

Forests & Fish Policy Committee

January 3, 2013 Meeting Summary

Decisions and Actions Tracker from Meeting

Decision/Action	Assignment	Due Date	Notes
Approved July 16, 2012 Meeting Summary			Approved with edits
Approved December 6, 2012 Meeting Summary			Approved with no edits
Create list of options for remote participation	DNR, Ecology, facilitators with input from Chase Davis, Dave Powers, Kendra Smith, Nancy Sturhan, Curt Veldhuisen, and others	February 7, 2013	Anyone with feedback is welcome to contact the Co-Chairs or facilitators
Send full list of parking lot items for changes to the Board Manual to full Policy Committee	Jim Hotvedt	February 7, 2013	
Settlement Agreement - Revise and send draft of recommendations for rule-making or guidance changes to full Policy Committee	Marc Engel	February 7, 2013	Informal draft of recommendations; Policy approved DNR moving to CR101; formal discussion will occur when the recommendations are drafted into rule language.
Send signed MOA between DNR and WDFW to full Policy Committee	Marc Engel & Terry Jackson	February 7, 2013	
Send draft concurrence rules to the full Policy Committee for review, which are being included in the CR102 rule-making process, with timelines for public comment period and public hearing	Terry Jackson	ASAP	Contact Terry Jackson if you have any further questions pertaining to the Draft Concurrence Rule language

Introductions – Adrian Miller, Co-Chair, welcomed the group and led introductions (*please see Attachment 1 for a list of attendees*).

Agenda – Bob Wheeler, facilitator, reviewed the agenda. Terry Jackson asked to add a portion to the agenda where she and Marc Engel could update the group on the FPA/HPA integration. This was added to the agenda between DNR State Lands HCP and Type N Policy Sub-group. Additionally, Curt Veldhuisen asked to have time to talk about the Interview Summary provided by the facilitators. This was added after the Meeting Notes. All agreed to the agenda with the aforementioned revisions.

Bob Wheeler also reviewed the concept of caucus time. All Policy Committee members are allowed to caucus at any time during the meeting.

Meeting Summaries – July and December 2012

Based on feedback on the July 2012 meeting summary, Bob Wheeler reminded Policy Committee members that meeting summaries are to provide a written record of what was stated at a meeting; they are not intended to note what was not said or what someone wishes was said at a meeting. Jim Hotvedt noted that CMER has an unofficial rule that if the meeting summary identifies someone as stating something, they are responsible for verifying the accuracy of how the meeting summary captures what he/she said. Moreover, if someone gives a presentation and a discussion follows, the facilitators will capture that presentation and the subsequent discussion as much as possible. If there is significant discussion, the group can also put that topic in the parking lot for an agenda item at an upcoming meeting.

The July 16, 2012 meeting summary had many edits by several people. These were addressed line by line and were either accepted or rejected by the group. Three smaller discussions came out of this:

- One participant asked how a meeting summary would capture comments/discussion raised during a Policy Committee meeting in the future. The response was that comments/discussion would be captured in the meeting summary at an appropriate level of detail. It is possible that certain comments/discussions would be postponed until a more appropriate time if they are not in line with the agreed agenda and desired outcomes for a specific meeting.
- For attempting to resolve differences of opinion about a meeting summary, the parties are encouraged to resolve their differences between themselves and/or with the facilitator ahead of the meeting at which the summary is discussed. If disagreement on a meeting summary is not resolved prior to the meeting, any participant can ask for clarity at a subsequent meeting.
- If when reviewing a meeting summary a question or comment is raised in relation to that summary, there are two main ways to resolve this:
 - Put the discussion on the parking lot for a larger discussion at a later meeting
 - Have Policy Committee agree that topic of discussion is important to conduct at that point.

The group decided that since the meeting summary they were discussing was six months in the past and they have already moved forward with the action items associated with that discussion, they felt it was simpler to delete the discussion portion. The group approved the July 16, 2012 meeting summary with no thumbs down for that change.

The December 6, 2012 meeting summary was approved with no changes and no thumbs down.

Interview Summary – Curt Veldhuisen commented about the portion on the Interview summary about phone participation. He asked for follow-up of how to make the phone participation more effective for both those on the phone and those in the room. Others agreed that more follow-up needs to be done. Several mentioned that not only could different ways of phone/video conferencing be explored, but also a consideration of full-day meetings to make driving across the state more worthwhile to those who have to make that travel. It was agreed that Ecology and DNR will explore options with the facilitators' help. The

facilitators will send an email to the full group for any feedback and will individually follow-up with those who regularly participate via phone. The set of options created will go to the full group for decision at an upcoming meeting.

