

Forests & Fish Policy Committee
 May 2, 2013 Meeting Summary

Decisions and Action Items from Meeting

Decision	Notes
1. Accepted April 4, 2013 meeting summary with minor edits.	Full consensus of all caucuses.
2. Approved motion to append authors' responses to the minority reports within the Post Mortem Report Findings Package.	Full consensus of all caucuses.
3. Approved proposed action for the Post Mortem Report Findings Package with minor edits (<i>see Attachment 4</i>).	Full consensus of all caucuses.

Action Item	Assignment/Notes
1. Draft proposal on WDFW hydraulic code rule-making for October Policy meeting.	Terry Jackson, Jim Hotvedt
2. Prepare to brief Policy at the June meeting about what the legislation requires Policy to do about commenting on the WDFW hydraulic code revisions.	Terry Jackson
3. Work with other caucuses and TWIG/CMER staff to prepare feedback to the Eastside Type F Effectiveness TWIG at the June 6 Policy meeting.	Karen Terwilleger
4. Draft May 2, 2013 meeting summary.	Claire Turpel

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

Announcements

- Bob Wheeler reminded the Policy Committee (Policy) that the group has a lot to address at this meeting, and there is a lot on Policy's workload for the next several months. There was a lot of important intra- and inter-caucus dialogue to prepare for this meeting's agenda.
- Marty Acker's new email at USFWS is: martin_acker@fws.gov.

April 4, 2013 Meeting Summary – Policy members suggested minor edits to the April 4, 2013 draft meeting summary. After some discussion of clarifying edits, all caucuses voted to accept this meeting summary.

DECISION: Policy Committee approved the April 4, 2013 meeting summary.

Forest Practices Board Meeting, May 14, 2013 – Marc Engel updated Policy on the planned agenda for the quarterly Board meeting.

- The Board will discuss several rule-making processes, including the Adaptive Management Program (AMP) Reform Rulemaking. All caucuses are encouraged to identify who from their caucus should be involved in a subgroup to address the AMP Reform Rulemaking. Marc Ratcliff will convene a stakeholder process to make these revisions, due July 15.

- The hydraulic code revisions will be in the new Board Manual Section 5. This is posted online for everyone to review while reviewing the draft rules (*Forest Practices Board website: Rules & Board changes → draft Board Manual*).
- Klickitat County will bring a petition to the Board for rule-making that adds critical habitat rules to protect habitat for the western gray squirrel.
- The Policy Co-Chairs will present their quarterly memo to the Board. It is expected that the Board will take more interest in Policy's work, details, timelines, deliverables, etc. Therefore, the Co-Chairs will try to account for what Policy has completed as well as the current status of all work.
- The Board has done a CR-101 process for the original intent of critical habitat for when SEPA is needed for special wildlife plans. WDFW convened a wildlife group, which has been delayed while issues are being addressed internally by WDFW. That decision, when made, will go to the Board (August or later).

Follow-up on Budget Process – Bob Wheeler asked Policy to identify any issues that came up during the April workplan and budget meeting:

- Most members appreciated the way Mark Hicks went through the changes to the workplan.
- One member suggested revising the process so Policy does not approve the workplan at the same meeting to approve the budget. It is unclear what it means for Policy to approve CMER's workplan, so next year it would be helpful to clarify what approval/non-approval of CMER's workplan means. It was also encouraged that Policy members attend more CMER meetings to better understand what that process and workload is like.
- It would be helpful to see how the Master Schedule addresses the Settlement Agreement, perhaps with a memo.
- With the plan to move the budget and workplan process to match the state legislature biennial calendar, Policy will be thoughtful about how to streamline the process for the future. With the state's biennial calendar, the next opportunity for Policy to begin matching timelines will be for the 2015-17 budget.
- In order for Policy to eventually address all rule groups, it was suggested that Policy should choose another rule group and take time to go through the rule group as thoroughly as with Type N.
- Some current Policy members were not around when Policy addressed organizational development. Perhaps another opportunity can be provided for those people to evaluate and give feedback on that process.

Type F – A Policy Subcommittee of the Whole will meet for three meetings to develop a Charter. The first meeting is May 16.

- Members of the Technical/Operational Subgroup have drafted language for the three outstanding issues in their document to address issues related to defining the F/N break. This will be shared with Policy a week in advance of the May 16th Type F meeting.
- One Policy member asked that more information be provided about the current status of the maps, water typing modifications, status of implementation, etc.

- One desired outcome for this Type F process is to increase consistency among regions and interpretations for the F/N break. Another is to understand the duty of a permanent rule.

