

Forests & Fish Policy Committee
November 7, 2013 Meeting Summary

Decision	Notes
1. Extended facilitation contract through June 30, 2014. Re-convene subgroup to look at alternatives before April budget meeting (Marty Acker, Stephen Bernath, Marc Engel, Jim Hotvedt, Jim Peters, Mary Scurlock, Kendra Smith, & Karen Terwilleger).	Consensus from every caucus
2. Approved recommended Eastside Type N TWIG Research Alternatives.	Consensus from every caucus
3. Did not implement AMP review for hydraulic code revision.	Each caucus can work individually to submit questions or comments to WDFW.

Action	Assignment
1. Send any edits on the October 3, 2013 draft meeting summary to Claire Turpel by November 22, 2013.	Policy members
2. Incorporate edits on October 3, 2013 draft meeting summary.	Claire Turpel
3. Review alternatives to facilitation prior to April budget meeting.	Marty Acker, Stephen Bernath, Marc Engel, Jim Hotvedt, Jim Peters, Mary Scurlock, & Karen Terwilleger
4. Continue working on Mass Wasting options to bring to December meeting.	DNR, conservation, and landowner caucuses
5. Draft November 7, 2013 meeting summary.	Claire Turpel

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

Update for November Forest Practices Board meeting – Marc Engel updated the Policy Committee (Policy) on topics for the upcoming Forest Practices Board meeting. There will be an update on the western gray squirrel and on voluntary plans from landowners (applications and protection measures). The Board has been petitioned for rulemaking a third time. The AMPA will report that Policy officially has not finished deliberating on Mass Wasting, though Policy is continuing to review what actions may be recommended as a result of the report. There will also be an update on the Forest Riparian Easement Program (FREPP) program.

The Board will consider the progress made on the 2013 workplan and will look at the 2014 work to do. DNR staff is planning to bring several items to the Board in 2014: RMAPs will be addressed by clarifying the old rule; there will be a SEPA clarification for special wildlife plans as part of an FPA; and there will be an RMZ clarification. All these will go to Policy before going to the Board, which will influence the Policy workload. Each one of these would be a potential rulemaking, so DNR will file CR-101 before convening stakeholder groups to discuss language. DNR will aim to have the RMAP and SEPA

rulemakings to the August 2014 Board meeting and the RMZ rulemaking to the November 2014 Board meeting.

October 3, 2013 Draft Meeting Summary – Many Policy members had edits to the meeting summary. Rather than accept the meeting summary now, caucuses are encouraged to submit comments to Triangle for them to incorporate and bring a revised version to the December Policy meeting.

Facilitation Contract for 2014 – The Policy Committee considered continuing the facilitation contract through 2014. They acknowledged great work by the facilitators and decided to extend the current contract through June 30, 2014 (end of state fiscal year). Additionally, Policy will re-convene the initial group of people who hired the facilitators to look at alternatives before the April 2014 budget meeting. This subgroup includes: Marty Acker, Stephen Bernath, Marc Engel, Jim Hotvedt, Jim Peters, Mary Scurlock, Kendra Smith, & Karen Terwilleger.

Adaptive Management Program Reform Changes – The Co-Chairs reviewed two documents that summarize the changes to the Board Manual and outline recommended actions to take at Policy to fulfill those changes. The new schedule will be that Policy will review the budget, CMER workplan, and Master Project Schedule in alternating years to better align with the biennial legislature. One year is to respond to what the legislature allocates to the Adaptive Management Program, the next year is to agree what to bring to the legislature in the next year.

The change from six to nine caucuses is intended to impact how each caucus interacts at the Policy table. On a pilot basis, Policy will try a new table format with only the caucus leads, Co-Chairs, AMPA, tribal members, and invited speakers sitting at the table. This is to help manage the conversation needed to make collaborative decisions while not limiting the conversation. One caucus lead expressed concern that this proposal is inconsistent with what Policy discussed and agreed upon in late 2012 for AMP reform, which included one vote from each caucus, not necessarily one representative at the table. This is especially a concern for one of the state caucuses, since this caucus is made up of two agencies (WDFW and Ecology). It was agreed that the two agencies would work together to have one vote during decisions and action items, though neither agency can speak for or represent the other.

