

Forests & Fish Policy Committee  
September 5, 2013 Meeting Summary

Decisions and Actions from Meeting

Decision	Notes
1. Accepted August 1, 2013 meeting summary with edits.	Agreement of every caucus
2. Accepted the document <i>Use of Non-CMER Science in the Forest Practices Adaptive Management Program</i> , thanked CMER for the hard work to create this.	Agreement of every caucus
3. AMPA will provide quarterly reports to Policy every January, April, July, and October for when to expect CMER studies.	Agreement of every caucus
4. Approved next steps for Stage 2 Type F dispute resolution, including recommendation to use mediation, not arbitration for Stage 2 (see Attachment 4).	Full consensus of every caucus

Action	Assignment
1. Bring proposal to Policy of what a “technical implication/recommendation” is (from <i>Use of Non-CMER Science in the Forest Practices Adaptive Management Program</i> document)	Policy and CMER Co-Chairs
2. Review AMPA Proposal and come to October Policy meeting prepared to discuss whether or not to send the HPA rules through the AMP review process (as outlined in Appendix M).	Caucus leads
3. Bring proposal to October Policy meeting for sending the revised HPA rules through the Appendix M process.	AMPA and WDFW
4. Send mediator’s background information and resume to full Policy	Claire Turpel
5. Bring proposal to Policy on how to prioritize workload.	Co-Chairs and Facilitators
6. Send handouts and PowerPoint presentation to full Policy from 8/22/13 Mass Wasting presentation.	DNR

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

**Review Agenda, Announcements, and Meeting Summary**

- Adrian Miller, Co-Chair, is transitioning from Weyerhaeuser to Olympic Resource Management. He will remain in his position as Co-Chair once the transition is complete.

- NOAA is changing its management structure as they re-work their regions, due to re-organization unrelated to budget cuts. At this point, the federal caucus is unsure how this will affect Policy, though it is known that it will impact the NOAA folks who are involved with the adaptive management program. Marty Acker, federal caucus lead, will keep Policy updated as changes are finalized.

Policy reviewed the August 1, 2013 draft meeting summary. With agreed-upon edits to clarify language, the summary was accepted by consensus.

### **CMER Update**

#### The use of non-CMER science in the adaptive management program

- In 2010, Weyerhaeuser brought an internal scientific study to Policy requesting that Policy agree to send the study through the Independent Scientific Peer Review Process. Policy was not in consensus to do so. Weyerhaeuser invoked dispute resolution over this which was later resolved, which led to Policy asking the AMPA and CMER Co-Chairs to document how CMER incorporates non-CMER science into their processes.
- The Adaptive Management Program Administrator (AMPA) worked with the CMER Co-Chairs and a CMER subgroup to create a document entitled *Use of Non-CMER Science in the Forest Practices Adaptive Management Program*. The AMPA reviewed the document and outcomes of this process with Policy; it has been approved by CMER and is at Policy for information only.
- CMER considered various questions to determine how to use non-CMER science (pages 1-2).
- The AMPA reviewed the thought process CMER used to answer each of these questions, captured in the document (pages 2-12).
- CMER determined that they already use non-CMER science during scoping, study design, and report-writing stages, and decided that in general, the use of non-CMER science can and should continue to be used in the Adaptive Management Program, and that specific recommendations in the document should be incorporated into CMER's Protocols & Standards Manual.

Policy accepted the report and thanked CMER and the AMPA for the hard work that went into this process. The Policy and CMER Co-Chairs will meet to agree on what is a "technical implication/recommendation" (from the document).

#### AMPA Quarterly Reports

- At the August meeting, Policy requested that the AMPA provide quarterly reports to Policy on the status of CMER reports and when they are anticipated to arrive at Policy. This is to help Policy more quickly react when CMER reports are delivered.
- The AMPA suggested and Policy agreed that these quarterly reports will be every January, April, July, and October (right after the quarter's end).
- Policy asked the AMPA to provide when findings reports will come to Policy as well as the status of other reports and financial expenditures.