Post Mortem Report Findings Package – The Conservation Caucus motioned to append the authors’ responses to the minority reports and the Tribal Caucus seconded. After some discussion, Policy voted to append the authors’ responses to the minority reports with full consensus.

DECISION: Policy approved to append the authors’ responses to the minority reports.

The decision before Policy at this meeting is to vote whether or not to take action on the Report Findings Package. Now that this report is with Policy, Policy should decide whether they choose to answer Questions 7, 8, and 9 as outlined in Section 22. Policy does not decide at this meeting what the actions will be, just that they want to take action.

The Conservation and Landowner Caucuses developed a motion that proposed that some action would be taken. At this point, the motion is vague enough so as not to eliminate too many options. This motion would need a Subgroup with a Charter to do this work, and the dates are based on the timelines given in Board Manual Section 22, Part 3.4. The Landowner Caucus motioned to approve the proposed action with amendments to the dates and the Conservation Caucus seconded (*see Attachment 4*). Policy voted to approve this motion with full consensus.

DECISION: Policy approved proposed action with minor edits.

The Post Mortem Subcommittee is open for anyone to participate. It will be considered a Subcommittee of the Whole so none of the decisions have to be vetted at a regular Policy meeting, with the exception of the final decision which shall be voted upon at a regularly scheduled Policy meeting. Adrian Miller will convene the Subcommittee.

WDFW Hydraulic Code Rulemaking Process

Version 3 of the rules has been sent, comments were due to Randi Thurston through the comment log by April 26th. These comments are being incorporated into the draft and then will go to the Attorney General for review. The initiation of the CR-102 process, along with the SEPA review, will happen in October and public review will happen at that time as well. This timeline anticipates having a draft of the rules to the Commission in March 2014, and hopes to have the rules adopted by April 2014.

Appendix M of the Forests & Fish Report influences this process. Once the rules are brought to Policy, it is up to the Policy Committee whether they will go through the adaptive management process. If the rules do not go through that process, it will go through the TFW process.

Based on these deadlines, Terry Jackson will work with Jim Hotvedt before the October Policy meeting to draft a proposal, incorporating the draft language (through CR-102) and SEPA/EIS information. Based on WDFW’s proposal, policy would then have October through the end of December to finalize their report with comments and recommendations to WDFW. In early 2014, Terry would share with Policy how those comments and recommendations were incorporated by WDFW.

This effort has to work for both WDFW and Policy's timelines. Policy should prepare for this to be on the November 2013 Board agenda. The group briefly discussed the need for more information about the interaction between WDFW's rulemaking process and how this will interact with Policy's role in the adaptive management process. Terry Jackson will brief the group on this at the next meeting.

The Co-Chairs will brief the Board about this upcoming issue at the May 14th meeting. Though this is not on Policy's current workload, the Board should know about this anticipated adaptive management request. Before the work comes to Policy in October, it would be helpful for DNR and WDFW to clarify Policy's role and the workload associated with that role.

Adaptive Management Reform Rulemaking Process – DNR will present at the May Board meeting the rule language and intent to develop a Board Manual based on that language. In order to bring the language to the Board at the August meeting, Policy should agree on what to recommend to the Board by July 15 so it can be included in the Board packet. A Subgroup will be formed to address this and will focus on the settlement agreement sections of Section 22; all other parking lot revisions will be addressed at a later date.

Type N Update – The re-convened Policy Subgroup will meet 2:30 - 3:30 on May 9th at Ecology. The group will clarify direction to the Technical Subgroup.

Feedback to Eastside Type N Riparian Effectiveness TWIG – Due to CMER's LEAN process, now Policy has two opportunities to assess CMER's work and affirm that the study is answering the right questions. Greg Stewart, lead writer from the Eastside Type N Riparian Effectiveness TWIG, presented a memo to Policy for their initial approval, to ensure that the TWIG has the proper study questions before study design begins and the second approval from Policy.

Policy had many questions about the memo; responses are captured below:

- The hope is to correlate related variables such as timing, magnitude of discharge, and temperature change.
- There are several questions left out of this document that may be incorporated into the study at a later date. This is an initial outline and if Policy likes this direction, the TWIG will come up with other options for how to solve those questions.
- Policy is encouraged to indicate to the TWIG if they feel this study creates bias one way or the other. If Policy wants the TWIG to incorporate small landowners, that should be indicated now.

Policy also discussed the role Policy plays in this step: what feedback does the TWIG need to move on? Some members felt unprepared to make a decision on short notice about the direction this TWIG is taking. Karen Terwilleger volunteered to facilitate inter-caucus dialogue about this subject between the May and June Policy meetings and report back to Policy in June.