Forest Practices Habitat Conservation Plan Settlement Agreement – Marc Engel reviewed the recommendations that were handed out. These are the recommendations from the Department of Natural Resources (DNR) about whether the changes from the Settlement Agreement should go to rule-making or guidance (Board Manual). It was suggested that the list of suggested changes from the old parking lot be brought back to be reviewed at the same time as these proposed changes from the Settlement Agreement. Many in the group agreed that while it is good to go through those old suggested changes from the parking lot while reviewing the proposed changes from the Settlement Agreement, these changes should be done in a timely manner so the group can move on to more substantive work again. DNR will have an internal group focus on proposing rule-making and Board Manual updates which will be brought back to the Policy Committee for review and input. This work's timeline is to have a draft to the Forest Practices Board for their May 2013 meeting. This draft would accompany the draft rule-making change(s) to CR102. Marc Engel will send a revised "Staff Recommendations" document to the full Policy Committee and bring rule-making language back to the Policy Committee for consideration.

The group discussed *Issue #2 – Clarifying the dispute resolution process and shortening decision timelines*. Many of the discussion points will be clarified with Marc Engel's revisions. Other comments should go to Marc Engel offline. The Policy Committee members agreed that DNR has their support for beginning the CR101 process with these recommendations.

Lean / CMER Pilot Project Implementation – Marc Hicks, CMER Co-Chair, reviewed the work being done by CMER for their pilot project implementation.

Technical Writing Implementation Groups (TWIGs): CMER has formed or is in the process of forming three TWIGs.

- The Eastside Type N Effectiveness TWIG has developed an initial Charter which has been brought to CMER.
- The Westside Type F Effectiveness TWIG has been formed but has not yet developed a formal Charter at this time.
- The Unstable Slopes Criteria TWIG is the least formed of the three TWIGs. They have created a list of suggested group members but have gone no further at this time.
- There exists a fourth semi-TWIG that is focused on Forest Wetlands Effectiveness, which is unformed at this time, but will begin its formation and work in the next few months.

The group discussed how to move forward more rapidly. Mark Hicks noted that a lack of volunteer and CMER staff resources appears to be the primary bottleneck for moving these initiatives forward more efficiently. It was also suggested that this discussion of moving forward could happen when the TWIG process is elaborated upon in later meetings.

Forest Practices Board – February 12th Meeting – Marc Engel previewed the February agenda for the Forest Practices Board. They will hear an update of the Clean Water Act assurances as well as the Taylors Checkerspot Butterfly Report. Additionally, they will hear an update of the USFWS's proposed critical

habitat on the butterfly and for the first time, will hear a five-year update on the Forest Practices Habitat Conservation Plan. Lastly, they will hear about the CR101 process to notify the public for rule-making for the Adaptive Management Program changes.

CMER Update – Chris Mendoza and Mark Hicks, Co-Chairs, reviewed the latest actions and discussions at CMER.

- Eddie Cupp presented at CMER on the Bull Trout Temperature Study Report. The draft report will go to ISPR soon.
- CMER approved revisions to the TWIG process. This will be on the Policy Committee February 2013 agenda.
- CMER approved the Stream-Associated Amphibians report to move to ISPR.
- CMER approved new data to update the CMER Information System. Mark Hicks encouraged Policy Committee members to look into that Information System as it is an effective way to access to CMER studies and interim reporting products.
- CMER is still completing their workplan, but they will have something to Policy by its April meeting.
 - Policy discussed whether or not CMER should base its workplan and budget on the biennium or stay with the 1-year schedule. It was mentioned that the workplan goes well beyond one to two years but that the budget is based on one fiscal year.
 - Because CMER is currently working on a one-year budget, this discussion was tabled until 2015 when CMER and Policy could be better prepared to create budgets based on the biennium.
 - At this point, the group agreed to use the Master Schedule to review the Workplan and for the Year 2 budget numbers.
- Eastside Type F Extensive Study
 - This Study has come to CMER and the reviewers have it now.
- Eastside Type N Forest Hydrology Study
 - This data has been collected and is being analyzed now.
- Post-Mortem Study (6 Questions)
 - Policy re-emphasized their desire to see the 6 Questions with minority opinion come through CMER to Policy as soon as possible.
 - The authors have been stalled on this for a while but the CMER Co-Chairs are examining how they can help it move forward. The CMER Co-Chairs and the AMPA will support the authors by asking if they need any help in answering the 6 Questions.
 - By February, the CMER Co-Chairs and AMPA will know if they should step in to help the authors. Policy should have more information and hopefully the 6 Questions by the March meeting.

