

1 **FOREST PRACTICES BOARD**
2 **REGULAR BOARD MEETING**
3 November 8, 2011
4 Natural Resources Building
5 Olympia, Washington
6
7

8 **Members Present**

9 Bridget Moran, Chair of the Board, Department of Natural Resources
10 Anna Jackson, Designee for Director, Department of Fish and Wildlife
11 Bill Little, Timber Products Union Representative
12 David Herrera, General Public Member
13 Doug Stinson, General Public Member/Small Forest Landowner
14 Mark Calhoon, Designee for Director, Department of Commerce
15 Norm Schaaf, General Public Member
16 Paula Swedeen, General Public Member
17 Tom Davis, Designee for Director, Department of Agriculture
18 Tom Laurie, Designee for Director, Department of Ecology
19

20 **Members Absent:**

21 Dave Somers, Snohomish County Commissioner
22 Sherry Fox, General Public Member/Independent Logging Contractor
23

24 **Staff**

25 Darin Cramer, Forest Practices Division Manager
26 Marc Engel, Forest Practices Assistant Division Manager
27 Patricia Anderson, Rules Coordinator
28 Phil Ferester, Assistant Attorney General
29

30 **WELCOME AND INTRODUCTIONS**

31 Bridget Moran called the Forest Practices Board (FPB or Board) meeting to order at 9 a.m. Patricia
32 Anderson, Department of Natural Resources (DNR or Department), provided an emergency safety
33 briefing.
34

35 **APPROVAL OF MINUTES**

36 **MOTION:** Tom Laurie moved the Forest Practices Board approve the August 9, 2011 minutes
37 as presented today.
38

39 **SECONDED:** Anna Jackson
40

41 **Board Discussion:**

42 Moran amended page 11, the last sentence starting on line 9 to read as follows: “He said in addition
43 to the proposed language before the Board, based on recommendations made during the public
44 comment period, DNR recommends changing the work . . .”
45

46 Tom Laurie amended page 10, lines 20-25 to read as follows: “He pointed out that two Clean Water
47 Act assurances milestones will be fulfilled with the implementation of new rules: to ensure better
48 tracking of the RMAPs program and individual landowners’ roads, and improved stakeholder

1 involvement. There were also recommitments by the principals for funding for adaptive
2 management; a recommitment to accelerate the Family Forest Fish Passage Program (FFFPP); and a
3 commitment to seek funding to assess the status of small forest landowner roads.”
4

5 Moran stated the approval of the minutes will include acceptance of all the redlined/strikeout
6 changes that appear in the draft minutes presented today.
7

8 **ACTION:** Motion passed unanimously.
9

10 **REPORT FROM CHAIR**

11 Bridget Moran reported:

- 12 • Two Board member positions, those currently filled by Doug Stinson and Sherry Fox, will
13 expire the end of this year. She thanked them for their service and said she is committed to
14 working with the Governor’s office until successors for their positions, as well as the vacant
15 general public member position, are appointed.
- 16 • She is forming a committee to investigate and ultimately recommend a potential long-term
17 funding source for the Forestry Riparian Easement Program, per 2011 legislation. She asked that
18 anyone interested in being a part of this committee contact her.
- 19 • Planning is occurring on reforming the Adaptive Management Program on multiple levels:
20 using a “LEAN” process to look for efficiencies in the program’s existing procedures; taking the
21 findings of the LEAN process and looking at possible structural changes to improve
22 performance; redirecting the existing fund balance to help fund priority studies; and
23 recommending establishing a long-term funding source.
24

25 **PUBLIC COMMENT**

26 Vic Musselman, Washington Farm Forestry Association (WFFA), urged the Board not to adopt the
27 alternate plan template without the backing of a consensus recommendation.
28

29 Kara Whittiker, Washington Forest Law Center (WFLC), said the Conservation Caucus is pleased
30 with recent progress by the Northern Spotted Owl Implementation Team, supports the designation
31 of a Board subcommittee to address federal spotted owl recovery recommendations, and is glad to
32 see the Washington Department of Fish and Wildlife’s (WDFW) update regarding the marbled
33 murrelet on the meeting agenda.
34

35 Dave Robbins, WFFA, said he supported Ken Miller’s position letter to the Board regarding the
36 attempted efforts to develop a Low Impact Template for small forest landowners.
37

