistance will come from.

20
21 Williamson shared the committee's work plan for 2007, which included developing a Board manual
22 for an eastside imminent mortality/restoration template, continued work for reimbursement of fish
23 passage barrier costs, work on the low impact harvest scenario, and assistance on the long-term
24 forest management plan.

25
26 Stephen Bernath indicated there is value in some of the non-policy work undertaken by the
27 committee. It gives the Board access to at least four landowners who are representative of the
28 diversity of the community. Although the statute did not recognize that role, the continued
29 participation of the committee will be beneficial if it should continue on in that role. Mankowski
30 conveyed that the Board should think at some point about helping the committee develop its work
31 plan. There is a role for the committee in advising the Board on policy, transmitting information,
32 and obtaining feedback.

1 Williamson emphasized that there has been some uncertainty and confusion with regard to policy
2 issues. Each committee member has opinions and ideas that are important to small forest
3 landowners receiving input from the general public.

4
5 Mary McDonald, DNR, provided an update on the programs of the Small Forest Landowner Office.
6 The office offers the Forest Riparian Easement Program and technical assistance that is geared
7 towards helping with forest practices applications and alternate plans. The easement program
8 compensates landowners for leaving trees required for retention, and there is much interest in the
9 program.

10
11 Fox inquired about the percentage of the impact on landowners who apply for the easement
12 program. McDonald said the easement program provides at least 50% of the value of the trees with
13 a threshold impact of 19% on the westside and 21% on the eastside. However, if the landowner goes
14 beyond the threshold, a multiplier is factored which increases the amount the landowner is
15 compensated. McDonald explained that if a landowner is 100% impacted, the compensation could
16 be as much as 89%.

17
18 Another program is the Family Forest Fish Passage Program that is administered jointly by DNR,
19 WDFW, and the state Interagency Committee for Outdoor Recreation. The program offers relief to
20 small forest landowners for removing fish barriers. Compensation can be up to 100% if there is no
21 harvest or 75% if there is harvesting. The program began last year with 36 fish barriers removed
22 and funded. Mankowski commented positively on the Family Forest Fish Passage Program. The
23 program to date has opened up 60 miles of habitat at a cost of \$17,000 per mile.

24
25 McDonald reported on the Alternate Plan program that provides a simplified management approach
26 that is site specific to small forest landowners' landscapes. Since 2001, 108 alternate plans have
27 been received.

28 29 **SMALL FOREST LANDOWNER CHALLENGES AND SOLUTIONS**

30 Jed Herman provided a report on small forest landowner issues and challenges. Herman identified
31 some solutions and future policy discussions and/or possible changes. He noted that some national
32 policies and regulations also drive conversions and partialization of small forest lands.

33

1 Alan Soicher asked if there is an opportunity to address the conversion topic in exchange for a 15-to
2 20-year FPA plan. Herman indicated it is an element of discussion.

3

4 Rick Dunning, WFFA, said WFFA has a dual mission to educate small forest landowners around
5 the state and protect members from over regulation and over taxation. Since Forests and Fish,
6 WFFA has been struggling to come to grips for the proper process to address all concerns. WFFA
7 recognizes that without partnerships with the Board and state agencies, WFFA will fail in its
8 mission. To resolve issues it will take more than long-term management plans but a continual
9 stepping forward and a partnership as everyone continues to work together in trying to resolve
10 issues. He asked that the Board put the long-term management plans on the Board's work plan
11 because time is an important factor.

12

13 McElroy invited comments from the Board.

14

15 Doug Stinson said the field tour was an eventful day and a long time in coming. He noted it is very
16 difficult to employ all the management requirements on land, which he said he feels strongly about.
17 The Board is at a turning point in considering serious matters to retain small forest landowners. He
18 stressed to staff the importance of timing and that much land is lost every day, which emphasizes
19 the need to move forward quickly.

20

21 Fox acknowledged the work of Jed Herman and staff for putting the two-day meeting together. It
22 was very rewarding personally to focus on small forest landowner issues and begin understanding
23 the complexity and the complicated way of doing business. She also emphasized the urgency for
24 the Board to move forward quickly and achieve some progress. She stressed the importance of
25 passing on tree farming to the next generation of tree farmers.