CMER Update – All projects are moving forward with one exception. Two projects are moving into ISPR and should have final reports for Policy within the next twelve months. The Type N Hard Rock study is going along smoothly, and should have results to Policy within the next twelve months.

The meeting adjourned at 4:15pm.

Attachment 1 – Attendance at 4/4/13 Meeting by Caucus

Conservation Caucus

Mary Scurlock
 Chris Mendoza

County Caucus

Kendra Smith, Skagit County
 Laura Merrill, Washington State Assoc of
 Counties

Federal Caucus

Marty Acker, USFWS
 Dave Powers, EPA (phone)

Landowner Caucus

Kevin Godbout, Weyerhaeuser
 Doug Hooks, WFPA
 Adrian Miller, Longview Timber Corp.
 Dick Miller, WFFA
 Jim Riley, Hancock Forest Management Co.
 Karen Terwilleger, WFPA

State Caucus

Marc Engel, DNR
 Mark Hicks, Ecology
 Terry Jackson, WDFW
 Mary McDonald, DNR
 Marc Ratcliff, DNR

Tribal Caucus

Chase Davis, UCUT
 Mark Mobbs, Quinault Tribe
 Jim Peters, NWIFC
 Nancy Sturhan, NWIFC
 Curt Veldhuisen, Skagit River System
 Cooperative (phone)

Others

Jim Hotvedt, Adaptive Management Program Administrator
 Claire Turpel, Triangle Associates
 Bob Wheeler, Triangle Associates

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status	Notes
Type N Board Manual Development	Type N Policy Subgroup	One remaining issue to resolve: determination of uppermost Type N break, particularly during the wet season.	Policy approved language change to recommendation 2.b. and full Strategy Summary Document on March 7. Type N technical subgroup meetings are being scheduled. Policy will draft language and review at the Dec '13 / Jan '14 meeting and pass to the Forest Practices Board in Feb 2014.

Priority	Assignment	Status	Notes
Type F	Facilitation team with Policy Co-Chairs	5/16, 5/30, and 6/12 meetings focused on this topic set.	
FPHF Integration		Begin CR-102 process, pending Board decision at the May FPB Meeting.	
Adaptive Mgmt Program Reform Rule		Begin CR-102 process, pending Board decision at the May FPB Meeting.	
Mass Wastings Report Findings Package		Subgroup convening to develop Charter.	
Ongoing CMER reports reviewed by Policy	Mark Hicks & Chris Mendoza, CMER Co-Chairs		CMER Co-Chairs to give update(s) as needed at May Policy meeting

*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.

Additionally, the WDFW HPA rule-making is in progress. The draft language is being prepared for the Attorney General; once they return from the AG office, the CR-102 process begins. Policy members are encouraged to send any comments on the draft language to Randi Thurston at WDFW.

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

Entity, Group, or Subgroup	Next Meeting Date	Notes
Forests & Fish Policy Committee	June 6	
CMER	May 28	
Type N Subgroup	May 9	
Type F Subcommittee of the Whole	May 16; May 30	
Forest Practices Board	August 13	

Attachment 4 – Proposed Action on Post Mortem from the Landowner and Conservation
 Caucuses for Consideration by Policy on May 2, 2013

Question Presented:

Should any action be taken at this time, in response to the information that CMER has provided – i.e. the Final Post Mortem Study (Version 8a) and Findings Report? (Question 7 from Board Manual M22-29/29)

Proposed Answer:

Yes, the Policy Committee believes that additional Policy Committee actions are needed in response to

the Mass Wasting Effectiveness Monitoring Project. At this time, we do not recommend actions to be taken by the Forest Practices Board; we will report on subsequent recommendations as noted below.

Policy will evaluate alternatives in three general categories: Forest Practice Application Review Process for mass wasting risk, compliance monitoring, and additional research.

Policy will convene specific meetings to develop a Mass Wasting Strategy to create a charter and work collaboratively on evaluating options within the three general categories and will make any recommendations on actions to Policy by July 1.

FPA Review Process

- Policy requests a presentation from DNR on an overview of the FPA analysis and approval process regarding unstable slopes and to answer questions about these issues from Policy members.
- Evaluate additional screening tools and practices to identify unstable slopes

Compliance

- Evaluate existing documentation requirements and discuss need for additional documentation of unstable slope assessments and geotechnical reports.
- Evaluate existing guidance and training options for foresters.

Research

- Review existing CMER and external information on mass wasting
- Discuss any unanswered or new questions raised by the Mass Wasting Effectiveness Monitoring Project and recommend any additional research needs.

Policy must reach consensus on the recommended alternative(s) by **September 13**. Assuming Policy reaches consensus, Policy has until **October 11** to finalize the recommendations and provide them to the adaptive management administrator for delivery to the Board.