38 Jim Peters, Squaxin Island Tribe, referred to Ken Miller’s letter dated November 1 which compared
39 the property rights of forest landowners and the treaty rights of the tribes. He explained the
40 difference, stressing that the tribes with treaties are sovereign governments.
41

42 Peter Goldman, WFLC, informed the Board that the Conservation Caucus submitted a potential rule
43 making petition to the Forests and Fish Policy Committee (Policy) regarding the “unfinished
44 business” in the water typing rules. He said the Board members will receive copies, but the
45 Conservation Caucus is not officially petitioning the Board for rule making at this time. He said the
46 rules do not appropriately protect off-channel habitat where fish can potentially go.
47

1 Chris Mendoza commented that an internal review of the Adaptive Management Program will not
2 be as effective as would an audit by an external body like the State Auditor's Office because biases
3 are likely to interfere with objectivity.

4 Jeffrey Thomas, Puyallup Tribe, said he wanted to make sure DNR notified tribal contacts about the
5 opportunity to review and comment on the proposed language for the Notice to Affected Indian
6 Tribes rule making.

7 8 **STAFF REPORTS**

9 Bridget Moran asked if Board members had questions on the staff reports. There were no questions.
10

11 **FOREST BIOMASS UPDATE**

12 Bridget Moran provided Board members with the charter of DNR's Forest Biomass Work Group
13 dated June 30, 2011, and reported that the group is currently working through the forest practices
14 rule sections. She said the group plans to have a recommendation for the Board at its May meeting.
15

16 Norm Schaaf said Board members were welcome to observe a Merrill & Ring biomass harvest
17 operation. Moran said group members found it very helpful to observe biomass harvests in the field.
18 Moran said DNR will be updating the Legislature on the group's work plan, charter, and progress.
19

20 **COMMUNITY FOREST TRUST BILL**

21 Craig Partridge, DNR, provided an overview of the new Community Forest Trust (CFT) created by
22 2011 legislative action (ESHB 1421). He explained the CFT is a tool to retain working forests near
23 urbanizing areas, and its focus is to purchase state trust lands or private forest lands with high
24 community conservation significance. Acquisitions are to be funded jointly by the state and the
25 local community. Lands would be managed by DNR with community involvement for conservation
26 benefits and could include conservation-oriented commercial forestry. Implementation so far has
27 been focused on outreach to potential community partners. There is no regulatory nexus with the
28 Forest Practices Board except any forestry activity would be subject to forest practices permit
29 approval.
30

31 **NSO IMPLEMENTATION TEAM UPDATE**

32 Andy Hayes, DNR, provided an update on the Northern Spotted Owl (NSO) Implementation
33 Team's activities: developing technical questions for and selecting the technical team members;
34 researching funding opportunities for the Eastside Pilot Project; and meeting with Brian
35 Woodbridge, the Northern Spotted Owl habitat modeling team lead for the U.S. Fish and Wildlife
36 Service (USFWS).
37

38 Lauren Burnes, DNR, said the technical team membership selection is almost finished and will
39 consist of six biologists with expertise on the NSO in Washington State and two ecological
40 economists. Hayes added that the implementation team is putting effort into developing pilot
41 projects to demonstrate thinning in NSO habitat, and a grant has been secured from the USFWS for
42 recovery plan implementation; this will go toward employing Burnes as part-time dedicated staff to
43 this project.
44

45 **NSO CONSERVATION ADVISORY GROUP UPDATE**

46 Marc Engel, DNR, reported that the NSO Conservation Advisory Group has not met at all because
47 no landowners have submitted surveys to WDFW to request decertification of site centers. Bridget
48 Moran said according to WAC 222-16-010 *Spotted owl conservation advisory group* the Board is to

1 determine on an annual basis (November of each year) whether this group’s function continues to
2 be needed. She suggested leaving the group in place in case it is needed and gave Board members
3 the opportunity to revisit whether the group should remain in effect. There was no further
4 discussion, and the group will remain in effect for at least another year.