26

27 Bernath thanked the three landowners that provided the opportunity for the Board to visit their
28 respective farms. It struck home that they do manage the land on a small scale. It is clear that the
29 perspective is different than larger scale issues the Board deals with. Bernath said one of the
30 unfortunate observations was the fear factor. Unfortunately, perception is reality and it is a fact that
31 the Board needs to deal with. How the Board deals with it, either through education or adding more
32 resources for technical assistance, is important. He said he supports the statement by WFFA to be
33 partners with the agencies. He said it should occur in a way that doesn't result in people being

1 fearful. Putting more emphasis on education is one method. The long-term plan will also help to
2 solve some of the problems for some of the landowners. He recommended moving forward on the
3 long-term plan and addressing some policy issues as a way to make headway on some of the most
4 important issues.

5
6 Mankowski supported actions that will reduce small forest landowners' fears. There is a role for a
7 resource agency to make decisions on fish, water typing, and water quality. What the Board can do
8 is focus more on enhancing education opportunities.

9
10 Sue Mauermann said she appreciated Dunning's approach and incrementally moving forward. She
11 suggested the Board focus on the one or two issues where progress can be achieved at this time, and
12 build on those in the future. She said there also appears to be some disorganization around who is
13 doing what. She cited the different agencies (Department of Ecology, DNR, and WDFW) as
14 examples and the different levels of involvement. It is time to consider organizational relationships
15 to create a framework.

16
17 David Hagiwara commented on the fear factor, which is something the Board can address. He
18 suggested not taking away from the visits only the negative aspects but that the Department should
19 take some credit for its accomplishments. He said he appreciates WFFA's Vision of the Future as a
20 framework with achievable goals. He complimented those involved with developing the material to
21 help address some of the issues.

22
23 Soicher said he appreciates the opportunity to visit the farms. Of particular interest was some of the
24 conversion and carving up of the landscape, which is troubling. In terms of the regulations there
25 appears to be two elements – the process and the complexity of the process. He said he agrees with
26 simplifying the process to the extent possible. In terms of overregulation, he said he did not
27 necessarily witness that aspect, and it is important to remain true to the science-based underpinnings
28 of the current rules. There have been some good successes with the Small Forest Landowner Office.
29 The budget for the programs has increased, which is rare. The rules are meant to provide a
30 foundation for promoting good stewardship. Small forest landowners are critical for maintaining
31 the rural landscape.

32

1 McElroy commented on the importance of the public process during the FPA approval process. He
2 noted he receives correspondence and other materials that he would characterize as inflammatory,
3 that originate from small forest landowner organizations trying to promote their agenda. Some of
4 the fear factor is not well served by those organizations overstating the case. If the issue is fear, he
5 suggested organizations should be mindful of what they are conveying to their membership. There
6 are some things the Board can do and should do. The University of Washington is pursuing a
7 Future Washington Forest Study under the supervision of DNR. He said he is actively engaged in
8 the project and some of the issues and concerns the Board heard are pertinent to the study. He
9 noted the issues are also national issues, and DNR is seeking representation on a national committee
10 to represent the state's issues.

11
12 McElroy reported the Department is working on completing the Forest Practices Illustrated
13 document. Once completed it will assist in explaining the rules in common, everyday terms. He said
14 the rules can be read and understood by most people. However, as regulators, the agency is failing
15 because the regulations were written by lawyers for lawyers. It is time for the rules to be written so
16 that everyone can follow and understand them. He reminded small forest landowners that the one
17 area where the Board has authority is in the rules. Even in the rules, the Forests and Fish rules can
18 only be changed through three arenas – adaptive management process; legislative direction; and
19 core directives. Adaptive management will be the venue to pursue in implementing changes over
20 time. The role of the Board is relatively limited in the entire scheme of things.

21
22 **BOARD MANUAL**

23 Marc Engel, DNR, referred to the two Board manuals presented to the Board last month for
24 consideration for approval. There have been several minor corrections to grammatical errors.

25
26 **MOTION:** Sherry Fox moved that the Forest Practices Board approve Board Manual
27 Section 21 and provide staff with the authority to make grammatical changes
28 as necessary for publication, clarity, and finalizing for distribution.