The eastside tribal caucus lead explained that often, he does not represent the “eastside tribal vote” but only the Upper Columbia United Tribes (UCUT).

Understanding the concerns, the Co-Chairs explained that this is a pilot period that will be evaluated after some experience with meetings using this method.

On other changes from AMP reform, caucuses had specific edits to the crosswalk document, including clarifying that Policy will work to track/report the costs of dispute resolution and that the AMPA brings majority/minority reports to the Board when and if dispute resolution is not successful.

Mass Wasting – Three caucuses (DNR, conservation, large landowners) met twice between the October and November meetings to address this topic. DNR agreed to write down their current process of reviewing FPAs. If everyone agrees to continue this process, the change may be with the implementation

system and FPAs. More will come to Policy once DNR, conservation, and landowner caucuses have made more progress. Any caucus is welcome to work with these three caucuses; when they first agreed to work offline only three caucuses were interested. Whatever outcome, they will bring a recommendation to Policy for discussion.

Because there has as yet been no formal action taken by Policy on Mass Wasting, the Board does not have a decision item for its November quarterly meeting. However, they will want to hear the update from Policy, once Policy has made a decision on internal changes to make. When it goes to the Board, likely in February, the AMPA will bundle all documents that Policy considered to make their decision. For this topic, the documents will include at a minimum the Mass Wasting Report, the 6 Questions, and any memo from the AMPA to the Board.

Eastside Type N TWIG – Greg Stewart and Amy Kurtenbach presented progress made by the Eastside Type N TWIG. This work is related to the Type N forest hydrology project. At this point, the TWIG generated alternative approaches for ways to address the critical questions already approved by Policy. They recommended a two-fold approach: 1) begin effectiveness evaluation of spatially-continuous flow and 2) develop a study design to evaluate effectiveness on spatially-discontinuous Type Np streams. Today, the TWIG asked Policy to approve their recommended approach. The TWIG will come back to Policy once the study design is developed with an associated budget.

Discussion:

- Concern that the Before/After – Control/Impact (BACI) approach has limitations including cost, geographic representation, and time. The TWIG considered these limitations but since the BACI approach most closely answers the critical questions unlike the other approaches, they still recommend this approach for a study design.
- Though this study is coming before the other Type N studies have data, BACI is required if Policy wants to understand changes.
- It was suggested that the BACI is the best way to answer *why* the prescriptions are meeting or not meeting the performance standards. But if the question is *if* the prescriptions are meeting performance standards, the study design would be different: visit more sites and measure how many are versus how many are not meeting the performance standards.
- The hard rock study is the best example of how this study might look, though the treatments may differ.
- The perennially continuous streams represent about 25% of the forest hydrology sites on the eastside and are mostly in the Eastern Cascades and the Colville area.
- The TWIG expects to see a bigger temperature effect compared to the westside soft rock and hard rock studies.
- Policy considered the potential costs for phase 1 and phase 2 of this study design (detailed in motion below). In phase one, they will spend much on 25% of the landscape, which was a concern for one caucus.

Policy voted on a motion to support the TWIG to:

1. Approve the TWIG recommendation to develop a BACI study design on Eastern Washington spatially continuous Type Np streams. The TWIG should consider the following in the development of the study design:
 - Alternative harvest strategies within current rule constraints
 - Effects on downstream Type F waters, including downstream temperature response
 - Longer time period
2. Approve the TWIG recommendation to collect further information on Eastern Washington Type Np basins with spatially discontinuous surface flow that will assist the TWIG in developing a study design that could test the effect of buffering or not buffering spatially intermittent stream reaches on Type Np streams. Policy requests the TWIG to report back after the collection of further information prior to developing study design (briefing, not decision item).

