Forests & Fish Policy (FFR) Meeting
February 5, 2009

Attendees:
Stephen Bernath, WDOE
Tom Robinson, Washington State Association of Counties
Chuck Turley, DNR
Darin Cramer, DNR / Adaptive Management Program Administrator
Gary Graves, DNR, Acting Division Manager -FPD
Nancy Sturhan, NWIFC
Kendra Smith, Skagit County
Chase Davis, UCUT (via video)
Jim Hotvedt, DNR
Rick Dunning, WFFA
Sherry Fox, WFFA
Jim Michaels, USFWS
Dave Powers, EPA
Karl Forsgaard, Washington Forest Law Center
Dawn Hitchens, DNR / Forests & Fish Policy Coordinator/ CMER Coordinator
Marc Engel, DNR, Acting Assistant Division Manager –Policy & Services
Pete Heide, WFPA
Adrian Miller, WFPA
Kevin Godbout, Weyerhaeuser
Terry Jackson, WDFW / CMER Co-Chair
Chris Mendoza, Conservation Caucus / CMER Co-Chair
Miguel Perez-Gibson, Conservation Caucus
Tom Robinson, Washington Association of Counties / Policy Co-Chair
Jim Peters, NWIFC
Allyson Brooks, Department of Archeology and Historic Preservation
Jeffry Thomas, Puyallup Tribe
David Whipple, WDFW
Mark Hicks, WDOE

Interim Policy Co- Chair Discussion
Bernath fills in for the vacancy Young left when he promoted to the Deputy Supervisor of DNR. The term ends as of June 30th. This topic will be an agenda item for the April Policy Meeting. At that time discussion will focus on the process, caucus level participation, skills/leadership wanted, and rotation.

Agenda Review
No new items were added to the agenda. The discussion for the TFW Cultural Resources Committee request was moved to after the Clean Water Act Assurances discussion agenda item. This change allowed for full representation of the TFW Cultural Resources Committee to present to Policy.

Policy Worklist
No changes were made to the work list.

CMER Update

January meeting update

- No action items for Policy
- Policy is invited to the CMER Science session on March 24th from 9:00 – Noon. The session is on *Making Monitoring Work for Managers* by Danny C. Lee, Director Eastern Forest Environmental Threat Assessment Center, for the Southeast Region of the USFS. The research paper will be sent out to Policy.
- The science session from January's CMER meeting was devoted to the updates on the 2010 CMER Work plan. The goal is to get this finalized before Policy's April budget retreat. CMER has developed a working schedule and has hired a consultant to reformat and provide a quality review of the work plan after the SAGs have completed their sections. This will be complete one week before the April budget retreat.
- CMER has had a landowner request raw data on their land and DNR state lands has requested the GIS data layer from the post mortem study. Though it is agreed and understood that landowners have a right to data collected on their land, these particular data requests are primarily an issue because the data requested have not yet been QA/QC'd, final analyses have not yet occurred, and data have not yet been transferred from the PI's to DNR. In addition, some requests are for data on other land ownerships. CMER is setting up a procedure and process so as to have a consistent message with landowners participating in CMER research studies. CMER is only giving a head's up to Policy at this time, but will bring more information, pertaining to the pro's and con's and associated issues, to a future Policy meeting. Hicks suggested that a review of the public disclosure laws be a part of CMER's procedure so that no violations occur.
- The annual CMER Science Conference is scheduled for Wednesday, March 18th at the Department of Social & Health Services – Office Building 2 in the auditorium. Flyer announcements have been out since the start of the year.

Points of Discussion

The suggestion was made to increase the profile of CMER work so as to compete for funding. The March Science Conference is a hard time for legislators and others to attend; perhaps have an evening banquet the evening before with the posters and project briefings. This may be a way to key off with legislators about funding for CMER. Others thought that a higher profile of CMER is a good suggestion, yet the conference itself is aimed at the actual scientific studies conducted by CMER, and is also aimed at bringing in other scientists for possible opportunities for cooperation. There was a question about the design of the science conference as a purpose for increasing funding. The suggestion is a good one, it is critical that we share what we do without overshadowing the scientific basis of the conference.

Clean Water Act Assurances (CWA)

The CWA Assurances draft report was emailed out to Policy yesterday. The state of Washington is required to provide a 10 year update. This draft reflects well recognized issues. The strategic plan and long term plans are included. The compliance monitoring program and advisory committee elements are included. The report formalizes these initiatives. What is missing is the data on projects that are in process. The Department of Ecology has scheduled meetings with work groups and caucuses throughout the state to get this information included in this report. Policy will need to add time to the March agenda for interaction on specifics in this report.