29 **SECONDED:** David Hagiwara

30
31 **Board Discussion**

32 Soicher said he understands there are no provisions for logging in the core zone of fish bearing
33 streams. He asked what is to be achieved and whether there is consistency in doing this kind of

1 work on non fish bearing streams. Marc Engel said the primary change at present on Type Np
2 Waters is a requirement to buffer 50% of the stream with a 50-foot buffer. Under the current
3 template for Type S and F Waters, the distance is closer than 50 feet. The change is to allow
4 thinning along Type Np Waters; however, 100% of the Type NP Water must be buffered.

5

6 **ACTION:** Motion passed unanimously.

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8 **MOTION:** John Mankowski moved that the Forest Practices Board approve Board Manual
9 Section 22 and that staff has the authority to make changes as necessary for clarity,
10 not to change content, and to finalize for distribution. Such changes include
11 correcting spelling errors, changing page numbers, correcting grammatical errors and
12 further have the authority to correct WAC, RCW and manual references.

13 **SECONDED:** David Hagiwara

14

15 **Board Discussion**

16 Fox referred to page 22-5 and the first statement that states, “CMER is a volunteer-based
17 program...” She said a volunteer board is not compensated for services. The CMER members are
18 compensated by their respective agencies. The issue has surfaced over the last three or four years
19 and it appears it is not clear about the definition of the CMER Committee. McElroy clarified that
20 the composition of the committee is at no cost to any of the agencies other than to the employer of
21 the committee member. Fox said she prefers language that clarifies that intent. McElroy asked staff
22 to add clarifying language regarding “volunteer-based” based on the Board’s discussion.

23

24 Soicher referred to language regarding the potential lack of future funding and asked whether it will
25 impact the success of the CMER program. McElroy responded that the Legislature or Congress can
26 not commit future legislative bodies for any kind of actions. Discussion followed about potential
27 loss of funding. Bernath stressed that any kind of funding concern should not prevent the Board
28 from moving forward on the Adaptive Management plan as there is enough interest in the success
29 of the program to ensure it is funded sufficiently.

30 **ACTION:** Motion passed unanimously.

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32 **PETITION FOR RULEMAKING**

33 Lenny Young offered to address any questions regarding the two petitions for rule making.

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MOTION: Pat McElroy moved that the Forest Practices Board respond to the petition to rule making for perennial initiation points received August 22, 2005 and filed by the Adaptive Management Program by directing staff to file a preproposal inquiry, CR-101, with the Office of the Code Reviser to inform the public of the potential rule making to implement the recommendations of the Adaptive Management Program and provide notice pursuant to Chapter 76.09 RCW notifying the counties and WDFW of rule making intention. Furthermore, the Board requests that the Department encourage landowners prior to accepting forest practices applications to make good faith effort to locate perennial initiation points in the field consistent with the current rule language for Type NP and Type 4 Waters that rely on the default basin sizes.

Seconded: John Mankowski

Board Discussion

Lenny Young reported the effect of the rule making is to abolish the concept of a default basin size and require all PIPs be located in the field. The petition also recognizes that there currently is no practical, simple operational guidance allowing landowners to do this. The petition directs the creation of such guidance in a Board manual that links the timing of the abolishment of the default basin size to the timing of completing that manual section and having good guidance in place to guide decisions in the field. McElroy asked if the Department anticipates the rule requiring an EIS or a small business economic impact statement. Jed Herman reported the action should not trigger a threshold determination of significance and further analysis is needed to determine whether a small business economic impact statement is required.

Soicher asked if the proposed petition is to remove the default language from the rules and determine the best way in the Board manual to identify PIPs. Young reported the process in the Board manual would not include a default, and that it would be practical guidance for landowners on how to go about identifying a PIP in a relatively simple way that would not require hiring an expert hydrologist. Soicher expressed concerns about the unknown process until a better option is developed and indicated the inaccuracy of the default has been known for some time.

1 McElroy pointed out that is outside the scope of the proposed motion. The motion is to move
2 forward with rule making on the proposal.

3
4 Soicher inquired about the appropriate time to discuss the contents of the rule change. McElroy said
5 when the proposed rule making is available for public comment. The Board's approval of the
6 petition begins the public process for comments on the rule. Soicher proposed that as there is
7 proposed rule language, the discussion at this point is the appropriate time. Young said the petition
8 is a suggestion for a specific rule language. It is not the same as the Board endorsing specific rule
9 language for the purposes of advancing a CR-102 and beginning a public process. The Board has
10 early language from Policy but the actual rule language for the CR-102 may change as the result of
11 the scoping process.