#### RSAG evaluation of Extensive Status & Trends data for Policy discussion

CMER's Riparian Scientific Advisory Group (RSAG) has been tasked with organizing information for Policy to have a discussion about the value of Extensive Status & Trends (EST) monitoring. CMER is

working on a summary of alternative methods and will aim to have a report to Policy within the next two-three months. Given the workloads, the AMPA assumes that the December or January Policy meetings would be the earliest that Policy could consider CMER's alternatives to existing methods from EST.

- CMER is organizing a workshop on October 22<sup>nd</sup> at which time several presentations on alternative methods will be given, including presentations from the University of Washington, the Bureau of Land Management, and the US Forest Service.
  - This will be all day, October 22, at the Tumwater compound.
  - Policy members are encouraged to attend – at least one Policy member from each caucus.
  - After the workshop, CMER will brainstorm viable alternatives to extensive monitoring.
  - The October 3 Policy meeting will include time for the CMER Co-Chairs to share what the presentations will specifically be about so that Policy members can plan to attend.

### **HPA Code Revision Process**

At this point, the plan by Washington Department of Fish and Wildlife (WDFW) remains the same: WDFW will work with the AMPA to provide a proposal to Policy at the October meeting. The AMPA will suggest to Policy whether this should be considered by Policy or CMER, though it will be Policy's decision.

- The Board did not direct Policy to do anything specific with this topic at the August Board meeting. The Board is interested in hearing an update from Policy in November on what they decided to do with this work.
- The deadline for the report to come back from Policy to WDFW has been extended to mid-February.
- In October, Policy will be provided with the AMPA proposal as well as relevant sections of the the draft revised rule language (Version 4) and the Draft Environmental Impact Statement.
- Policy suggested that WDFW:
  - Include in the proposal where in the FPHP rules these changes would be made.
  - Consider how this rule will relate to the culvert case.
- The AMPA's role is to answer several questions from Board Manual Section 22.
- At the October Policy meeting, Policy will be asked to discuss whether or not to send the revised HPA rules through the adaptive management review process, as outlined in Appendix M.
- If Policy agrees to send the rules through the adaptive management review process:
  - Caucus leads are encouraged to bring their primary issues of concern to Policy.
  - One suggestion is to have up to three meetings where Policy considers the primary issues of concern.

### **Type F Update**

- The landowner caucus is identifying a list of implementation issues that can be added to those initially identified in the Tech/Op document. They are working to have this list by mid-September, and will work to include this in Type F discussions later this month.

### **Discussion of Stage 2 dispute resolution**

- Policy discussed the advantages and disadvantages of invoking Stage 2 dispute resolution. A concern was raised about invoking Stage 2 if Policy has been progressing in Stage 1, but another

Policy member explained that the Stage 2 invocation is mostly about starting the timeline. Stage 2 will also memorialize the specific dispute about shared risk and fish habitat.

- Policy agreed to seek mediation for Stage 2, not arbitration.
- Policy discussed having two concurrent tracks in Stage 2:
  - The first will be that the writing group will continue working on the Objectives and Tasks, with the help of the facilitators as needed.
  - The second will be a mediation (with outside mediator, Courtney Kaylor) which will focus on shared risk and fish habitat.
- The timeline for Stage 2 is tight – the deadline is set for December 5, 2013. Policy can always decide to extend that deadline if progress is being made, but the Conservation Caucus is interested in keeping that timeline now because it will keep momentum moving forward.
- Policy drafted and approved a next steps document for invoking Stage 2 (*see Attachment 4*).

### **Forest Practices Board Update**

- The Board accepted the Adaptive Management Program reform changes, which will become effective 21 days after they are published in the Stage Register, probably by early October.
- In response to a Board member's question, Stephen Bernath expressed concern over level of trust and lack of common purpose among caucuses. The Board expressed concern and hopes this can be healed and trust can be increased in the coming months.