Action Item (CWA Policy sub-group formed)

Policy co-chairs will meet with the caucus leads and the CMER co-chairs to discuss the Clean Water Act draft report before the next Policy meeting. This CWA Policy sub group will meet,

refine specifics in the report and report back to Policy. The first meeting will be scheduled February 23rd.

Timber Fish & Wildlife Cultural Resources Committee (CRC) Request to Policy

TFW Cultural Resources Committee Co-Chair Heide – gave an overview of the background for the January 20, 2009 letter to Policy co-chairs. The letter requests that Policy recognize the TFW Cultural Resources Committee as the CMER Cultural Resources Scientific Advisory Group to develop and oversee protocols dealing with archeological sites, historic properties and traditional cultural properties.

In this way the TFW Cultural Resources Committee will actively participate in the adaptive management program in refining and validating cultural resources management tools. Specifically, the TFW Cultural Resources Committee will oversee testing and evaluation of the Cultural Resources Module that was presented to the Forest Practices Board in 2003, accepted in 2005, and included in the Watershed Analysis Board Manual. The utility of the module has not been formally evaluated by the TFW Cultural Resources Committee in practical applications. The Department of Archeology and Historic Preservation (DAHP) is working with the TFW Cultural Resources Committee on this and one landowner has an interest in using the module. The TFW Cultural Resources Committee wants to be part of the CMER Work Plan. The TFW Cultural Resources Committee recognizes that these are tight budget times. The TFW Cultural Resources Committee wants to be considered for AMP funding

Heide introduced Dr. Allyson Brooks, Director of DAHP. Dr. Brooks stated that TFW Cultural Resources Committee and DAHP are interested in locating where cultural resources exist and in protecting them. This is the very essence and meaning of Cultural Resources. DAHP received Department of Transportation enhancement funds to help correlate where the archeological sites are in high, medium and low probability levels. They have not been able to test the module, so they don't know if they can get the information to protect those places that are culturally resource sensitive and connected to tribal landowners. The funding from the Adaptive Management Program will assist the TFW Cultural Resources Committee to test the module and to connect better with other work; specifically other predictive models. The TFW Cultural Resources Committee wants to a part of this community, to be recognized as a scientific peer; and not as an independent entity.

Points of Discussion

- The question was asked if the module was part of watershed analysis that began before Forests and Fish Rules and was analyzed in 2002. Yes, this was designed as a watershed analysis tool; support relationships between tribes & landowners; outside of regulatory arena.
- A point of clarification was made about a rule tool to be used voluntarily. Clarify this in the rules. The rule is where this resides.
- It was pointed out that this is an inherent struggle within FFR; TFW needs some "ground truthing"; Yakama was given as an example of how this has been used for harvests and plans.
- It was pointed out those cultural resources in the SEPA model is a class 4 special trigger, which is difficult to implement. There is a vast array of archeological & historic site values. Landowners have conducted advanced planning to avoid the class 4 trigger, and instead trigger the class 3 level. The module developed by the TFW Cultural Resources Committee is non-controversial and represents successful collaboration.
- Policy co-chairs emphasized that the Adaptive Management Program does not have the power to apply funds for cultural resources; they see this as a demotion for the TFW Cultural Resources Committee; and based on this morning's Clean Water Act presentation, this will not receive status or priority for funding.
- It was pointed out that the TFW Cultural Resources Committee reports directly to the Forest Practices Board; therefore, we need to be careful about how we deal with this request.

- This is a cooperative point for the TFW Cultural Resources Committee; this is not about status.
- The intention behind TFW is to have the caucuses come together; FFR would not exist without TFW; Cultural Resources & Wildlife Landscape Planning is part of this; we need to step up & take this on. The focus has been on riparian function & fish, yet the intent is to cover other species as well. The TFW Cultural Resources Committee wants to be a partner of this group and this process. The tribes support this request as this is positive for landowners. Everyone realizes the funding situation, but we need to look at this request.
- Co-Chair of the TFW Cultural resources - Jeffrey Thomas – Puyallup Tribe - reviewed the history of TFW and identified that Policy has removed itself from Cultural Resources, and emphasized that this is an important step for the evolution of TFW.
- Jim Michaels – USFWS – The services provides special consideration with the federal government for Washington state in taking care of Cultural Resources to meet federal obligations; USFWS in completely in support of this approach.