12
13 Board discussion with staff ensued concerning the rule making process. Young advised staff is not
14 requesting the Board to endorse specific language but rather to advance the CR-101. Herman said
15 the decision is either deny the petition or accept the petition to initiate the process.

16
17 Paddy O'Brien clarified that both the CR-101 stage and the steps required in chapter 76.09 RCW
18 are notification requirements before initiation of rule making. The Board is required to provide
19 notice to the public that the Board is considering rule making in a specific area, and under the Forest
20 Practices Act the Board is required to notify the counties, WDFW, and the Tribes.

21
22 **ACTION:** Motion passed. One abstention.

23
24 **MOTION:** Pat McElroy moved that the Forest Practices Board respond to the petition for rule
25 making for desired future condition received August 30, 2005, and filed by the
26 Adaptive Management Program, by directing staff to file preproposal inquiry CR-
27 101 with the Office of the Code Reviser to inform the public of potential rule
28 making. Furthermore, staff is directed to scope the extent of possible rule making
29 with interested stakeholders as recommended by the Adaptive Management
30 Program.

31 **SECONDED:** David Hagiwara

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1 **Board Discussion**

2 McElroy said the recommendation is not presented to the Board with a consensus but rather a
3 majority view, and the Board should be more mindful of the larger issues associated with the
4 petition. Lenny Young clarified that there was consensus with the petition recommendation from
5 Forests and Fish Policy but that there is some uncertainty in terms of what the solution is. There is
6 consensus that there is an issue to be addressed and the need to take action but there is no specific
7 answer for the proposed language.

8

9 **ACTION: Motion passed unanimously.**

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11 **UPLAND WILDLIFE PLANNING**

12 Mankowski briefed the Board on the status of Upland Wildlife Planning. He recommended that the
13 Board follow through on the spotted owls. One item on the owl action plan concerns the Barred
14 Owl. The motion passed by the Board spoke to ensuring that U.S. Fish and Wildlife Service
15 (USFWS) and other parties understand, from the Board's perspective, that Barred Owls are a
16 significant factor to the extent that those parties need to do their job in examining the interaction
17 and potential issues. Bernath expressed concerns about moving into active management of Barred
18 Owls. He said the Board's motion was a signal that the other entities need to do their jobs in looking
19 at the interactions between the spotted owl and the Barred Owl and that the Board is doing its part
20 in terms of protecting habitat. Bernath said he will continue to provide updates from his agency
21 regarding expectations and budget.

22

23 The second item is the recovery plan for the spotted owl. One of the motions speaks to ensuring
24 that the Board be kept updated and plugged into the federal owl recovery planning process. At this
25 time there is no additional update other than a letter is anticipated from USFWS to the state
26 requesting participation on the federal recovery plan.

27

28 Mankowski recommended developing a reformatted and updated Wildlife Work Plan that
29 accomplishes four tasks based on input from the Board and the public: focus on a more
30 collaborative approach and secure more stakeholder participation upfront; WDFW develop an
31 interim scope of work; identify a better project management process for individuals to carry out the
32 work; and potentially resort the elements to determine which elements are dependent on an upland
33 landscape assessment and which elements are not. With current staffing it is not likely possible to

1 carry out more than two or three of the elements concurrently. These are the factors that many have
2 indicated they would like to see improved for the wildlife strategy.

3
4 Mankowski referred to a Board motion following the Board meeting on the spotted owl that stated
5 concerns of a stable, viable spotted owl population unless threats posed by Barred Owls are
6 alleviated. The Board encouraged USFWS, the Washington State Fish and Wildlife Commission,
7 WDFW, and all other organizations with authority and influence, to act quickly and decisively to
8 address threats to spotted owl populations posed by Barred Owls. The Board only has the authority
9 on the habitat side of the issue. But, if the spotted owls are going to recover, the impact of potential
10 threats from Barred Owls needs to be addressed and pursued by authorities that have responsibilities
11 under laws and statutes to consider future actions. He indicated he did not know if such action
12 means active management or research, and whether other responsible agencies are beginning to
13 discuss the issue. However, WDFW and other parties are beginning to discuss it in terms of what
14 proof or evidence is necessary and based on the answer could lead to some experimental regulation.
15 There have been some e-mails that suggested the Board was advocating that people should go out
16 and actively manipulate Barred Owls against spotted owls. That is not the message; the Board's
17 message was a signal to fish and wildlife officials that have the authority that they need to do their
18 part and if people have concerns about active management, or if opposed to it they can participate
19 during the public process.