5
6 **RESPONSE FROM CULTURAL RESOURCES ROUNDTABLE ON NOTICE OF FOREST
7 PRACTICE TO AFFECTED INDIAN TRIBES RULE MAKING**

8 Bridget Moran prefaced this report by reminding the Board that it asked the Cultural Resources
9 Roundtable to answer a question about the proposed rule language: Was the use of the word “and”
10 in proposed WAC 222-20-120(3)(c)(i) deliberate, or could the word “or” be substituted for the word
11 “and.”

12
13 Pete Heide, co-chair, said the Roundtable discussed the answer to this question and additional ideas,
14 and did not reach consensus about changing the proposed language. Jeffrey Thomas, co-chair, said
15 there was consensus to not change the language.

16
17 Moran said because there was no consensus to change the language, the language as originally
18 proposed would continue to go through the public review and comment portion of the rule making
19 process.

20
21 Norm Schaaf said he attended a Roundtable meeting to discuss the concern he brought forward in
22 the August 2011 Board meeting regarding the certified letter requirement. He said he continues to
23 have the concern and would be glad to discuss it further with the Roundtable at its discretion.

24
25 **PUBLIC COMMENT ON CRITICAL HABITAT RULE MAKING**

26 Kara Whittaker, WFLC, said the Conservation Caucus is satisfied that the administrative actions
27 recommended by the Wildlife Working Group, and those proposed by the USFWS to better
28 implement the federal Bald Eagle Act, are sufficient to minimize take of eagles.

29
30 **WILDLIFE WORKING GROUP’S RECOMMENDATION ON BALD EAGLES**

31 David Whipple, WDFW, summarized the administrative options recommended by the Wildlife
32 Working Group to: ensure that landowners are aware of bald eagle nest and communal roosting
33 sites and federal requirements; ensure that forest practices application (FPA) reviewers have a
34 relatively easy way to know when FPAs are proposed in close proximity to nests and communal
35 roosts; and the USFWS is aware of FPAs within distances identified in the federal Bald and Golden
36 Eagle Protection Act. The new actions agreed to in the September working group meetings include
37 DNR adding a checkbox on its office review checklist indicating an FPA is within 660 feet of a nest
38 or roost, DNR mailing a bald eagle protection act fact sheet along with the FPA approval sheet, and
39 DNR placing a link on its website to the Priority Habitats and Species website managed by WDFW.

40
41 Jim Michaels, USFWS, said his agency supports the administrative approach and would also like
42 the Board to consider making a signed self-certification by the landowner a condition of an
43 approved FPA. This certification would indicate the landowner understands they will not need a
44 permit from the USFWS if they do not operate within certain distances from nest and roost sites
45 during the breeding season. This will assure landowners they are covered and ensure the integrity of
46 the habitat conservation plan (HCP).

47
48 Bridget Moran asked for clarification: Is the USFWS supportive of the administrative approach?

1 Michaels answered yes, but also is requesting the one additional element. Anna Jackson asked why
2 the USFWS is making its request at this stage after it had previously agreed to the administrative
3 approach. Michaels answered it was an additional safeguard to protect the HCP. He said USFWS
4 had been discussing this in recent days but had not yet met with DNR to discuss it.
5

6 Moran asked for clarification about Michaels' statement concerning a threat to the Forests and Fish
7 HCP. Michaels answered if a bald eagle nest is taken down the Board could be pulled into court
8 over it, and it is to maintain the integrity of the HCP and any risk to the state. Moran repeated what
9 she thought Michaels said – if a landowner does not follow the guidelines and there is third-party
10 litigation there is somehow a nexus to the Forests and Fish HCP, which in fact does not include
11 eagles. Michaels answered in the affirmative. Paula Swedeen asked if he was getting at a general
12 principal of an HCP holder needing to comply with all federal laws to maintain its HCP. Michaels
13 said yes.
14

15 Swedeen asked if it would be possible to draft rule language to satisfy the USFWS's request. Moran
16 answered there was not time or staff capacity to do that during the Board meeting. She added that
17 after this segment the Board would be deciding on a related rule making action. Whipple suggested
18 perhaps it could be another administrative option rather than a rule.
19

20 **CRITICAL HABITAT RULE MAKING**

21 Sherri Felix, DNR, requested that the Board initiate rule making to amend WAC 222-16-080 to
22 bring the Board's rule into alignment with other state law. This would initiate the review and
23 comment opportunity required by the Administrative Procedure Act. She explained that the Board
24 received one comment letter from the 30-day review period required by RCW 76.09.040(2); it was
25 from WDFW expressing support for the rule proposal.
26