Action Point

Consensus reached to work with the Policy co-chairs and the TFW Cultural Resources Committee co-chairs to figure out action steps and best approach. The cultural resources sub-committee composition includes Tom Robinson, Stephen Bernath, Allyson Brooks, Jim Peters, Pete Heide, Jeffery Thomas, & Jim Michaels.

2009 Legislative agendas/intentions/communications

This portion of the agenda will be continuing for a few months to keep all Caucuses aware of bills and issues connected to the 2009 Legislative Session.

Marc Engel, DNR Acting Assistant Division Manager of Policy and Services, provided a review of bills impacting Forest Practices Division/Natural Resources.

- HB 1484 Habitat Open Space Bill – Riparian Open Space – habitat for federally listed species; fair market value compensation for conservation – originated from Northern Spotted Owl Conservation (NSOC).

- HB 1391 – Land surveyor bill – impact FREP. Costs, staff, & resources taken away from SFLO. Required license & requirements for land survey is costly.

- HB 1725 Single Tier RMZ - 20 acre harvests or less; impacts SFLO.
  Conversation points on this piece of legislation included the question about how this is connected to the Clean Water Act assurances and how Policy identifies intersections of work/effort. The small forest landowners' caucus went to the Forest Practices Board and initiated the CR 101 process; collaboration did not occur, FFR did not work out for the smalls, so they took the legislative avenue. The Conservation caucus pointed out that they were not happy with the Forest Practices Board as well; do not support the bill and they want to work the process through FFR; accelerate the discussion and move forward. The Caucus is concerned about the precedent of this approach as this is serious. The WFFA Board initiated this approach and directed their policy coordinator to go forward with the legislative avenue.

- HB 1637 (reintroduction of 2219 bill about 2 years past); allows SFLO that fall in the 80/20 rule to lay out a full RMZ. Allows landowners to apply for FREP funding & move Smalls up on the list; time of value for timber at time of approval, not the cruise.

- HB 1891 – Environmental review – bring in human evaluation into SEPA; adversely impact FPA approval process. Similar bill was introduced last year. The counties want to work on bill to change class 4 for lands platted after 1960; went to the Attorney General for review, which will modify SEPA. Counties think this is a hand grenade, work it next session. This will give counties more time to educate constituents.

- HB 5698 Wetlands, licensing soil scientists & wetlands scientists; licensing increases professional recognition; intersects with Forest Practices.

- HB 1483 Forestry Bill - Open space bill connection. Small/Large/ & Conservation support the right to forestry.

Gov' Stimulus Package – Federal & State pieces; Ecology is concerned about upgrading wastewater treatment; forest roads; and support DNR & DFW RMAPS; FFFPP; funding in house for forest service roads; and NOAA habitat restoration funding.

The Conservation caucus is in support of culvert replacement; have talked to the governor about how the Smalls have identified how poorly funded FREP is; and support Federal stimulus funding possibility. Perhaps the legislature saw fish passage barriers funding & suggested cuts and may not have made the connection to salmon. We need to look at how to improve our message about impact and funding.

The Tribes are working with transition team and fully support salmon restoration & roads; see this as ongoing work at the federal level.

Recap Assignments

- Dawn will get the location & Information out @ Policy's Strategic Planning Special Meetings for February 19 & March 29.
- Dawn will set up February 23rd CWA Policy Sub Group meeting. Make sure location has call in capability.
- Dawn will get the location & information out @ Policy's Budget Retreat scheduled for April 15 & 16.
- Dawn will add language on the agenda for where the meetings will take place.
- Policy Co-chairs will meet TFW Cultural Resource Committee co-chairs (Jeffrey & Pete) & Allison Brooks, Jim Peters, Jim Michaels to decide on how to address the TFW Cultural Resources Committee request & how best to bring this forward to FPB. Jim Michaels has room and equipment capability for this meeting.
- Miguel Gibson Perez – Add that DOE ask Jay Manning & DNR ask Commissioner for support on CWA.

Agenda Items

- Policy's March Agenda Item – CMER will bring draft of a Memorandum of Understanding (MOU) or procedure for Policy's recommendation for consistency in responding to Data Requests from Landowners (which includes state lands).
- Policy's March Agenda Item - Clean Water Act Report – time on March agenda for interaction and specifics from CWA sub group.
- April Agenda Item - Co-chair process and nomination discussion.