### **Type N Update**

- The technical subgroup is completing the data summary reports. Once the summary reports are complete, the full Type N Technical Group will review and then they will be presented to Policy. This will come to Policy probably within 2-3 months, and some anticipate that this issue will have to move forward without full consensus.
- There has been some discussion by a few caucuses about how to move the Type N issue forward since Policy did not accept any option for the Board Manual table at the July meeting (except Option 1). Since these caucuses are in preliminary discussions, they will continue to do so offline and will report back to Policy once more progress has been made.

### **Priority Topics for Policy Committee**

The Co-Chairs recognize that there are a lot of high-priority topics on Policy's workload right now; the question is how to best address multiple high priorities. In the past, Policy has never been able to deal with more than one or two major topics at a time without compromising the quality of work, and currently Policy has five major topics. In addition to these major topics, Policy should remain flexible enough to consider CMER reports whenever those come to Policy for review and action.

It is always important to prioritize topics and understand the rank of topics when the workload is constrained. The goal is to remain conscious of deadlines. This discussion included the following points:

- Sometimes, Policy is going to inherently disagree. Policy should feel comfortable with occasionally making non-consensus decisions.
- In the original Timber, Fish & Wildlife conversations, the Principals from each caucus talked about the true and false perceptions they had of other caucuses. These multi-day meetings allowed for everyone to "spill their guts" and better understand the spectrum of Policy interests.

Once those were articulated, each caucus could better articulate a stronger common sense of purpose and were able to put aside perceptions to reach consensus on important issues.

- Collaborating on regulation will always be inherently conflict-ridden. Policy should be realistic about the amount of resources (time and money) needed to do this the right way to get lasting results.
- Engaging the Principals can be helpful so they understand the conflict at this level. However, the work to overcome conflict should also happen at the Policy level because this is where the hard work is really happening.

Stephen Bernath thanked Policy for this honest discussion of workloads, priorities, and how to work together to get good work done. The Co-Chairs and facilitators will bring a proposal to Policy for how to prioritize workload in the future.

### **Mass Wasting**

Policy considered the summary of the Unstable Slopes Rule Group Research Strategy. This is summarized from the full CMER workplan (Policy approved, April 2013).

- Upon this review of the rule group, Policy is encouraged to think about the feasibility and sequencing of studies.
- Policy will hear from CMER folks at the next meeting about the research questions for this rule group.
- Even if Policy does not take action on Mass Wasting that moves it to the Board, Policy could take other actions, such as support CMER research pertaining to:
  - Do some Rule-Identified Landforms (RILs) need to be re-evaluated?
  - Are some RILs missing?
- Greg Stewart from CMER is planning to be the lead writer to identify qualifications and people to serve on the Technical Writing Implementation Group (TWIG). Since he is engaged on writing assignments for other studies right now, the hope is to have Greg start on the unstable slopes criteria scoping in mid- to late-Fall 2013. Since there is no scoping document at this point, a lot is unknown, such as the timeline.
- Policy suggested hiring another CMER staff person and/or asking a University to contract some FTE time to this.

There are still a few issues to discuss and iron out related to the Mass Wasting report and rule group. The plan is to devote time at the October and November Policy meetings to this, and bring an update to the Board at the November meeting.

The meeting adjourned at 4:45 pm.