27 **MOTION:** Norm Schaaf moved the Forest Practices Board approve for public review the draft
28 rule proposal amending WAC 222-16-080, critical habitat (state) of threatened and
29 endangered species. These changes will reflect the down-listing and delisting of the
30 bald eagle and the peregrine falcon, respectively, and the name change of the
31 Western Pond Turtle by the Washington Fish and Wildlife Commission. He further
32 moved the Board direct staff to file a CR-102 with the Office of the Code Reviser
33 to initiate permanent rule making.
34

35 **SECONDED:** Tom Laurie
36

37 Board Discussion:

38 Anna Jackson said she supported the motion but would consider convening the Wildlife Working
39 Group again, and include Jim Michaels, to look for another administrative option and to ensure the
40 HCP is not jeopardized. Schaaf said he supported continued efforts to find an administrative option.
41

42 **ACTION:** Motion passed unanimously.
43

44 **PUBLIC COMMENT**

45 Pete Heide, Washington Forest Protection Association (WFPA), commented on Peter Goldman's
46 earlier comment about the rules not protecting potential fish habitat. He said landowners have been
47 protecting fish habitat which by definition in WAC 222-16-010 includes "...potential habitat likely

1 to be used by fish, which could be recovered by restoration or management and includes off-
2 channel habitat.”

3
4 Chris Mendoza, Conservation Caucus, commented that there are inconsistencies between the Clean
5 Water Act milestone priorities and the CMER priorities, and recommended that there be a process
6 to maintain consistency between them.

7
8 Rick Dunning, WFFA, in reference to “another failed template effort”, commented that in spite of
9 all the combined efforts of Forests and Fish Policy and the Board in the past 10 years, economic
10 viability has still not been delivered as the legislature intended for small forest landowners.

11
12 Steve Stinson, WFFA, commented that Forests and Fish broke every promise to family forest
13 landowners. Now more than ever it ought to be clear it is necessary to have a family forest
14 landowner rule that provides smaller buffers on smaller streams. He said WFFA has presented a
15 solution at the legislative level that will accomplish that goal for the west side of the state. He said
16 the Board’s support would be appreciated.

17
18 Ken Miller, WFFA, said the state neglected the small forest landowners’ recommended template
19 without comment and without bringing in the Board.

20
21 Anna Jackson told Miller she thought it was unfair to characterize the state’s attention to the
22 landowners’ proposal as neglect. She said staff worked very hard to give additional opportunity to
23 the landowners and still meet the intent of the law.

24
25 Rhidian Morgan, said he supported Ken Miller’s position and felt that the failed template is one
26 more example of agencies telling landowners to just go away. He said the best way to get attention
27 is to sue.

28
29 Peter Goldman, WFLC, said WAC 222-16-031 is the water typing rule in effect even though it is
30 “interim.” It does not protect off-channel habitat and it allows electro fishing to eliminate habitat
31 that is connected. With the interim rule still in effect we are not protecting what we thought we
32 would be protecting.

33
34 **PUBLIC COMMENT ON BOARD MANUAL SECTION 21, ALTERNATE PLANS**

35 Ken Miller, WFFA, said the small forest landowners’ draft Low Impact Template would have been
36 the regulatory help promised to the landowners upon the adoption of Forests and Fish. He said the
37 state agencies ignored it and instead offered the landowners a lemon. He reported the state’s
38 Riparian Thinning Template has zero support from the Small Forest Landowner Advisory
39 Committee and mentioned it is based on an unrealistic relative density (RD) of 50.

40
41 Paula Swedeen said it was distressing for her as a Board member to hear such widely varied
42 opinions and it was not a good state of affairs. She suggested that there must be a way to break
43 through communication barriers, and she thought there may be a fundamental misunderstanding
44 about the parameters within which stakeholders should be operating.

45
46 Miller replied that actually there had been some very good discussions with the state staff but the
47 gap between what the landowners proposed and what the state came up with was just too wide. He

1 thought the matter had ended, but then the state decided to take its proposal to the Board without
2 landowner concurrence, and the landowners are not taking this approach well.