DNR State Lands Habitat Conservation Plan – Richard Bigley, DNR state lands riparian ecologist, presented to the Policy Committee about DNR's Habitat Conservation Plan wind buffers strategy.

- DNR implements wind buffers when there is a threat to the primary riparian area. Originally, this was only for fish-bearing streams.
- For the State Lands HCP, the wind buffers are solely to support riparian function and other habitat needs as necessary.

- State Lands Riparian Management Zones (RMZs) are extensive throughout the state. When foresters step into the RMZ, their only objective is conservation. DNR's primary management goal is to restore older forests.
- DNR understands that windthrow does happen, and is comfortable with some big wood on the ground. This represents an ongoing paradigm shift about RMZs. Lee Benda and Gordy Reeves presented at a recent conference about how the one-size rule came from past thinking. Now, people are encouraged to think more strategically about aquatic resources.
- DNR does restoration thinning on less than ten percent of RMZs. They're also trying to bring back large woody debris (LWD) and snags; they manipulate some trees to produce that effect in the forest.
- DNR's RMZs on fish-bearing streams are approximately 180 feet from the 100-year floodplain. For larger non fish-bearing streams, the buffers are approximately 100 feet. For smaller non fish-bearing streams, there is a big range of buffer size.
- As a result of the aforementioned points, DNR generally will not be using the wind buffer strategy.

FPA/HPA Integration Update – Terry Jackson and Marc Engel updated the Policy Committee on progress made since the December 6, 2012 Policy Committee meeting. DNR and Washington Department of Fish & Wildlife (WDFW) signed a Memorandum of Agreement in late December 2012 which lays out their partnership for this integration work. This MOA will be sent to full Policy. This MOA will continue to be refined, so consider it a working document because there remains some information to coordinate and resolve.

The Board Manual Group has been initially formed but is not complete at this time. This group will meet again the week of January 7, 2013.

There has been no progress to date on the concurrence rules. The process remains that it will go to order-typing, then to CR102. At that point, Terry Jackson will notify the Policy Committee of the dates of the public comment period and the public hearing. She will also send the draft rules at that time.

At this point, Policy took a lunch break during which time caucuses were encouraged to meet. This met an earlier request for caucus time ahead of the Type F agenda item.

Type N Policy Subgroup Update – The Subgroup last met on December 7, 2012. The work of the technical subgroup is complete unless asked to do more by the policy subgroup. What remains is the work of the policy subgroup; their report is waiting to be brought to the full Policy Committee. One remaining concern is how to restart the Board Manual process to determine the uppermost point of Type N, particularly how to determine that point during the wet season. The Policy Co-Chairs are working together to schedule a meeting to resolve this remaining issue. The group decided at the meeting to make this meeting January 8, 2013, 3pm, at Ecology. Any comments on the draft report should go to Mark Hicks as soon as possible.

Type F Policy Subgroup Update – The subgroup decided to create a technical operational subgroup that has defined tasks from the October 23, 2012 memo. This group has met twice since the December 6, 2012

Policy Committee meeting. The goal is to have the group begin wrapping up the list of issues that the group is evaluating. They are starting to brainstorm possible solutions and if anything is creating conflict, it will be noted. Terry Jackson has circulated a draft of that work and hopes to send that draft to Policy by January 11, 2013.

The group also discussed the need for facilitation of this subgroup. There are two main concerns with this: one is that facilitation is needed right away to help the group move forward in an effective way and the second is that the group needs to become more crystallized in its needs before the facilitators start working with the group.