Attachment 1 – Attendance at 9/5/13 Meeting by Caucus

**Conservation Caucus**

Mary Scurlock, Conservation Caucus  
Chris Mendoza, Conservation Caucus

**County Caucus**

Kendra Smith, Skagit County (phone)

**Federal Caucus**

Marty Acker, USFWS

**Landowner Caucus**

Doug Hooks, WFPA  
Adrian Miller, Olympic Resource Management  
(phone)  
Dick Miller, WFFA  
Karen Terwilleger, WFPA

**State Caucus**

Stephen Bernath, Ecology (Co-Chair)  
Marc Engel, DNR  
Chris Hanlon-Meyer, DNR  
Mark Hicks, Ecology  
Terry Jackson, WDFW  
Marc Ratcliff, DNR

**Tribal Caucus**

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

**Others**

Jim Hotvedt, Adaptive Management Program Administrator  
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 technical subgroup	Will schedule meeting once data analysis of eastside data is complete.
Type F	Policy	Mediator being hired, continued work on Objectives & Tasks ongoing.
FPHP Integration		The Board adopted the integrated rules and approved the FPHP Board Manual. The rules will become effective on December 30, 2013.
Adaptive Mgmt Program Reform Rule Changes	DNR	Accepted by Board at August meeting, CR-103 process initiated. Will implement changes, likely at November Policy meeting.
Mass Wasting Report Findings Package	Policy	Charter developed; meetings and presentations being scheduled.
Ongoing CMER reports reviewed by Policy	Mark Hicks & Chris Mendoza, CMER Co-Chairs	CMER Co-Chairs to give update(s) as needed at Policy meetings; AMPA to give quarterly reports for when CMER studies to come to Policy

\*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 code revision is in progress. WDFW and the AMPA are working to bring this information to Policy at the October 2013 meeting.

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

Entity, Group, or Subgroup	Next Meeting Date	Notes
Forests & Fish Policy Committee	October 3	
CMER	September 24	
Type N Subgroup		To be scheduled
Type F Subcommittee of the Whole		All-day presentation on shared risk and fish habitat to be scheduled
Forest Practices Board	November 12	

Attachment 4 – Approved Type F Next Steps  
As approved by Policy at September 5, 2013 meeting

- On September 5, 2013, the Conservation Caucus invoked Stage 2 dispute resolution, with a deadline of December 5, 2013. As a result, the Type F dispute resolution process is moving to Stage 2 and involves the full Policy table.
  - Policy will use the adaptive management rule and associated Board Manual that will become effective in Fall 2013 throughout the Stage 2 Type F dispute resolution process (Board Manual, Section 22, Part 5).
  - Stage 2 will begin with six caucuses but will include all nine caucuses when the AMP reform changes become effective and are implemented by Policy.
- Mediation was chosen by Policy, not arbitration.
- The scope of the Stage 2 dispute resolution is development and approval of the full Type F Charter.
- The initial focus of Stage 2 mediation will address finding common understanding among all caucuses on shared risk and fish habitat. The mediator will work with individuals, small groups, and full Policy, as appropriate for dispute resolution.
  - As part of the dispute resolution process, there will be a full-day workshop with presentations and discussions focused on shared risk and fish habitat. Policy encourages the mediator to convene this workshop early in the process. Ultimately, the product will outline the common understanding for shared risk and fish habitat for inclusion in the Charter.
  - Policy and the mediator will assess whether a meeting of the Principals will be helpful in reaching common understanding after the workshop.
- A subgroup will concurrently work on the Objectives and Tasks portion of the Charter.
  - If roadblocks come up through this process, full Policy may move the specific issues to the mediation process.
  - All other issues will be identified by Policy to the mediator by October 31, 2013.
- The facilitators will continue working with full Policy to develop the Charter (using agreed-upon language from small writing group to finalize Objectives and Tasks).
- Policy requests the AMPA to write a work order that extends the current contract with Triangle Associates to incorporate additional facilitation and a mediation component for Stage 2 dispute resolution. The AMPA has tentatively identified a mediator at this point.
- The goal is to have an agreed-upon Charter (including common understanding of shared risk and fish habitat) by December 5, 2013. If an agreed-upon Charter is not approved by this date, Policy has at least the following options:
  - Agree to extend Stage 2.
  - AMPA forwards the dispute to the Board.
  - Additional options, as Policy agrees.