

Attendees:

Stephen Bernath, Ecology, Co-Chair
Marc Engel, DNR
Darin Cramer, DNR
Jim Hotvedt, AMP
Pete Heide, WFPA
Jim Peters, NWIFC
Terry Jackson, DFW
Marty Acker, NMSF & EPA proxy
Mark Hicks, DOE
Peter Goldman, CC
Chris Mendoza, CC
Kevin Godbout, Weyerhaeuser
Doug Hooks, WFPA
Julie Dieu, Rayonier
Nancy Sturhan, NWIFC
Dawn Hitchens, DNR

By Phone:

Chase Davis, UCUT
Kendra Smith, Skagit County
Dave Powers, EPA
Christopher Stanley, OFM

Meeting Notes – February, March & April 2012

The suggestion was made to change the April minutes to reflect the FFSA detail as an action item as requested by Policy. Chris Mendoza requested the attendance list for March 2012 reflect his attendance. Policy members accepted the meeting notes for the three months with suggested changes.

Buffer Characteristic Integrity and Function Study (BCIF Type N Study) -Dispute Resolution Solution. The action Policy takes on this topic will be submitted to the Forest Practices Board for the August meeting. The following draft motion was developed by Policy co-chairs and the AMPA:

Forests and Fish Policy will take the following actions in response to the Westside Buffer Characteristics, Integrity and Functions (BCIF) Study:

- 1) Request that CMER considers the results of the Westside BCIF study with those of the Westside Type N Experimental Buffer – Hard Rock study when CMER completes its findings report and answers the six questions in the Framework for Successful Policy/CMER Interaction;
- 2) Consider the impact of windthrow on riparian function as part of the review process underway for Type N watercourses;
- 3) Request that CMER incorporate windthrow as a component into research and monitoring projects where appropriate;
- 4) In preparation for future research and monitoring on windthrow frequency, distribution, and effects (May 24, 2012 Settlement Agreement signed by the Conservation Caucus, Washington Forest Protection Association, Washington State Department of Natural Resources, and Washington State Department of Ecology), request that CMER develop a windthrow research and monitoring strategy in its work plan that includes all buffers, including those on Type N and F waters, wetlands, and unstable slopes; and
- 5) Request that DNR provide a briefing to Policy on how DNR incorporates windthrow into its management prescriptions as part of the State Lands HCP.

Policy does not recommend rule action or changes in Forest Practices Board guidance in response to the CMER Westside BCIF Report at this time, although it may do so as the Policy actions listed above are undertaken and/or completed.

DECISION: Policy members were in consensus and approved the BCIF dispute resolution solution with some minor edits. Marc Engel reported DNR staff will take the amended language based on this feedback and submit this in time for the Forest Practices Board to review at the August 14th meeting.

Forest Practices Board – August 14th Meeting

On an annual basis the Forests & Fish Policy Committee submits a prioritized work list to inform the Forest Practices Board. This identifies what Policy will work on for the next calendar year. This helps the Forest Practices Board understand what will come before them for the next year. Policy members reviewed the draft of work priorities for calendar year 2013.

Policy members requested the co-chairs to work with DNR staff to develop a comprehensive memo with statements about: completing the dispute over post mortem in 2012; the HPA/FPA integration and timeline for 2013; the on-going work of the two Policy sub-groups; the settlement agreement and adaptive management program improvements; and the continuing challenge for Policy to meet the Clean Water Act milestones.

DECISION: Policy co-chairs will work with DNR staff to develop a memo outlining work priorities for the Forest Practices Board and report back to Policy members at the Policy August 2ND meeting.

Forest Practices Application Fees - Marc Engel provided an overview of fee changes as a result of SB 6404.

Hydraulic Permitting Application Fees – Terry Jackson reported the Second Engrossed Substitute Senate Bill 6406 (2ESSB 6406) mandated that existing hydraulic code rules should be integrated into Forest Practices Rules. The WFDW rule-making process for the **revised** hydraulic code rules is a separate process from the FPA/HPA integration rule making process. The FPA fees that came into place on July 10th did not include HPAs associated with FPAs.

CMER Update: Mark Hicks provided an update on the CMER Protocols & Standards Manual (PSM); the Soft Rock Study; and the Unstable Slopes Criteria project.

The Mass Wasting Effectiveness Monitoring Project Report (Draft V8a) – Dispute Resolution Options & Recommendations

Options for Policy:

1. Send the non-consensus post-mortem report back to CMER with direction to go through dispute resolution.
2. Request the AMPA to retain a facilitator to work with the parties in disagreement to resolve outstanding issues related to author responses to ISPR reviewer comments.