20
21 Stinson said the Board may have conveyed that they support action against the Barred Owl, which
22 he opposes. It is the Board's job to protect habitat and the Board should not venture beyond that.
23 Landscape management involves total species management and not single species management.
24 Considering action to remove Barred Owls is the ultimate in single species management.
25 Mankowski agreed it is a valid viewpoint and needs to be conveyed as the USFWS decides what to
26 do. It is similar to the way salmon recovery was approached. The Board has a role and is doing its
27 part but there are also concerns that others are also doing their part.

28
29 David Hagiwara said the Board, at its last meeting, discussed a supplemental budget request to
30 provide resources for implementation. Mankowski said as the work plan is finalized we may
31 develop a funding strategy that may result in a supplemental budget request this year. He said he
32 has spoken with the WDFW director, discussed it with the Office of Financial Management, and is

1 preparing for the concept that the landscape assessments are clearly a priority and cannot be pursued
2 without supplemental funding. Within the next week the work plan should be near finalization.

3

4 Soicher commented on a recent briefing to the Board of Natural Resources on the status of the
5 Marbled Murrelet. He said he did not realize there had been a federal review of the species
6 concluding that within decades is that the species will be extinct from California and Oregon and
7 continue to decline in Washington. He suggested the Board should receive a briefing on the status.
8 He indicated it is #2 on the priority list and would be concerned if the issue was reprioritized.

9

10 Mankowski replied that he would be interested in reading the report on Marbled Murrelets because
11 that was not his understanding of the current forecast for murrelet population. The latest information
12 indicated there are insufficient years of study to accurately forecast a population trend.

13

14 McElroy said the way the owl report process unfolded failed to fully acknowledge TFW and it
15 became somewhat of an agency project without having full involvement. There wasn't a link to the
16 TFW relationship protocols in working together. A more collaborative process at the onset would
17 have been beneficial to the effort. He recommended deferring any decisions and advised
18 Mankowski that before presenting information to the Board in November, he should engage the
19 TFW process in a more collaborative way. Mankowski acknowledged that was his objective and
20 indicated he would like the Board's approval of the plan that will be presented in November.

21

22 Johnson commented on the capacity of WDFW and whether WDFW has the right people to do the
23 job. He questioned the ability of WDFW to produce what is being laid out and was concerned about
24 progress. Mankowski asked whether the concern is about individual biologists that are working on
25 the plan and how the agency is structured in terms of getting the work done. Johnson affirmed
26 those are the concerns. Mankowski acknowledged the concern and suggested that it would help if
27 the Board could give clear guidance upfront about what the product should contain.

28

29 McElroy indicated that one of the great benefits of a TFW process is understanding of when an
30 issue is science, when it concerns policy, and who should be at the table. That is the maturity that
31 exists within the TFW community.

32

1 Mankowski said the proposal will be a strategy that will continue to work on the Wildlife Work
2 Plan and reformat how briefing documents will be created. He asked the Board for its support or
3 amend the process. He asked members to offer ideas on organization of the work plan.

4
5 Fox commented on the small forest landowner portion of the wildlife planning approach. She said
6 she does not believe any special attention has been afforded to the small forest landowners for
7 upland wildlife planning. As the work plan is prioritized and after the discussions the Board has
8 undertaken during the last 24 hours, there should be some opportunities in restoring the meetings
9 that she and Stinson attended with DNR and WDFW staff to integrate small forest landowner's
10 perspective in the process. Additionally, involvement in development rights and incentives will be
11 important. She encouraged Mankowski and staff to include small forest landowner issues. The
12 community is willing and ready to participate.

13
14 Mankowski acknowledged the comments and noted the process can engage the community of small
15 forest landowners.

16
17 McElroy said the issue is one of representation by everyone and its not just focused on the scale of
18 ownership but rather its equity across the board. As a rule making body, the Board must ensure that
19 while there are special interests pertaining to small forest landowners they are not the only
20 community for which the Board has responsibility. Fox responded that it is the management style;
21 there are many large landowners that have done a good job on the landscape, and they should
22 receive credit for longer rotations and management style. It is all about how to protect natural
23 resources and not about who is represented.