3
4 Steve Stinson, WFFA, said he does not support the state's proposal because it is unworkable. An
5 RD floor of 50 is ecologically impossible; generally foresters use a range of 35-40 as a ceiling. RD
6 50 will cause the stand to shut down and go to a stage which results in the lowest degree of
7 biodiversity of any stand stage. This precludes a stand's ability to reach the growth levels identified
8 in the template.

9
10 Norm Schaaf said it would be helpful if the Board could receive a presentation to help
11 conceptualize how forests grow from varying RD floors.

12 13 **BOARD MANUAL SECTION 21, ALTERNATE PLANS**

14 Marc Engel, DNR, provided an overview of the purpose of small forest landowner (SFL) alternate
15 plan templates in general and that the rules direct DNR to present templates to the Board offering
16 SFLs "alternate harvest restrictions that meet riparian functions while generally requiring less costly
17 regulatory prescriptions." He said that though this template is not the Low Impact Template, it is an
18 additional tool for use by SFLs that addresses some of the disproportionate impact of the regulations
19 while maintaining resource objectives and protecting public resources.

20
21 Engel then summarized staff's proposed small forest landowner Riparian Thinning Template. The
22 template allows riparian thinning within the inner zone when a riparian stand meets a required stand
23 density within the core zone. It utilizes the reduced inner zone fixed widths found in template 2; and
24 allows for inner zone thinning to the outer edge of the core zone which is closer than is allowed in
25 either the riparian rules or the fixed width template. It allows thinning to an RD of 50 to maintain
26 adequate shade within the riparian area. He added it has the approval of the state caucus, the
27 Conservation Caucus, NOAA Fisheries, and affected tribes.

28
29 Tami Miketa, DNR, gave a presentation on research the Small Forest Landowner Office undertook
30 to understand whether the template was likely to offer additional economic benefits to the small
31 forest landowner community. Her results showed that for a sample set of 212 riparian stands in
32 Western Washington, the average volume per acre of timber that could be removed using the
33 proposed template is approximately 7.7 thousand board feet per acre. Assuming upland harvests
34 would occur in conjunction with the inner zone harvest offered by this template, the average value
35 is estimated at \$3,671 per acre (in current delivered domestic value) of additional benefit to small
36 forest landowners.

37
38 There was discussion about why the state used the 50 RD threshold to determine allowable harvest
39 and not an RD of 30-35. Engel said the objective was to allow thinning without compromising
40 riparian function, especially shade. An RD of 50 was chosen to ensure that openings in the tree
41 canopy created with thinning would close in an acceptable period of time. Also, maintaining the
42 riparian forest at a higher RD threshold will encourage weaker trees to die sooner providing the
43 large woody debris function sooner. Doug Stinson and Norm Schaaf conveyed that they disagreed
44 with choosing the 50 RD threshold, especially considering full shade would be maintained in the
45 core zone.

1 Doug Stinson asked why, when the landowners did not agree, the state didn't just drop it, and why
2 the staff proposal was brought to the Board without consensus by all parties. Bridget Moran
3 answered the template took a year of staff time to develop, meets the function test, and is a tool that
4 some landowners may wish to take advantage of. As for consensus, board manuals do not go
5 through the CMER process, but are guidance on how rule users can meet the rules.

6
7 Tom Davis said he was concerned about the assumption that staff resources will be completely
8 wasted if the template isn't approved in its current form. He said the landowners at the meeting are
9 all opposed to both the template and the development process. He suggested that more discussions
10 and work on the template take place before there is a vote. He said the Department of Agriculture
11 does not move things forward unless there is agreement from those they are working with; he said
12 he was going to vote no because the template is not supported by the users. He encouraged staff and
13 the caucuses to continue working until there is an acceptable product for everyone.

14
15 Anna Jackson said if work on the template is to continue there should be some guidance on process;
16 both sides should approach it with a willingness to collaborate and negotiate. Moran agreed and said
17 after observing the process to this point she did not believe further work between staff and
18 stakeholders would produce a different outcome.

19
20 **MOTION:** Tom Laurie moved that the Forest Practices Board approve Board Manual Section
21 21 Alternate Plans that includes a new thinning strategy template for small forest
22 landowners. He further moved to allow staff to make minor editorial changes if
23 necessary prior to distribution.