Decision: All caucuses voted to support the TWIG in moving forward under the motion above, though large landowners voted sideways to maintain consistency with their decisions related to this topic at earlier Policy meetings.

Hydraulic Code Revision – WDFW brought five experts on the hydraulic code rules and design standards to the Policy meeting for discussion. This discussion focused on questions submitted to WDFW by Policy:

- WDFW’s goal with this code revision is to bring the rules up to date with current best available science and with how WDFW has been conditioning HPAs for a number of years. The rules were last updated in 1994. WDFW believes that this revision does not include substantial additional requirements. One difference is the inclusion of bridge designs; the current rules do not contain standards for bridge designs. Despite no substantial additional requirements, the landowners generally feel that the legal requirement has changed.
- WDFW knows that culverts less than bankfull width can result in impacts such as bed scour and channel constriction. It’s hard to differentiate good and bad culverts just on width, though experience has shown that culverts need to be wider than the channel.
- WDFW uses the “1.2+2” rule for width because it is simple and has shown good performance while building in a factor of safety. This rule was based on how culverts perform geomorphologically.
- WDFW assumes that stream simulation culverts will allow adequate fish passage and fish habitat benefits because the culvert is designed to simulate the adjacent channel. If fish can move upstream in the adjacent channel, they should be able to move through the culvert.
- No-slope culverts set in gradients steeper than 4-5% are likely to have problems, such as at the outlet or on its ability to retain gravel. It becomes an issue of risk management for the landowner, would he/she rather risk repairing or reinstalling the culvert at a later date, or spend more money upfront on a culvert that will withstand time and adverse conditions? However, there are certain circumstances where no-slope culverts are appropriate and will work without much risk of failure. No-slope culverts generally work up to 3% gradient and some landowners maintain that they work up to 5% gradient.
- WDFW has worked with landowners on a site-specific basis to permit modifications to the specific stream simulation and no-slope culvert design standards. The revised rules provide

predictability, while also maintaining the flexibility for alternative designs that meet fish protection standards.

- The culverts have to be big enough to pass large woody debris, even on Type N streams.
- WDFW rules include the potential use of fords in site-specific situations where they provide the less impact to fish and their habitats, especially in eastern Washington. Some examples are where there is a high risk for culverts to blow out during mass wasting or winter storm events, etc.
- WDFW rules include a mitigation chapter. Mitigation can include many activities, such as bank protection, adding large wood downstream of a project or re-vegetation. Most forest practices activities are self-mitigating, and do not include additional mitigation requirements.

After discussion with the WDFW experts, Policy discussed the merits of whether or not to implement AMP review of the code revision (Version 4).

- There was general agreement that if Policy takes on the review, they should focus on a few specific issues.
- Policy considered whether there would be added value from taking on this review.
- A majority/minority report to the Commission would have less value than if Policy were to submit a consensus document. Having a consensus document wouldn't necessitate that WDFW incorporate those changes verbatim.

Decision: Each caucus shared their thoughts about how to move forward, and then voted. The votes were: 4 votes not to do the AMP review (westside tribes, eastside tribes, federal caucus, and conservation caucus); 3 votes sideways (large landowners, small landowners, and counties); 2 votes to do the AMP review (both state caucuses).

Since there was no consensus that Policy should implement AMP review through Appendix M, this will not be a workload item for Policy. However, each caucus has the opportunity to submit individual comments to WDFW.

Type F – The writing group has made some progress and will share with full Policy their work on the Map & Model Objectives and Tasks. They have also discussed off-channel habitat and electrofishing, but haven't written down agreements yet. Policy decided to make decisions at the November 13th mediation session about what the writing group focuses on versus what the mediation focuses on.