24
25 Young provided an update on progress by staff in implementing the first three Board motions from
26 the August 10 meeting. The first motion directed staff to work collaboratively with stakeholders in
27 consultation with WDFW to begin developing some recommendations for the Board on owls for
28 delivery at the Board's November meeting and pay particular attention to the tentative agreements
29 developed during the Dan Silver process. Staff has had initial meetings with the Conservation
30 Caucus and WDFW and discussed the respective roles of both agencies and how to interact within
31 the next several months. The initial discussions have gone well. There is much more to do, and the
32 process is moving forward.

33

1 The second motion addressed the creation of a SEPA expert group that can explore and address the
2 procedural obstacles to landscape planning and how to go about discharging SEPA responsibilities
3 differently to stay faithful to the goals and purposes of SEPA. A five-person expert group has been
4 assembled. Paddy O'Brien will lead the group and represent DNR and the Attorney General. She
5 has access to additional resources within the Office of the Attorney General. Bernath will represent
6 Department of Ecology (DOE) with access to other SEPA experts within the agency. Jed Herman
7 represents Forest Practices and Dave Deitzman from DNR's SEPA Center will represent DNR.
8 Although WDFW was not named as one of the source agency for the SEPA group, staff believes
9 that Paula Swedeen has tremendous expertise in terms of landscape planning and has explored the
10 idea of obstacles to successful landscaping. After discussions with Mankowski, Paula Swedeen has
11 been added to the group. The group should quickly provide a range of options that are possible
12 under the current rules.

13
14 The third motion addressed what could be done within the administrative process to harmonize the
15 state rules addressing spotted owls within the Endangered Species Act requirements. Young
16 reported he has met several times with different groups within the USFWS, WDFW, and the
17 Federal Assurances team. He reported progress is ongoing and will require additional work.

19 **2006 WORK PLANNING**

20 Jed Herman briefed the Board on a proposed 2006 Work Plan.

21
22 Soicher commented about the status of water typing. Herman said water typing is listed within its
23 own category and includes an update on eastern Washington maps. There are a series of work
24 products related to water typing. McElroy asked whether there was a commitment to complete the
25 maps in 2006. Johnson said the Board discussed the issue with Commissioner Sutherland
26 concerning the validation study prior to adopting the water typing maps. The information was
27 corrected at the last meeting to indicate the validation studies would be completed prior to the
28 update of the maps. However, the validation study has been pushed out, due in part to the drought,
29 which considers a 2007 adoption instead of 2006.

30
31 McElroy commented on the importance of scheduling the 2007 work planning and field tour in the
32 DNR Northwest Region for September 13 and 14, 2006.

33

1 McElroy inquired whether there is anything anticipated in 2006 from the Adaptive Management
2 Program. Herman said based on discussions with CMER there is an enormous amount of work to
3 scope, and based on the work and timing that nothing is anticipated to be completed in 2006.

4
5 Fox referred to Board Manual Development and indicated that it was her understanding that the
6 Small Forest Landowner Advisory Committee will be working on the eastside eminent mortality
7 alternate plan in Board Manual Section 21 and that it would come to the Board in May. Herman
8 said he was unsure of the timing and that for Section 7 Desired Future Conditions and Section 13
9 Determining Fish Use should be removed from the list until it has been determined what action the
10 Board will take. He suggested replacing the items with the suggestion by Fox as well as adding
11 Section 4 Type N Waters.

12
13 Bernath asked whether Forests and Fish will consider the water typing manual in 2006. Herman
14 said he is unsure.

15
16 Bernath referred to Federal Assurances. DOE adopted water quality standards in 2003 and is still in
17 discussions with EPA about approval of the standards. It appears that in the near future, DOE will
18 need to look at standards and how they apply to forest practices as a result of the rule adoption that
19 took place. He requested the Board's consideration sometime during November through February
20 timeframe, to receive a presentation on the new standards and what it might mean to the Board for
21 other processes associated with Adaptive Management. McElroy suggested the Board's presentation
22 should occur sooner rather than later.

23
24 Johnson asked about expectations when Federal Assurances are finally granted. McElroy indicated
25 it is unknown at this point whether there will be conditions tied to receipt of Federal Assurances.
26 Once the federal agencies render a decision, the Board will want a full briefing on the decision no
27 later than February 2006. Jed Herman confirmed the request to add it to the Board's February
28 meeting agenda.