24
25 **SECONDED:** Paula Swedeen

26
27 Board Discussion:

28 Tom Laurie said he thought the proposal was promising because it would result in real monetary
29 value for some landowners. He added it is important to remember that template use would be
30 voluntary, and nothing prevented further work to refine it and present another template to the Board
31 in the future.

32
33 Dave Herrera said he concurred with Laurie's statements and said approving this template would
34 not preclude opportunities for other future templates.

35
36 Doug Stinson said approval of the template would constitute a step backward. He said he could not
37 understand why the state would want to push something that the people who initially brought it to
38 the table do not find workable.

39
40 Norm Schaaf said the proposed template lacks scientific and technical justification but, given
41 additional time, that can be worked out. He said he would not support the template because he
42 wanted the landowners to return to the table and see if there is something that can better meet their
43 needs and still meet the regulatory requirements.

44
45 **ACTION:** Motion failed. 5 Support (Laurie, Moran, Herrera, Swedeen, Jackson) / 5 Oppose
46 (Davis, Schaaf, Stinson, Little, Calhoon)

47
48 Norm Schaaf asked if staff would send the data used in the research presented; Miketa

1 answered yes.

2

3 **PUBLIC COMMENT ON FORESTRY RIPARIAN EASEMENT PROGRAM RULE**
4 **MAKING**

5 Vic Musselman, WFFA, commented on the wording in House Bill (HB) 1509, “Compensation for
6 any qualifying timber located on potentially unstable slopes or landforms may not exceed a total of
7 fifty thousand dollars during any biennial funding period.” DNR’s interpretation is a one-time limit
8 of \$50,000. He said WFFA hopes that the Board will support the interpretation that the full amount
9 will be paid in \$50,000 increments.

10

11 Ken Miller, WFFA, commented that overall DNR stepped up with the legislation and he wanted to
12 thank the Commissioner and Sherry Fox for working to ensure its success. He said if the FREP
13 program was adequately funded it would go a long way toward compensating small forest
14 landowners for the disproportionate impact of the riparian rules.

15

16 **FORESTRY RIPARIAN EASEMENT PROGRAM RULE MAKING**

17 Dan Pomerenk, DNR, explained how the Forestry Riparian Easement Program rule changes
18 compare with HB 1509. Marc Engel, DNR, requested the Board’s approval to distribute the draft
19 language for the 30-day review per RCW 76.09.040(2).

20

21 Norm Schaaf asked about the interpretation of compensating qualifying timber on unstable slopes.
22 Bridget Moran explained that the one-time payment with a \$50,000 cap was the essence of what the
23 state considered would reform the FREP program. It is to ensure that in any biennium most of the
24 money will fund riparian easements, which was always the intent of the FREP, not unstable slope
25 easements. She said it wasn’t until after the legislation was passed that she realized some
26 landowners interpreted the language differently than it was intended.

27

28 **MOTION:** Norm Schaaf moved the Forest Practices Board accept the draft rule proposal
29 modifying chapter 222-21, Forestry Riparian Easement Program, for a 30-day
30 review with the counties, Department of Fish and Wildlife and tribes.

31

32 **SECONDED:** Doug Stinson

33

34 **ACTION:** Motion passed unanimously.

35

36 **CLEAN WATER ACT ASSURANCES ANNUAL REPORT**

37 Mark Hicks, Department of Ecology, said the Board asked two questions at the August meeting to
38 be answered at the November meeting: How does the Board’s work plan affect accomplishment of
39 the Clean Water Act (CWA) milestones; and how does each milestone relate to water quality? The
40 answers are in the October 19, 2011 memorandum; in short, the answers are that the Board should
41 actively avoid initiating new projects that are not CWA priorities, and the proper implementation of
42 effective rules protects water quality.

43

44 Bridget Moran said she still struggles with how some of the milestones relate to clean water.

45

46 **FORESTS AND FISH POLICY WORK LIST PRIORITIES**

1 Stephen Bernath, Forests and Fish Policy Co-Chair, reported that Policy agreed to three top
2 priorities for 2012, but is still in the process of developing a charter to describe an approach. The
3 priorities are:

- 4 • Evaluate how to identify the uppermost point of perennial flow (PIP) in Type N Waters;
- 5 • Develop a recommendation to the Board on two water typing issues: a permanent water typing
6 rule and updated water typing protocol survey standards; and
- 7 • Ensure that the Type N effectiveness studies are on track.