3. Request the AMPA to retain an arbitrator to work with the parties in disagreement to resolve outstanding issues related to author responses to ISPR reviewer comments and to make final decisions on issues on which parties in disagreement cannot come to agreement.
4. Request the AMPA to work with the ISPR Associated Editor to evaluate whether the revised draft responds satisfactorily to the ISPR reviewers' comments and to revise the document where necessary to generate a final report (Associate Editor becomes an arbitrator).

AMPA Recommendation:

Request the AMPA to work with the ISPR Associate Editor to evaluate whether the revised draft responds satisfactorily to the ISPR reviewers' comments and to revise the document where necessary to generate a final report (Associate Editor becomes an arbitrator). If the ISPR Associate Editor is not available, retain an arbitrator (or arbitration panel).

Motions:

- 1) Marty Acker motioned for Policy to accept the Mass Wasting Effectiveness Monitoring Project report (version 8a) and to request the six questions that typically accompany a final report be answered by CMER to enable Policy to accept the report.
Jim Peters seconded the motion.

Yes = NWIFC, NOAA, and Conservation Caucus

No = Landowner, State and Counties caucuses

Policy members reached non-consensus on this motion.

- 2) Marc Engel moved to accept the AMPA's recommendation: Request the AMPA to work with the ISPR Associate Editor to evaluate whether the revised draft responds satisfactorily to the ISPR reviewers' comments, along with the minority reports and the authors' response to the minority reports, and to revise the document where necessary to generate a final report (Associate Editor becomes an arbitrator). If the ISPR Associate Editor is not available, retain an arbitrator (or arbitration panel).
Kendra Smith seconded the motion.

Yes = Landowner, State and Counties caucuses

No = Conservation Caucus

Sideways = NWIFC and NOAA

Policy members reached non-consensus on this motion.

- 3) The Forests & Fish Policy Committee requests the Adaptive Management Program Administrator (AMPA) to work with the ISPR Associate Editor (AE) to evaluate whether version 8a responds satisfactorily to the ISPR reviewers' comments on *the Mass Wasting Effectiveness Monitoring Project Report*. The F&F Policy Committee requests the ISPR Associate Editor to identify changes, if necessary, that should be made to version 8a for the report to satisfactorily and fairly respond to ISPR reviewer comments on the draft report version used for ISPR review.

Items to be submitted for the ISPR Associate Editor's use are exclusively the original draft submitted for ISPR review, version 8 containing track changes, version 8a (a clean

version without track changes), ISPR reviewers' comments and Associate Editor's synthesis, and CMER's consensus-approved ISPR response matrix.

The F&F Policy Committee expects to have the lines of communication open between the ISPR Associate Editor and the AMPA for clarification of issues and use of discretion in assisting the ISPR Associate Editor's evaluation. The F&F Policy Committee will rely on the AMPA to make the final decision of whether the authors' revisions to version 8a are satisfactorily and fairly responsive to the ISPR Associate Editor's recommendations.

The F&F Policy Committee agrees to accept the final, revised version to 8a approved by the AMPA as an Adaptive Management Program final report.

Policy members reached consensus with motion #3.

Forest Practices Habitat Conservation Plan – Settlement Agreement

Darin Cramer gave an overview of the negotiations that took place between three caucuses:

- ♦ A proposal for CMER projects scheduled for the next 20 years;
- ♦ Adaptive Management Program reform around process;
- ♦ A stay on challenges to the FP HCP for 3.5 years with the potential for another 6 months;
- ♦ Modification to implementation agreement where the Department of Natural Resources agreed to maintain the 2005 funding level based on the applied price deflator; and
- ♦ The communication process exchange between the state and federal partners.

Policy needs to organize meeting time for all six caucuses to provide input and to consider the adaptive management program review of the settlement agreement commitments.

DECISION: Policy members agreed to schedule the afternoon of August 16th for further discussion and consideration on the adaptive management program review of the settlement agreement commitments. The AMPA will prepare the formal proposal initiation packet for this meeting.

Adaptive Management Program Reform Report to the Legislature

Darin Cramer added the departments of Ecology and Natural Resources were co-authoring an adaptive management program reform report due to the legislature by September. The Forest Practices program received supplemental funding, where the budget proviso was tied to reform efforts, and a report to the legislature on those reform efforts. The report will cover the funding plan and action done to date, LEAN, and the settlement agreement. An outline of report will be brought to the August 16th Policy meeting.

Meeting Adjourned.