The Policy Committee discussion included:

- Several people encourage the subgroup to develop a Charter as required by the Board Manual.
- The Conservation Caucus verbally reported that they have developed a draft petition of what they believe the need is for Board Manual changes. Their petition includes a request for invoking the dispute resolution process since the Type F issue has taken so long to resolve. They are concerned that progress is not being made at this point and they see little potential for more progress to be made unless a dispute resolution process is used.
- DNR has difficulty participating in this subgroup as their capacity is stretched thin trying to accomplish other related and higher priority issues (such as the Settlement Agreement changes, the FPA/HPA integration, and the Type N subgroup outcomes).
 - Many mentioned that it would be foolish to go ahead without DNR's full participation.
 - Others noted that the work could suffer if it stalls due to DNR's lack of participation.
- The group discussed the need to begin drafting a Charter which could lead to the dispute resolution process. There are three items associated with this:
 - Create the Charter with objectives and a schedule
 - Work through the dispute resolution process
 - Understand time and involvement needs and limitations
- Mary Scurlock agreed to send the Conservation Caucus's draft petition to start moving forward.

Next Steps – Potential Agenda Items for Upcoming Meetings

- Review Settlement Agreement rule-making language with parking lot list of changes to the Board Manual
- Report on phone participation improvements
- Lean technical work group process and CMER's revisions to the pilot project implementation process
- Type N Policy Subgroup update recommendations
- Type F Policy Subgroup update

The group agreed it would be best to plan for a full-day February Policy Committee meeting.

The meeting adjourned at 3:30pm.

Attachment 1 – Attendance at 1/3/13 Meeting by Caucus

Conservation Caucus

Mary Scurlock, Conservation Caucus
Chris Mendoza, Conservation Caucus

County Caucus

Kendra Smith, Skagit County

Federal Caucus

Marty Acker, NOAA

Landowner Caucus

Peter Heide, WFPA
Adrian Miller, Longview Timber, Corp. (Co-Chair)
Dick Miller, WFFA

State Caucus

Stephen Bernath, Ecology (Co-Chair)
Darin Cramer, DNR
Terry Jackson, WDFW
Marc Engel, DNR
Mark Hicks, Ecology
Carol Walters, DNR

Tribal Caucus

Mark Mobbs, Quinault Nation
Jim Peters, NWIFC
Nancy Sturhan, NWIFC
Curt Veldhuisen, Skagit River System Cooperative

Others

Richard Bigley, DNR
Jim Hotvedt, Adaptive Management Program Administrator (AMPA), DNR
Jody Walters, NOAA
Claire Turpel, Triangle Associates (facilitation team)
Bob Wheeler, Triangle Associates (facilitation team)

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status	Notes
Type N	Type N Policy Subgroup	One remaining issue to resolve: determination of uppermost Type N break, particularly during the wet season.	
Type F	Type F Policy Subgroup	Co-Chairs to work on response to Conservation Caucus invoking dispute resolution.	
HPA/FPA Integration		Board Manual group continues to meet.	
Settlement Agreement	Marc Engel	Begin drafting language for rule-making changes and guidance changes.	Rule-making language will return to Policy for consideration.
Policy recommendations	Mark Hicks &	Waiting to go to full CMER after	After going to full

based on Post-Mortem Report	Chris Mendoza, CMER Co-Chairs with Jim Hotvedt, AMPA	disputants refine their responses to the 6 Questions.	CMER this will be brought to full Policy.
Ongoing CMER reports reviewed by Policy	Mark Hicks & Chris Mendoza, CMER Co-Chairs		

*This table is meant to note the Policy Committee priorities that were sent to the Forest Practices Board and any other major topics or issues that arise during the year.

Attachment 3 – Entities, Groups, or Subgroups: Schedule and Notes

Entity, Group, or Subgroup	Next Meeting Date	Notes
Forests & Fish Policy Committee	February 7, 9am-3pm	Full-day meeting
CMER	February 22, 9am-4pm	
Type N Subgroup	January 8, 3pm	Policy discussion on uppermost Type N break, particularly during the wet season
Type F Subgroup	TBD	Possible Dispute Resolution approach
Settlement Agreement Subgroup		Finished with meetings, Rule-making language will be brought to Policy when complete
Forest Practices Board	February 12	

Attachment 4 –Parking Lot & Ongoing Issues

- Discuss ways to participate remotely in meeting (via phone or video conferencing)
 - DNR and Ecology to coordinate with help from facilitators
 - Have input from all Policy Committee members, particularly from those who regularly participate via phone (Chase Davis, Dave Powers, Kendra Smith, Nancy Sturhan, Curt Veldhuisen)
- Lean Process – consider how to increase efficiency and speed up timeline
- 2-year budget and workplan – consider for 2015-2017 biennium