8
9 There was discussion about whether all three of the top priorities could be accomplished in one
10 year. Bridget Moran said DNR is pressed to accomplish the milestones and wanted Policy to
11 address those first. Bernath said he believed strategizing the Type N effectiveness studies can be
12 accomplished quickly and can occur in parallel with one of the other two.

13
14 Moran said she knows the water typing issues are important, but worried it would detract from
15 completion of the milestones. She reminded the Board that it asked Policy to bring its priorities to
16 the Board to ensure that they were meeting the highest priority, which the Board agreed was the
17 CWA assurances.

18
19 Moran suggested the Board request that the charter recognize the CWA milestones are the priority.
20 Paula Swedeen requested a check-in from Policy in February with the charter and a timeline. Anna
21 Jackson said she would abstain if the Board decided to make a recommendation to Policy because it
22 did not seem right for the Board to direct Policy in this way. Moran stressed that next spring
23 Department of Ecology will evaluate whether the Board is on target, and if the Board does not
24 direct Policy to make milestones the top priority, it will not do so.

25 26 **PUBLIC COMMENT ON BOARD RESPONSE TO POLICY PRIORITIES**

27 Pete Heide, WFPA, said one of the large landowner's priorities not accepted in the top three was to
28 have small landowners at the Policy table. He said small forest landowners own half of the private
29 forest lands in the state, and the continued success of the Forests and Fish program depends on
30 resolving their issues and bringing them into a collaborative process.

31
32 Peter Goldman, WFLC, commented that the CWA assurances are dependent on the completion of
33 long-term scientific studies currently in progress, and in the meantime Policy can be doing other
34 high priority work like working on the water typing issues.

35
36 Bridget Moran said particular milestones are specifically identified concerning developing the Type
37 N strategy, and they would be delayed if the water type issue was a higher priority for Policy.

38
39 Chris Mendoza said he did not think the priorities Policy laid out are conflicting because Policy's
40 strategic planning efforts can take place simultaneously with the technical work required to address
41 the water type issues.

42 43 **BOARD RESPONSE TO POLICY PRIORITIES**

44 Kurt Robinson, Department of Agriculture, provided an overview on the usefulness of the LEAN
45 process and how it has helped the Organic Program become more efficient and improve its service
46 to its customers.

1 **MOTION:** Bridget Moran moved that Forests and Fish Policy make completion of Clean
2 Water Act Assurances milestones the top priority for their 2012 work plan with
3 water typing as the next highest priority. Policy shall report on progress at each
4 regular Board meeting in 2012.

5
6 **SECONDED:** Tom Laurie

7
8 **ACTION:** Motion passed unanimously.
9

10 Bridget Moran proposed that the Board redirect a portion of CMER funding for the Adaptive
11 Management Administrator to hire a consultant with experience in the LEAN process. This
12 consultant would evaluate the Adaptive Management Program process and report to the Board in
13 February. Norm Schaaf asked if this had stakeholder concurrence, to which Moran answered yes.
14

15 **MOTION:** Tom Laurie moved the Forest Practices Board amend the CMER budget to spend
16 some portion of the budget allocated for the grant writer to facilitate a LEAN
17 review of the Adaptive Management Program. Review findings shall be shared
18 with the Board as soon as they are available and report to the Board in February.
19

20 **SECONDED:** Doug Stinson

21
22 **ACTION:** Motion passed unanimously.
23

24 **2012 WORK PLANNING**

25 Marc Engel, DNR, reported that the Board did well in accomplishing the goals in the 2011 work
26 plan and provided an overview of staff's proposal for 2012. He explained that the rule making items
27 are not "non-critical" according to the parameters listed in the Governor's executive order on
28 suspending non-critical rule adoption. That order was extended until December 31, 2012.
29

30 Paula Swedeen asked if there is room in the schedule for spotted owl rule making if needed; Moran
31 pointed out the "Northern Spotted Owl" item is shown on the work plan as "ongoing."
32

33 **EXECUTIVE SESSION**

34 The Board convened an executive session from 4:00 p.m. to 4:20 p.m.
35

36 Meeting adjourned at 4:25 p.m.