29
30 Herman referred to rule making for 2006. The information is by rule topics that are anticipated
31 during 2006 and are not listed in any particular order or priority. It would be helpful for the Board
32 to share its sense of priorities. McElroy suggested staff provide information about the involvement
33 anticipated for each rule and then the Board can provide feedback. Staff can provide a timeline at

1 the Board's November meeting. Some of the rules are administrative changes while others are more
2 substantive and may require an environmental impact statement.

3

4 Fox pointed out small forest landowners are not on the work plan for 2006. She asked how
5 landowner issues will meld with the work plan and suggested including it under the rule making
6 section of the work plan. Fox asked how the Board will consider any type of rule making for long-
7 term permits. McElroy requested adding long-term permits to the work plan under rule making.

8

9 Discussion followed on each of the proposed rule making items. McElroy offered information about
10 the extent of rule making complexities associated with each item. The Board discussed the work
11 plan items and the extent of resources required for the rules. Herman said staff will develop a
12 schedule outlining a schedule of work for the rule making. Bernath asked why forest chemicals are
13 included on the list. After discussing Forest Chemicals, McElroy recommended deleting it and that
14 the Board needs to monitor the timing of the issue with respect to the federal review. McElroy
15 suggested staff consider how long-term plans might go through a SEPA process and under what
16 conditions a SEPA might apply.

17

18 Staff and the Board reviewed the priority of rule making items. McElroy said the priority standing
19 depends on what is involved in the rule making for a particular petition. Herman said staff would
20 provide information to the Board about the nature and complexity of each rule making for the
21 purposes of timing and prioritization.

22

23 **OTHER BUSINESS**

24 McElroy referred to the issue of aesthetics. Considering the Board's work plan and that much of
25 the Board's work will have an effect on the landscape, it may be appropriate to sequence the
26 approach in conjunction with the Board's work plan. Stinson indicated aesthetics is more of an
27 educational issue. Bernath stated that DOE agrees that aesthetics needs to be addressed but also
28 agrees that the Board's subcommittee established years ago completed some substantive work on
29 the issue. As the Board moves forward and addresses larger landscape issues it might be a better
30 time to address aesthetic issues.

31

32 The Board shared varying opinions and perspectives concerning aesthetics. All agreed on the
33 importance of aesthetics and generally agreed that it is a matter of determining how it fits within the

1 list of the Board's priority work items. McElroy commented that the Board's actions in other areas
2 have made a significant contribution to reducing the visual impact of forest practices on the
3 landscape. The Board's other work items will likely have visual elements.

4
5 McElroy said that, based on the discussion, aesthetics will not be added to the Board's work plan
6 for 2006. Peter Goldman did request a presentation to the Board about aesthetics. If the Board
7 includes the request, the Board must open the matter to other parties. The Board did not offer a
8 motion to include a presentation on aesthetics at the Board's November meeting.

9
10 Bernath inquired about the status of forest health. McElroy and Fox commented on the importance
11 of this issue, as well as acknowledging the difficulty of adding another issue to the work plan.
12 McElroy asked Maurice Williamson to comment about it in terms of its importance when compared
13 to other work items. Williamson suggested considering the issue within Adaptive Management.
14 Mankowski said that the Legislature has been told forest health is a complicated problem that will
15 take money, science, inventory, and a wellness approach. The Legislature did not take action.
16 Mankowski said he believes the Board can work through the issue through current tools.
17 Williamson said he does not necessarily agree that the Legislature said no. It was not pursued due to
18 political differences. McElroy said he agrees with Mankowski's comments and suggested
19 Williamson suggested the Small Forest Landowner Advisory Committee may want to consider the
20 issue and forward a recommendation to the Board. McElroy acknowledged the problem is not just
21 pertinent to small forest landowners but is pervasive and a fundamental issue for all forest
22 landowners.

23
24 **CLOSING REMARKS**

25 McElroy thanked Jed Herman, Mary McDonald, and Sherry Fox for arranging the field tour. He
26 thanked Pacific Cascade Region staff for their logistical assistance and landowners for allowing the
27 Board to visit their properties. He also thanked Patricia Anderson for her coordination efforts.

28
29 Meeting adjourned at 3:30 p.m.

30
31
32
33
34 Prepared by: Valerie Gow, Recording Secretary
35 Puget Sound Meeting Services