CMER Update – Many studies are in CMER review and then will then go to ISPR, which includes:

- Amphibian shade study
- More chapters of the hard rock study
- Tailed frog literature review
- Soft rock study

Todd Baldwin from UCUT is the new CMER Co-Chair with Mark Hicks. CMER will host a workshop on November 19th where speakers will address different parts of the remote sensing question for extensive monitoring.

Amy Kurtenbach reviewed the project management spreadsheet to show Policy what phase each study is in. She also reviewed the CMER budget numbers for 2013 and explained some reasons why they are under budget, including a vacant position and no use of the contingency fund. Policy thanked Amy and Jim Hotvedt for compiling this information.

Status of RMAP Extensions – Marc Engel noted that of 254 RMAPs, 22% are seeking an extension beyond 2016 while the rest are on track for completion. 16 have already been approved for extensions and 12 are in the approval process. Policy noted that they would like to recognize the landowners who complete the RMAPs by 2016, and asked DNR to track the final statistics.

Type N Update – As soon as a technical subgroup has completed work on the data, Stephen Bernath will schedule a Policy Subgroup meeting to review the wet season default information (possibly mid-December). Once the Subgroup meets, this information will come to Policy for review and a decision of how to move forward on finding a wet season default methodology.

The meeting adjourned at 4:45pm.

Attachment 1 – Attendance at 11/7/13 Meeting by Caucus

Conservation Caucus

*Mary Scurlock
Chris Mendoza

County Caucus

*Kendra Smith, Skagit County
Laura Merrill, Washington State Association of
Counties

Federal Caucus

*Marty Acker, USFWS
Dave Powers, EPA (phone)

Landowner Caucus – Industrial (large)

Doug Hooks, WFPA
Adrian Miller, Olympic Resource Management,
Co-Chair (phone)
*Karen Terwilleger, WFPA

Landowner Caucus – Non-industrial (small)

*Dick Miller, WFFA

* Caucus lead

Others

Jim Hotvedt, Adaptive Management Program Administrator
Bill Ehinger, Ecology
Amy Kurtenbach, DNR
Greg Stewart, CMER scientist, NWIFC
Rick Woodsmith, Eastside Type N TWIG (phone)
Bob Barnard, WDFW
Jeff Davis, WDFW
Perry Harvester, WDFW (phone)
Don Nauer, WDFW
Randi Thurston, WDFW
Claire Turpel, Triangle Associates (facilitation team)
Bob Wheeler, Triangle Associates (facilitation team)

State Caucus – DNR

*Marc Engel
Chris Hanlon-Meyer
Marc Ratcliff

State Caucus – WDFW/Ecology

Stephen Bernath, Ecology, Co-Chair
Mark Hicks, Ecology
*Terry Jackson, WDFW

Tribal Caucus – Westside

Mark Mobbs, Quinault Nation
Nancy Sturhan, NWIFC
*Joseph Pavel, Skokomish
*Jim Peters, NWIFC
Curt Veldhuisen, Skagit River System
Cooperative (phone)

Tribal Caucus – Eastside

*Chase Davis, UCUT (phone)
Marc Gauthier, UCUT

Attachment 2 – Ongoing Priorities Checklist

Priority	Assignment	Status & Notes
Type N	Type N policy subgroup	Review data analysis of eastside data; schedule meeting mid-December to review in group.
Type F	Policy	Mediation and 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. Implemented initial changes at November meeting, will tweak changes for December meeting.
Mass Wasting Report Findings Package	Policy	Charter developed and meetings complete. Final work between DNR, Conservation Caucus, and Landowner Caucus.
Ongoing CMER reports reviewed by Policy	Mark Hicks & Todd Baldwin, 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.

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

Entity, Group, or Subgroup	Next Meeting Date	Notes
Forests & Fish Policy Committee	December 5	
CMER	November 19	
Type N Subgroup		To be scheduled
Type F Subcommittee of the Whole	November 13 (next mediation session)	Writing group trying to find other time to work on Charter Objectives & Tasks
Forest Practices Board	November 12	